

ORDINANCE NO. 15-05-12

AN ORDINANCE OF THE CITY OF DILLEY, TEXAS, APPROVING AND ADOPTING REGULATIONS CREATING AN ENTRANCE/EXIT ROUTE FOR TRUCKS IN THE CITY OF DILLEY; REPEALING ANY AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR FINES NOT TO EXCEED \$500.00 IN THE EVENT OF A VIOLATION OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City desires to regulate all vehicular truck traffic that travels on City streets for their intended purpose of transportation and travel in an efficient, yet safe manner; and

WHEREAS, the adoption of regulations governing such truck traffic is in the interest of health, safety and general welfare of the public and citizens of the City of Dilley, and

WHEREAS, the City of Dilley, Police Department has designated an entrance/exit route for trucks to come in and out of the City of Dilley, now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DILLEY, TEXAS:

The purpose of this Ordinance is to establish regulations governing truck traffic within the City of Dilley. This Ordinance is adopted so as to insure that the traveling of trucks through the entrance/exit into and out of the City of Dilley by trucks is carried out in a safe manner.

PART A. Through truck traffic prohibited; truck routes.

Section 1. Definitions

(a) *Definitions.* The following words, terms and phrases when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Authorized emergency trucks shall mean fire department trucks, police trucks, public ambulances for which permits have been issued by the state board of health, emergency trucks of municipal departments or public service corporations as are

designated or authorized by the governing body of an incorporated city, private trucks operated by volunteer firemen or certified emergency medical volunteers while answering a fire alarm or responding to a medical emergency, and trucks owned by the state or by a political subdivision engaged in emergency utility repair or electric, water, or wastewater services.

Light truck shall mean any truck with a manufacturer's rated carrying capacity of 2,000 pounds or less, including trucks commonly known as pickup trucks, panel delivery trucks, and carryall trucks.

Proof of route shall mean a written verification of pick-ups, deliveries, or destinations, which may include a log book, delivery slip, shipping order, bill or any other document which identifies and specifies the date, address, and name of the person requesting or directing the pick-up or delivery and the destination of the pick up or delivery.

Truck shall mean any motor vehicle designed, used or maintained primarily for the transportation of property, including "truck tractors," "road tractors," "trailers," "semi-trailers," "pole trailers," and "special mobile equipment" as those terms are defined in Texas Transportation Code Annotated § 541.201.

Terms not defined herein shall be construed in accordance with customary usage.

(b) *Through truck traffic.*

(1) *Regulation.* A person commits an offense if the person operates a truck upon a public street designated as a no through Truck Street.

(2) *Affirmative defenses.* It is an affirmative defense to prosecution under this section if:

- a. The truck was an authorized emergency truck;
- b. The truck was a bus or light truck; or
- c. The truck:

1. Was being driven to seek service or repairs at a facility that engages in the business or repairs of commercial motor vehicles or the truck was being driven to or from home or to fulfill a local commercial obligation to a buyer or seller at a given destination, evidenced by a bill or sale or invoice; and
2. The public street was the only route to such destination.

(c) *Designated streets.* Through truck traffic shall use the roads designated herein as a truck route whenever possible. The following streets are designated as truck routes:

| Street | Extent |
|----------------------------|---|
| North/South IH-35 | From south city limits going north to city limits |
| North/South Business 35 | From south city limits going north to city limits |
| East/West State Highway 85 | From east city limits going west to city limits |

Section 2. Violation for Failure to Comply With Provisions of this Ordinance

The Chief of Police or any City Police officer shall issue a citation for a violation of part A of this Ordinance.

Section 3. Exceptions

The City Administrator or designee may approve exceptions to this Ordinance for road construction or maintenance, public safety emergencies, special events, and for conducting business.

Section 4. Penalties

Persons violating any provision of this Ordinance shall, upon conviction, be punished by a fine not to exceed Five Hundred Dollars (\$500.00). Each violation shall be considered a separate offense. The City may also bring suit for injunction against any person that shall violate or threaten to violate any of the provisions of Part A of this Ordinance in order to prevent a continued or threatened violation.

PART B. MISCELLANEOUS

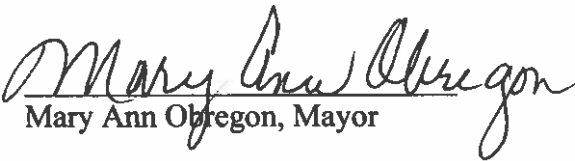
Section 1. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance is hereby repealed.

Section 2. That if any provisions of this ordinance shall be held to be invalid or unconstitutional, the remainder of such ordinance shall continue in full force and effect the same as is such invalid or unconstitutional provision had never been part hereof.

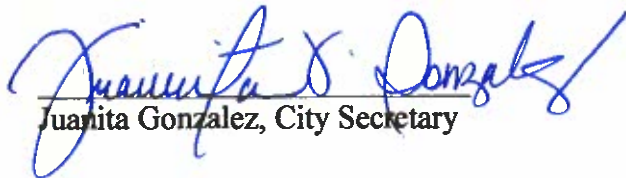
Section 3. That it is hereby officially found and determined that the meeting at which this ordinance is passed is open to the public as required by law and that public notice of the time, place and purpose of said meeting was given as required.

Section 4. This Ordinance shall be in full force and effect immediately following its passage, and approval and publication, as provided by law.

PASSED AND APPROVED THIS 8TH DAY OF December, 2015.


Mary Ann Obregon, Mayor

ATTEST:


Juanita Gonzalez, City Secretary