

ORDINANCE TO PROTECT THE HEALTH, SAFETY AND WELFARE OF THE CITIZENS OF SEVEN POINTS, TEXAS BY ADOPTING RULES FOR COMMERCIAL VEHICLES; AMENDING CHAPTER 9 AND CREATING SECTION 9 OF THE CITY CODE; PROVIDE FOR A PENALTY FOR VIOLATION; PROVIDE FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDE FOR A SEVERABILITY CLAUSE; AND TO PROVIDE AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SEVEN POINTS, TEXAS:

CHAPTER 9, TRAFFIC REGULATIONS, SECTION 9 AMENDMENT

1. It shall be unlawful for any person to operate a commercial vehicle upon any city street boulevard, avenue or alley within the limits of the city, except that such commercial vehicle may travel or be operated upon any street, boulevard or avenue designated as a U. S. or State Highway, or as a truck route.

2. This Ordinance shall not apply to commercial vehicles that:

- a. Make regular deliveries to business establishments;
- b. Make deliveries to construction sites;
- c. Make deliveries to residences which have purchased merchandise.

3. **DEFINITION OF TERMS**

“Commercial motor vehicle” means a motor vehicle, other than a motorcycle, designed or used primarily to transport property and includes, but is not limited, to the following:

(A) “Road tractor” means a motor vehicle designed or used for drawing another vehicle or a load and not constructed to

- (1) an independent load; or
- (2) a part of the weight of the vehicle and load to be drawn.

(B) “Semi-trailer” means a vehicle designed or used with a motor vehicle so that part of the weight of the vehicle and its load rests on or is carried by another vehicle.

(C) “Trailer” means a vehicle that:

- (1) is designed or used to carry a load wholly on the trailer’s own structure; and
- (2) is drawn or designed to be drawn by a motor vehicle.

(State law reference: Transportation Code 501. 002)

(D) “Truck-tractor” means a motor vehicle that is:

- (1) designed and used primarily for drawing another vehicle; and
- (2) not constructed to carry a load other than a part of the weight of the vehicle and load to be drawn.

4. **OPERATION/PARKING OF COMMERCIAL VEHICLES RESTRICTED**

A. It shall be unlawful for any person to operate any commercial vehicle rated in excess of one ton, according to the manufacturers classification, upon any street, boulevard, avenue or alley within the limits of the city, except designated United States or State Highway or a designated truck route; provided that any such commercial vehicle may leave any designated United States or State Highway or a designated truck route and travel on any street, boulevard, avenue or alley within the city for the purpose of providing emergency, municipal or public utility services, or delivering or picking up goods, wares, materials, equipment, vehicles or merchandise.

B. PARKING ON STATE HIGHWAY 334 (85)

No person shall park a motor vehicle on U. S. Highway 334 (85) right-of-way within the city limits for more than two (2) hours except where otherwise **NO PARKING** is posted.

C. PARKING ON STATE HIGHWAY 274

No person shall park a motor vehicle on U. S. Highway 274 right-of-way within the city limits for more than two (2) hours except where otherwise **NO PARKING** is posted.

D. PARKING ON CITY STREETS

No person shall park a commercial motor vehicle on the right of way of any city street for more than two (2) hours except where otherwise **NO PARKING** is posted.

5. STREETS PROHIBITED

A. It shall hereafter be unlawful for any person to operate or drive upon any paved public street in the city any vehicle which has on its periphery any block, lug, stud, cleat, ridge, bead or any other protuberance of metal, that shall project more than one-fourth of an inch beyond the tread or traction surface of the tire unless the wheels are protected by bands, wooden blocks, skids or some sufficient device to protect the street against injury by reason thereof.

B. Nothing shall herein prevent the use of tractors with cleats on the driving wheels thereof on dirt or unimproved streets, or the use of vehicles actually engaged at the time in construction or repair of streets.

6. TRUCK ROUTES ESTABLISHED

Every United States and State Highway within the limits of the city is hereby designated as a truck route under the terms set forth in this Ordinance (amending Section 8).

COMMERCIAL VEHICLES WITHIN RESIDENTIAL AREAS

A. It shall be unlawful to park any commercial vehicle on any private property within any area zoned as residential.

8. EXEMPTIONS

The following vehicles are exempt from the terms of this Ordinance while engaged in the listed activity:

A. Emergency vehicles (as defined by state law) responding to or from, or at the scene of an emergency call (amending Section 3);

B. Vehicles being used to provide any municipal service such as the installation, repair or maintenance of any public street, asset or property, collection of garbage, grounds keeping, and the like; and

C. Vehicles being used to install, repair or maintain any public service or utility such as telephone, electricity, cable television, gas, and water or sewer line.

9. ENFORCEMENT

The Chief of Police and members of the Police Department, both regular and reserve officers, are empowered to enforce any and all sections of this Ordinance.

TOWING OR REMOVAL

Any commercial vehicle which shall be or remain standing or parked upon any public street, avenue, way, alley or other public place in violation of this subchapter, the owner or driver of which vehicle has been given previous notice or citation for

parking such vehicle in violation of this Ordinance, may be removed by or upon an order by a police officer. The owner of such vehicle shall be responsible for the payment of any fees incurred for the towing and/or storage of the vehicle.

11. MAINTENANCE PERMIT AND FEE

The City Council establishes a Maintenance Permit to allow a Truck-tractor with no load to be driven to their residence for maintenance and will be effective for 24-hours from issuance of permit. One permit per month and the fee shall be \$100.00 per occurrence.

12. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

13. SEVERABILITY CLAUSE

It is hereby declared to be the intention of the City Council that the section, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

14. EFFECTIVE DATE


This Ordinance shall take effect immediately from and after its passage and publication of the caption in the official newspaper of the city, as the law in such cases provide.

15. PRIMA FACIE EVIDENCE; VIOLATION; PENALTY

A. In any prosecution charging a violation of this subchapter governing the standing or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of this Ordinance, together with proof that the defendant named in the complaint was, at the time of such parking, the registered owner of such vehicle, shall constitute in evidence a prima facie presumption that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred.

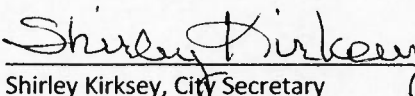
B. Any person convicted of violating any provision of this Ordinance shall be guilty of a Misdemeanor and shall be subject to a fine not more than Five Hundred Dollars (\$500.00). Each day any violation of this Ordinance shall continue shall constitute a separate offense.

PASSED AND APPROVED THIS 9th DAY OF February, 2012 by the City Council of the City of Seven Points, Texas.



Kevin Pollock, Mayor Pro-Tem

ATTEST:



Shirley Kirksey, City Secretary

