

ORDINANCE # 18-03

AN ORDINANCE REPEALING AND REPLACING ORDINANCE # 392; PROHIBITING COMMERCIAL VEHICLES HAVING A GROSS MOTOR VEHICLE WEIGHT IN EXCESS OF 10,000 LBS. FROM TRAVELING ALONG SPECIFIED CITY STREETS; AUTHORIZING THE UTILITIES DIRECTOR TO POST APPROPRIATE SIGNAGE; DECLARING A PENALTY FOR VIOLATION OF THE ORDINANCE; AND CONTAINING A SEVERABILITY CLAUSE.

WHEREAS, the City of Bronte has been granted exclusive control over the highways, streets and alleys of the municipality pursuant to the Texas Transportation Code 311.002 and the Local Government Code;

WHEREAS, the City has determined that commercial vehicles having a gross motor vehicle weight in excess of 10,000 lbs. pose a danger to persons and properties, including damage to city streets, when traveling in certain areas; and

WHEREAS, the City has determined that it would be in the best interest of the City to prohibit those commercial vehicles from traveling certain streets in the municipality except in certain situations; and

WHEREAS, the City has determined that this ordinance will promote the general health, safety, and welfare of its citizens; and

WHEREAS, this Ordinance was adopted at a regularly scheduled meeting of the Council at which a quorum was present and voting and that was held in compliance with the Texas Open Meetings Act:

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRONTE, TEXAS, that:**

Section 1. No commercial vehicle having a gross motor vehicle weight in excess of 10,000 lbs. shall travel on any of the following streets except as provided in Section 2:

- A. Kickapoo Road
- B. West Barclay Street
- C: 200 through 600 Blocks of South Franklin
- D: 100 through 300 Blocks of North Franklin
- E: Driftwood
- F: Parkwood Drive

Section 2.

A. Commercial vehicles may travel on the streets as described in Section 1 when necessary to reach a terminal or load or offload materials located at a destination on those streets, only if the vehicle operator:

- (1) follows the shortest practical route consistent with the reasonable operation of the vehicle; and
- (2) keeps in the operator's possession a log book, delivery slips, weight tickets, or other evidence of the operator's destination and point of origin.

B. When traveling in the streets described in Section 1, the operator of the commercial vehicle affected by this ordinance shall permit an Ordinance Enforcement Officer, upon request, to inspect the log book, delivery slips, weight tickets, or other evidence of the operator's destination and point of origin.

Section 3. The Utilities Director shall post appropriate signage indicating the prohibited commercial vehicle routes established herein.

Section 4. Any person who violates this ordinance shall be guilty of a Class C misdemeanor punishable by a fine not to exceed \$500.00.

Section 5. This ordinance shall become effective after publication as required by the Local Government Code and when the Utilities Director posts the signage required by Section 3 herein.

Section 6. If any section or part of this ordinance is held by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this ordinance but shall be confined in its operation to specific section or sections that are held unconstitutional or invalid.

Section 7. Ordinance # 392, adopted on February 8, 2007, and any other ordinance or ordinance provisions in conflict with this ordinance are, hereby, repealed.

PASSED AND APPROVED on first reading this 21<sup>st</sup> day of June 2018.

PASSED, APPROVED, AND ADOPTED on second and final reading this 19<sup>th</sup> day of July 2018.

  
Paul Gohman, Mayor

ATTEST:

  
Teresa Ballard, City Secretary