

ORDINANCE NO. 2019-_____

AN ORDINANCE ESTABLISHING AND REGULATING A TRUCK TRAFFIC ROUTE WITHIN THE CITY OF ELGIN, TEXAS; PROHIBITING TRUCK TRAFFIC ON LOOP 109/MAIN STREET; PROVIDING PENALTIES FOR THE VIOLATION THEREOF BY A FINE OF NOT MORE THAN \$500; AND PROVIDING FINDINGS OF FACT; REPEALING ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING FOR A SAVINGS CLAUSE

WHEREAS, the City Council of the City of Elgin (“Council”) finds that it is in the best interest of the public health, safety and general welfare to restrict travel of certain vehicles utilizing Main Street and/or Loop 109; and,

WHEREAS, the Council finds that establishing a truck traffic route is in the public interest of the residents of the City of Elgin; and,

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City of Elgin has general authority to adopt an ordinance or police regulation that is for the good government, health, safety and order of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ELGIN, TEXAS:

I.

Section 1 - Findings.

The forgoing recitals are incorporated into this Ordinance as true and correct findings of fact.

Section 2 - Purpose.

To protect the health, safety and general welfare of the residents of the City and to preserve and protect functionality and integrity of Main Street and/or Loop 109, the City's Historic Central Business District, and neighboring residential properties.

Section 3 - Definitions.

Any word or term not defined herein shall be considered to be defined in accordance with its common or standard definition.

a) *“Truck”* means every motor vehicle which is designed, used, or maintained primarily for the transportation of property having a weight of 30,000 (thirty thousand) pounds Gross Vehicle Weight Rating (GVWR) or more including the load carried.

b) *“Implement of Husbandry”* means every vehicle, which is designed for agricultural purpose and exclusively used by the owner thereof in the conduct of agricultural operations.

c) *“Semi-Trailer”* means every vehicle with or without motive power, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

d) *“Trailer”* means every vehicle with or without motive power, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

e) *“Truck Tractor”* means every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of vehicle and load so drawn.

f) *“Person”* includes an agency, company, organization, firm, association, partnership, joint venture, trust or equivalent entity or a combination of any of them as well as a natural person.

Section 4 - Prohibition Against Travel on Non-Designated Truck Routes.

Except as expressly permitted under this ordinance, no person shall operate a truck or truck-tractor and semi-trailer or truck-tractor and trailer combination, or truck and trailer combination in the City on any road other than the designated truck route.

Section 5 - Truck Route.

Eastbound and Westbound U.S. Highway 290, to the exclusion of all other roads, is hereby designated as the Truck Route and classified for truck traffic.

Section 6 - Exceptions.

The truck route limitations prescribed in this Ordinance shall not apply to:

- a) Delivery of goods and services; or
- b) A pick-up truck or a van designed so as to carry loads of no more than one ton; or
- c) Vehicles carrying or designated to carry passengers; or
- d) Fire trucks or other emergency vehicles or vehicles on emergency business involved in the saving of life or property; or
- e) Implements of husbandry incidentally moved upon a road; or
- f) Road repair, construction or maintenance vehicles while involved in the repair, construction, or maintenance of roads within the City; or
- g) Trash and/or Recycling Collection service vehicles while involved in the provision of services to residents of the City; or
- h) All governmentally owned or leased vehicles and public utility vehicles; or
- i) Motor homes, recreational vehicles or vehicles used exclusively to transport personal possessions or family members for non-business purposes.

Section 7 - Leaving or Returning to Home or Place of Business.

Nothing herein contained shall prevent a truck or truck-tractor and semi-trailer, or truck tractor and trailer combination, or truck and trailer combination from leaving or returning to its customary storage location at the owner or operator’s personal residence, or a commercial or industrial location on or adjacent to Main Street and/or Loop 109.

Section 9 – Special Permits.

The City Manager or his designee shall have authority to grant a written permit in special cases which would otherwise be in violation of the provisions of this Ordinance. Said permit shall describe the vehicle, the time and dates of travel, and the route to be taken by the vehicle; and in no case shall a permit be valid for a longer period of ten (10) days from the date of issue.

Section 10 – Signs.

The City shall procure and have posted appropriate signage along the designated truck route as required by the laws of the State of Texas and authorized by the Texas Department of Transportation.

Section – Penalties.

Any person who violates any provision of this Ordinance shall be guilty of a misdemeanor, and upon conviction, shall be fined not more than five hundred (\$500.00) dollars. The City of Elgin Police Department is hereby authorized to issue tickets for violation of this Ordinance.

II.

a) All ordinances, parts of ordinances, or resolutions in conflict herewith are expressly repealed.

b) The invalidity of any section or provision of this ordinance shall not invalidate other sections or provisions thereof.

c) The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this ordinance was adopted was posted and that such meeting was open to the public as required by law at all times during which this ordinance and the subject matter hereof was discussed, considered and formally acted upon, all as required by the Open Meeting Act, Chapter 551, Texas Government Code, as amended.

READ, PASSED, and ADOPTED on first reading this ____ day of _____, 2019.

CHRIS CANNON, Mayor
City of Egin, Texas

ATTEST:

AMELIA SANCHEZ, City Secretary