

**ORDINANCE NO. 11-153**

**CITY OF WOODCREEK, TEXAS**

**AN ORDINANCE OF THE CITY OF WOODCREEK, TEXAS, PROHIBITING THRU-TRUCK COMMERCIAL TRAFFIC; PROVIDING DEFINITIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500.00) FOR EACH OFFENSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS,** pursuant to Section 311.002, Tex. Transp. Code, the City of Woodcreek, Texas (the "City") has exclusive authority over the highways, streets, and alleys of the City, including the power to regulate a street; and

**WHEREAS,** the City is further authorized by Section 621.303, Tex. Transp. Code, to regulate movement and operation on the public roads of the City, other than a state highway in the territory of the City, of an overweight, oversize, or overlength commodity that cannot reasonably be dismantled, and superheavy or oversize equipment for the transportation of an overweight, oversize, or overlength commodity that cannot be reasonably dismantled.

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

**1. FINDINGS OF FACT**

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

**2. AMENDMENT**

The City of Woodcreek Traffic Regulations are hereby amended by Ordinance 11-153 to read in accordance with *Attachment A*, which is attached hereto and incorporated into this Ordinance for all intents and purposes.

**3. REPEALER**

All ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

#### 4. SEVERABILITY

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

#### 5. PUBLICATION

The City Administrator is hereby directed to record and publish the attached rules, regulations and policies in the City's files.

#### 6. EFFECTIVE DATE

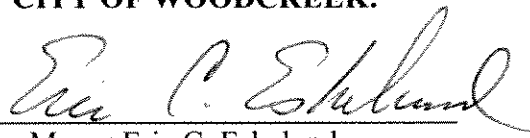
This Ordinance shall be effective immediately upon passage and publication.

#### 7. PROPER NOTICE & MEETING

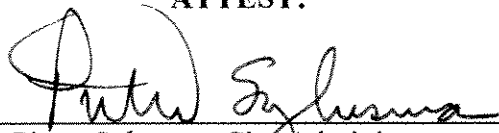
It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

**PASSED AND APPROVED** this, the 8th day of June, 2011, by a vote of 5 (*ayes*) to 0 (*nays*), with no council member absent, of the City Council of the City of Woodcreek, Texas.

#### CITY OF WOODCREEK:

BY:   
Mayor Eric C. Eskelund

#### ATTEST:

  
Pieter Sybesma, City Administrator

#### APPROVED AS TO FORM:

Roger E. Gordon, Assistant City Attorney

## Article I.

### THRU TRUCK ROUTES AND OVERSIZED VEHICLE REGULATIONS

#### Section. 1. Definitions.

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

*Commercial truck* means any motor vehicle designed or used for the transportation of property, excluding a passenger bus, passenger automobile, motorcycle, panel delivery truck or pickup truck.

*Motor vehicle* means every vehicle that is self-propelled.

*Semitrailer* means every vehicle of the trailer type so designated or used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests upon or is carried by such motor vehicle.

*Trailer* means every vehicle without motor power designed or used for carrying property or passengers wholly on its own structure for commercial use and designed to be drawn by a motor vehicle, excluding trailers used for recreational or agricultural purposes and/or trailers carrying commonly recognized recreational vehicles or agricultural products.

*Truck* means a commercial truck, semitrailer, trailer, truck-tractor, cement mixer, or any combination thereof.

*Truck-tractor* means every motor vehicle designed or used primary for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

*Vehicle* means every mechanical device, in, upon, or by which any person or property is or may be transported or drawn upon a public highway, including motor vehicles, commercial motor vehicles, trucks, truck-tractors, cement mixers, trailers, and semitrailers, but excepting devices moved by human power or used exclusively on stationary rails or tracks.

#### Section 2. Compliance with Article.

It shall be unlawful for any person to drive, operate or move, or to cause or permit to be driven, operated or moved, on any public street within the city any vehicle or combination of vehicles contrary to any of the regulations contained in this article.

**Section 3. Thru Truck Restrictions, Exemptions.**

- (1) *Restrictions.* Except as allowed by the exemptions contained herein, no person shall operate a truck, truck tractor, semitrailer, or any combination thereof upon any municipal street within the corporate limits of the city. All thru truck traffic is hereby prohibited, and persons are prohibited from using municipal streets as shortcuts or links between truck routes.
  
- (2) *Exemptions.* The provisions of this article shall not apply:
  - (a) To a vehicle traveling to or from a location which is off the truck route for the purpose of loading or unloading goods, wares or merchandise within the corporate limits of the city, provided such vehicle is operated over the shortest practical route to and from a point on the truck route, if the operator of such vehicle has in his or her immediate possession evidence of the local destination and point of origin.
  - (b) To emergency vehicles operating in response to any emergency call.
  - (c) To vehicles operated by a public or private utility with an existing franchise agreement with the city while cruising in an assigned area for the purpose of inspecting the facilities of such utility or providing maintenance service to such facilities.
  - (d) To vehicles operated for a public service, for example, garbage pickup, street repair and water service.
  - (e) To empty vehicles that are legally parked at a driver or owner's residence.

**Section 4. Designated Truck Routes.**

The following streets and sections of streets are designated as truck routes for the city:

- (1) *From the southwestern city limits, the thru-truck route is northbound on Ranch Road 12 past Brookmeadow Drive to Jacob's Well Road.*
  
- (2) *From the intersection of Ranch Road 12 and Jacob's Well Road, westbound on Jacob's Well Road to FM 2325.*
  
- (3) *From the intersection of Jacob's Well Road and FM 2325, east on FM 2325 to Woodcreek Drive.*

**Section 5. Erection of Signs.**

The city shall erect signs at such locations that are determined by city staff to be appropriate or necessary to carry out the purposes of this article that notifies the public that thru trucks are prohibited.

**Section 6. Penalty Provision.**

Any person, firm, corporation or other entity violating any provision of this article shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined a sum not exceeding \$500.00. Each day, or any part thereof, during which a violation of this article occurs shall constitute a separate offense. The penal provisions imposed under this article shall not preclude the city from filing suit to enjoin the violation. The city retains all legal rights and remedies available to it pursuant to local, state and federal law.

**Sections 7-99. Reserved.**