

ORDINANCE NO. 148

AN ORDINANCE ESTABLISHING TRUCK ROUTES, PERMITTING AND RESTRICTING THE OPERATION AND PARKING OF COMMERCIAL VEHICLES WITHIN THE CITY LIMITS OF THE TOWN OF CLINT, TEXAS; REPEAL OF ORDINANCE NOS. 22 AND 22A; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; REPEALER; SEVERABILITY; EFFECTIVE DATE; PROPER NOTICE AND HEARING; THE PENALTY BEING AS PROVIDED IN SECTION III OF THE ORDINANCE, CREATING A MISDEMEANOR PUNISHABLE BY A FINE OF NOT MORE THAN \$500.00.

WHEREAS, on January 18, 1977, the City Council of the Town of Clint adopted Ordinance No. 22, establishing truck routes in and through the City for the travel of large trucks and amended the ordinance by Ordinance No. 22A on November 7, 2001; and

WHEREAS, the City Council finds that a more effective way designate those specific routes and regulate and permit how commercial vehicles may travel and park within the city limits on streets that have not been constructed for use by commercial vehicles ; and

WHEREAS, the City Council finds that the use of commercial vehicles on city streets increase the wear and tear on city streets and results in increased maintenance of such streets;

WHEREAS, the City Council finds that property owners within the Town of Clint that pay ad valorem property taxes pay for the maintenance of city streets resulting from the use of commercial vehicles of city streets to their residences and other destinations within the city limits;

WHEREAS, the City Council finds that certain commercial vehicles to destinations outside the City limits use city streets not designated as Truck Routes, and do not bear their proportionate share of the maintenance of city streets and it is therefore necessary to require a permit by such commercial vehicles to allow the city to recoup a portion of the increased maintenance costs; and

WHEREAS, through the passage of this ordinance, Ordinance No. 22 and 22A will be repealed and this Ordinance shall take effect to provide the necessary regulation.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF CLINT, TEXAS, that;

Pursuant to Sections 51.001 and 51.012 of the Texas Local Government Code, the Clint Town Council

hereby enacts and adopts this ordinance which regulates the travel of certain vehicles within the Town of Clint.

SECTION I. DEFINITIONS

For the purpose of this Ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

City Streets shall mean all public streets, alleys, boulevards, avenues or roadways, excluding any state highway, located in the city limits of the Town of Clint.

Commercial Vehicle shall mean any vehicle designed, other than a motorcycle and or passenger vehicle, designed or used primarily for the transport of property, including any passenger car which has been reconstructed to be used and which is being used primarily for delivery purposes, with the exception of those used in the delivery of United States mail. .

Farm tractor/trailer means a motor vehicle designed and used primarily as a farm implement to draw an implement of husbandry, including a plow or a mowing machine and other implements of husbandry (i.e. an implement of husbandry being a vehicle designed or adapted for use as a farm implement, machinery or tool as used in tilling the soil, but not a passenger car or light truck), or a motor vehicle used exclusively to transport seasonally harvested agricultural products or livestock from the place of production to the place of processing, market, storage or farm supplies from the place of loading to the farm.

Light truck means a truck, including a pickup truck, panel delivery truck, or carryall truck, that has a manufacturer's rated carrying capacity of 2,000 pounds or less.

Motor home means a vehicle, including a house trailer or semi-trailer, which is designed and constructed as a dwelling place, living abode or sleeping place (either permanently or temporarily) and equipped for use as a conveyance on streets and highways and shall include those vehicles commonly known as recreational vehicles.

Passenger car means a motor vehicle, other than a motorcycle, used to transport persons and designed to accommodate 10 or fewer passengers, including the operator.

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, or information contained in an electronic device which is capable of being shown to any peace officer, 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.

School bus means a motor vehicle that was manufactured in compliance with the federal motor vehicle safety standards for school buses in effect on the date of manufacture and that is used to transport pre-primary, primary, or secondary students on a route to or from school or on a school-related activity trip other than on routes to and from school.

Through Vehicle means a Commercial Vehicle not having its origin, destination, pick up or delivery within the city limits of the Town of Clint.

Vehicle or motor vehicle shall mean a mechanical devised by which a person or property can be transported on a public street, road or highway, as further defined in the Texas Transportation Code.

SECTION II. PERMITTED USE OF CITY STREETS

A. Permitted Vehicles. All City Streets and alleys are hereby restricted to the operation of private passenger vehicles, light trucks, school buses, farm tractor/trailer, and vehicles that are not defined as Commercial Vehicles, or otherwise permitted by this ordinance.

B. Commercial Vehicles Prohibited. Commercial Vehicles shall not be operated upon any City Streets except when making a pickup or delivery to a designated address within the city limits of the Town of Clint that is not a Truck Route as designated in Section III below, in which case the vehicles must stay on the Truck Route to the greatest extent possible and enter the prohibited City Street at the intersection nearest the destination of the vehicle and proceeded thereon no farther than the nearest intersection thereafter. The operator of the Commercial Vehicle shall have Proof of Route in his possession and show it to any police officer upon the request of the police officer.

C. Through Vehicle Permit Required. The owner of a Through Vehicle (other than those permitted in Subsection B) going through the city limits of the Town of Clint to or from a designated address outside the city limits that uses the City Streets more than twice a month shall obtain an annual permit from the Town Clerk, or designee, for the Through Vehicle's use of City Streets. The annual permit fee for the Through Vehicle Permit is \$520.00, based on the Through Vehicle's usage of City Streets for the additional maintenance resulting from the Through Vehicle's increased wear and tear on City Streets. The permit fee shall be placed in the General Revenue Fund of the Town of Clint for Road Maintenance and enforcement of this ordinance. The amount of the fee may be revised from time to time by resolution of the Town Council.

D. Permit Application and Display. Each permit shall be for a single vehicle only, not a blanket permit and will contain a detailed description of the vehicle for which the permit has been requested. The permit shall be for one year and will be renewed for the following year prior to the expiration date. The permit is not transferable and may only be used by the person for whom the permit was requested and for the particular Through Vehicle. The permit shall be prominently displayed on the front

windshield of the driver side of the vehicle and must be readily available for inspection by any peace officer requesting such permit.

SECTION III. TRUCK ROUTES AND RESTRICTIONS

A. Truck Routes. Commercial Vehicles are permitted to travel or be operated on any street, alley, boulevard or avenue designated as a state highway within the Town's city limits, including the following streets or any other streets as may be designated by the state in the future:

State Highway 20 (Alameda Avenue – Burbridge/Rosa east to Herring)
State Farm FM 1110 (Clint Cut-Off – from North Loop south to Hansard)
State FM 76 (North Loop – Salitral Lateral west to Celum)

B. Signage. The Police Chief or designee shall erect or work with the state transportation agency to erect appropriate signs and markings advising motorists of the streets upon which large trucks are prohibited by this Ordinance.

SECTION IV. PARKING OF COMMERCIAL VEHICLES PROHIBITED

The parking of Commercial Vehicles on City Streets shall be prohibited, except if the Commercial Vehicle is necessary in connection with a building or other permit duly issued by the Town of Clint.

SECTION V. VIOLATION – PENALTY – AFFIRMATIVE DEFENSES

A. Any person who violates any provision of this ordinance shall be guilty of a misdemeanor and upon conviction, shall be punished by a fine not to exceed \$500.00.

B. It shall be a defense to prosecution under this Ordinance that:

1. The person was operating the prohibited Commercial Vehicles on a prohibited City Street when that was necessary to load or unload merchandise or cargo at locations within the Clint city limits that are on or situated off of a prohibited City Street, and the operator entered the prohibited City Street at the intersection nearest the destination of the vehicle and proceeded thereon no farther than the nearest intersection thereafter, and the operator had Proof of Route in his possession and showed it to any police officer upon the request of the police officer.

2. The person was operating the Commercial Vehicle on a prohibited street when that was necessary to reach a truck terminal or property within the Clint city limits that is owned or leased by the person where the person is able to legally park the Commercial Vehicle, and the operator entered the prohibited street at the intersection nearest the destination of the vehicle and proceeded thereon no farther than the nearest intersection thereafter, and the operator had documentation regarding the destination in his possession and showed it to any police officer upon the request of the police officer or the destination was the address listed on the operator's driver's license.

3. The person was operating or parking the Commercial Vehicle on a prohibited City Street

when it was necessary to load or unload materials or merchandize in connection with a building or other permit duly issued by the Town of Clint and the operator entered the prohibited City Street at the intersection nearest the destination of the vehicle and proceeded thereon no farther than the nearest intersection thereafter, and the operator had a copy of the duly issued building or construction permit in his possession and showed it to any police officer upon the request of the police officer.

4. The Commercial Vehicle was being operated as an emergency vehicle in response to an emergency call.

5. The Commercial Vehicle was being operated by a governmental entity or public utility for the purpose of inspecting the facilities of such governmental entity or public utility or providing construction of or maintenance services to the facilities.

SECTION VI. FINDINGS OF FACT

That this ordinance was duly enacted with all requisites and formalities incident thereto the enactment of ordinance, and such is evidenced by the signatures below; and further that the foregoing recitals are incorporated into this ordinance by reference as findings of fact as if expressly set forth herein.

SECTION VII. REPEAL OF ORDINANCE NO. 22 AND 22A

That Ordinance No. 22 and 22A of the Town of Clint, An Ordinance Regulating the Permissible Routes of Large Trucks and Other Vehicles Within the City Limits of the Town of Clint, Texas; and Providing for the Following: Findings of Fact, Repealer; Severability; Effective Date; Proper Notice and Hearing; The Penalty Being as Provided in Section III of the Ordinance, is hereby repealed in its entirety.

SECTION VIII. REPEALER

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

SECTION IX. 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.

SECTION X. PROPER NOTICE AND MEETING

It is 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, Texas Local Government Code.

SECTION X. EFFECTIVE DATE

The effective date of this Ordinance shall be 30 days from the date of the Council's approval.

PASSED AND APPROVED this the 28th day of November 2017, by a vote of 4 (ayes) to 0 (nays) to 1 (abstentions) of the City Council of Clint, Texas.

TOWN OF CLINT

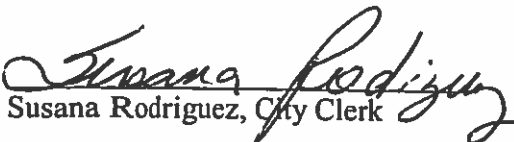
By:



Charles Gonzalez, Mayor

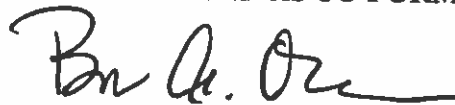
ATTEST:

By:



Susana Rodriguez, City Clerk

APPROVED AS TO FORM:



Bertha A. Ontiveros, Asst. City Attorney

First Reading: 10/24/2017
Second Reading: 12/14/2017