

**ORDINANCE NO. 1096-05-16**

**AN ORDINANCE BY THE CITY OF HONDO, TEXAS ADOPTING SECTION 12.06 TRUCK ROUTE IN CHAPTER 12 TRAFFIC AND VEHICLES IN THE CITY CODE OF ORDINANCES BY, ESTABLISHING TRUCK ROUTES IN THE CORPORATE CITY LIMITS; PROVIDING FOR DEFINITIONS, PROVIDING PENALTIES, REPEALING ANY OTHER ORDINANCE IN CONFLICT; PROVIDING FOR PUBLICATION AND SETTING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Hondo, Texas is a Home-Rule municipality operating pursuant to its City Charter and the laws of the State of Texas; and

**WHEREAS**, the City of Hondo has exclusive control and power over the streets, alleys, and public grounds and highways of the City pursuant to Transportation Code §311.002, as it may be amended; and

**WHEREAS**, it is hereby found and determined that large trucks are incompatible with residential neighborhood, and

**WHEREAS**, large trucks often travel on public residential streets as a short-cut to certain destinations, and

**WHEREAS**, such unnecessary heavy truck traffic on public streets is detrimental to the maintenance and longevity of such streets, and

**WHEREAS**, the City Council finds and determines that in order to protect the health, safety and general welfare of the City of Hondo neighborhoods and extend the operational life of public streets, the prohibition of large trucks in residential neighborhoods and the establishment of truck routes is necessary.

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

**SECTION 1.** Chapter 12 (Traffic and Vehicles), Section 12.06 (Truck Route) is added to limit truck routes in the city limits, to read as follows:

**CHAPTER 12  
TRAFFIC AND VEHICLES**

**ARTICLE 12.06 TRUCK ROUTE**

**Section 12.06.001      Definitions.**

(a) For the purposes of this article, the following words and phrases have the meanings respectively ascribed to them by this section:

*Municipal street* means every street or roadway within the city limits of Hondo that is not a truck route as defined herein.

*Pole trailer* means every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach, or pole, or by being boomed, or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes or structural members capable, generally, of sustaining themselves as beams between the supporting connections.

**Semitrailer** means every vehicle of the trailer type so designed 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 another motor vehicle. This does not include trailers pulled by a pickup truck or other vehicles with a rating of one and a half tons or less.

*Thru truck* means a truck, truck trailer, semitrailer, pole trailer or any other combination thereof which makes use of a municipal street for other than a purpose described in the exemptions set forth below in section 12.06.002.

*Trailer* means every vehicle without motive power designed or used for the carrying property or passengers wholly on its own structure and to be drawn by a motor vehicle.

*Truck* means a motor vehicle or combination vehicle/trailer with a total of three or more axles, designed, maintained, or used primarily for the transportation, loading, or unloading of material or property, including "special mobile equipment" as defined in Section 541.201 (Vehicles) of the Texas Transportation Code. This does not include a passenger bus, passenger automobile with trailer, panel delivery truck with trailer, pickup truck with trailer, or utility truck with trailer having one and a half tons or less rating.

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

**Vehicle** means every devise, motorized or nonmotorized, the licensing or registration of which is required by the laws of Texas and any other state or country, in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices used exclusively upon stationary rails or tracks.

## **Section 12.06.002      Restrictions: exemptions.**

- (a) *Restrictions.* Except as allowed by the exemptions contained in this article, no person shall operate a truck trailer, semitrailer, pole trailer or any combination thereof upon any municipal street within the corporate limits of the city. Thru trucks must use an approved truck route when traveling within the corporate limits of the city, and are prohibited from municipal streets as shortcuts or links between truck routes.
- (b) *Exemptions.* The provisions of this article shall not apply:
  - To vehicles traveling to and from a location which is off the truck route for the purpose of loading, unloading or weighing goods, wares, merchandise or livestock within the corporate limits of the city, provided such vehicle is operated over the shortest practicable route to and from a point on the truck route, if the operator of such vehicle has in his possession evidence of the local destination and point of origin
  - To emergency vehicles operating in response to any emergency call.
  - To vehicles operated by a public utility in an assigned area for the purpose of inspecting the facilities of such public utility or providing maintenance service to such facilities.
  - To vehicles operated for the public service, for example, garbage pickup, street repair or water/wastewater service.

## **Section 12.06.003 Designated Truck Routes**

The following state highways, streets, and sections of streets are designated as truck routes for the City:

- (a) Any federal highways/interstates, state highways, or farm-to-market roads which are located within the corporate limits of the city of Hondo; and
- (b) Municipal roads included in the truck route are Castro Avenue from U.S. 90 to FM 462 north and Carter Avenue from Castro Avenue west including any Access roads and 6<sup>th</sup> Street from FM 462 west to the city limits.

## Section 12.06.004

## **Erection and Maintenance 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 which notify the public that thru trucks are prohibited. The City shall install and maintain all signs within the city limits that are relative to the truck route in accordance with TXDOT standards.

## Section 12.06.005

### **Penalty provision.**

Any person, firm, corporation or any 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 under this article occurs shall constitute a separate offense. The penal provisions imposed under this division 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.

**SECTION 2. Severability.** If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or illegal, such decision shall not affect the validity of the remaining sections of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared void.

### SECTION 3. Publication

The City Secretary shall publish caption of said ordinance in local newspaper upon passage of ordinance.

**SECTION 4. Repealing Ordinances in Conflict.** All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**SECTION 5. Effective Date.** This Ordinance shall take effect immediately upon the installation of signs designating the "Truck Route".

PASSED AND APPROVED this 23rd day of May, 2016.

**ATTEST:**

## GLORIA COLBATH, CITY SECRETARY

