

## ORDINANCE NO. 2014-09-01

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**AN ORDINANCE OF THE CITY OF WESTON, TEXAS, COLLIN COUNTY, TEXAS, AMENDING ORDINANCE 2007-05-04, PROVIDING FOR DESIGNATION OF TRUCK ROUTES; REGULATING THE TRANSPORTATION OF HAZARDOUS MATERIALS; ESTABLISHING WEIGHT LIMITS FOR VEHICLES; REGULATING THE MOVING OF HOUSES ON CITY STREETS; PROVIDING FOR PAYMENT FOR DAMAGES TO CITY STREETS; PROHIBITING SPILLAGE ON CITY STREETS; IN ACCORDANCE WITH THE CONSTITUTION AND LAWS OF THE STATE OF TEXAS, REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN PAMPHLET FORM; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Weston, Texas is a Type A general-law municipality located in Collin County, created in accordance with the provisions of Chapter 6 of the Local Government Code and operating pursuant to the enabling legislation of the State of Texas;

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

**WHEREAS**, in order to protect the health and safety of the citizens of the City of Weston, the City Council deems it necessary to adopt an ordinance regulating the operation of vehicles on city streets, including the size and route of certain trucks, the transporting of hazardous materials, and the moving of houses and other structures within the city limits; and

**WHEREAS**, the City Council further deems it necessary to adopt regulations prohibiting spillage on city streets and providing for payment for damages to city streets.

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

### **SECTION 1 DEFINITIONS**

In this ordinance, the following words shall have the meanings ascribed to them:

**CITY** means the City of Weston, Texas.

**CLASS 8 TRUCK TRACTOR** means that category of truck tractors defined by Industry established gross vehicle weight towing capacity standards.

**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.

**HAZARDOUS MATERIAL** means any quantity, group, form or class of material designated as hazardous material in any official publication of the Secretary of Transportation of the United States under the authority of 27 U.S.C.A., Section 1803 (1976), as amended, including any such publication issued after the effective date of this ordinance.

**MANUFACTURED HOUSING** means a single-family house constructed entirely in a controlled factory environment, built to the federal Housing and Urban Development Manufactured Home Construction and Safety Standards

**MOTOR VEHICLE** means every vehicle which is self-propelled.

**MOTORBUS** means a vehicle which is used for transporting persons upon public streets for compensation or hire and that has a passenger carrying capacity of more than sixteen (16) persons except those operated by muscular power or exclusively on stationary rails or tracks.

**PERSON** means an individual, firm, partnership, association, corporation, company or organization of any kind.

**SEMI-TRAILER** 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 said 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, semi-trailer, trailer, truck-tractor, or any combination thereof.

**TRUCK-TRACTOR** means every motor vehicle designed or used primarily 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, trailers, and semi-trailers, but excepting devices moved by human power or used exclusively upon stationary rails or tracks.

## **SECTION 2 COMPLIANCE**

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 ordinance.

## **SECTION 3 DESIGNATION OF TRUCK ROUTES**

The following streets and sections of streets are designated as truck routes within the City:

**Chicken street, Short Street, and West Street**, as shown on the attached and incorporated Exhibit "A".

Except as provided below, no person shall operate or cause to be operated any truck on any public street within the City except upon such streets as are designated as truck routes:

### **EXCEPTIONS**

**LOCAL DESTINATIONS** - The operation of a truck with a local destination or point of origin on the shortest permissible street route between such destination or point of origin and the nearest truck route or state highway, whichever is closer. The truck shall be permitted to proceed from a point of origin to a destination point within the City which is not on a truck route or state highway without returning to the nearest truck route or state highway if to return to the truck route or state highway would increase the distance to be traveled off of the truck route or state highway. The operator of any such truck shall carry evidence of the location of its last stop and of its immediate destination in order for this exception to apply. This subsection shall not be deemed to permit access to a lot that is used to cross onto other property that does not front on a street within the City.

**EMERGENCY VEHICLES** - The operation of emergency vehicles upon any street within the city.

**PUBLIC UTILITY VEHICLES** - The operation of vehicles owned or operated by the City, a public utility or any person hired on behalf of the City or public utility while engaged in the repair, maintenance or construction of streets or utilities when such repair, maintenance or construction requires the use of a public roadway other than a designated truck route.

**DETOUR POINTS** - The operation of a truck along any officially established detour route from a truck route.

**PUBLIC SERVICE VEHICLES** - The operation of vehicles by or on behalf of the City for solid waste collection or similar public services.

**MOTORBUSES** - The operation of a motorbus for the purpose of transporting people for hire upon a regular schedule over a defined route or for transportation of children to and from school functions or for the transportation of persons to and from church functions.

The City shall keep and maintain an accurate map setting out the truck routes designated in this ordinance. The latest version of the official truck route map shall be kept on file in the office of the City Secretary. The truck route maps shall be available to the public.

The Mayor or her designee, shall erect appropriate signs or markings to designate the truck routes designated herein. The failure to erect any such sign or marking shall not be a defense to any violation of this ordinance provided the official truck route map has been filed with the City Secretary as provided above.

## **SECTION 4 WEIGHT AND SIZE LIMITS OF VEHICLES**

Unless a permit is issued as provided in Section 5, no vehicle shall be operated or caused or permitted to be operated upon any public street within the city, including designated truck routes, having a weight in excess of any one or more of the following limitations:

In no event shall the total gross weight, with load, of any vehicle or combination of vehicles, exceed fifteen thousand (15,000) pounds.

No axle shall carry a load in excess of five thousand (5,000) pounds. An axle load shall be defined as the total load transmitted to the road by all wheels whose centers may be included between two (2) parallel transverse vertical planes forty (40) inches apart, extending across the full width of the vehicle.

The total gross weight concentrated on the highway surface from any tandem axle group shall not exceed ten thousand (10,000) pounds for each such tandem axle group. Tandem axle group is defined to be two (2) or more axles spaced forty (40) inches or more apart from center to center having at least one (1) common point of weight suspension.

Unless a permit is issued as provided in Section 5, no vehicle shall be operated or caused or permitted to be operated upon any public street within the city, including designated truck routes, having a dimension in excess of any one or more of the following limitations:

No commercial truck shall exceed a total outside width, including any load thereon, of 102 inches, except that the width of a farm tractor shall not exceed nine feet (9') and the width of a vehicle used to carry cylindrically shaped bales of hay may not exceed one hundred and forty-four (144) inches. The measurement of the width includes any load on the vehicle, but shall excluded any safety device determined by the Federal Department of Transportation or the Texas Department of Public Safety to be necessary for the safe and efficient operation of a motor vehicle of that type.

No commercial truck unladen or with load shall exceed a height of thirteen feet six inches (13'6") including load, except that a combination of vehicles designed for the sole purpose of transporting other motor vehicles and used exclusively for that purpose may be of any height that does not exceed fourteen feet (14'); provided, however, it shall be unlawful to operate or attempt to operate any vehicle over or on any bridge or through any underpass or similar structure unless the height of such vehicle, including load, is less than the vertical clearance of such structure. It is the responsibility of the operator of a vehicle to ensure that the vehicle will pass without touching through all vertical clearances of structures in its path.

No motor vehicle, other than a truck-tractor, including any load thereon, shall exceed a length of forty-five (45) feet. No truck-tractor, including any load thereon, shall exceed a length of sixty-five (65) feet. The length limitations of this paragraph do not include any safety device determined by the Federal Department of Transportation or the Texas Department of Public Safety to be necessary for the safe and efficient operation of a motor vehicle of that type.

No vehicle or combination of vehicles, except pole trailers, shall carry any load extending more than three feet (3') beyond the front thereof, nor more than four feet (4') beyond the rear thereof.

Class 8 truck tractors are prohibited within the City. No permit shall be issued, as provided in Section 5, to any Class 8 truck tractor, regardless of whether such truck tractor is towing a trailer or other load.

The provisions of this section shall not apply to any person operating or causing to be operated a motor vehicle under a valid permit issued by the Texas Department of Transportation under the provisions of V.T.C.A., Transportation Code § 623.071, as may be amended, for the operation of overweight or oversized equipment or commodities that cannot be reasonably dismantled, provided the vehicle is operated on a route designated in accordance with said Code.

The provisions of this section shall not apply to any of the following:

Implements of husbandry;

Machinery used solely for the purpose of drilling water wells within the city;

Highway or street-building or maintenance machinery owned or operated by or on behalf of the State of Texas or any of its political subdivisions, including a municipality;

Emergency vehicles;

Public utility vehicles owned or operated by the City, a public utility or any person hired on behalf of the City or public utility while engaged in the repair, maintenance or construction of streets or utilities when such repair, maintenance or construction requires exceeding the maximum allowable limits;

## **SECTION 5 PERMITS FOR OVERWEIGHT AND OVERSIZED VEHICLES**

Upon written application made by any person who desires to operate or cause to be operated on the public streets within the city where the total gross weight or size of the vehicle and its load exceed the limits allowed by this ordinance, a permit may be issued by the Mayor or her designee, for the operation of such motor vehicle or fleet of motor vehicles for a specified period of time, over a route or routes to be designated by the Mayor.

The application for the permit provided for in this section shall be in writing and shall contain the following:

The name, business address, and telephone number of the person applying for said permit.

The description of the vehicle to be used to transport the commodity, including the year, make, model, vehicle identification number, license registration, color of said vehicle and a certificate as to its weight and size.

A description of the commodity to be transported and a certificate as to its weight and size.

A list of the specific streets over which the equipment is to be operated, the date or dates of said operation, the time of said operation, and the number of trips to be made.

The date of the application and signature of the applicant.

The city is under no obligation to grant such a permit.

Before a permit is issued under this section, the applicant for same shall file with the city either a bond in an amount as set by the Mayor not to exceed ten thousand dollars (\$10,000.00) for each vehicle for which a permit is sought, or a current certificate of insurance. Said bond shall be payable to the city and conditioned that the applicant will pay the city the sum of money necessary to repair any damage which might be occasioned to any public street or publicly owned fixture appurtenant to such street by virtue of the operation of any such vehicle under said permit.

There shall be no fee for the issuance of a permit under this Section.

### **SECTION 6 MOVING OF MANUFACTURED HOUSING, OTHER BUILDINGS, OR STRUCTURES UPON ROADWAY**

Unless a permit is issued as provided in Section 5, no person shall move or cause or permit to be moved any manufactured housing, building, or structure exceeding the size limitations as stated in Section 4 of this ordinance into, within or through the City, upon any public street, including designated truck routes.

Except in the event of an emergency, the moving of manufactured housing, a building, or structure shall be conducted only during daylight hours during a time period approved by the Mayor or designee and which provides for the least possible obstruction to the thoroughfares.

No manufactured housing, building, or structure shall be permitted or allowed to remain overnight upon public right of way, or upon private property without the written permission of the owner.

It is the responsibility of the operator of the vehicle to ensure that the vehicle and the structure will pass, without touching, through all horizontal and vertical clearances of all structures in its path.

The operator of a vehicle used to move a structure upon a public roadway within the City shall provide a sufficient number of individuals authorized to direct and control traffic and to provide for proper control of traffic direction at all intersections preceding and following the path of travel and at all points in between at any time during such travel within the City.

The operator of a vehicle used to move a structure upon a public roadway within the City shall notify the Mayor immediately prior to commencing and immediately upon conclusion of such movement in order that alternate routes can be selected by emergency services divisions when necessary for any emergency vehicle responses.

The Mayor or designee shall have the authority to limit or prohibit any movement of a vehicle moving a structure upon any public roadway within the corporate limits of the City when in their judgment such movement is considered unsafe.

### **SECTION 7 TRANSPORTATION OF HAZARDOUS MATERIAL**

No person shall transport hazardous material or cause hazardous material to be transported upon any public street within the corporate limits of the city without first complying with all applicable regulatory agency mandates regarding the transportation of such hazardous materials.

### **SECTION 8 DAMAGES TO STREET SURFACE, CURBS AND GUTTERS; SPILLAGE**

It shall be unlawful to drive a truck over and across any curb or gutter in any public street within the city in such a manner as to cause damage to the curb or gutter. If any person intends to drive a truck over and across any curb or gutter in any public street within the city, such person shall block the curb or gutter with materials of sufficient strength to prevent any damage to the curb or gutter, by virtue of driving a truck over and across the curb or gutter. If any damage is done to the curb or gutter by virtue of driving over the curb or gutter, whether it has been properly blocked or not, it shall be conclusively presumed to have been caused by the negligence of the person backing or driving over the curb or gutter and the driver of any vehicle driving over such curb or gutter shall be liable to the city for the damages. In addition, if the damage occurs while the driver is within the course and scope of his employment, the driver's employer shall be jointly and severally liable with the driver for the damages.

It shall be unlawful to turn or maneuver any vehicle upon any street in the city in such a manner as to cause damage to the surface of the street. If any street is damaged by the turning or maneuvering of any vehicle upon the street, the driver of the vehicle shall be liable to the city for damage. In addition, if the damage occurs while the driver is within the course and scope of his employment, the driver's employer shall be jointly and severally liable with the driver for the damages.

It shall be unlawful for any person to operate or cause to be operated any vehicle on a public street of the city in such a manner as to permit any portion of its cargo, either liquid or solid, to fall out of, spill from, or blow out of such vehicle.

**SECTION 9  
PENALTY**

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Five hundred dollars (\$500.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

**SECTION 10  
RIGHTS AND REMEDIES**

All rights and remedies of the City of Weston are expressly saved as to any and all violations of the provisions of any other ordinances affecting truck routes or the operation of vehicles on public streets which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

**SECTION 11  
PUBLICATION IN PAMPHLET FORM**

The City Secretary of the City of Weston is hereby authorized to publish this ordinance in book or pamphlet form for general distribution among the public, and the operative provisions of this ordinance as so published shall be admissible in evidence in all courts without further proof than the production thereof.

**SECTION 12  
PUBLICATION IN OFFICIAL NEWSPAPER**

The City Secretary of the City of Weston is hereby directed to publish this ordinance or its caption and penalty in the official City newspaper as required by Section 52.011 of the Texas Local Government Code.

**SECTION 13  
CUMULATIVE REPEALER CLAUSE**

This Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances, or parts thereof, in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided however, that any complaint, action, claim or lawsuit which has been initiated or has arisen under or pursuant to such other Ordinances on the date of adoption of this Ordinance shall continue to be governed by the provisions of such Ordinance and for that purpose the Ordinance shall remain in full force and effect

**SECTION 14  
PROVISIONS SEVERABLE**

It is hereby declared to be the intention of the City Council that the phrases, clauses, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

**SECTION 15  
EFFECTIVE DATE**

This Ordinance shall be in full force and effect from and after its passage and publication as provided by law, and it is so ordained.

**PASSED AND APPROVED by Council this, the \_\_\_\_\_ day of \_\_\_\_\_, 2014.**

APPROVE

\_\_\_\_\_  
Patti Harrington, Mayor

ATTEST

\_\_\_\_\_  
Susan Coffey, City Secretary

***EXHIBIT A***

CITY OF WESTON NO TRUCKS STREET LIST

Chicken Street

Short Street

West Street