

CITY OF COCKRELL HILL, TEXAS

ORDINANCE NO. 2017 – 01242017 O-B

AN ORDINANCE OF THE CITY OF COCKRELL HILL, TEXAS, AMENDING THE CITY OF COCKRELL HILL CODE OF ORDINANCES, CHAPTER 96, “THOROUGHFARES,” REGARDING THE USE OF TRUCK ROUTES; PROVIDING A REPEALER CLAUSE; PROVIDING A SAVINGS CLAUSE, PROVIDING A PENALTY; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council (“City Council”) of the City of Cockrell Hill (“City”) recently reviewed and studied certain aspects of the City’s truck route regulations; and

WHEREAS, the City Council has determined that certain aspects of the City’s truck route regulations should be amended to remove potential inconsistencies and to better serve the public interest; and

WHEREAS, the City Council has determined that it is in the best interests of the City and its residents to make certain changes to the Code of Ordinances of the City of Cockrell Hill, Texas (“Code”), to reflect the desired changes to the City’s parking regulations and the City’s truck route regulations as reflected in this Ordinance.

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

Section 1. That all of the above premises are hereby found to be true and correct and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

Section 2. The following section of Chapter 96 of the Code is hereby amended to read as follows:

CHAPTER 96 THOROUGHFARES

Sec. 96.01. Definitions.

For the purposes of this division, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Authorized emergency vehicle: Any vehicle of the fire department, police department, or public and private ambulances for which permits have been issued by the State Board of Health; emergency vehicles of municipal departments or public service corporations as are designated or authorized by the governing body of an incorporated city; private vehicles operated by volunteer firemen or certified emergency medical services employees or volunteers while answering a fire alarm or responding to a medical emergency; and vehicles operated by blood banks or tissue banks, accredited or approved under the laws of this state or the United States, while making emergency deliveries of blood, drugs, medicines, or organs,

Business destination: Any location within the city limits of Cockrell Hill to which a commercial motor vehicle may travel for purposes of conducting the routine business activities normally associated with said vehicle. Business destinations shall include truck terminals, motor fuel stations, garages, places of repair, places of performing a service, and places of loading and unloading.

Commercial motor vehicle: Any motor vehicle designed or used for the transportation of property, not including a passenger bus, passenger automobile, motorcycle, panel delivery truck, or pickup truck.

Driver or operator: Every person who drives or is in actual physical control of a vehicle.

Motor vehicle: Every vehicle which is self-propelled,

Place of business origin: Any place within the city limits of Cockrell Hill from which a commercial motor vehicle embarks for the purpose of conducting the routine business activities normally associated with said vehicle. Points of business origin shall include truck terminals, motor fuel stations, garages, places of repair, places of performing a service, and places of loading or unloading.

Roadway: That portion of a street or highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder. If a street or highway includes two (2) or more separate road ways, the term "roadway" shall refer to any such roadway separately but not to all such roadways collectively.

Semi-trailer: 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 another motor vehicle.

Street or highway: The entire width between the boundary lines of every right-of-way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

Trailer: Every vehicle without motive power designed or used to carry property or passengers wholly on its own structure and to be drawn by a motor vehicle.

Truck-tractors: 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: Every mechanical device, in, upon, or by which any person or property is or may be transported or drawn upon public highway, including motor vehicles, commercial motor vehicles, truck-tractors, trailers, and semi-trailers, severally, as herein defined, but excepting devices moved by human power or used exclusively upon stationary rails or tracks.

Sec. 96.02. Trucks to be operated on routes; exemptions.

No person shall cause any truck or other commercial motor vehicle to enter the city on any public street other than those designated as truck routes. No person shall operate or cause to be operated any truck or other commercial motor vehicle on a public street in the city without a business destination or point of business origin within the corporate limits of the city except upon streets designated as truck routes; provided, however, this section shall not apply to emergency vehicles operating in response to emergency calls nor to vehicles operated by a public utility in the performance of inspection or maintenance functions. Such truck with a

business destination or point of business origin within the corporate limits of the city shall be operated only on truck routes or on the shortest street route between such business destination or point of business origin and the nearest truck route. The driver of any such truck or commercial motor vehicle shall, at any time such truck or commercial motor vehicle is operated off a truck route, carry with him a bill of lading or other written evidence showing all points of business origin and business destination within the city.

Sec. 96.03. Designated; posting; designation of alternates.

- (a) The following streets are designated truck routes: Cockrell Hill Road and Jefferson Boulevard.
- (b) The Street Superintendent shall erect appropriate signs and markings to designate the truck routes and load limits described in this section.
- (c) Whenever any street designated as a truck route is being repaired or is otherwise temporarily out of use, the Street Superintendent, or his designee, is authorized to designate alternate truck routes for such period as might be necessary.

Sec. 96.04. Vehicle specifications.

- (a) Except as otherwise provided in this 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 commercial motor vehicle with or without load, contrary to any of the regulations contained in this section.
- (b) No commercial motor vehicle shall exceed a total outside width, including any load thereon, of ninety-six (96) inches, except that the width of a farm tractor shall not exceed nine (9) feet and that the limitations as to size of a vehicle stated in this section shall not apply to implements of husbandry, machinery used solely for the purpose of drilling water wells, or to highway or street building or maintenance machinery owned or operated by or on behalf of the state or any of its political subdivisions or the city. No commercial motor vehicle, unladen or with load, shall exceed a height of thirteen (13) feet, six (6) inches including load.
- (c) No commercial vehicle, truck-tractor, trailer, semitrailer nor combination of such vehicles shall be operated or caused or permitted to be operated upon any public street within the city having a weight in excess of any one (1) or more of the following limitations:
 - (1) In no event shall the total gross weight, with load, of any vehicle or combination of vehicles, exceed seventy-two thousand (72,000) pounds.
 - (2) No axle shall carry a load in excess of eighteen thousand (18,000) 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.

- (3) The total gross weight concentrated on the highway surface from any tandem axle group shall not exceed thirty-two thousand (32,000) 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.
 - (4) Vehicles used exclusively to transport ready-mix concrete may be operated upon public streets of the city with a tandem axle load not to exceed thirty-six thousand (36,000) pounds and a gross load not to exceed forty-eight thousand (48,000) pounds.
- (d) The provisions of this section shall not apply to:
- (1) Any person operating or causing to be operated a motor vehicle under a valid and subsisting permit for the operation of overweight or oversize equipment for the transportation of such commodities as cannot be reasonably dismantled issued by the State of Texas Department of Highways and Public Transportation under the provisions of Chapter 623 of the Texas Transportation Code as such Chapter now exists or might from time to time be amended;
 - (2) Emergency vehicle operating in response to any emergency call;
 - (3) Vehicles which have obtained permission and routing from the Chief of Police.

Sec. 96.05. Operation so as to allow spillage of load prohibited.

It shall be unlawful for any person to operate or cause to be operated any commercial motor vehicle on a public street in such 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.

Sec. 96.06. Penalty.

An offense under this section is a misdemeanor punishable:

- (1) by a fine not to exceed \$200;
- (2) on conviction before the first anniversary of the date of a previous conviction under this section:
 - (A) by a fine not to exceed \$500, by confinement in a county jail for not more than 60 days, or by both the fine and confinement; or
 - (B) if the convicted person is a corporation, by a fine not to exceed \$1,000; or

- (3) on a conviction before the first anniversary of the date of a previous conviction under this section that was punishable under Subdivision (2) or this subdivision:
- (A) by a fine not to exceed \$1,000, by confinement in the county jail for not more than six months, or by both the fine and confinement; or
 - (B) if the convicted person is a corporation, by a fine not to exceed \$2,000.

Section 3. All Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed insofar as they conflict with the provisions hereof; however, any complaint pending in the Municipal Court and filed under the previous versions of Chapter 72 or Chapter 96 prior to the Effective Date of this Ordinance shall not be affected by anything herein.

Section 4. If any section, article, paragraph, sentence clause, phrase or word in this Ordinance or application thereto any person or circumstances is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance; and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

Section 5. Any person, firm, or corporation violating any of the provisions or terms of this Ordinance shall be guilty of a misdemeanor and upon conviction, shall be fined a sum in accordance with Code of Cockrell Hill, Section 10.99 for each offense, and each and every violation or day such violation shall continue or exist, shall be deemed a separate offense.

Section 6. This Ordinance shall become effective, and be in full force and effect, from and after the date of its passage, and it is accordingly so ordained.

PASSED AND APPROVED the 24th day of January, 2017.



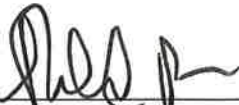
Luis D. Carrera, Mayor

ATTEST:



Bret Haney, City Administrator

APPROVED AS TO FORM:



Robert F. Brown, City Attorney