

Ordinance No. 2009.05

Village of Salado

County of Bell

State of Texas

May 20, 2009

**OPERATION OF HEAVY AND OVERSIZED VEHICLES
STREET PROTECTION ORDINANCE**

AN ORDINANCE OF THE VILLAGE OF SALADO, TEXAS, PROVIDING FOR THE PROTECTION OF VILLAGE STREETS FROM DAMAGE FROM THE PASSAGE OF HEAVY, OVERSIZED AND OVERLENGHTED VEHICLES AND EQUIPMENT, PROVIDING FOR ENFORCEMENT, INCLUDING A CRIMINAL FINE NOT TO EXCEED \$500 PER DAY, SEVERABILITY, IMPOSING PENALTIES, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Village of Salado, Texas is responsible for the maintenance and repair of the streets within corporate boundaries of the Village; and

WHEREAS, the Village has invested significant amounts of public money in the construction, maintenance, and repair of those streets; and

WHEREAS, use of those streets for the conveyance and passage of heavy vehicles, oilfield equipment, and other weighty items causes damage to the streets; and

WHEREAS, the Village has the authority to regulate the movement and operation of overweight, oversize, or overlength commodities or "superheavy," oversize, or overlength equipment (that cannot be reasonably dismantled) on a public road other than a state highway that is in the territory of the municipality, pursuant to Texas Transportation Code §621.303; and

WHEREAS, the Village has the authority to enforce in its municipal court those state laws governing overweight or oversized vehicles, the fine for violation of which does not exceed \$500, pursuant to Texas Transportation Code Chapters 621 & 623 particularly §621.056(f) & §623.019(f); and

WHEREAS, being a general-law municipality, the Village has exclusive control over the highways, streets, and alleys of the municipality, pursuant to Texas Transportation Code § 311.002; and

WHEREAS, the Village has the authority to establish truck routes that prohibit trucks of certain sizes from traveling on particular streets; and

WHEREAS, the Village has the authority to prohibit the parking of trucks of certain sizes in residential areas; and

WHEREAS, the Village has the authority to require owner or operators of vehicles that damage public property to pay for the damage; and

WHEREAS, the Village has the authority to enact regulations that limit noise, dust, and pollution in connection with vehicular travel; and

WHEREAS, the Board of Aldermen of the Village of Salado desires to establish a procedure for the protection of the streets and for the repair or recovery of the cost of repair of the streets that are so damaged;

NOW THEREFORE, BE IT ORDAINED by the Board of Aldermen of the Village of Salado, Texas:

Section 1. Recitals

The foregoing recitals are adopted and incorporated herein for all purposes.

Section 2. 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:

Village: the Village of Salado, an incorporated municipality in Bell County, Texas.

Village Limits: the incorporated municipal boundaries of the Village.

Permissible weights and sizes: means an axle load (and) 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. No axle load shall carry a load in excess of twenty thousand (20,000) pounds.

Person: Any human being, corporation, association, sole proprietorship, company, agency. The term also includes a general contractor, subcontractor, or truck driver.

Responsible Person: Any human being, corporation, association, sole proprietorship, company, agency. The term also includes a general contractor, subcontractor, or truck driver. For purposes of this Ordinance, the general contractor can be held criminally liable for violation of this Ordinance by subcontractors or other agents/representatives of the general contractor.

Heavy Trucks by definition include the following:

Semitrailer: means 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 load rest upon or is carried by another vehicle.

Truck: means any motor vehicle designed, used, or maintained primarily for the transportation of property with a manufacturer's rated carrying capacity exceeding two thousand (2,000) pounds and is not intended to include those trucks commonly known as pickup trucks, panel delivery trucks and carry-all trucks.

Truck tractor: means every motor vehicle designed or used 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 as drawn.

Section 3. Restrictions

It shall be unlawful for any heavy truck to operate on streets and alleys within the city as follows:

- a. where signs have been properly posted to read *Truck Prohibited*;
- b. when heavy trucks or semi-trailers exceed a gross weight of fifty-eight thousand four hundred twenty (58,420) pounds.

The terms, provisions and regulations set forth in this section do not apply to truck tractor and trucks designated for the purpose of delivery to specific location or repair service, lodging, fuel or other legitimate purpose and including fire and trash trucks.

Section 4. Signs

The Chief of Police is hereby directed to, at his discretion, place signs upon local streets notifying the public that no truck traffic is allowed thereon pursuant to the restrictions provided herein.

Section 5. Use by Trucks Originating Outside Village

All heavy trucks entering the Village with a destination point within the Village shall use a route that minimizes use of village roadway facilities by entering via state or county maintained facilities and not departing from these facilities until the state or county maintained facility intersects the route providing the closest access to the facility; proceeding on the preferred route, deviating only at major thoroughfare intersections en route to the intersection within the closest proximity to the destination point. Departing from the destination point, all heavy trucks shall return to the state or county maintained facility by the shortest route via major thoroughfare to the state maintained highway.

Section 6. Use by Trucks Originating Inside Village

All heavy trucks with a destination point outside the Village shall proceed from their point of origin to the closest state or county maintained highway by the shortest route via local roadway to the closest major thoroughfare, proceeding to the closest route via major thoroughfares by the shortest route, and to the state maintained highway by the shortest route.

Section 7. Enforcement

- A. Any violation of this Ordinance shall be punishable by a fine of not more than Five Hundred Dollars (\$500.00) per day, subject to applicable State Law.
- B. Each day a violation occurs constitutes a separate violation.
- C. Payment of any fine collected hereunder shall not relieve a person of liability for repair of any street, roadway, or other property damaged by an Overweight Vehicle.

Section 8. Reservation of Rights

All rights and remedies of the Village of Salado, Texas, are expressly saved as to any and all violations of the provisions of any other ordinance affecting the streets and roadways of the Village which existed 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, the same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

Section 9. Severability

It is not the intention of the Village Board of Aldermen to enact any provision of this Ordinance in regard to which Federal or State law preempts the Village's authority, and it is hereby declared that if any section, paragraph, sentence, clause, or phrase of this Ordinance is declared unconstitutional or otherwise illegal by the valid judgment or decree of any court of competent jurisdiction, such event shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this, since the same would have been enacted by the Village Board without such unconstitutional or illegal phrase, clause, sentence, paragraph, or section.

Section 10. Conflicts

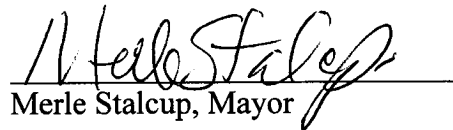
This Ordinance shall be cumulative of all provisions of ordinances of the Village except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed. Nothing contained in this Ordinance generally or this chapter specifically shall be construed to allow the violation of any residential deed restriction.

Section 11. Publication

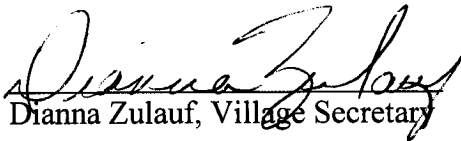
This Ordinance shall become effective immediately upon the date of its publication as required by §52.011, Local Government Code. The Village Secretary is hereby directed to cause the caption of this Ordinance to be published in the manner required by law.

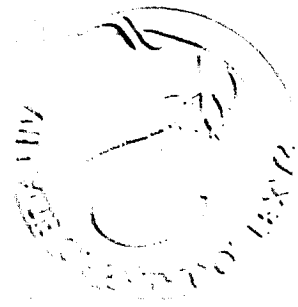
PASSED AND APPROVED this, the 20th day of May, 2009, by a 5 (ayes) to 0 (nays) and 0 (abstentions) vote of the Board of Aldermen of Salado, Texas.

VILLAGE OF SALADO, TEXAS


Merle Stalcup, Mayor

ATTEST:


Dianna Zulauf, Village Secretary



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