

ORDINANCE NO. 2023-19

AN ORDINANCE OF THE VILLAGE OF SALADO, TEXAS ESTABLISHING REGULATIONS ON CONSTRUCTION VEHICLES, HEAVY VEHICLES, AND LARGE COMMERCIAL VEHICLES; PROVIDING FOR A FINE UP TO \$500 FOR EACH VIOLATION; PROVIDING THIS ORDINANCE BE CUMULATIVE; AND PROVIDING FOR SEVERABILITY, GOVERNMENTAL IMMUNITY, INJUNCTIONS, PUBLICATION, AND AN EFFECTIVE DATE.

WHEREAS, Section 311.001 of the Texas Transportation Code provides that Village of Salado, Texas (hereinafter referred to as the "Village"), has exclusive control over and under the public highways, streets, and alleys of the Village; and

WHEREAS, Section 316.021 of the Texas Transportation Code provides that the Village may permit and prescribe the consideration and terms for the use of a portion of a municipal street or sidewalk for a private purpose if the use does not: (1) interfere with the public use of the street or sidewalk; or (2) create a dangerous condition on the street or sidewalk; and

WHEREAS, many Village streets are not designed for heavy or oversize vehicles to operate, and consistent use of these streets by such vehicles causes excessive wear to the roads requiring more frequent repairs, resurfacing, or reconstruction; and

WHEREAS, Section 51.001 of the Texas Local Government Code provides the authority for the Village to adopt an ordinance, rule or police regulation that is for the good government, peace, or order of the Village, and is necessary or proper for carrying out a power granted by law to the Village; and

WHEREAS, the Board of Alderman of the Village of Salado, Texas has discussed and considered such regulations, received public input, and has determined that it is in the interest of public safety and public expenditures for the Village to adopt the following regulations concerning the operation of construction vehicles, heavy vehicles, and large commercial vehicles within the municipal limits of the Village.

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE VILLAGE OF SALADO, TEXAS:

ARTICLE I.

All of the above premises are hereby found to be true and correct legislative and factual findings of the Village of Salado and are hereby approve and incorporated into the body of this Ordinance as if copies in their entirety.

ARTICLE II.

That Ordinance No. _____ is hereby enacted for the purpose of establishing

regulations for the regulations concerning the operation of construction vehicles, heavy vehicles, and large commercial vehicles within the municipal limits of the Village.

“Restricted Vehicles

I. General provisions.

- (a) Purpose and Intent. The purpose of this article is to safeguard the life, health, safety, welfare, and property of the residents of and visitors to the Village of Salado through the regulation of construction vehicles, heavy vehicles, and large commercial vehicles within the municipal limits of the Village.

- (b) Definitions. For the purpose of this ordinance, the following terms, phrases, words and their derivatives shall have the meaning given in this ordinance.
 - 1. **Construction Vehicle**, means vehicles with or without trailers, exceeding a total gross weight of 10,000 pounds and which transport sand, gravel, rock, earth, quarried materials, other particles in bulk; or that carry construction equipment, construction materials, or construction supplies to Destination Points within the Village.
 - 2. **Destination Point**. A location where merchandise, equipment, or material is loaded or unloaded during the normal course of business.
 - 3. **Heavy Vehicle**. Any vehicle designed or operated for the transportation of property, and whose body weight or whose combined body and load weight or whose rated capacity exceeds 15,000 pounds, and/or that has two rear axles.
 - 4. **Large Commercial Vehicle**. Any truck, truck-trailer, trailer, pole trailer or semi-trailer with more than one rear axle and/or trailer (that is not a recreational vehicle) and that is more than 30 feet in length.
 - 5. **Person**. Any person, firm, partnership, association, corporation, company or organization of any kind.
 - 6. **Restricted Vehicles**. Construction Vehicles, Heavy Vehicles, and Large Commercial Vehicles.
 - 7. **Village**. The Village of Salado, Texas.

- (b) A Restricted Vehicle, as defined herein, shall only use the designated truck routes.

- (c) Designated truck routes are shown on the map attached hereto, marked as Exhibit “A” and which is made a part of this ordinance for all legal purposes of showing the route or routes over which Restricted Vehicles may be driven or operated while within the corporate limits of the Village. The designated truck route map shall be maintained in the office of the Village secretary as the official truck route map for the Village.

- (d) The Village administrator or designee shall cause signs designating all truck routes to be clearly posted to give notice that this ordinance is in effect.

II. Exceptions.

- (a) Restricted Vehicles, as defined herein, may depart from such routes where it is necessary to load or unload merchandise at locations situated off of designated routes; provided, however, such vehicles shall follow the most direct truck route to the point nearest their ultimate designation and provided further, that such vehicles shall not leave designated truck routes until they have reached a turning off point that can be described as the shortest distance practical to the ultimate destination of the vehicle, which is consistent with a reasonable operation of the vehicle;
- (b) Restricted Vehicles may also be driven off the designated routes to a public storage or repair shop when reasonably necessary for the maintenance and repair of such vehicle; provided, however, that this provision shall never be construed as authorizing the repair of vehicles in areas otherwise prohibited by the provisions of this ordinance, or by state law.
- (c) This ordinance does not restrict the following categories of Restricted Vehicles from using any Village street:
 - (1) Emergency vehicles. The operation of emergency vehicles upon any street in the Village;
 - (2) Public utilities. The operation of Restricted Vehicles owned or operated by the Village, public utilities, or any contractor while engaged in the repair, maintenance or construction of streets, street improvements or utilities within the Village;
 - (3) Detoured vehicles. The operation of Restricted Vehicles upon any officially established detour in any case where such vehicle could lawfully be operated on the street for which such detour was established;
 - (4) Governmental vehicles. The following non-exhaustive list of vehicles, whether government-owned or owned and/or operated by an entity engaged by a governmental unit, shall be permitted to use any Village street while performing governmental functions or services:
 - (A) School buses;
 - (B) Solid waste trucks;
 - (C) Insecticide truck sprayer.

III. Enforcement

- (a) Verification of destination. Verification of pickups or deliveries shall be made by the vehicle operator, upon the request of any law enforcement officer for the Village by presenting for inspection to the officer, a shipping order, bill of lading, contract or other instrument specifying the date, address and name of the company or individual requesting or directing the pickup or delivery.

- (b) Determining Vehicle Weight. For this ordinance the gross vehicle weight may be determined by the law enforcement officer from a visual inspection of the vehicle registration receipt which is required by Article 6701d-11, Section 5(a), Vernon's Annotated Texas Statutes, to be carried at all times on any such vehicle.
- (c) Violation/penalty. It is an offense to violate this ordinance. A violation of this ordinance shall be a class C misdemeanor punishable by fines not to exceed \$500.00 per offense.
- (d) Rebuttable Presumption. Any person operating a Restricted Vehicle found deviating from the truck routes as provided for herein shall be presumed to not be in compliance with this ordinance. The presumption is rebuttable by applying one of the Exceptions set forth in Section 2 of this Ordinance.”

ARTICLE III.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the Village of Salado; and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

ARTICLE IV.

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

ARTICLE V.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety, and welfare of the general public. Any member of the Board of Aldermen or any Village official or employee charged with the enforcement of this ordinance, acting for the Village of Salado in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

ARTICLE VI.

Any violation of this ordinance can be enjoined by a suit filed in the name of the Village of Salado in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the Village of Salado.

ARTICLE VII.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the Village of Salado, Texas. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

ARTICLE VII.


This ordinance shall become effective on _____.

ARTICLE IX.

Open Meetings. That is hereby official found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551, Loc. Gov't Code.

FIRST READING PASSED AND APPROVED this 17th day of August, 2023, at a regular meeting of the Board of Aldermen of the Village of Salado, Texas;

SECOND AND FINAL READING PASSED AND APPROVED this 7th day of September, 2023, at a regular meeting of the Board of Aldermen of the Village of Salado, Texas;



MICHAEL COGGIN, MAYOR

ATTEST:



DEBBIE BEAN, VILLAGE SECRETARY

APPROVED AS TO FORM:



JOSH KATZ
VILLAGE ATTORNEY