

**CITY OF LAKE DALLAS, TEXAS
ORDINANCE NO: 2018-24**

AN ORDINANCE OF THE CITY OF LAKE DALLAS, TEXAS AMENDING THE LAKE DALLAS MUNICIPAL CODE CHAPTER 102 "TRAFFIC AND VEHICLES" ARTICLE I "IN GENERAL" BY AMENDING SECTION 102-1 "DEFINITIONS" DEFINING CERTAIN WORDS AND PHRASES USED IN SAID CHAPTER 102 AND AMENDING ARTICLE III "VEHICLE SIZE AND LOAD" RELATING TO REGULATION OF TRAVEL OF CERTAIN COMMERCIAL TRUCKS AND OTHER VEHICLES THROUGH THE CITY; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED \$200 FOR EACH VIOLATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Lake Dallas, Texas, finds it to be in the public interest to amend certain provisions of Chapter 102 of the Lake Dallas Municipal Code with respect the establishment of truck routes through the City and the regulation of travel of certain commercial trucks and other vehicles through the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAKE DALLAS, THAT:

SECTION 1. Lake Dallas Municipal Code Chapter 102 "Traffic Vehicles", Article I "In General" is amended by amending Section 102-1 "Definitions" to read as follows:

Sec. 102-1. Definitions. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Commercial motor vehicle means any motor vehicle or combination of motor vehicles used to transport passengers and/or property that:

- (1) has a gross combination weight or a gross combination weight rating of 26,001 or more pounds, including a towed unit with a gross vehicle weight or a gross vehicle weight rating of more than 10,000 pounds;
- (2) has a gross vehicle weight or a gross vehicle weight rating of 26,001 or more pounds;
- (3) is designed to transport 16 or more passengers, including the driver; or
- (4) is transporting hazardous materials and is required to be placarded under 49 C.F.R. Part 172, Subpart F.

Limited-access highway or controlled-access highway means a highway or roadway to which:

- (1) Persons, including owners or occupants of abutting real property, have no right of access; and
- (2) Access by persons to enter or exit the highway or roadway is restricted under law except at a place and in the manner determined by the authority that has jurisdiction over the highway or roadway.

Loading zone means the space or section of the street adjacent to the curb set aside for the exclusive use of loading and unloading passengers, supplies or merchandise.

Official traffic signal means any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and proceed.

Official traffic signs mean all signs, markings and devices, other than signals, not inconsistent with this chapter, placed or erected by a public body or official having jurisdiction, for the purpose of guiding, directing, warning or regulating traffic.

Operator or driver, as used in reference to a vehicle, means a person who drives or has physical control of a vehicle.

Parking means the standing of a vehicle, whether occupied or not, otherwise than a temporary stopping of such vehicle for the purpose of, and while actually engaged in, loading or unloading passengers or merchandise, or any involuntary stopping of the vehicle by reason of causes beyond the control of the occupant of the vehicle.

Parking space means the space or section of the street adjacent to the curbing and bounded and indicated by painted lines upon the surface of the street, extending from the curbing into the street.

Pedestrian means a person on foot.

Pole trailer means a vehicle without motive power:

- (1) designed to be drawn by another vehicle and secured to the other vehicle by pole, reach, boom, or other security device; and

- (2) ordinarily used to transport a long or irregularly shaped load, including poles, pipes, or structural members, generally capable of sustaining themselves as beams between the supporting connections.

Right-of-way means the right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian that is approaching from a direction, at a speed, and within a proximity that could cause a collision unless one grants precedence to the other.

School bus means a motor vehicle that was manufactured in compliance with the federal motor vehicle safety standards for school buses in effect on the date of manufacture and that is used to transport pre-primary, primary, or secondary students on a route to or from school or on a school-related activity trip other than on routes to and from school. The term does not include a school-chartered bus or a bus operated by a mass transit authority.

Semitrailer means a vehicle with or without motive power, other than a pole trailer:

- (1) designed to be drawn by a motor vehicle and to transport persons or property; and
- (2) constructed so that part of the vehicle's weight and load rests on or is carried by another vehicle.

Traffic means pedestrians, ridden or herded animals and conveyances, including vehicles and streetcars, singly or together while using a highway for the purposes of travel.

Trailer means a vehicle, other than a pole trailer, with or without motive power:

- (1) designed to be drawn by a motor vehicle and to transport persons or property; and
- (2) constructed so that no part of the vehicle's weight and load rests on the motor vehicle.

Truck means a motor vehicle designed, used, or maintained primarily to transport property.

Truck route means any street or highway so designated by the city council for use by any commercial motor vehicle, truck tractor, trailer, semitrailer, or any combination thereof.

Truck tractor means a motor vehicle designed and used primarily to draw another vehicle but not constructed to carry a load other than a part of the weight of the other vehicle and its load.

Vehicle means a device that can be used to transport or draw persons or property on a highway. The term does not include:

- (1) A device exclusively used on stationary rails or tracks; or
- (2) Manufactured housing as that term is defined by Chapter 1201, Occupations Code.

ARTICLE III. VEHICLE SIZE AND LOAD

Sec. 102-81. Special routing authority.

- (a) In order to protect street surfaces, persons or property within the City, the City Manager may route and direct through the City along certain routes or streets to be designated by the City Manager any vehicles and loads that exceed the maximum width, height, length and/or weight established by the Texas Department of Motor Vehicles or as set forth in the Texas Transportation Code, as amended, for operation of vehicles and loads moving with or without an oversize and/or overweight permit on roadways and bridges with the State.
- (b) It is unlawful for any person to disregard the instructions of the City Manager regarding the use of a route designated pursuant to subsection (a) of this section, or any signs or signals placed on said designated route, or to travel upon any route or street within the city other than said designated route.
- (c) The operator or owner of a commercial motor vehicle, as defined in this section, may not operate on any City street or roadway other than a designated truck route without first having obtained a permit from the City Manager or designee.
- (d) Upon submission of an application on a form approved by the City Manager and payment of a fee to be established by resolution of the City Council and included in the City's master fee schedule, the City Manager or designee shall issue a permit to an operator or owner of a commercial

motor vehicle under this section to operate or otherwise use City streets or roadways, which shall designate the route, time and duration of use. Such permit shall be issued to for only one (1) commercial motor vehicle to be identified on such permit. Each commercial motor vehicle shall have a separate permit.

Sec. 102-82. Conformance to truck routes.

- (a) Except as otherwise provided in this article, no person shall operate or cause to be operated any commercial motor vehicle, truck-tractor, trailer, semitrailer, pole-trailer, or any combination thereof, having a registered gross combination weight rating of 26,001 pounds or more upon any public street or highway in the corporate limits of the city except upon such streets or highways as are designated as a truck route herein.
- (b) This article does not prohibit:
 - (1) The operation of vehicles upon any street where necessary to the conduct of business at a destination point, provided streets upon which such traffic is permitted are used until reaching the intersection nearest the destination point;
 - (2) The operation of emergency vehicles upon any street in the City;
 - (3) The operation of vehicles owned or operated by the City, public utilities, or any contractor or material supplier while engaged in the repair, maintenance or construction of streets, street improvements, or street utilities within the city;
 - (4) The operation of vehicles upon any officially established detour in any case where such truck could lawfully be operated upon the street for which such detour is established;
 - (5) Vehicles operated for the purpose of collecting and removing garbage or refuse, not to include excavation, construction, or building debris, from residential or commercial customers located within the City's corporate limits;
 - (6) School buses; or
 - (7) Vehicles who have obtained an off-truck route permit pursuant to Section 102-81.

Sec. 102-83. Truck routes established.

All trucks entering the City for destination points outside the City shall operate only over Main Street, Lake Dallas Drive, and Swisher Road and shall enter on either Main Street, Lake Dallas Drive, and Swisher Road. The Public Works Manager or such other person as may be designated from time to time by the City Manager is authorized and directed to procure and cause to be installed such signs as are necessary to mark the foregoing designated truck route and the restriction of travel of truck traffic to same.

Sec. 102-84. Truck traffic in city.

Trucks originating outside the City for destinations within the City, or originating in the City for destinations within or without the City, shall use the truck route described in Section 102-83 whenever possible, and shall deviate from said truck route or return to said truck route at the intersection nearest the point of origination or destination.

SECTION 3. All provisions of the Ordinances of the City of Lake Dallas, Texas, in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions of the Ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 4. An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 5. Should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Ordinance as a whole.

SECTION 6. Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be punished by a fine not to exceed the sum of Two Hundred Dollars (\$200) for each offense.

SECTION 7. This ordinance shall take effect immediately following its passage and publication in accordance with the provisions of the state law and the Charter of the City of Lake Dallas.

PASSED AND APPROVED this the 28th day of June, 2018.

Michael Barnhart, Mayor

ATTEST:

Codi Delcambre, TRMC, City Secretary

APPROVED AS TO FORM:

Kevin B. Laughlin, City Attorney
(kbl:6/21/18:100418)