

ORDINANCE NO. 20-07

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HELOTES, TEXAS AMENDING MUNICIPAL CODE OF ORDINANCES CHAPTER 86 *TRAFFIC AND VEHICLES*, ARTICLE I *IN GENERAL* BY REVISING SECTION 86-1 *DEFINITIONS*, SECTION 86-4 *PENALTY*, SECTION 86-6 *TRUCKS DEPOSITING MATERIALS ON STREETS* AND BY ADDING SECTION 86-8 *PROHIBITED TRUCK TRAFFIC*; AUTHORIZING THE CITY ADMINISTRATOR TO IMPLEMENT THE PROVISIONS OF THIS ORDINANCE; PROVIDING FOR SEVERABILITY; REPEALING ANY OTHER CODE PROVISIONS, ORDINANCES, OR PARTS OF ORDINANCES, AND OTHER PROVISIONS IN CONFLICT HEREWITH; INCORPORATING RECITALS; AND ADOPTING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Helotes, Texas desires to amend Municipal Code of Ordinances Chapter 86 *Traffic and Vehicles*, Article I *In General* in order to preserve, protect, and promote public health and safety.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HELOTES, TEXAS THAT:

SECTION ONE. AMENDMENT. Municipal Code of Ordinances Chapter 86 *Traffic and Vehicles*, Article I *In General* is hereby amended and shall read as follows:

**“CHAPTER 86 *TRAFFIC AND VEHICLES*
ARTICLE I *IN GENERAL***

Sec. 86-1 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:

Alley means minor ways which are used primarily for vehicular service access to the back or the side or properties otherwise abutting on a street.

Ambulance means any privately owned vehicle equipped or used for transporting the wounded, injured or such.

Authorized emergency vehicle means vehicles of the fire department, police department, and such vehicles of municipal departments, public service corporations or other organizations which are designated or authorized as emergency vehicles by the chief of police.

Barricade means every barrier, obstruction or block placed upon or across any road, street or highway of this city by an authorized person for the purpose of preventing the passing of motor

vehicles over such street, road or highway during a period of construction or repair to said street, road, or highway.

Commercial motor vehicle/Commercial vehicle means any motor vehicle designed or used for the transportation of property, not including a passenger bus, passenger automobile, panel delivery truck or pickup truck.

Controlled access highway means every highway, street, or roadway in respect to which owners or occupants of abutting property or lands and other persons have no legal right of access to or from the same, except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street, or roadway.

Crosswalk means that part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or in the absence of curbs from the edges of the traversable roadway. "Crosswalk" also includes within the meaning of This chapter any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

Driver means every person who drives or is in actual physical control of a vehicle.

Driveway means entrances to and exits from private premises where it is possible to park completely off the street, and which are not open for vehicular traffic except by permission of the owner of such private premises.

Intersection means:

- (1) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles, or the area which vehicles traveling upon different highways at any angle may come in conflict.
- (2) Where a highway includes two roadways 30 feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two roadways 30 feet or more apart, then every crossing of two roadways on such highways shall be regarded as a separate intersection.
- (3) The junction of an alley with a street or highway shall not constitute an intersection.

Laned roadway means a roadway which is divided into two or more clearly marked lanes for vehicular traffic.

Motor vehicle means every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires but not operated upon rails.

Motorcycle means every motor vehicle having a saddle for the use of the rider and designed to travel with not more than three wheels in contact with the ground, but excluding a tractor.

Owner means a person who holds the legal title of a vehicle. In the event a vehicle is the subject of an agreement for the conditional sale or lease with an option to purchase, and with an immediate right of possession vested in the conditional vendor or lessee, such conditional vendor or lessee shall be deemed the owner for the purpose of this chapter.

Pedestrian means any person afoot.

Person means every natural person, firm, co-partnership, association, or corporation.

Pole trailer means every vehicle with or without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes, or structural members capable, generally, of sustaining themselves as beams between the supporting connections.

Police officer means every officer authorized to direct or regulate traffic or to make arrest for violations of traffic regulations.

Private road means every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner but not by other persons.

Red flashing emergency light means any lamp mounted on an authorized emergency vehicle or ambulance which displays a red, flashing light, visible under normal atmospheric conditions from a distance of 500 feet from such vehicle.

Roadway means that portion of a street or highway improved, designed, or ordinarily used for vehicular travel. In the event a highway includes two or more separate roadways, the term "roadway" as used herein shall refer to any such roadway separately but not to all such roadways collectively.

School bus means every motor vehicle owned by any private, public, or governmental agency and operated for the transportation of children and with identification requirements set forth in the standards produced and sponsored by the National Committee on Safety Education of the National Education Association, Washington, D.C., but not including buses operated by common carriers.

School crossing zone means that portion of any street or public property or way within or without any school zone which the traffic engineer may designate for the crossing of those attending a school or other institution of learning.

School or other institution of learning means any private or public organization giving regular instruction and having an average daily attendance of 50 students or more.

School zone means each and every street and all public property or ways within 500 feet of the boundaries of any school or other institution of learning.

Semi-trailer means every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

Sidewalk means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for the use of pedestrians.

Street or highway means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purpose of vehicular traffic.

Through highway means every street or highway or portion thereof at entrances to which vehicular traffic from the intersecting streets or highways is required by law to either stop or yield the right-of-way before entering or crossing.

Traffic control device means any electric traffic control signals, stop signs, yield right-of-way signs and any other such device designed and used to control the movement of traffic.

Trailer means every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

Truck means every motor vehicle, inclusive of any towed vehicle, designed, used or maintained primarily for the transportation of property with a manufacturer rated carrying or towing capacity of 10,000 pounds or more.

Truck tractor means every motor vehicle designed and 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 device in, upon or by which any person or property is or may be transported or drawn upon a highway, except devices used exclusively upon stationary rails or tracks.

Warning sign means every sign, signal, marking and device erected or placed upon any street, road, highway or barricade, or erected or placed upon any street, road or highway within the city which is under construction or being repaired, for the purpose of regulating, warning or guiding traffic or otherwise stating the conditions under which traffic by motor vehicle may be had upon such street, road or highway. A warning sign shall include, but shall not be limited, to a flagon placed upon any street, road or highway for the purpose of directing traffic around or upon such street, road or highway as is under construction or in the process of being repaired.

Sec. 86-4 Penalty

Any person or any agent or employee thereof who violates any of the provisions of this chapter shall be guilty of a misdemeanor and upon conviction in the municipal court shall be subject to a fine not less than \$25.00, but not to exceed the amount established by state law. Each day, or any part thereof, during which a violation under this chapter occurs shall constitute a separate offense.

Sec. 86-6 Trucks depositing materials on streets

- (a) *Trucks depositing materials on streets.* It shall be unlawful for any person operating a truck of any kind within the city on or over any of its public streets, roads, or other rights-of-way to cause or permit any substance loaded thereon or therein, such as gravel, dirt, rock, concrete, ash, brush, grass, hay, garbage, trash, lumber, scrap, or debris of any kind, to be deposited on such public street, road or right-of-way from such truck, or to drop such material therefrom, for any reason whatever.

Sec. 86-8 Prohibited truck traffic

- (a) *No through truck traffic.* Through truck traffic is defined for the purposes of this chapter as the driving or entry of or by a truck —i.e., truck-tractor, trailer, or semi-trailer, or combination of such vehicles, having a total of three (3) or more axles and with a manufacturer's rated carrying or towing capacity in excess of 10,000 pounds onto any street within the City (except State Highway 16, Leslie Road, and FM 1560) other than truck traffic making a scheduled stop at a residential or commercial address in the City.
- (b) *Exemptions.* The provisions under this section do not apply to city service and emergency vehicles. This section shall not prohibit the use of the roadways or portions of roadways listed in subsection (a) by a commercial vehicle—i.e., truck, truck-tractor, trailer, or semi-trailer, or combination of such vehicles, having a total of three (3) or more axles and with a manufacturer's rated carrying capacity in excess of 10,000 pounds —that is performing work on a prohibited street or adjacent property through a contract with the city. Also, provisions under this section do not apply to noncommercial (private) motorized trucks or other vehicles with two (2) axles or pulling a single axle trailer carrying two (2) tons or less.
- (c) *Penalty.* As provided in *Sec. 86-4 Penalty.*

SECTION TWO. AUTHORIZATION. The City Administrator is authorized to implement the provisions of this Ordinance.

SECTION THREE. SEVERABILITY. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or illegal, such decision shall not affect the validity of the remaining sections of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared void.

SECTION FOUR. REPEALER. All other Code provisions, ordinances or parts of ordinances, and other provisions in conflict herewith are repealed to the extent of said conflict.

SECTION FIVE. FINDINGS. The City Council finds all of the above recitals to be true and correct and incorporates the same in this Ordinance as findings of fact.

SECTION SIX. EFFECTIVE DATE. This Ordinance shall be effective immediately following its publication in the San Antonio Express News. Thereafter, the rules contained therein will apply within the City of Helotes.

PASSED AND APPROVED this 28th day of May 2020.

By: _____

Thomas A. Schoolcraft
MAYOR

ATTEST:

Celina Perez

CITY SECRETARY



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