

ORDINANCE NO. 2016-9794

AN ORDINANCE AMENDING SECTION 21-191 OF ARTICLE XV. HAZARDOUS MATERIALS ROUTES OF CHAPTER 21 ENTITLED "MOTOR VEHICLES AND TRAFFIC" OF THE CODE OF CIVIL AND CRIMINAL ORDINANCES OF THE CITY OF IRVING, TEXAS, BY RENAMING ARTICLE XV "TRUCKS;" PROVIDING DEFINITIONS; PROVIDING TRUCK ROUTES; PROVIDING HAZARDOUS MATERIAL TRUCK ROUTES; PROVIDING FOR BRIDGE LIMITATIONS; PROHIBITING COMPRESSION BRAKING; PROHIBITING OVERSIZED VEHICLES IN RESIDENTIAL DISTRICTS; PROVIDING A PENALTY; REPEALING CERTAIN SECTIONS OF CHAPTER 21; AND PROVIDING A SAVINGS CLAUSE AND A SEVERABILITY CLAUSE.

SECTION 1. That Article XV of Chapter 21 of The Code of Civil and Criminal Ordinances of the City of Irving, Texas, is hereby amended in its entirety to read as follows.

ARTICLE XV. TRUCKS

Sec. 21-191. Definitions.

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

Commercial vehicle means a self-propelled or towed vehicle, other than a farm vehicle, with a gross vehicle weight or gross combination vehicle weight in excess of 26,000 pounds and used to transport cargo or the vehicle is used to transport hazardous materials in a quantity requiring placarding by Chapter 49 CFR Hazardous Materials Regulations. This does not include motor vehicles transporting passengers, buses, emergency vehicles, public utility vehicles assigned to that area for inspection or service, public service vehicles while performing duties of public service, or tow trucks.

Compression or engine braking means air braking, engine braking, "jake" braking, opening exhaust valves in the cylinders after the compression cycle to release compressed air trapped in the cylinders used to slow a vehicle allowing for little or no use of service brakes thereby releasing and causing the emission of loud engine noise such as "chattering" or "machine gun" exhaust noise. This does not apply to emergency motor vehicles.

Direct truck route means the direct or simplest or shortest practicable route to a delivery or pick-up location and direct or simplest or shortest practicable route to return to the truck route.

Emergency vehicle means law enforcement, fire, and ambulance vehicles.

Hazardous materials means any quantity, group, form, or class of material designated as hazardous material in Chapter 49 CFR Hazardous Materials Regulations, as amended.

Hazardous placards means signage required to be attached or displayed in accordance with Chapter 49 CFR Hazardous Materials Regulations designating or indicating the classification and type of hazardous material being transported.

Oversized vehicle means any boat; truck tractor; trailer; semi-trailer; bus; commercial motor vehicle with a rated capacity of one and one-half (1 ½) tons or in excess of one and one-half (1 ½) tons, according to manufacturer's classification; any motor vehicle whose chassis and exterior shell is designed, constructed and equipped or altered and equipped to provide temporary living quarters for recreational, travel or other use. This does not include City of Irving street repair or maintenance vehicles and equipment, public utility and public service vehicles assigned to that area for inspection or service, public transit, tow trucks actively capturing or delivering a vehicle, or home repair or improvement delivery or services.

Public service vehicle means a vehicle owned by the United States Postal Service or any other person operated at the time in connection with the delivery of mail; a vehicle owned by a commercial courier operated at the time in the connection with the delivery of parcels; a vehicle owned by a telecommunications provider operated at the time in connection with the construction, maintenance, or repair of property or a facility of the provider; or a vehicle owned by a cable service provider or a video service provider operated at the time in connection with the construction, maintenance, or repair of property or a facility of the provider.

Public utility vehicle means a vehicle operated for the purpose of constructing, maintaining, or repairing a public utility, including electric, water, gas, waste collection, and streets.

Public transit means any method of public transportation.

Residential district means upon any public street, alley, parkway, boulevard or public place within or adjacent to any area zoned either a single-family dwelling district, two-family dwelling district or multiple-family dwelling district, under zoning regulations of the city.

Sec. 21-191.1. Truck routes.

(a) *Compliance.* No person shall knowingly operate a commercial motor vehicle upon any public street within the corporate or territorial limits of the City of Irving other than on a designated truck route, including those designated as "No Trucks," when such operation of the vehicle is not for the purpose of direct delivery or pick-up from a documentable, designated address or location. Deviation from the most direct route to and from a designated address or location that is not on a truck route without evidence of sufficient cause is a violation. Sufficient cause includes a closed street due to an accident, roadwork, or a city or state authorized detour; or vehicle repair or maintenance.

(b) *Designated truck routes.* The following public streets are designated as truck routes within the corporate or territorial limits of the City of Irving:

- (1) State Highway Loop 12 (Walton Walker Boulevard)
- (2) State Highway 183
- (3) State Highway 635
- (4) State Highway 114
- (5) State Highway 161
- (6) State Highway 356

- (7) State Highway 348
- (8) Spur 482
- (9) Belt Line Road
- (10) Second Street

(c) *Notice.* The city manager or such other person designated by the city manager may erect signs and markings to designate the truck route or “No Trucks” provided in this section. Such signs and markings shall be in accordance with applicable federal law and the Texas Manual on Uniform Traffic Control Devices.

(d) *Alternate truck route.* When a street designated as a truck route is under repair or otherwise temporarily out of use, the city manager or such other person designated by the city manager is authorized to designate an alternate truck route.

Sec. 21-191.2. Hazardous material truck routes.

(a) *Compliance.*

- (1) No person shall knowingly transport hazardous materials or knowingly cause hazardous material to be transported upon any public street within the corporate or territorial limits of the City of Irving other than on a designated hazardous material truck route.
- (2) No person shall knowingly transport hazardous materials or knowingly cause hazardous material to be transported upon any public street within the corporate or territorial limits of the City of Irving in a vehicle unless hazardous placards, as designated by the U.S. Department of Transportation specifications, are attached or displayed as required and are the correct designation for the load.
- (3) For purposes of prosecution under this section, it is presumed that a transportation vehicle contains hazardous materials if it displays a hazardous material placard.
- (4) For purposes of prosecution, both the City of Irving Police Department and Fire Department are expressly authorized to enforce the provisions of this section.

(b) *Designated hazardous truck routes.* Loop 12 (Walton Walker Boulevard) located within the corporate or territorial limits of the City of Irving is designated as a hazardous truck route.

(c) *Notice.* The city manager or such other person designated by the city manager may erect signs and markings to designate the truck route provided in this section. Such signs and markings shall be in accordance with applicable federal law and the Texas Manual on Uniform Traffic Control Devices.

Sec. 21-191.3. Bridge limitations.

(a) *Compliance.* No person shall knowingly operate a commercial motor vehicle on, across or over any bridge within the corporate or territorial limits of the City of Irving in violation of posted maximum weight limits.

(b) *Notice.* The city manager or such other person designated by the city manager may erect signs and markings to designate the bridge weight limits provided in this section. Such signs and markings shall be in accordance with applicable federal law and the Texas Manual on Uniform Traffic Control Devices.

Sec. 21-191.4. Compression braking.

(a) *Compliance.* No person shall knowingly cause, allow or permit the use or implementation of compression brakes upon any public street within the corporate or territorial limits of the City of Irving.

(b) *Presumption.* For purposes of prosecution under this section, it is presumed that the registered owner of the vehicle is the person who committed the violation, either personally or through an agent or employee. Proof of ownership may be established by a computer-generated record for the registration of the vehicle with the Texas Department of Transportation (or vehicle registration agency of any other state in which the vehicle is currently registered) based on the license plate identifiers which shows the name of the person or entity to whom the state license plates were issued. This proof is prima facie evidence of the ownership of the vehicle by the person or entity to whom the certificate of registration was issued.

(c) *Notice.* The city manager or such other person designated by the city manager may erect signs and markings providing “NO ENGINE BRAKING.” Such signs and markings shall be in accordance with applicable federal law and the Texas Manual on Uniform Traffic Control Devices.

Sec. 21-191.5. Oversized vehicles in residential districts.

(a) No person, including an owner of the vehicle, shall stop, stand or park an oversized vehicle in a residential district. This section shall not prevent the parking or standing of an oversized vehicle in residential districts for the purpose of expeditiously loading and unloading passengers, freight or merchandise.

(b) No person, including an owner of the vehicle, shall park or leave standing an oversized vehicle in a residential district with the motor or refrigeration equipment left running.

(c) For purposes of prosecution under this section, it is presumed that the registered owner of the vehicle is the person who stopped, stood, or parked the vehicle at the time and place the offense occurred.

Sec. 21-191.6. Penalty.

Any person cited for violating any provision of this article and subsequently pleads or is found guilty by the Irving Municipal Court shall be fined a sum of not less than \$1.00 and not more than \$500.00. Each violation constitutes a separate offense. This penal provision does not preclude the City of Irving from filing suit to enjoin the violation. The City of Irving retains all legal rights and remedies available to it pursuant to local, state and federal law.

Secs. 21-192—21-200. Reserved

SECTION 2. That Chapter 21 of The Code of Civil and Criminal Ordinances of the City of Irving, Texas, is hereby amended by repealing the following sections: Section 21-115 – Parking certain trucks, commercial vehicles, etc., in residential districts, Section 21-46 – Routes on which through truck traffic is prohibited, and Section 21-46.1 – Weight limits for specified bridges.

SECTION 3. That nothing in this ordinance shall be constructed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or prior ordinance; nor shall any legal right or remedy of any character be lost, impaired, or affected by this ordinance.

SECTION 4. That the terms and provisions of this ordinance shall be deemed to be severable and that if the validity of any section, subsection, sentence, clause, or phrase of this ordinance shall be declared to be invalid, the same shall not affect the validity of any other section, subsection, sentence, clause, or phrase of this ordinance.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF IRVING, TEXAS,
on April 14, 2016.

BETH VAN DUYNE
MAYOR

ATTEST:

Shanae Jennings
City Secretary

APPROVED AS TO FORM:

Kuruvilla Oommen
City Attorney