

ORDINANCE #G-2-19

AN ORDINANCE AMENDING THE CITY OF PORT LAVACA CODE OF ORDINANCES, CHAPTER 48, TRAFFIC AND VEHICLES, ARTICLE IV, TRUCK ROUTES; SEC. 48-178.1 DESIGNATED ROUTES #2, 3 AND 4; BY ADDING SEC. 48-178.2 – RESTRICTED ROUTES; ADDING TO SEC. 48.181 – EXCEPTIONS, NUMBERS 5, 6 AND 7; ADDING SEC. 48-184 – PENALTIES; AND ADDING SEC. 48-185 -- 48-203 – RESERVED; AND PROVIDING AN EFFECTIVE DATE

ARTICLE IV. - TRUCK ROUTES

Sec. 48-177. - 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:

Large truck means:

- (1) Any and all truck tractors, van trailers, semitrailers, or any vehicle designed or operated for the transportation of property, whose body weight or whose rated or licensed combined body and load weight exceeds 12,000 pounds;
- (2) Trucks with more than two axles; or
- (3) Any truck with a bed that is longer than 12 feet.

Recreational vehicle means a bus, motor home, travel trailer or other device designed as a mobile temporary dwelling.

Trailer means any mobile home, travel trailer, boat trailer, stock trailer or other type of vehicle with wheels that are not self-propelled.

Truck route means a route over certain streets, as designated in section 48-178, over and along which large trucks coming into and going out of the city are permitted to operate.

(Ord. No. G-4-04, § 1, 10-4-2004; Ord. No. G-10-05, § 1, 7-11-2005)

Sec. 48-178.1 – Designated Routes.

The city has designated the following truck routes:

- (1) All of State Highway 35 within the city limits;
- (2) U.S. Highway 87 from northern city limits to Alcoa Drive;
- (3) F.M. 1090 from Highway 35 North;
- (4) State Highway 238 from Alcoa Drive South.
- (5) All of FM 3084 within the city limits; and

Sec. 48-178.2 – Restricted Routes.

- (1) U.S. Highway 87 from Alcoa Drive South to Commerce Street;**
- (2) F.M. 1090 from Highway 35 South**
- (3) State Highway 238 from U.S. Highway 35 South to Alcoa Drive.**

Sec. 48-179. - Restrictions.

- (a) It shall be unlawful for any person or any owner to drive, leave, park or stand any large truck upon any public street, alley, parkway, or public place within or adjacent to a residential area. This section shall not prevent the parking or standing of large trucks in residential areas on a temporary basis for the purpose of expeditiously loading and unloading passengers, freight or merchandise. Upon completion of such tasks it must then return to the nearest truck route to exit the location. If additional deliveries or pickups are required the vehicle doesn't need to return to the truck route after each individual delivery, but shall return to the truck route upon completion of all the deliveries or pickups.
- (b) It shall be unlawful for any person or any owner to leave, park or stand any trailer or recreational vehicle upon any public street, alley, parkway or boulevard abutting real property within or adjacent to a residential area for more than 72 hours within any seven-day period, or allow any invited guest to park any trailer or recreational vehicle on that portion of any public street, alley, parkway or boulevard abutting the real property owned or occupied by such owner or occupant for any periods of time totaling more than 72 hours within any seven-day period.
- (c) It shall be unlawful for any owner to leave, park or stand any large truck or recreational vehicle upon any public street, alley, parkway, or boulevard in such a manner as to block the flow of traffic upon any public street, alley, parkway or boulevard.
- (d) It shall be unlawful for any person or owner to leave, park or stand any large truck within the limits of any residential area with its engine running for more than ten minutes if its emissions are capable of being detected by any resident in that area.
- (e) Engine exhaust brake prohibited—Jake brake. No person may use an engine exhaust system while operating a motor vehicle within the city limits of Port Lavaca, Texas; however, the following exceptions may apply:
 - (1) Emergency situations—Engine exhaust brakes applied in an emergency and where necessary for the protection of persons or property.
 - (2) Vehicles of any fire or emergency medical services department whether or not responding to a call.

(Ord. No. G-4-04, § 2, 10-4-2004; Ord. No. G-3-11, § 2, 12-12-2011)

Sec. 48-180. - Owner, operator, etc., of large truck responsible for damage to city property.

Any person moving, or causing to be moved, a large truck upon any street within the city which causes damage to those streets, bridges, culverts, curbs, gutters, water valves, or lines, sewer lines, manholes or cleanouts, traffic signals, poles, or wiring shall be liable for the full amount of the damage.

(Ord. No. G-4-04, § 3, 10-4-2004)

Sec. 48-181. - Exceptions.

The provisions of this section shall not apply to vehicles that are:

- (1) Owned, leased, used or operated in the service of the city, the county, the school district, the state, or the United States;
- (2) School buses;
- (3) Emergency vehicles; and
- (4) Public utility vehicles when in the performance of their duties.
- (5) When any truck, motor vehicle or trailer is carrying gasoline to filling stations, commercial customers or bulk stations located within the city restricted area.
- (6) When any truck, motor vehicle or trailer is carrying such products to be used exclusively for its own propulsion.
- (7) When any truck, motor vehicle or trailer, loaded or partially loaded, has stopped on any street or alley in the city restricted area for the purpose of discharging its products, cargo and contents, or when it is stopped for the purpose of making necessary repairs, or when caused to be stopped under circumstances beyond the control of the driver.

(Ord. No. G-4-04, § 4, 10-4-2004)

Sec. 48-182. - Truck and heavy equipment prohibited on portion of Airline Street, including ~~Pickert Road~~ Peikert Lane.

Truck and heavy equipment traffic is hereby prohibited on Airline Street between south of Fairground Road Henry Barber Way and Highway 238, including ~~Pickert Road~~ Peikert Lane.

Sec. 48-183. - Trucks and heavy equipment upon Airline Street.

(a) *Definitions.* The following definition shall apply in the interpretation and enforcement of this section:

Heavy equipment means any farm or road construction equipment such as tractors, hay balers and backhoes that move over public roadways.

- (b) *Restrictions.* It shall be unlawful for any person or any owner to drive, leave, park or stand any large truck upon Airline Street as designated in section 48-182. This section shall not prevent the parking or standing of any large truck in residential areas on a temporary basis for the purpose of expeditiously loading and unloading passengers, freight or merchandise.
- (c) *Owner, operator, etc., of large truck responsible for damage to city property.* Any person moving, or causing to be moved, a large truck upon Airline Street as described in section 48-182 within the city which causes damage to those streets, bridges, culverts, curbs, gutters, water valves or lines, sewer lines, manholes or cleanouts, traffic signals, poles, or wiring shall be liable for the full amount of damage.
- (d) *Exceptions.* The provisions of this section shall not apply to vehicles that are:
- (1) Any truck making a delivery or service call to property adjoining or abutting Airline Street;
 - (2) School buses;
 - (3) Emergency vehicles; and
 - (4) Public utility vehicles when in the performance of their duties.

(Ord. No. G-10-05, §§ 1—4, 7-11-2005)

Sec. 48-184. Penalties.

It shall be a misdemeanor for any person to perform any act prohibited by the terms of this ordinance or fail to do any act which is required. Any such violation may be punishable by a fine not to exceed Five Hundred and No/100 Dollars (\$500.00).

Secs. 48-185—48-203. - Reserved.

Effective Date: This ordinance shall become effective on March 12, 2019.

FIRST READING this 11th day of February, 2019

Jack Whitlow, Mayor

SECOND AND FINAL READING this 11th day of March, 2019

Jack Whitlow, Mayor

APPROVED AND ADOPTED this 11th day of March, 2019.

Jack Whitlow, Mayor

ATTEST:

Mandy Grant, City Secretary

APPROVED AS TO FORM:

Anne Marie Odefey, City Attorney

RECORD OF VOTE

	First Reading	Second and Final	Passed and Approved
Councilman Smith	Aye	Aye	Aye
Councilman Dent	Aye	Aye	Aye
Councilwoman Regan	Aye	Aye	Aye
Councilwoman Padron	Aye	Aye	Aye
Councilman Ward	Aye	Aye	Aye
Councilman Barr	Aye	Absent	Absent

Record of approval by City Council: City Council Minute Records, Volume 3G, Page ____.