

ORDINANCE NO. 1026-3

An Ordinance of the City Council of the City of Pearland, Texas, amending Chapter 29, Article XVI, *Truck Traffic*, of the City of Pearland Code of Ordinances, as it may have been, from time to time amended, providing for enforcement and penalties, and containing other matters relating to the subject; providing a penalty for violation; having a savings clause, a repealer clause, a severability clause; providing for codification, publication and an effective date.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS:

Section 1. That Chapter 29, Article XVI, of the City Code of Ordinances is hereby amended to read as follows:

“ARTICLE XVI

TRUCK TRAFFIC

Sec. 29-351 Load Limits and Oversized Vehicles.

- (a) It shall be unlawful for any person to operate any commercial motor vehicle over, on, or upon any public street or right-of-way in the City of Pearland, Texas, other than state-owned or maintained highways, which has a gross weight in excess of one or more of the following limitations:
- (1) The total gross weight for which the commercial motor vehicle is licensed with the State of Texas; or
 - (2) Twenty thousand (20,000) pounds per single axle as defined in the Texas Transportation Code (hereinafter, the “Code”).
 - (3) Thirty-four thousand (34,000) pounds per tandem axle as defined in the Code.
 - (4) Recyclable/solid waste trucks operated in compliance with Chapter 622 of the Code; or

ORDINANCE NO. 1026-3

- (5) Ready Mix concrete trucks operated in compliance with Chapter 622 of the Code; or
 - (6) Eighty thousand (80,000) pounds gross vehicle weight.
- (b) Commercial motor vehicles operating in compliance with Chapter 623 of the Code shall be authorized to have additional weight permitted as described in the Code.
- (c) Commercial motor vehicles requiring an oversize (height or width) permit from the State of Texas shall obtain a permit from the City if the vehicle will be operated on a City maintained roadway. The permit, or copy thereof, shall be carried in the vehicle and made available, on demand by any police officer, for verification that the vehicle is operating on a City approved route.

Sec. 29-352 Permits

The City Engineering Department ("Department") may issue a permit for the travel of commercial vehicles over City streets or state highways within the City of Pearland with loads in excess of the load limits provided in Section 29-351 of this Chapter, but only when it is impossible or impractical to reduce the weight of the load or use a vehicle capable of hauling the load within the prescribed limit. Such permit shall be issued for only one (1) day and for only one (1) trip by each vehicle. The Department shall determine the route of travel of said vehicle and the permit shall specify the date of the trip, the license plate number of the vehicle, and the route of travel. The permit applicant, prior to issuance of a permit, shall pay a permit fee in the amount of two hundred ten dollars (\$210.00). The

ORDINANCE NO. 1026-3

permit, or copy thereof, shall be carried in the vehicle and made available, on demand by any police officer, for verification that the vehicle is operating on a City approved route.

(a) The limitation on weight prescribed by Section 29-351 of this Chapter shall not apply to road construction and maintenance machinery operated on a street by the City or other governmental entity, or any contractor operating such machinery in the performance of a contract with the City or other governmental entity. In the event the machinery described by this section exceeds the weight limits of Section 29-351, the person in charge thereof shall first obtain a permit from the Department that designates the route, including streets and bridges, over which the machinery will operate.

(b) Any person operating a vehicle or machinery that exceeds the weight limits contained in this Chapter shall be liable to the City for any damage to City infrastructure resulting from such operation. The applicant, prior to issuance of a permit, shall file a surety bond, issued by a surety company authorized to do business in the State of Texas, in an amount established by the Department, to guarantee the restoration of any damage to City infrastructure resulting from the operation of the permitted vehicle in the City.

Sec. 29-353 Truck Routes. All commercial motor vehicles shall confine their travel within the City of Pearland to the following streets or highways or parts thereof:

- 1) State Highway 288, from north city limits to south city limits;
- 2) State Highway 35 (Main Street), from north city limits to south city limits;
- 3) FM 518 (Broadway Street), from SH 288 to east city limits;

ORDINANCE NO. 1026-3

- 4) Mykawa Road, from FM 518 (Broadway Street) to north city limits;
- 5) McHard Road, from State Highway 35 (Main Street) to Mykawa Road;
- 6) FM 1128 (Manvel Road) from FM 518 (Broadway Street) to south city limits;
- 7) FM 2234 (Shadow Creek Parkway) from State Highway 288 west to FM 521 (Almeda Road);
- 8) FM 865 (Cullen Road) from FM 518 (Broadway Street) to north city limits.
- 9) Dixie Farm Road, from north city limits to State Highway 35.

Each commercial route shall be clearly marked as a Truck Route at its intersection with the city limits, at each intersection with other truck routes, and at such other locations along its course as shall be deemed necessary by the Department, to adequately designate it for commercial motor vehicle travel.

Sec.29-354 Weight Limits on Specific Streets. No person shall operate a vehicle, with a gross weight in excess of the posted weight limits or allowable axles, on a City street for which a sign has been posted giving notice of the limitations.

Sec. 29-355 Periods of Loading and Unloading. In the event that a commercial vehicle completely or partially loads and/or unloads at a point which does not lie on a designated truck route, the commercial vehicle may proceed to and from such points of loading and/or unloading, providing that the commercial vehicle follows the shortest route from a designated truck route to and from each point of loading or unloading or otherwise as may be specified by the Director of Public Works.

Sec. 29-356 Exceptions.

- (a) Emergency Vehicles. The operation of emergency vehicles upon any street in the City.

ORDINANCE NO. 1026-3

- (b) City Vehicles. The operation of commercial vehicles owned or operated by the City upon any street in the City.
- (c) Detoured Trucks. The operation of commercial vehicles upon detours established by the Director of Public Works, provided such commercial vehicle could lawfully be operated upon the street for which such detour is established.
- (d) Local Operations. Any commercial vehicle traveling to and from its base of operation or storage not located on a designated truck route, provided the base of operation or storage is designated as a place of business on the tax rolls of the City and was in operation prior to the passage of this Article or annexation of said base of operation or storage into the City. For purposes of this ordinance, a landfill shall be considered the base of operation for commercial vehicles traveling to or from its location.

Sec. 29-257 Enforcement.

- (1) The Department shall keep and maintain accurate maps setting out truck routes and streets upon which commercial vehicle traffic is permitted. The maps shall be posted on the City's website, maintained on file in the office of the City Secretary, and shall be made available to the public.
- (2) Any police officer having reason to believe that the gross weight or axle load of a motor vehicle is unlawful, is authorized to weigh the same by means of certified portable or stationary scales, or the officer may cause the vehicle to be weighed by any public weight service and require the vehicle to be driven to the nearest

ORDINANCE NO. 1026-3

available scales for the purpose of weighing the vehicle. After weighing, if it is determined that the vehicle exceeds the weight limits of this Chapter, then the cost of the weighing shall be due and payable by the operator of the vehicle to the individual that provided the weighing service.

- (3) In the event the gross weight of a commercial vehicle or an axle load exceeds the maximum allowed weight plus a tolerance of five percent (5%) of the gross weight of authorized by law, any police officer may require the operator of the vehicle to unload or rearrange the cargo to comply with the requirements of this Chapter if the police officer determines that such unloading and rearranging of cargo may be safely accomplished at the location where the vehicle was weighed or the police officer may require the operator of the vehicle to proceed to an alternate location. Any alternate location shall be the nearest such place to public property, property under the control of the operator or their principal, or property where consent to unload and rearrange cargo has been obtained.

Section 2. **Penalty.** Any person who violates the provisions of this section shall be deemed guilty of a misdemeanor and shall, upon conviction by a court of competent jurisdiction, be punished by a fine not to exceed Five Hundred Dollars (\$500.00).

Section 3. **Declaration of Emergency.** The Council finds and determines that the need to decrease allowable truck weight and to update street names and truck routes inures to the benefit of the traveling public and, therefore, bears directly upon the health, safety and welfare of the citizenry; and that this Ordinance shall be adopted as an

ORDINANCE NO. 1026-3

emergency measure, and that the rule requiring this Ordinance to be read on two (2) separate occasions be, and the same is hereby waived.

Section 4. **Savings.** All rights and remedies which have accrued in favor of the City under this Chapter and amendments thereto shall be and are preserved for the benefit of the City.

Section 5. **Severability.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid, unconstitutional or otherwise unenforceable by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 6. **Repealer.** All ordinances and parts of ordinances in conflict herewith are hereby repealed but only to the extent of such conflict.

Section 7. **Codification.** It is the intent of the City Council of the City of Pearland, Texas, that the provisions of this Ordinance shall be codified in the City's official Code of Ordinances as provided hereinabove.

Section 8. **Publication and Effective Date.** The City Secretary shall cause this Ordinance, or its caption and penalty, to be published in the official newspaper of the City of Pearland, upon passage of such Ordinance. The Ordinance shall then become effective ten (10) days from and after its publication, or the publication of its caption and penalty, in the official City newspaper.

ORDINANCE NO. 1026-3

PASSED and APPROVED ON FIRST READING this the 9th day of June, A. D., 2014.

TOM REID
MAYOR

ATTEST:

YOUNG LORFING
CITY SECRETARY

PASSED and APPROVED ON SECOND AND FINAL READING this the 23RD day of June, A. D., 2014.

TOM REID
MAYOR

ATTEST:

YOUNG LORFING
CITY SECRETARY
APPROVED AS TO FORM:

DARRIN M. COKER
CITY ATTORNEY