

ORDINANCE NUMBER 07-17

AMENDED TRUCK ROUTE ORDINANCE

THIS ORDINANCE FULLY REPLACES 04-98

AN ORDINANCE PROHIBITING TRUCKS, TRUCK TRACTORS, AND ROAD TRACTORS FROM ENTERING STATE HIGHWAY 11 FROM EITHER STATE HIGHWAY 8 OR U.S. HIGHWAY 59 AND FROM ENTERING FARM TO MARKET ROAD 125 FROM EITHER STATE HIGHWAY 8 OR U.S. HIGHWAY 59; AND FROM ENTERING SPUR HIGHWAY 125 FROM U.S. HIGHWAY 59; DEFINING TERMS USED WITHIN THE ORDINANCE; EXEMPTING CERTAIN VEHICLES AND DESIGNATING CONDITIONS UNDER WHICH TRUCKS MAY ENTER RESTRICTED AREA; DECLARING VIOLATION OF ORDINANCE A MISDEMEANOR; PROVIDING A PENALTY FOR VIOLATION OF A FINE OF NOT MORE THAN \$100.00; REQUIRING SIGNS TO BE ERECTED; PROVIDING A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES; PROVIDING TO TAKE EFFECT AND BE IN FORCE AFTER THE PASSAGE AND PUBLICATION AS PROVIDED BY LAW; AND AMENDING ORDINANCE NUMBER 10-97 HERETOFORE PASSED BY THE CITY COUNCIL ON SEPTEMBER 8, 1997;

BE IT ORDAINED by the Council of the City of Linden, Texas:

Section 1. This entire ordinance is and shall be deemed an exercise of the policy power of the State of Texas, and of the City of Linden, Texas, for the public safety, comfort, convenience and protection of the city and citizens of said city and all of the provisions hereof shall be construed for the accomplishment of that purpose.

Section 2. The following words and phrases when used in this ordinance shall, for the purposes of this act, have the meaning respectively ascribed to them in this ordinance.

- (A) Passenger vehicle. Vehicles normally used for private use and carrying less than ten passengers commonly referred to as automobiles.
- (B) Authorized Emergency Vehicle. Vehicles of the fire department (fire patrol), police vehicles, and such ambulances and emergency vehicles of the City of Linden, Texas departments or public service corporation as are designated or authorized by the Mayor.
- (C) School Bus. Every motor vehicle owned by a public or governmental agency and operated for the transportation of children to or from school.
- (D) Truck Tractor. 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.
- (E) Road Tractor. Every motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight of a vehicle or load so drawn.
- (F) Truck. Every motor vehicle designed, used or maintained primarily for the transportation of property, but not including that group or class of vehicles commonly referred to as pickup truck, whose rating in tonnage is one ton or less.
- (G) Pickup Truck. Vehicle commonly referred to as such with the rating one ton or less.

- (H) Trailer. 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 vehicles.
- (I) Semi-Trailer. 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.
- (J) Pole Trailer. Every vehicle 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 the transporting of long or irregularly shaped loads, such as poles, pipes, or structural members capable, generally, of sustaining themselves as beams between the supporting connections.
- (K) Utility Trailer. Every vehicle without motive power equipped with either two or four wheels designed to carry light loads and to be drawn by a passenger vehicle, used primarily in and about private residence, and not normally used as a commercial vehicle.

Section 3. It shall be hereafter unlawful for any person to operate or drive a thru truck tractor, road tractor, truck, or pull a trailer or semi-trailer, or pole trailer in and upon the state highways heretofore designated within the city limits of the City of Linden, Texas.

Section 4. That under the following conditions, truck and truck tractors may enter those prohibited areas:

- (A) Where such truck or truck tractor's purpose for entering is to go to the operator's residence, and where such entry is made and the vehicle is parked overnight, the operator must park the same off of the city street.
- (B) That this ordinance is not to be understood to apply to the following vehicles, and unless otherwise regulated, then they are specially exempt:
 - (1) Authorized emergency vehicles, as defined in this ordinance.
 - (2) Vehicles making delivery or pickup in such restricted area.
 - (3) Utility trailers, as defined in this ordinance, except such utility trailers shall not be left parked upon the public streets or sidewalks overnight.
 - (4) Pickup trucks as defined in this ordinance.
 - (5) School buses.

Section 5. That appropriate signs and markers designating restricted entrance be constructed subject to the approval of the State Highway Department.

Section 6. Any person, firm or corporation violating any provision of this ordinance or fails to observe any provisions hereof shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum of not more than \$100.00.

Section 7. Each and every provision, paragraph, sentence and clause of this ordinance has been separately considered and passed by the council of the City of Linden, Texas, and each said provision would have been separately passed without any other provision and if any provision hereof should be ineffective, invalid, or unconstitutional for any cause, it shall not impair, nor affect the remaining portion nor any other part thereof, but the valid portion shall be enforced just as if it had been passed alone and all ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 8. This ordinance shall take effect and be in force from and after its passage and publications provided by law.

PASSED and APPROVED this the 13th day of November, 2017.

Clarence Burns, Mayor

ATTEST:

Robert W. Swisher, City Administrator