

ORDINANCE_47__

AN ORDINANCE PROVIDING RESTRICTIONS FOR COMMERCIAL VEHICLES AND PARKING OF COMMERCIAL VEHICLES UPON RESIDENTIAL STREETS: PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT: PROVIDING FOR A SEVERABILITY CLAUSE: PROVIDING AN EFFECTIVE DATE: AND PROVIDING FOR A PENALTY CLAUSE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOG CABIN, TEXAS:

SECTION 1: COMMERCIAL VEHICLES AND ROUTES

A. Commercial Vehicles. It shall be unlawful for any person to operate any commercial vehicle rated in excess of one (2) ton, according to the manufacturers classification, upon any street, boulevard, avenue, or alley within the limits of the City, except designated United States or State highway or a designated truck route; provided that any such commercial vehicle may leave any designated United States or State Highway or designated truck route and travel on any street, boulevard, avenue or alley within the city for the purpose of providing emergency, municipal or public utility services, or delivering or picking up goods, wares, materials, equipment, vehicles or merchandise.

B. Truck Routes Established. Every United States and State Highway and Farm to Market Road within the limits of the City is hereby designated as a truck route under the terms of this section.

C. Parking of Commercial Vehicles. Commercial vehicles shall not be parked and left over-night upon any public street or public way in the City.

D. Certain Diesel Powered Vehicles. Diesel powered tractors and truck-tractors shall not be operated on any predominately residential street between the hours of 9:30 P.M. and 6:30 A.M.

E. Definitions. As used in this Section the following terms shall have the meaning and definition as follows:

1. Commercial Vehicle means any commercial vehicle as defined in the Section 641.001, Texas Transportation Code, that is not a passenger car or light pickup truck.
2. Vehicle Load Limit means any axle or gross weight limit as established by Section 621.004, Texas Transportation Code.

SECTION TWO: COMMERCIAL VEHICLES WITHIN RESIDENTIAL AREAS.

It shall be unlawful for any person or any owner to leave, park or stand any commercial vehicle, truck-tractor, road tractor, semi-trailer, bus, truck or trailer with a rated capacity in excess of one (2) ton, according to the manufacturer's classification, upon any public street or highway within any area zoned as residential according to the Zoning Ordinance of the City. This shall not prevent the parking or standing of the above-described vehicles in said zoned areas for the purpose of expeditiously loading and unloading passengers, freight or merchandise, but not otherwise.

SECTION THREE: EXCEPTIONS.

The following vehicles are exempt from the terms of this ordinance while engaged in the listed activity:

- A. Emergency vehicles (as defined by State Law) responding to or from, or at the scene of, an emergency call;
- B. Vehicles being used to provide any municipal service such as the installation, repair or maintenance of any public street, asset or property, collection of garbage, grounds keeping, etc.; and
- C. Vehicles being used to install, repair or maintain any public service or utility such as telephone, electricity, cable television, gas, water or sewer line.

SECTION FOUR: ENFORCEMENT.

The Chief of Police and members of the Police Department, both regular and reserve officers, are empowered to enforce this ordinance.

SECTION FIVE: TOWING AND REMOVAL.

Any commercial vehicle which shall be or remain standing or parked upon any public street, avenue, way, alley or other public place in violation of this ordinance, the owner or driver of which vehicle has been given previous notice or citation for parking such vehicle in violation of this ordinance, may be removed by or upon an order by a police officer. The owner of such vehicle shall be responsible for the payment of any fees incurred for the towing and/or storage of said vehicle.

SECTION SIX: PARKING ON PRIVATE PROPERTY.

It shall be unlawful to park any commercial vehicle on any private property without the consent of the owner of the property.

SECTION SEVEN: PENALTIES.

Any person convicted of violating any provision of this ordinance shall be guilty of a misdemeanor and shall be subject to a fine in an amount not to exceed Two Hundred dollars (\$200.00).

SECTION EIGHT: PRIMA FACIE EVIDENCE.

In any prosecution charging a violation of this ordinance governing the standing of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of this ordinance, together with proof that the defendant named in the complaint was, at the time of such parking, the registered owner of such vehicle, shall constitute in evidence a prima facie presumption that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred.

SECTION NINE: REPEAL OF CONFLICTING ORDINANCES.

All ordinances or parts of ordinances inconsistent with or in conflict with this ordinance are hereby repealed to the extent of such inconsistency or conflict.

SECTION TEN: SEVERABILITY.

If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications hereof which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION ELEVEN: OPEN MEETINGS.

That it is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551, Local Government Code.

SECTION TWELVE: EFFECTIVE DATE.

This ordinance shall take effect immediately upon its adoption by the City Council and publication as required by the Local Government Code.

PASSED AND APPROVED THIS _____ DAY OF _____ 1996.

JOHN-DAVID BROOME
MAYOR
CITY OF LOG CABIN, TEXAS

ATTEST: _____
SHIRLEY TOWNSEND
CITY SECRETARY

ORDINANCE NO. 47

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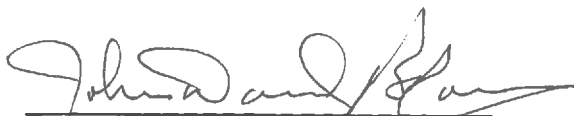
PASSED AND APPROVED THIS 16th DAY OF MARCH, 1996.


JOHN-DAVID BROOME, MAYOR
CITY OF LOG CABIN

ORDINANCE NO. 49

AN ORDINANCE PROVIDING FOR THE REPAIR OR REMOVAL OF DANGEROUS BUILDINGS: PROVIDING FOR A SEVERABILITY CLAUSE: PROVIDING AN EFFECTIVE DATE: AND PROVIDING FOR A PENALTY CLAUSE.

PASSED AND APPROVED THIS 16th DAY OR MARCH, 1996.


JOHN-DAVID BROOME, MAYOR
CITY OF LOG CABIN