

**CITY OF PEÑITAS**

**ORDINANCE 2023-30**

**AN ORDINANCE OF THE CITY OF PEÑITAS, TEXAS, AMENDING ORDINANCE 2020-03, REGULATING AND ESTABLISHING TRUCK AND HAZARDOUS MATERIAL ROUTES WITHIN THE CITY LIMITS OF PEÑITAS; PROVIDING FOR EXCEPTIONS AND CONDITIONS TO SAME; PROVIDING A CRIMINAL FINE NOT TO EXCEED \$1,000.00 PER VIOLATION; PROVIDING FOR ENACTMENT REPEALER AND SEVERABILITY; PROVIDING FOR PUBLICATION, EFFECTIVE DATE, POSTING OF SIGNS, AND COMMENCEMENT OF ENFORCEMENT; FINDING PROPER NOTICE & MEETING.**

**WHEREAS**, the City of Peñitas is a Home Rule City in the State of Texas; and

**WHEREAS**, pursuant to Texas Transportation Code Section 311.001, the City of Peñitas ("City") has exclusive control over and under the streets, alleys and public highways of the municipality (hereinafter, "streets"); and

**WHEREAS**, pursuant to Texas Local Government Code Section 51.012, the City has general authority to adopt an ordinance not inconsistent with state law, that is necessary for the government, interest, welfare, or good order of the municipality; and

**WHEREAS**, the City Council of the City of Peñitas, Texas, has the authority to enact laws for the protection of the resident's public health and safety; and

**WHEREAS**, the City Council of the City of Peñitas, Texas, in the adoption of this ordinance finds that it is in the best interest of the welfare and safety of its residents to regulate the operation of any truck, semi-trailer, or road tractor on the following streets;

**WHEREAS**, pursuant to Texas Local Government Code Section 54.001, the City has the general authority to impose a fine or penalty of up to \$1,000.00 for violation of an ordinance,

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PEÑITAS, TEXAS THAT:**

**1. Definitions.**

The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Hazardous material* means a substance or material in a quantity and form which may pose an unreasonable risk to health and safety or property. Hazardous materials may include products which are described as explosive, radioactive, etiologic agents, flammable or combustible liquids or solids, poisons, oxidizing or corrosive and compressed gasses.

*Hazardous material route* means a roadway designated as such in this article and upon which hazardous materials are authorized to be transported.

*Motor vehicle* means every device in or by which any person or property may be transported or drawn upon a public highway and which device is self-propelled.

*Road tractor* means every motor vehicle designed or used for drawing other vehicles or loads and not so constructed as to carry a load independently or any part of the weight of the drawn road or vehicle.

*Semi-trailer* means vehicles of the trailer type, so designed or used in conjunction with a motor vehicle that some part of its own weight and that of its load rests upon or is carried by another vehicle.

*Truck* means any motor vehicle designed, used or maintained primarily for the transportation of property with a manufacturer-rated carrying capacity exceeding 2,000 pounds and is not intended to include those trucks commonly known as pickup trucks, panel delivery trucks and carry-all trucks, unless they are carrying hazardous material.

*Truck route* means a roadway designated as such in this article and upon which the operation of trucks, semi-trailers or road tractors is authorized.

*Truck traffic* means vehicular traffic of trucks, semi-trailers or road tractors.

## **2. Truck and hazardous material routes.**

There is hereby established and created certain truck and hazardous material routes through and around the city for all trucks, semi trailers, road tractors or any vehicle carrying hazardous materials entering or exiting the city, as follows (See Exhibit A):

STREET	EXTENT
a. I-2 / Business Expressway 83	Westbound and Eastbound within City Limits
b. Mile 3 Road	Westbound and Eastbound within City Limits
c. Mile 4 Road	Westbound and Eastbound within City Limits
d. Tom Gill Road Line)	Northbound and Southbound (North of 3 Mile
e. Military Road	Westbound and Eastbound starting from the Western boundary of Texas FM1427/Main Street within City Limits to the Easternmost boundary of the City Limits

The designated truck and hazardous material routes through and around the city shall be illustrated in exhibit A attached hereto by reference and available in the city offices and made a part of this ordinance.

## **3. Through traffic.**

Through traffic of any truck, semitrailer, road tractor or hazardous material carrier on any street within the city, other than those streets or highways specifically designated, is expressly prohibited and declared to be unlawful.



#### **4. Exceptions.**

- a. The terms, provisions and regulations set forth in this ordinance do not and are not intended to apply to trucks, semi trailers, road tractors or hazardous material carriers entering the city and traveling on streets other than those designated in this ordinance for the purpose of pickup and delivery to specific locations.
- b. Street construction, maintenance and repair vehicles while engaged in the construction, maintenance, or repair of city streets.
- c. Authorized emergency vehicles responding to emergency calls or vehicles on emergency business involved in the saving of life or property.
- d. Vehicles used or operated by the city performing city business.
- e. Vehicles used for school and church business.
- f. Garbage service vehicles while involved in the provision of services to residents of the City.
- g. Vehicles used by a city franchisee for the franchisee's approved activities (excludes County or other governmental entity vehicles).
- h. All vehicles departing from established truck and hazardous material routes under the stated exceptions in this ordinance shall return to such route by the most direct means practical.
- i. Heavy vehicles traveling or operated upon any street designated as a United States or State Highway;
- j. Recreational vehicles - personal vehicles such as boats and boat trailers, watercraft and watercraft trailers, travel trailers, pickup campers or coaches (designed to be mounted on automotive vehicles), motorized dwellings, tent trailers and the like, and all-terrain vehicles.

#### **5. Signs.**

The Public Works Director for the city is hereby directed to post appropriate signs, at his discretion, upon local streets notifying the public that no truck or hazardous material traffic is allowed thereon. These signs shall conform to current standards, as set out in the Texas Manual on Uniform Traffic Control Devices with regard to shape, size, color, letter size, style, mounting and location.

#### **6. Registry of Trucks.**

Any trucks, semi trailers, road tractors or any vehicle carrying hazardous materials entering or exiting the city, may travel within the residential roads through the City with the intent to park at a residence of a resident of the City; said vehicle will be allowed to park

within the residential lot only if the vehicle is registered and approved by the City prior to being brought into the City; once the vehicle is registered with the City, the City will issue a permit for each vehicle to the resident free of charge; no more than two (2) trucks, semi trailers, road tractors or any vehicle carrying hazardous materials will be allowed to be parked in a within a residential lot; said vehicles are prohibited from parking on any City roadway, easement or alley.

#### **7. Penalty.**

It shall be unlawful for any person, firm, or corporation to operate a vehicle in violation of this ordinance. Any person, firm or corporation convicted of an offense under this ordinance of the city shall be considered to be endangering the health of the citizens of the city and will be subject to a fine of not less than One Dollar (\$1.00) and no greater than One Thousand Dollars (\$1,000.00) and each and every day or infraction of a day in which this Ordinance or any part thereof shall be violated shall be deemed a separate offense and punished as such.

#### **8. Severability.**

All Ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated herein.

#### **9. Repealer.**

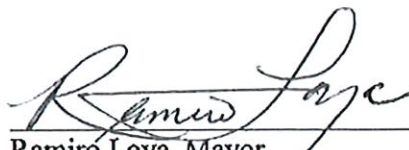
All Ordinances, or parts thereof, that are in conflict or inconsistent with any portion of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

#### **10. Proper Notice & Meeting**


It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given required Open Meetings Act, Texas Government Code, Chapter 551. Notice will also be provided as required by Chapter 52 of the Texas Local Government Code.

Passed by an affirmative vote of all members of the City Council, with first reading on the 20<sup>th</sup> day of October 2023, and second reading and waiving third reading on December 6, 2023, with an effective date of December 6, 2023.

APPROVED:

  
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Ramiro Loya, Mayor

ATTEST:

  
\_\_\_\_\_  
Janney Quintero  
City Secretary

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Monica Galvan, City Attorney



# EXHIBIT A



# City of Peñitas

 APPROVED TRUCK ROUTES

