

**ORDINANCE NO. 232**

AN ORDINANCE OF THE CODE OF ORDINANCES OF THE CITY OF BEVIL OAKS WHICH IS AN ORDINANCE REGULATING COMMERCIAL TRUCK TRAFFIC ON STREETS WITHIN THE CITY OF BEVIL OAKS, PROVIDING DEFINITIONS, ALLOWING FOR PICKUP OR DELIVERY, SANITATION SERVICES, PERMITTED LOADS WITH BOND/INSURANCE PROTECTION, PROVIDING PENALTIES, REPEALING ALL ORDINANCES IN CONFLICT AND EFFECTIVE DATE.

**WHEREAS**, truck traffic on the streets of Bevil Oaks has caused damage to the streets and said damage poses a danger to the Citizens of Bevil Oaks;

**WHEREAS**, the City Council of the City of Bevil Oaks desires to regulate truck traffic within the City;

**WHEREAS**, the City Council of the City of Bevil Oaks has found that regulating the presence of large load-type vehicles will positively impact the safety of its citizens and

**WHEREAS**, the City Council of the City of Bevil Oaks had concluded that controlling commercial traffic in the City's residential neighborhoods will improve the residents' quality of life.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Bevil Oaks:

**SECTION 1: DEFINITIONS**

The following words and phrases when used in this ordinance, shall, for the purpose of this ordinance, have the meanings respectively ascribed to them as follows:

**Truck**: Every commercial motor vehicle designed, used or maintained primarily for the transportation of property, and designed for, or having greater than a gross weight of 54,000 lbs, axle weight of 20,000 lbs or a 10,000 lb single wheel load.

**Oversize load**: An oversize load is defined as a load in excess of eighty thousand (80,000) pounds total weight, or twenty thousand (20,000) pounds on any axle, or thirty-four thousand (34,000) pounds on any tandem axle, or more than eight (8) feet six (6) inches in width, or above fourteen (14) feet in height, or above sixty-five (65) feet in total length including the vehicle.

**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 ordinarily used for transporting long or irregularly shaped loads, such as poles, pipes, logs or structural members capable, generally of sustaining themselves as beams between the supporting connections.

**Semi-trailer**: Every vehicle without motive power, other than 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.

Trailer: Every vehicle 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 vehicle except for the towing connection.

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.

Truck Traffic: The operation of any commercial truck or any combination of a truck tractor, trailer, semi-trailer or pole trailer.

Utilities: For the purpose of this ordinance, utilities is defined as services that provide electricity, natural gas, water and sewer, telephone and cable television to the citizens of the City of Bevil Oaks.

**SECTION 2: Truck routes:**

For the purpose of this ordinance, those streets and thoroughfares within the corporate limits of the City of Bevil Oaks which are enumerated as follows are hereby designated as truck routes, including trucks moving oversize loads:

<u>ROUTE</u>	<u>EXTENT</u>
State Highway 105	Entire extent within corporate limits of the City

**SECTION 3: Trucks confined thereto: exception to family vehicles**

No person, firm, company, or corporation shall operate truck traffic upon any roads, avenues, streets or thoroughfares within the corporate limits of the City of Bevil Oaks, Texas except on those which are designated as truck routes in Section 2 hereinabove; provided that, where any truck is the sole transportation of a family, it may be operated on any public thoroughfare within the City of Bevil Oaks, Texas when absolutely empty of any type of cargo and for family transportation exclusively.

**SECTION 4: Trucks confined thereto: exception to utilities and sanitation vehicles**

No person, firm, company, or corporation shall operate truck traffic upon any roads, avenues, streets or thoroughfares within the corporate limits of the City of Bevil Oaks, Texas except on those which are designated as truck routes in Section 2 hereinabove; provided that, any truck owned and operated by a utilities or sanitation company contracted with the City of Bevil Oaks for the purpose of utilities maintenance and garbage collection, it may be operated on any public thoroughfare within the City of Bevil Oaks, Texas during the course of routine utilities maintenance or garbage collection exclusively.

**SECTION 5: Trucks confined thereto: exception to permitted vehicles with appropriate bond or insurance using approved routes.**

(a) No person, firm, company, or corporation ("person") shall operate truck traffic upon any roads, avenues, streets or thoroughfares within the corporate limits of the City of Bevil Oaks, Texas unless it obtains a permit from a City Code Enforcement Officer that contains the following information and confirmation of the following action(s):

1. Approved Route(s) by street denoting ingress and egress from the site and the City of Bevil Oaks.
2. Approval for number of loads (the authorizing official may enumerate a specific amount of times the routes may be used by the truck before re-authorizing the permit for additional loads)
3. Approved times of operations permitted for Trucks on City roads.
4. Name and Address of Primary Company and any Sub-contracting Company performing work (with cellular phone numbers for immediate daytime access)
5. File a surety bond with the Code Enforcement Officer, or his designee which bond would protect the City against damages to its property, including but not limited to streets, curbs, gutters and sidewalks; or, in the alternative, provide insurance coverage in the minimum amount of FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00) covering damage to the same properties whether such damage is due to the negligence of insured parties or typical use by Trucks. Submission of certificates of insurance coverage or related documents pertaining to insurance coverage shall be an affirmative representation and warranty by the person (requesting or using a permit) that the insurance coverage adequately and appropriately protects the City from damage to its property including but not limited to streets, curbs, gutters and sidewalks whether such damage is due to the negligence of insured parties or typical use by Trucks.
6. Certification that oversize loads shall not be moved, parked, unloaded or otherwise maneuvered on City roads.

(b) Such a permit must accompany each load the truck makes and be available at all times while the load is operating within the City limits. The truck operator shall keep a log of each trip within the City that is available for inspection and copying upon request.

(c) Permits shall be issued for the following time periods at the following fees:

<u>Time Period</u>	<u>Fee</u>
Single move	\$50.00
1 month	\$150.00
3 months	\$250.00
6 months	\$350.00
1 year	\$500.00

(d) The Code Enforcement Officer or his designee is hereby authorized to promulgate regulations and forms concerning application, times of operation, methods of operation, involvement with third party engineers or persons knowledgeable regarding road maintenance and repair, escort requirements, notification of utility companies and other relevant requirements, and may issue permits with specific requirements related to the load and its proposed route of travel.

#### SECTION 6: Pick-up and Delivery

Truck traffic restricted to truck routes may depart from such truck routes when it is necessary to load or unload at locations situated off designated truck routes. Provided, however, such truck traffic shall leave any designated truck route which is nearest the applicable place of loading or unloading by the most direct route possible.

**SECTION 7: Erection of Signs**

The Mayor shall cause to be erected appropriate signs and markings advising motorists of truck traffic restrictions established by this ordinance, but it is specifically provided that the absence of such signage and markings shall not affect the validity of this ordinance or the enforcement of the provisions hereof.

**SECTION 8: Criminal Penalty and/or Civil Liability**

Any person, firm, company or corporation who shall violate any provision of this article shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine not to exceed two hundred dollars (\$200.00) and each such offense shall be deemed to be a separate violation and punishable as a second offense. Further, any such person(s), firm(s), company(ies) or corporation(s) is fully liable for damages to its property, including but not limited to streets, curbs, gutters and sidewalks.

**SECTION 9: Repealing Clause**

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

**SECTION 10: Effective Date**


That the present ordinances of the City of Bevil Oaks are inadequate in providing for the proper regulation of commercial motor vehicles on City streets, creates an urgency and an emergency for the preservation of the public health, safety and welfare, and requires that this Ordinance shall be effective from and after its passage and the publication of the caption of this Ordinance.

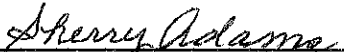
**SECTION 11: Severability**

That if any section, subsection, sentence, clause or phrase of the Ordinance, or the application of the same to particular set of persons or circumstances, should for any reason be held to be invalid, such invalidity shall in no way affect the remaining portions of this Ordinance and to such end the various portion and provisions of this Ordinance are declared to be severable.

**PASSED AND APPROVED AND EFFECTIVE FROM this 27th day of June, 2011.**

**ATTEST:**

  
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Rebecca M. Ford, Mayor  
City of Bevil Oaks, Texas

  
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Sherry Adams, City Secretary  
City of Bevil Oaks