

ORDINANCE NO. 2020-321

AN ORDINANCE OF THE CITY OF DEVERS, TEXAS, REGULATING THE WEIGHT OF VEHICLES TRAVELING IN THE CITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Devers, Liberty County, Texas (the "City"), is a Type B general-law municipality; and

WHEREAS, the City Council of the City of Devers, Liberty County, Texas (the "City Council"), has the authority to adopt an Ordinance, not inconsistent with state law, that the City Council considers proper for the governance of the City pursuant to Texas Local Government Code, Section 51.032; and

WHEREAS, the City Council finds it necessary and proper for the government, interest, welfare, and good order of the City to regulate the streets within the City's boundaries by preventing heavy vehicles from disturbing communities and excessively damaging the City's streets; and

WHEREAS, the City Council wishes to prevent vehicles, oil field equipment or other weighted items having a combined gross weight of more than 26,000 pounds, or more than 10,000 pounds on residential roads, (hereinafter, "Heavy Vehicles") from traveling through the City of Devers; and

WHEREAS, having carefully evaluated the streets and traffic situation in Devers, the City Council finds that there are reasonably available alternate routes outside the city limits for Heavy Vehicles; and

WHEREAS, pursuant to Texas Local Government Code Section 54.001, the City has general authority to impose a fine or penalty of up to \$500.00 for violation of an Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DEVERS, LIBERTY COUNTY, TEXAS THAT:

1. WEIGHT LIMIT AND RESTRICTIONS; EXCEPTIONS AND CONDITIONS.

- A. Vehicles having a combined gross weight over 26,000 pounds, or a combined gross weight over 10,000 pounds for residential roads, ("Heavy Vehicles") shall not travel within the municipal boundaries of the City of Devers, except as may be allowed under the terms of this Ordinance.
- B. A vehicle subject to this Ordinance shall be equipped and maintained as required by Texas Transportation Code § 725.021 to prevent loose material from escaping by blowing or spilling.
- C. The Heavy Vehicles limitations prescribed by this Ordinance shall not apply to:
 - (1) Heavy Vehicles traveling or operated upon any street designated as a United States or State highway;
 - (2) Heavy Vehicles making delivery of goods and services within the City;
 - (3) Fire trucks or other emergency vehicles or vehicles on emergency business involved in the saving of life or property;
 - (4) Implements of husbandry incidentally moved upon a road;
 - (5) Road repair, construction or maintenance vehicles while involved in the repair, construction, or maintenance of roads within the City; or

(6) Garbage service vehicles while involved in the provision of services to residents of the City.

D. A Heavy Vehicle which would otherwise be restricted is permitted to make pick-ups, deliveries, or service calls in the City but shall restrict its travel through City streets to a minimum. Said vehicle shall be driven in such a manner as to proceed to its destination or destinations in the City by the most direct route. Upon completion of the pick-ups, deliveries, or service calls, the vehicle shall leave the City by the most direct route. In the performance of such pick-ups, deliveries, or services calls, the vehicle shall not be permitted to remain in the City overnight. This section shall not be interpreted as permitting a vehicle otherwise restricted from entering or leaving the City.

2. FINES AND PENALTIES

It shall be unlawful for any person, firm, or corporation to operate a vehicle in violation of this Ordinance. Any person, firm or corporation violating any provision of this Ordinance or failing to observe any provision hereof shall upon conviction be guilty of a misdemeanor and shall be fined a sum not more than Five Hundred Dollars (\$500.00). Each and every day in which this Ordinance or any part thereof shall be violated shall be deemed a separate offense and punished as such.

3. SIGNAGE

The Mayor of the City of Devers, or his or her designee, is hereby authorized to procure and have erected appropriate traffic control signs as required by the laws of the State of Texas, providing notice of the restrictions imposed by this Ordinance.

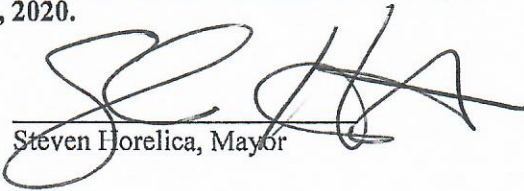
NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Devers, Liberty County, Texas, that this Ordinance shall become effective upon posting of said ordinance in the City's official newspaper as required by Texas law.

BE IT FURTHER ORDAINED that if any provision or item of this Ordinance or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of this Ordinance which can be given effect without the invalid provisions, items or applications, and to this end the provisions of this Ordinance are hereby declared severable.

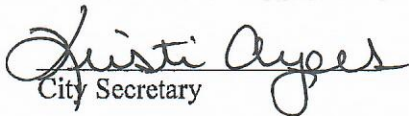
BE IT FURTHER ORDAINED that all Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

The above and foregoing Ordinance shall be in full force and effect from and after its adoption, approval and publication, as provided by law.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Devers, this the 19th day of May, 2020.


Steven Horelica, Mayor

ATTEST:


Justi Ayres
City Secretary

Class 1 - 6,000 & Less



Minivan



Cargo Van



SUV



Pickup Truck

Class 2 - 6,001 to 10,000



Minivan



Cargo Van



Full-Size Pickup



Step Van

Class 3 - 10,001 to 14,000



Walk-In



Box Truck



City Delivery



Heavy-Duty Pickup

Class 4 - 14,001 to 16,000



Large Walk-In



Box Truck



City Delivery

Class 5 - 16,001 to 19,500



Bucket Truck



Large Walk-In



City Delivery

Class 6 - 19,501 to 26,000



Beverage Truck



Cargo Aisle



School Bus



Rack Truck

Class 7 - 26,001 to 33,000



Refuse



Furniture



City Transit Bus



Truck Tractor

Class 8 - 33,001 & Over



Cement Truck



Truck Tractor



Dump Truck



Sweeper