

ORDINANCE NO. 105

AN ORDINANCE OF THE CITY OF TUSCOLA, TEXAS PROHIBITING LARGE COMMERCIAL VEHICLES FROM USING CERTAIN STREETS WITHIN THE CITY; PROVIDING EXCEPTIONS; PROVIDING A PENALTY; PROVIDING REPEALER AND SEVERABILITY CLAUSES; PROVIDING A PENALTY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Tuscola (the “City”) is a Type A general law municipality operating pursuant to the laws of the State of Texas;

WHEREAS, Section 311.002(a) of the Texas Transportation code grants the City “exclusive control over the highways, streets, and alleys” within the City;

WHEREAS, the City Council of the City (the “City Council”) finds that large commercial vehicles can cause damage to City streets and the presence of large commercial vehicles within the City is increasing; and

WHEREAS, the City Council finds that the adoption of this Ordinance to regulate the travel of heavy vehicles through the City is in the best interest of the health, safety, and welfare of the citizens of the City.

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

Section 1. Incorporation of Premises. The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

Section 2. Definitions.

- (a) “Commercial vehicle” means a motor vehicle, other than a motorcycle, designed or used for the transportation of property or delivery purposes.
- (b) “Large commercial vehicle” means a semitrailer, trailer, or truck-tractor.
- (c) “Motor vehicle” means a vehicle that is self-propelled.
- (d) “Semitrailer” means a vehicle without motive power that is designed, or used with a motor vehicle, so that some of its weight and the weight of its load rests on or is carried by the motor vehicle.
- (e) “Trailer” means a vehicle without motive power that is designed or used to carry property or passengers on its own structure exclusively and drawn by a motor vehicle.
- (f) “Truck-tractor” means a motor vehicle designed or used primarily for drawing another vehicle that is not constructed to carry a load other than a part of the weight of the vehicle and the load being

drawn or that is engaged with a semitrailer in the transportation of automobiles or boats and that transports automobiles or boats on part of the truck-tractor.

Section 3. Large commercial vehicles prohibited on certain streets.

It shall be unlawful for any person to operate or park a large commercial vehicle on the following streets within the City of Tuscola:

First Street

Section 4. Exceptions.

Section 3 of this Ordinance does not apply to:

- (1) Any vehicle which is traveling upon a street for the purpose of delivering goods or materials or any vehicle which is performing necessary utility or other services for a person or business establishment, as long as the operator of such vehicle travels to and from its destination over the shortest practicable route;
- (2) Emergency vehicles operated in response to any emergency call;
- (3) Vehicles operated by a public utility in an assigned area for the purpose of inspecting or maintain utility facilities; or
- (4) City vehicles providing or overseeing public services.

Section 5. Signage. The City Administrator is hereby authorized and directed to obtain and install signage, authorized by the Manual on Uniform Traffic Control Devices, to inform the public of the prohibition established by Section 3 of this Ordinance.

Section 6. Penalty. Any person, firm, or corporation violating any of the provisions of this Ordinance shall be deemed guilty of a class C misdemeanor, and upon conviction thereof shall be punished by a fine of not more than five hundred dollars (\$500.00).

Section 7. Repeal. The City Council declares that any prior ordinance or any prior ordinance provision is hereby repealed to the extent that such ordinance or ordinance provision conflicts or contradicts the amendments and provisions enacted herein.

Section 8. Severability. Should any section or part of this Ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstances for any reasons thereof ineffective or inapplicable, such unconstitutionality, illegality, or ineffectiveness or such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof, but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this Ordinance are declared to be severable.

Section 9. Effective Date. This Ordinance shall take effect after adoption and publication of the caption and penalty clauses of the Ordinance in a newspaper of general circulation within the City, as required by law, and after the signage described in Section 6 is erected.