



ORDINANCE 2004-03

AN ORDINANCE TO ESTABLISH AND REGULATE COMMERCIAL VEHICLE TRAFFIC ROUTES, TO PROHIBIT COMMERCIAL TRAFFIC ON CITY STREETS, AND TO PROVIDE PENALTIES FOR VIOLATIONS THEREOF.

NOW THEREFORE; BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TOM BEAN TEXAS,

Section 1: Short title of this ordinance to be called the **Commercial Route Ordinance.**

Section 2: Definitions:

A. "Implement of husbandry" means every vehicle which is designed for agricultural purposes and exclusively used by a person in the conduct of agricultural operations.

B. "Route" means each and every street, highway, or road within the limits of the City of Tom Bean.

C. "Trailer" means a vehicle without motive power, designed for carrying persons or property on its own structure and for being drawn by a vehicle with motive power, including but not limited to trailer coaches, semi-trailers and utility trailers.

D. "Commercial vehicle" means a motor vehicle, including but not limited to large trucks or truck tractors, exceeding a gross vehicle weight rating of 22,000 pounds and designed, used or maintained primarily for the transportation of property or towing of trailers.

E. "Person" includes any natural person and his or her agent or representatives, any agency, company, organization, firm, association, partnership, joint venture, corporation, trust, or equivalent entity or any combination of the foregoing.

Section 3: Rule of Construction.

Any word or term not defined herein shall be considered to be defined in accordance with its common or standard definition.

Section 4: Commercial Routes

The following routes in the corporate limits of the City of Tom Bean are hereby designated as commercial routes:

- A. State Highway 11 east and west.
- B. State Highway 902 east and west.
- C. State Highway FM 2729 north and south.

Section 5: Restrictions to Commercial Routes

It shall be unlawful for any person owning or operating any commercial motor vehicle or truck-trailer combination to drive or propel the same or to cause or permit the same to be driven or propelled at any time upon or across any of the streets not hereby designated as a commercial route within the corporate limits of the City of Tom Bean.

Section 6: Exemptions to this ordinance

- A. Prohibits any vehicle making deliveries of any kind, provided, the most direct route to complete such delivery is taken;
- B. Prohibit any vehicle or truck-trailer combination exceeding the prescribed maximum gross weight limit, coming from an unrestricted or less restricted street, having ingress and egress by direct route to and from such restricted streets for the purpose of delivering materials to be used in the actual and bona fide repair, alteration, remodeling or construction of any building or structure upon such restricted street for which a building permit has previously been obtained; but then only by such deviation from the nearest unrestricted or less restricted street as is reasonably necessary.
- C. Any vehicle operated by the city or a private contractor under contract with the city, while engaged in street maintenance, construction or related activities;
- D. Any vehicle owned by a public utility while necessarily in use in the construction, installation or repair of any public utility facility.
- E. Emergency vehicles involved in the saving of life or property;
- F. Implements of husbandry incidentally moved upon a road;
- G. Any vehicle providing garbage collection services to residents of the City of Tom Bean, and;
- H. School buses under the jurisdiction of a state recognized school district.

Section 7: Route Restrictions for Exempt Vehicles

All commercial vehicles hereby exempt from this ordinance shall restrict its travel by the most direct route from commercial routes to restricted routes for the purposes of travel described herein and shall likewise return to the nearest commercial route from the restricted route by the most direct route.

Section 8: PENALTIES

Any person who violates any provision of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be fined not more than TWO HUNDRED DOLLARS (\$200) for each occurrence.

Section 9: Severability

This ordinance and the various parts, sections, subsections, sentences, phrases and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section, subsection, phrase or clause is adjudged unconstitutional or invalid, it is hereby declared that the remainder of this ordinance shall not be affected thereby.

Section 10: All ordinances or parts thereof which are in conflict in whole or in part with any of the provisions of this ordinance as of the effective date of this ordinance, are hereby repealed to the extent of such conflict, except that terms defined herein for purposes of interpretation, administration, and enforcement of this ordinance only, will in no way, manner or form repeal, notify or otherwise change the definition of any such terms as used in other ordinances of the City of Tom Bean.

Section 11: That the City Secretary shall publish this ordinance as required by law and that this ordinance will become law upon publication.

THIS ORDINANCE SHALL BE IN EFFECT UPON IT'S READING AND PASSAGE BY THE CITY COUNCIL OF TOM BEAN, TEXAS.

Duly passed and approved by the City Council of Tom Bean, Texas this 11th day of May, 2004. AD.

Mayor

Attest:

City Secretary