

**ORDINANCE NO. 2024-28**

**AN ORDINANCE OF THE CITY OF BUDA, TEXAS, AMENDING CHAPTER 22, ARTICLE 22.03, WEIGHT LIMITS, CODE OF ORDINANCES, CITY OF BUDA, TEXAS, REGARDING REGULATIONS FOR VEHICLES OVER 10,000 POUNDS PROHIBITED ON CERTAIN STREETS; PROVIDING FOR SEVERABILITY AND REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR A PENALTY; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.**

- WHEREAS,** the City of Buda, Texas (the “City”), is a home rule municipality located in Hays County, Texas, created under the provisions of Chapter 9 of the Texas Local Government Code and operating according to the enabling legislation of the State of Texas; and
- WHEREAS,** pursuant to Texas Local Government Code Chapter 51, the City has general authority to adopt ordinances and regulations that are for the good government, peace, or order of the City and that are necessary or proper for carrying out a power granted by law to the City; and
- WHEREAS,** the City has exclusive control over the highways, streets, and alleys of the City, including authority to regulate city streets as provided for in Chapter 311, Texas Transportation Code, and other law; and
- WHEREAS,** the City Council finds that certain vehicles over a gross vehicle weight of 10,000 pounds pose a danger to persons and properties, including city streets, and result in increased traffic congestion impeding the safe flow of traffic for the general public when traveling in certain areas; and
- WHEREAS,** the City Council finds that it is in the best interest of the City and in the interest of the health, safety, and welfare of its citizens to prohibit vehicles over 10,000 pounds on certain streets within the City; and
- WHEREAS,** the City of Buda deems it necessary to adopt certain amendments to the Code of Ordinances to serve these public interests; and
- WHEREAS,** the City finds that this Ordinance was passed and approved at a meeting of the City Council of the City of Buda held in strict compliance with the Texas Open Meetings Act at which a quorum of the City Council Members was present and voting.

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

**Section 1:** The facts and recitations set forth in the preamble of this Ordinance are hereby found to be true and correct.

**Section 2:** Chapter 22, Article 22.03, Weight Limits, Code of Ordinances, City of Buda, Texas, is hereby amended to read as follows in **EXHIBIT "A"**, attached hereto and incorporated by reference herein.

**Section 3:** Passage. Pursuant to Section 3.12 of the City Charter, the Council determined that the first reading of this Ordinance is sufficient for adequate consideration by an affirmative vote of five or more members of the City Council during the first reading and the Ordinance was passed by the affirmative vote of five or more members of the City Council; therefore, this Ordinance is adopted and enacted without further readings. In the event a second reading is necessary, this Ordinance is adopted and enacted upon the affirmative vote of four or more members of the City Council upon second reading.

**Section 4:** Severability. If any clause or provision of this Ordinance shall be deemed to be unenforceable for any reason, such unenforceable clause or provision shall be severed from the remaining portion of the Ordinance, which shall continue to have full force and effect.

**Section 5:** Repeal. This Ordinance shall be and is hereby cumulative of all other ordinances of the City of Buda, Texas, and this Ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this Ordinance, in which event such conflicting provisions, if any, in such other Ordinances are hereby repealed.

**Section 6:** Penalty. Penalties for a violation of this Ordinance shall be as provided for in the attached **EXHIBIT "A"** and by the Code of Ordinances generally.

**Section 7:** Effective Date. This Ordinance shall take effect immediately after its final passage and any publication in accordance with the requirements of the City of Buda and the laws of the State of Texas.

**PASSED, APPROVED & ADOPTED** on first and final reading by the City Council of the City of Buda, on this the \_\_\_\_ day of \_\_\_\_\_, 2024.

**CITY OF BUDA, TEXAS**

ATTEST:

\_\_\_\_\_  
Lee Urbanovsky, Mayor

\_\_\_\_\_  
Alicia Ramirez, City Clerk

**ARTICLE 22.03  
WEIGHT LIMITS**

**§ 22.03.001 Generally.**

- (a) Definitions. When used in this article, the following terms shall have the following meanings:

Commercial vehicle. A motor vehicle designed or used for the transportation of property or delivery purposes, including a commercial motor vehicle, truck-tractor, trailer or semitrailer, or any combination of such vehicles.

Gross motor vehicle weight. The total weight of the vehicle as loaded.

Motor vehicle. A vehicle that is self-propelled.

Residential Street. Residential streets include all public rights-of-way within the city limits where the land use of the adjoining properties is primarily for residential uses based on the City's zoning map, as may be amended, and which are not designated as state highways maintained by the state, or county roads which are maintained by the county.

Vehicle. A mechanical device, other than a device moved by human power or used exclusively upon stationary rails or tracks, in, on or by which a person or property can be transported on a city street.

- (b) Maximum weights. Except as otherwise specifically provided by this article or other statute, no commercial vehicle shall be operated over, on, or upon the public streets and rights-of-way within the city limits having a weight in excess of one or more of the following limitations:

- (1) No commercial vehicle shall have a greater weight than twenty thousand (20,000) pounds carried on any one axle, including all enforcement tolerances; or a tandem axle weight in excess of thirty-four thousand (34,000) pounds, including all enforcement tolerances; or an overall gross weight on a group of two or more consecutive axles produced by application of the following formula:

$$W = \frac{500 (LN + 12N + 36)}{(N-1)}$$

where W = overall gross weight on any group of two or more consecutive axles to the nearest 500 pounds, L = distance in feet between the extreme of any group of two or more consecutive axles, and N = number of axles in the group under consideration, except that two consecutive sets of tandem axles may carry a gross load of 34,000 pounds each providing the overall distance between the first and last axles of such consecutive sets of tandem axles is thirty-six (36) feet or more, provided that such overall gross weight may not exceed eighty thousand (80,000) pounds, including all enforcement tolerances.

- (2) No commercial vehicle shall have a greater weight than six hundred (600) pounds per

inch width of tire upon any wheel concentrated upon the surface of the highway and using high-pressure tires, and a greater weight than six hundred and fifty (650) pounds per inch width of tire upon any wheel concentrated upon the surface of the highway and using low-pressure tires, and no wheel shall carry a load in excess of eight thousand (8,000) pounds on high-pressure tires and ten thousand (10,000) pounds on low-pressure tires, nor any axle a load in excess of sixteen thousand (16,000) pounds on high-pressure tires and twenty thousand (20,000) pounds on low-pressure tires.

- (3) In this section, an axle load is defined as the total load transmitted to the road by all wheels whose centers may be included between two (2) parallel transverse vertical planes forty (40) inches apart, extending across the full width of the vehicle. Tandem axle group is defined as two (2) or more axles spaced forty (40) inches or more apart from center to center having at least one (1) common point of weight suspension.

**§ 22.03.002 Vehicles over 10,000 pounds prohibited on certain streets.**

- (a) Restrictions. No commercial vehicle having a gross motor vehicle weight in excess of 10,000 pounds, regardless of axle configuration, shall travel on any of the following streets within the city limits, except as provided in subsection (b) of this section:

- (1) All residential streets within the city limits.
- (2) Sequoyah Street.
- (3) Cedar Street.
- (4) Bluff Street.
- (5) San Marcos Street.
- (6) Old Black Colony Road.
- (7) Main Street, between the intersections of F.M. 967 (Live Oak Street) and Cabela's Drive.

- (b) Exceptions. Commercial vehicles may travel on the streets as described in subsection (a) of this section only if one of the following exceptions applies:

- (1) Occasional Residential Deliveries. Commercial vehicles may travel on the streets as described in subsection (a) of this section when such vehicle is making occasional and irregular deliveries to residential locations on residential streets not to exceed two (2) such deliveries per thirty (30) day period per each residential delivery location. Traffic or deliveries to residential locations in excess of the preceding sentence must comply with the provisions of this article or otherwise require approval by the city council.
- (2) City-designated Delivery Routes. Commercial vehicles may travel on the streets as described in subsection (a) of this section when such vehicle is traveling on such streets as part of a city-designated delivery route, established under this section:

- (A) If commercial vehicle deliveries traveling from a particular point of origin adjacent to a city street or to a particular destination adjacent to a city street would include travel on the streets as described in subsection (a) of this section and if such deliveries would exceed two (2) such deliveries per thirty (30) day period, the City Manager (or the City Manager's designee) may designate temporary city-designated delivery routes for such deliveries as reasonably necessary to mitigate traffic congestion and ensure public safety and wellbeing, considering the reasonableness of the route and possible alternatives in terms public safety concerns, the length of the route, the impact on city road surfaces and maintenance costs, and associated impacts on adjacent persons and properties such as noise, dust, and related impacts of such routes. The City Manager (or the City Manager's designee) may designate temporary city-designated delivery routes for a period up to one hundred eighty (180) days. Extension of a temporary city-designated delivery route in excess of one hundred eighty (180) days shall require consideration and approval of the city council.
  - (B) If a city-designated delivery route has been established, commercial vehicles traveling from the particular point of origin or to the particular destination so designated shall travel only upon the city-designated delivery route when traveling within the city limits.
  - (C) The City shall provide at least twenty-four (24) hours notice of the establishment of such city-designated delivery routes before enforcement of such routes by posting appropriate signage indicating the city-designated delivery route.
- (3) General Exception. Commercial vehicles may travel on the streets as described in subsection (a) of this section:
- (A) If no city-designated delivery route has been established for commercial vehicles traveling from the vehicle's point of origin or to its destination; and
  - (B) When necessary to reach a terminal or to load or offload materials located at a destination on those streets, or when no other nonrestricted route is available to travel between the commercial vehicle's point of origin and its destination; and
  - (B) When doing so, the operator of the vehicle follows the shortest practical route consistent with the reasonable operation of the vehicle; and
  - (C) The operator of the vehicle keeps in the operator's possession a log book, delivery slips, or other evidence of the operator's destination and point of origin.
- (c) When traveling in the streets described in subsection (a) of this section, the operator of the commercial vehicle affected by this section shall permit a peace officer, upon request, to inspect the log book, delivery slips, or other evidence of the operator's destination and point of origin.

- (d) The City shall post appropriate signage indicating the prohibited commercial vehicle routes and city-designated delivery routes established herein.

**§ 22.03.003 Penalty.**

- (a) Penalty. Any person who violates any provision of this article shall be guilty of a misdemeanor and upon conviction shall be fined in an amount not more than \$500.00. A separate offense shall be deemed committed on each day during or on which a violation of this article occurs or continues. The registered owner of the vehicle and/or the driver is considered the responsible party.
- (b) Additional remedies. The city council may direct the city attorney to initiate any civil suit, including a suit for damages, injunction or any other action available in law or in equity, to prevent, enjoin, abate or correct any violation of any provisions of this article.