

ORDINANCE NO. 24-0901

AN ORDINANCE OF THE CITY OF JOHNSON CITY, TEXAS AMENDING CHAPTER 12 "TRAFFIC AND VEHICLES", ARTICLE 12.05 "TRUCKS ROUTES" OF THE CITY CODE OF ORDINANCES; REGULATING TRUCK TRAFFIC ON PUBLIC STREETS DESIGNATED AS NO THROUGH TRUCK STREETS; PROVIDING FOR THE INSTALLATION OF SIGNS; PROVIDING FOR A FINE NOT TO EXCEED \$500 PER VIOLATION; PROVIDING FOR ENACTMENT, REPEALER, AND SEVERABILITY CLAUSE; PROVIDING FOR EFFECTIVE DATE AND OTHER MATTERS RELATED THERETO.

WHEREAS, the City of Johnson City is a Type A General Law City in the State of Texas; and

WHEREAS, pursuant to Texas Transportation Code Section 311.002, the City of Johnson City ("City") has exclusive control over and under the streets of the municipality (hereinafter, "streets"); and

WHEREAS, pursuant to Texas Local Government Code Section 51.012, the City has general authority to adopt an ordinance not inconsistent with state law, that is necessary for the government, interest, welfare, or good order of the municipality; and

WHEREAS, the City Council finds that city streets are designed and built to handle specific types of traffic; and

WHEREAS, the City Council finds that certain vehicles, due to their size and weight can cause damage to streets that are not designed for heavy vehicle and commercial traffic; and

WHEREAS, the City Council desires to prohibit through truck traffic and finds that the prohibition of through truck traffic on designated streets will help to prolong the operational life of public streets; and

WHEREAS, the City Council finds that it is in the best interest of the health, safety and welfare of the City to regulate the streets within the City's boundaries by prohibiting through truck traffic on certain streets within the City.

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

PART 1. Chapter 12 "Traffic & Vehicles", Article 12.05 "Trucks Routes" is hereby amended as set forth in the attached Exhibit A.

PART 2. That the recitals contained in the preamble hereto are hereby found to be true and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

PART 3. The Chief Administrative Officer is hereby authorized to procure and have erected appropriate traffic control signs as required by the law of the State of Texas, providing notice of the restrictions imposed by this Ordinance.

PART 4. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance be severable, and, if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared invalid by judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this ordinance and the remainder of this ordinance shall be enforced as written.

PART 5. The repeal or amendment of any ordinance or part of ordinances effectuated by the enactment of this ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying, or altering any penalty accruing or to accrue or as affecting any rights of the City under any section or provisions of any ordinances in effect at the time of passage of this ordinance.

PART 6. The provisions of this ordinance shall be cumulative of all ordinances not repealed by this ordinance and ordinances governing or regulating the same subject matter as that covered herein.


PART 7. That it is officially found, determined and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

PART 8. This ordinance shall take effect immediately from and after passage and publication as may be required by governing law.

INTRODUCED, READ and PASSED, by the affirmative vote of the City Council of the City of Johnson City this the 3rd day of September, 2024.


Stephanie Fisher, Mayor

ATTEST:


Whitney Walston, City Secretary

**ARTICLE 12.05
TRUCK ROUTES**

§ 12.05.001. Definitions.

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

Commercial vehicle. Any self-propelled or towed vehicle, other than a farm vehicle with a gross weight, registered weight, or gross weight rating of less than 48,000 pounds, that is used on a residential street to transport passengers or cargo if:

- (A) the vehicle or combination of vehicles has a gross weight, registered weight, or gross weight rating of more than 26,000 pounds;
- (B) the vehicle is designed or used to transport more than 15 passengers, including the driver; or
- (C) the vehicle is used to transport hazardous materials in a quantity requiring placarding by a regulation issued under the Hazardous Materials Transportation Act (49 U.S.C. Section 5101 et seq.).

Implement of husbandry. Every vehicle, which is designed for agricultural purpose and exclusively used by the owner thereof in the conduct of agricultural operations.

No Through Truck Street. Any street designated by signs bearing the words "No Through Truck Traffic" or "Through Truck Traffic Prohibited" or similar type of insignia"

Person. Includes an agency, company, organization, firm, association, partnership, joint venture, corporation, trust or equivalent entity or a combination of any of them as well as a natural person.

Proof of route. A written verification of pick-ups, deliveries, or destinations, which may include a log book, delivery slip, shipping order, bill or any other document which identifies and specifies the date, address, and name of the person requesting or directing the pick-up or delivery and the destination of the pick up or delivery.

Recreation Vehicle. A personal vehicle such as boats and boat trailers, watercraft and watercraft trailers, travel trailers, pickup campers or coaches (designed to be mounted on automotive vehicles), and motorized dwellings (RV).

Road. Any street, highway, or motor vehicle route within the city.

Truck. Any motor vehicle designed, used or maintained primarily for the transportation of property, including "truck tractors," "road tractors," "trailers," "semi-trailers," "pole trailers," and "special mobile equipment" as those terms are defined in Texas Transportation Code § 541.201 and includes a commercial vehicle as defined in this section.

Truck traffic. The operation of any commercial vehicle including but not limited to a truck, truck tractor or combination of any truck, truck tractor, trailer, or semitrailer that are considered commercial vehicles. The operation of a recreational vehicle is not considered to be truck

traffic.

§ 12.05.002. Prohibition against travel on non-designated truck routes.

No person shall operate a Truck upon any city street designated as a No Through Truck Street. A person commits an offense if the person operates a Truck upon a city street designated as a No Through Truck Street.

§ 12.05.003. Truck routes.

The following roads in the city, to the exclusion of all other roads, are hereby designated as truck routes and classified for Truck traffic:

- (1) North and southbound U.S. Highway 281.
- (2) East and westbound U.S. Highway 290.

§ 12.05.004. Exceptions.

The Truck route limitations prescribed in this article shall not apply to:

- (1) Fire trucks or other emergency vehicles or vehicles on emergency business involved in the saving of life or property;
- (2) Implements of husbandry incidentally moved upon a road;
- (3) Road repair, construction or maintenance vehicles while involved in the repair, construction, or maintenance of roads within the city;
- (4) Garbage service vehicles while involved in the provision of services to residents of the city; or
- (5) Service or repair vehicles related to electric, gas, cable or telecommunications provider provision of utilities.

§ 12.05.005. Affirmative defense to prosecution.

The follow provision is an affirmative defense to prosecution if the Truck:

- A. was being driven for the purpose of:
 - a. seeking service or repairs at a facility that engages in the business or repairs of commercial vehicles, or
 - b. fulfilling a local commercial obligation to a buyer or seller at a given destination, evidenced by a bill of sale, invoice or other proof of route which shall be displayed immediately upon request; or
- B. was leaving or returning to a customary storage location at the owner or operator's personal residence, or a commercial or industrial location in the city; and
- C. the public street was the only route to such destination.

§ 12.05.006. Special permits.

The public works director shall have authority to grant a written permit in special cases which would otherwise be in violation of the provisions of this article. Such permits, however, shall not be given for more than one round trip and in no case shall a permit be valid for a period of longer than ten (10) days from the date of issue. Said permit shall describe the vehicle, the times and dates of travel, and the route to be taken by the vehicle.

§ 12.05.007. Signs.

The city shall procure and have posted appropriate signs on the streets to be designated as No Through Truck Streets warning the public that Truck Traffic is prohibited.

§ 12.05.008. Penalties.

- (a) Any person who violates any provision of this article shall be guilty of a misdemeanor, and upon conviction, shall be fined not more than five hundred (\$500.00) dollars.
- (b) Any law enforcement officer is hereby authorized to issue a citation for violations of this article.