

NO. 2016-09

AN ORDINANCE OF THE CITY OF RIESEL, TEXAS PROHIBITING TRUCKS ON THE SECTION OF WIEBUSCH STREET BETWEEN ALEXANDER STREET AND FREDERICK STREET (FM 1860); PROVIDING FOR SIGNS; MAKING VIOLATION AN OFFENSE (MISDEMEANOR) PUNISHABLE BY A FINE NOT TO EXCEED FIVE HUNDRED (\$500.00), PROVIDING THAT EACH DAY OF VIOLATION IS A SEPARATE OFFENSE; ESTABLISHING EXCEPTIONS, REPEALING CONFLICTING ORDINANCES OR CONFLICTING PROVISIONS OF ORDINANCES, ADOPTING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the portion of Wiebusch Street lying between Alexander Street and Frederick Street (FM 1860) has suffered significant damage from heavy trucks ; and

WHEREAS, the City of Riesel has spent tax dollars adding new concrete swales at each end of this street section for both improving travel and drainage; and

WHEREAS, to protect City this street section and the improvements made and to promote improvement of travel and the public welfare, it is necessary to enact the regulations set forth herein.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIESEL, TEXAS THAT:

SECTION 1. **Incorporation of Recitals.** The foregoing recitals are incorporated herein and made findings of fact.

SECTION 2. **Definitions.** The following words, terms and phrases when used in this section, shall have the meanings ascribed to them in this Ordinance, except where the context clearly indicates a different meaning:

(1) *Authorized emergency trucks* shall mean fire department trucks, police trucks, public ambulances for which permits have been issued by the State Board of Health, emergency trucks of municipal departments or public service corporations as are designated or authorized by the governing body of an incorporated city, private trucks operated by volunteer firemen or certified emergency medical volunteers while answering a fire alarm or responding to a medical emergency, and trucks owned by the state or by a political subdivision engaged in emergency utility repair or electric, water, or wastewater services.

(2) *Light truck* shall mean any truck with a manufacturer's rated carrying capacity of two (2) tons or less, including trucks commonly known as pickup trucks, panel delivery trucks, and carryall trucks.

(3) *Motor vehicle* shall mean any self-propelled vehicle.

(4) *Truck* shall mean 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 Annotated §541.201.

SECTION 3. **Prohibition.** Except as set forth in Section 6 below, no Truck (as defined herein) shall be driven upon or parked or allowed to stand on Wiebusch Street between Alexander Street and Frederick Street (FM 1860). If the person who parked the Truck in violation hereof cannot be located, the owner of the Truck is presumed to be the violator.

SECTION 4. **Violation an Offense.** Violation of the prohibition set forth in Section 3 above shall constitute a misdemeanor offense punishable by a fine not to exceed \$500.00. Each day of violation constitutes a separate offense.

SECTION 5. **Signage.** City Staff are directed to obtain and install signs at the intersection of Wiebusch Street and Alexander Street and at the intersection of Wiebusch Street and Frederick Street (FM 1860) advising of the prohibition of this Ordinance. At a minimum the signs shall read: "NO TRUCKS".

SECTION 6. **Exceptions.** The prohibition of Section 3 of this Ordinance shall not apply to:

- (a) Light Trucks as defined herein, including a Light Truck pulling a light duty trailer;
- (b) Authorized Emergency Trucks as defined herein;
- (c) City-owned or leased Trucks;
- (d) State-owned or federal-owned or contracted Trucks with prior approval of the City; or
- (e) Solid waste collection vehicles

SECTION 7 **Severability.** That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City of Riesel hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

SECTION 8 **Repeal.** This Ordinance repeals any prior ordinance or provision of a prior ordinance on the subject matter that conflicts with this Ordinance.

SECTION 12 **Effective Date.** This Ordinance shall become effective upon passage and publication of the ordinance or the caption thereof in the official city newspaper.

PASSED this 13th day of December, 2016.


MAYOR

Attest:




CITY SECRETARY