

Ordinance No. 17 - 88

AN ORDINANCE OF THE VILLAGE OF PLEAK, TEXAS PROHIBITING THE OPERATION OF TRUCK TRAFFIC ON CERTAIN DESIGNATED STREETS; PROVIDING FOR DEFINITIONS; PROVIDING FOR DEFENSES; PROVIDING A PENALTY FOR VIOLATIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Village Council for the Village of Pleak finds and determines that the operation of large motor vehicles on Village streets has had a significant impact on the quality of life of many residents whose homes are adjacent to those streets; and

WHEREAS, the Village Council for the Village of Pleak finds truck traffic has commonly been using local residential streets as a by-pass to access other larger streets and highways, and these local streets were not designated or constructed to withstand the movement of heavy vehicles; and

WHEREAS, the Village Council has authority to regulate heavy truck traffic on the public roadways of the Village pursuant to sections 311.001 and 621.303 of the Texas Transportation Code; and

WHEREAS, the Village Council finds and determines that prohibiting truck traffic on certain designated streets is in the best interest of the Village and its citizens.

NOW THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF PLEAK, TEXAS:

Section 1. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the Village Council and made a part hereof for all purposes as findings of fact.

Section 2. Unlawful operation. It is unlawful for any person to operate a truck on any portion of a street where operation of a truck is prohibited under this section after notice has been given by the placement of appropriate traffic control devices.

Section 3. Definition. For the purposes of this section "truck" means a motor vehicle which:

- (1) Has a gross vehicle weight rating (GVWR) which exceeds 10,000 pounds; and
- (2) Is designed and maintained primarily for the transportation of material or property.

Section 4. Affirmative Defense. It is a defense to prosecution under this section that the truck on the prohibited street:

- (1) Is going directly to or from premises for the purpose of delivering or picking up merchandise or material and the truck could not access the premises without making use of the prohibited street;
- (2) Is owned by a governmental entity or is performing work under a contract with a governmental entity which required it to be on the prohibited street;
- (3) Is owned by a public utility company or is performing work under a contract with a public utility company which requires it to be on the prohibited street;
- (4) Is a school bus on a designated route;
- (5) Is a truck on a designated detour;
- (6) Is an emergency vehicle responding to an emergency situation.

Section 5. Regulated streets. It shall be unlawful for any person to operate a truck, on the following street(s):

- a. *Ustinik Road*

Section 6. Signage. Appropriate signage giving notice of the prohibition set forth in this section shall be erected and maintained along the streets listed in section 5.

Section 7. Penalty. Any person in violation of any provision of this ordinance shall be subject to a fine not to exceed Two Hundred dollars (\$200.00).

Section 8. Severability. In the event any clause phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the Village Council of the Village of Pleak, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

Section 9. Adoption of ordinance. This ordinance shall become effective upon its approval and passage.

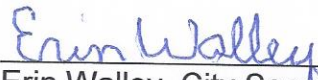
PASSED by a majority vote of the members of the Village Council this 15 day of November, 2017.

APPROVED:



Mayor Larry Bittner

ATTEST:



Erin Walley, City Secretary.