

ORDINANCE NUMBER 2021 - 009

AN ORDINANCE OF THE CITY OF SANTA CLARA, TEXAS REPEALING AND REPLACING ORDINANCE 2018-002; ESTABLISHING A TRUCK ROUTE; REQUIRING A PERMIT FOR OVERSIZED LOADS; ESTABLISHING A PERMIT PROCESS FOR FREQUENT ACCESS; AND PROVIDING FOR A PENALTY OF A FINE IN AN AMOUNT NOT LESS THAN ONE DOLLAR (\$1.00) OR MORE THAN FIVE HUNDRED DOLLARS (\$500.00) FOR ANY VIOLATION OF THIS ORDINANCE.

WHEREAS, it is hereby found and determined that large trucks are incompatible with residential neighborhoods, and

WHEREAS, large trucks often travel on public residential streets as a short-cut to certain destinations, and

WHEREAS, such unnecessary heavy truck traffic on public residential streets is detrimental to the maintenance and longevity of such streets, and

WHEREAS, the City of Santa Clara, Texas finds and determines that most public streets within the City are residential streets, and

WHEREAS, it is hereby found and determined that unregulated and random large truck traffic on municipal streets may cause dangerous traffic conditions, and

WHEREAS, on the 28th day of January 2018 the City Council of the City of Santa Clara, Texas adopted Ordinance 2018-002 establishing a truck route and requiring a permit for oversized loads; and

WHEREAS, the City of Santa Clara, Texas finds and determines that to ensure the safety and comfort of the citizens and neighborhoods of Santa Clara, Texas, and to extend the operational life of the public streets, bar ditches and right-of-way's, the City Council of the City of Santa Clara, Texas desires to repeal Ordinance 2018-002, as adopted and amended, and replace it as set forth herein; and

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

SECTION 1. FINDINGS AND SHORT TITLE.

The forgoing recitals are hereby adopted and incorporated into the text of this Ordinance as facts. This Ordinance shall be known as the "NO THROUGH TRUCK ORDINANCE."

SECTION 2. DEFINITIONS.

For the purposes of this ordinance, the following words and phrases have the meanings respectively ascribed to them by this section:

Assemblage or Procession means any group of eleven (10) or more vehicles, animals or bicycles, or any group of twenty-five (25) or more pedestrians being operated on or occupying municipal streets or right of-ways within the City limits of the City of Santa Clara within such proximity to each other that they pass the same point along any municipal street within ten (10) minutes of each other.

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Authorized Emergency Vehicle means fire department trucks police trucks, public or private ambulances for which permits have been issued by the Texas State Board of Health, emergency trucks of municipal departments or public service corporations as are designated or authorized by the governing body the City of Santa Clara, County of Guadalupe or State of Texas, private trucks operated by volunteer fireman or certified Emergency Medical Services 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.

Commercial Motor Vehicle means any motor vehicle designed or used for the transportation of property, not including a passenger bus, passenger automobile, motorcycle, panel delivery truck or pick-up truck, but including any other type of truck, trailer, semi-trailer, pole trailer or any combination thereof which has a gross registered carrying capacity of more than 28,000 pounds.

Delivery means and authorized delivery to an address within the City limits or a portion of the City's ETJ which is surrounded by the City limits. All trucks, truck trailers, semitrailers, pole trailers, or any combination thereof shall produce a shipping receipt proving the date and destination of the delivery authorizing such use of the municipal street they are traveling upon.

Driver means every person who drives or is in actual physical control of a vehicle.

Garbage means wasted or spoiled food and other refuse, as from a kitchen, household or the daily operation of a business that requires disposal in a permitted solid waste landfill.

Home-Base means an address or location within the City limits or within an enclosed portion of the City's ETJ for which a truck, truck trailer, semitrailer, pole trailer, or any combination thereof is registered or is routinely parked as part of the ordinary storage, use and management of the truck, truck trailer, semitrailer, pole trailer, or any combination thereof.

Light Truck means a truck with a manufacturer's rated carrying capacity of two thousand (2,000) pounds or less, including trucks commonly known as pick-up trucks, panel delivery trucks and carryall trucks, as defined in the Texas Transportation Code.

Motor Vehicle means every vehicle, as herein defined, which is self-propelled.

Municipal Street means every public street or roadway within the City.

Overnight means 10PM through 6AM.

Oversized Load means vehicles and loads that exceed legal length, width or weight limits as determined by the Texas Department of Motor Vehicles.

Owner means a person who owns the legal title of a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with and immediate right of possession in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed owner for the purposes of this ordinance.

Pedestrian means any person afoot.

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Person means every natural person, firm, co-partnership, association or corporation.

Pole Trailer means every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of reach, or pole, or by being boomed, or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes or structural members capable, generally, of sustaining themselves as beams between the supporting connections.

Police Officer means every officer authorized to direct or regulate traffic and to cite or make arrests for violations of traffic regulations and other laws affecting such regulations.

Proof of Route means written verification of pick-ups, deliveries, or destinations, which may include a log book, delivery slip, shipping order, bill, or other document which identifies and specifies the date, address, and name of the person requesting of or directing the pick-up or delivery and the destination of the pick-up or delivery being within the corporate limits of the City of Santa Clara, or another location which only means of access is by roadways that through truck traffic is prohibited.

Right-Of-Way means the privilege of immediate use of the roadway.

Roadway means that portion of a street, road or highway improved, designed or ordinarily used for vehicular travel.

Semitrailer means every vehicle of the trailer type so designed or used in conjunction with a motor vehicle that some part of its own weight and that of its load rests upon or is carried by another motor vehicle. This does not include trailers pulled by pickup truck or other vehicle with a rating of one and one-half tons or less.

Street, Road or Highway means the entire width between the boundary lines of every way publically maintained when any part thereof is open to use of the public for purposes of vehicular traffic.

Through Truck or Through Truck Traffic means the operation of a truck, truck tractor, semitrailer, pole trailer, or any combination thereof which makes use of municipal streets of the City having no destination, pick-up, or delivery point within the corporate limits of the City of Santa Clara, or another location which only means of access is by municipal streets.

Traffic means pedestrians, ridden or herded animals, vehicles, and other conveyances either singly or together while using a street, road or highway for purposes of transportation.

Trailer means every vehicle without motive power designed or used for carrying property or passengers wholly on its own structure and to be drawn by a motor vehicle

Truck means a motor vehicle or a combination vehicle/trailer with a total of three or more axles, designed, maintained, or used primarily for the transportation, loading, or unloading of material or property, including "special mobile equipment" as defined in Section 541.201 (Vehicles) of the Texas Transportation Code. This does not include a passenger bus, passenger automobile with trailer, panel delivery truck with trailer, pickup truck with trailer, or utility truck with trailer having one and one-half tone or less rating.

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Truck Tractors means every motor vehicle designed or used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

Vehicle means every device, motorized or non-motorized, the licensing or registration of which is required by the laws of Texas or any other State or Country, in, upon, or by which any person or property is or may be transported or drawn upon a street, road or highway, except devices and exclusively upon stationary rails or trucks.

SECTION 3. OBEDIENCE TO TRAFFIC AND TRANSPORTATION LAWS.

a. Required Obedience.

It shall be unlawful and it is a misdemeanor for any person to do any act forbidden, or fail to perform any act required in this ordinance or in the Texas Motor Vehicle Laws within the City of Santa Clara, Guadalupe County, Texas.

b. Unregistered Vehicles.

A motor vehicle or trailer which has not been registered or licensed, as required by law, shall not be operated upon any street, road, highway or right-of-way within the City of Santa Clara. Any person operating, or as owner permitting the operation of, an unregistered or unlicensed vehicle or trailer which requires registration or licensing by law shall be charged with a misdemeanor for violation of such laws and this ordinance.

SECTION 4. DAMAGE TO STREETS, ROADS OR RIGHT-OF-WAYS.

Any person driving, operating or in charge of any vehicle, trailer or animal that does damage to any street, road or right-of-way, including but not limited to bar ditches and culverts, in Santa Clara, Texas shall be determined and held liable for the repair and/or the cost for the repair of the damage caused.

SECTION 5. TRUCK ROUTE.

a. Restrictions.

Except as allowed by the exemptions contained in this section, no person shall operate a truck, truck trailer, semitrailer, pole trailer, or any combination thereof upon any municipal street within the corporate limits of the City without a permit, and thus are prohibited from using municipal streets as shortcuts or links between routes, or from any location outside of the City to a location within the City.

b. Route.

All trucks, truck trailers, semitrailers, pole trailers, or any combination thereof upon any municipal street within the corporate limits of the City either as their Home-Base or for a delivery within the City or its enclosed ETJ, for which proof of date and destination of delivery shall be required, shall enter and exit the City utilizing the route outlined in Exhibit "A", attached and incorporated herein for all purposes, with the only access point to the City being Union Wine Rd. off of FM1044, and utilizing only Youngsford Rd. between Union Wine Rd. and Wetz Rd.

c. Exemptions.

The provisions of this ordinance shall not apply:

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- (1) To authorized emergency vehicles operating in response to any emergency call.
- (2) To vehicles operated for garbage pickup while being operated for such purposes,.
- (3) To a vehicle with an approved oversized load permit or an approved frequent access permit for traveling to or from a location located within the City or its enclosed ETJ from outside the City, provided such vehicle is operated over the shortest practicable route to and from said designated location.

d. Signage.

The City shall erect signs at such locations as determined by the City staff to be appropriate or necessary to carry out the purposes of this ordinance and notify the public that through trucks are prohibited.

SECTION 6. PERMITS.

a. Oversized Load Permits.

No oversized load shall be operated on a municipal street within the City without an Oversized Load Permit. An operator of an oversized load shall apply for an Oversized Load Permit to operate or transport an oversized load within the City. The application shall be made in writing to include the purpose of such oversized load, whether the oversized load contains hazardous materials, the owner of the oversized load, the owner of the vehicle, if different, the operator of the vehicle, if different, the destination address(es) within the City, the proposed route, the insurance information for the oversized load and the vehicle, and the duration and occurrence or schedule of the oversized load. Together with an application fee and an Oversized Load Permit fee, as calculated below, the completed application shall be submitted to the City for review. The City shall process Oversized Load Permit applications within ten (10) business days of the date of complete application. An Oversized Load Permits shall be required for each vehicle, each destination address more than three-hundred feet (300') from another destination address and shall be issued for a length of no more than 3-days.

The Oversized Load Permit Fee shall be calculated based upon the duration (length) of the permit plus the frequency of access plus the type of load:

Duration	
1-day permit	\$50
2-day permit	\$75
3-day permit	\$100
Frequency	
1 (two-way) trip	\$50
Each additional (two-way) trip	\$25
Load	
Non-hazardous	\$100
Hazardous	\$200

b. Frequent Access Permits.

An Owner or an operator of a truck, truck trailer, semitrailer, pole trailer, or any combination thereof for which this Ordinance prohibits through traffic upon any municipal street outside of the truck route as designated herein, may apply for a Frequent Access Permit. The application shall be made in writing to include the need of such frequent access, whether the load will at any-time contain hazardous materials, the owner of the load, the owner of the vehicle, if different, the operator of the vehicle, if different, the destination address(es) within the City, the proposed route(s), the insurance information for the load and the vehicle, the duration of the needed access, and the occurrence or schedule of the access. Together with an application fee and a Frequent Access Permit fee, as calculated below, the completed application shall be submitted to the City for review. The City shall process Frequent Access Permit applications within ten (10) business days of the date of complete application. A Frequent Access Permit shall be required for each vehicle and shall be issued for a length of no more than 12-months.

The Frequent Access Permit Fee shall be calculated based upon the duration (length) of the permit plus the frequency of access and the type of load:

Duration	
3-month	\$2,500
Frequency	
Non-Hazardous	
Up to 2 (two-way) trips per day	\$50
Up to 5 (two-way) trips per day	\$100
Each additional (two-way) trip per day	\$10
Hazardous	
Up to 2 (two-way) trips per day	\$75
Up to 5 (two-way) trips per day	\$200
Each additional (two-way) trip per day	\$20

c. Fraudulent or Misuse of Permits.

Any use of a permit not properly authorized hereunder this Ordinance shall be considered fraudulent and in violation of this Ordinance subject to the Penalties and Remedies herein defined. Any use of an authorized permit for unauthorized purposes shall be considered a misuse and in violation of this Ordinance subject to the Penalties and Remedies herein defined.

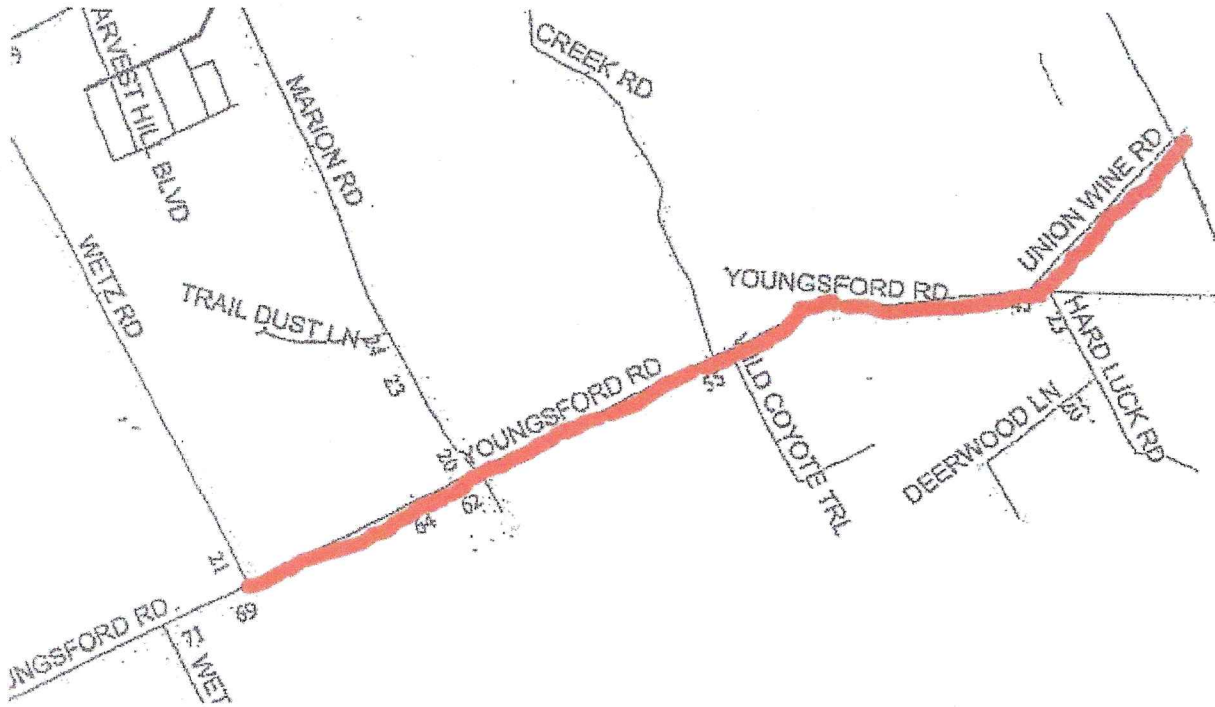
SECTION 7. PENALTIES, FINES AND OTHER REMEDIES.

Any person, firm, or corporation or other entity violating any provision of this ordinance, including operating a truck or causes a truck to be operated on any municipal street in violation of this ordinance, shall, upon being found guilty of such violation by a Court of competent jurisdiction, be guilty of a misdemeanor, and upon conviction thereof, shall be fined a sum of not less than \$1.00 and not more than \$500.00 per violation. Each street, road or highway, or any part thereof, a truck is operated on in violation of this ordinance, and each day or night, or any part thereof, during which a violation under this ordinance occurs shall constitute a separate and independent offence. The penal provisions imposed under this ordinance shall not preclude the City from filing suit to enjoin the violations. The City retains all legal rights and remedies available to it pursuant to local, state and federal law.

Exhibit A

City of Santa Clara, Texas

TRUCK ROUTE



SECTION 8. CONFLICT.

All Ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 9. SEVERABILITY.

If any provision, section, paragraph, sub-paragraph, clause or phrase of this ordinance or the application of such to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications thereof which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 10. SAVINGS CLAUSE.

This Ordinance shall remain in full force and effect, save and except as amended or repealed.

SECTION 11. MEETING OPEN TO PUBLIC.

It is hereby found and determined that the meeting at which this Ordinance is passed is open to the public as required by law and that the public notice of the time, place and purpose of said meeting was given as required.

SECTION 12. EFFECTIVE DATE. This Ordinance shall be effective upon passage, approval and publication as provided by law.

PASSED AND APPROVED this 30 day of March, 2022.



ATTEST:



Jeff Hunt, Mayor



Donna White, City Secretary