

ORDINANCE NO 2008-3

AN ORDINANCE REGULATING COMMERCIAL VEHICLES UPON THE STREETS OF EDEN, TEXAS AND PROVIDING PENALTIES

SECTION 1 – PURPOSE.

The purposes of this ordinance are to prevent commercial vehicles from damaging city streets and to avoid potential dangers and hazards associated with commercial vehicles.

SECTION 2 – DEFINITIONS.

A commercial vehicle for the purpose of this ordinance is defined as every vehicle designed, maintained, licensed, or used primarily for the transportation of loads of 7,000 pounds or more. This ordinance never shall be construed to include vehicles commonly known as pickup trucks.

SECTION 3 – COMMERCIAL VEHICLES.

It is unlawful for any commercial vehicles to operate upon the streets of Eden, Texas with the following exceptions.

1. Streets situated in areas of the city zoned for “D” Light Industrial District;
2. US and State Highways;
3. All of Live Oak Street;
4. The portion of Garden Avenue running from its intersection with the West right-of-way line of Burton Street to the West right-of-way line of US Hwy 83 and Burton Street;
5. Vehicles transporting farm products while in route to a delivery site;
6. Vehicles delivering consumer goods to a consumer or a school;
7. Vehicles delivering materials to construction site;
8. Motorized construction equipment proceeding to and from a construction project;
9. Water well drilling or servicing rigs;
10. Vehicles carrying landscaping materials to project;
11. Buses designed and licensed to carry passengers;
12. Vehicles engaged in construction or repair of roads or municipal infrastructure, and;
13. Vehicles performing or serving police, fire, emergency, maintenance, or other similar governmental functions at the direction of the City, Concho County, or State of Texas.

SECTION 4 – PENALTIES FOR VIOLATION.

Any person who violates any provisions of this ordinance shall be guilty of a misdemeanor punishable of a fine in an amount of \$50.00 to \$500.00, inclusive for each violation or occurrence.

SECTION 5 – CONFLICTING PROVISIONS.

In case of a direct conflict between any provision of this ordinance and a portion or provision of any other appropriate federal, state or county law, rule code or regulation, the more restrictive shall apply.

SECTION 6 – SEVERABILITY.

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be effect without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

SECTION 7 – EFFECTIVE DATE.

This ordinance shall become effective upon its passage and publication as provided by law.

APPROVED and ADOPTED on the _____ day of _____, 2008.

Eugene Spann, Mayor

Attest:

Celina Hemmeter, City Administrator