

CITY OF LOWRY CROSSING, TEXAS

ORDINANCE NO. 163

AN ORDINANCE OF THE CITY OF LOWRY CROSSING, TEXAS PROHIBITING THE OPERATION OVER OR UPON BRIDGEFARMER ROAD WITHIN THE CITY OF ANY COMMERCIAL MOTOR VEHICLE, TRUCK-TRACTOR, TRAILER, OR SEMI-TRAILER, OR COMBINATION OF SUCH VEHICLES, HAVING AN OVERALL GROSS WEIGHT IN EXCESS OF TWELVE THOUSAND (12,000) POUNDS (INCLUDING ALL ENFORCEMENT TOLERANCES) ON A GROUP OF TWO OR MORE CONSECUTIVE AXLES; PROVIDING THAT THE PURPOSE OF THE REGULATIONS HEREIN MADE ARE TO REGULATE THE MOVEMENT AND OPERATION OF OVERWEIGHT COMMODITIES WHICH CANNOT REASONABLY BE DISMANTLED, AND SUPERHEAVY OR OVERSIZE EQUIPMENT FOR THE TRANSPORTATION OF AN OVERWEIGHT OR OVERSIZED COMMODITY THAT CANNOT REASONABLY BE DISMANTLED; PROVIDING DEFINITIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500.00) FOR EACH OFFENSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant Section 311.002, Tex. Transp. Code, the City of Lowry Crossing, Texas (the "City") has exclusive authority over the highways, streets, and alleys of the City, including the power to regulate a street; and

WHEREAS, the City is further authorized by Section 621.303, Tex. Transp. Code, to regulate movement and operation on the public roads of the City, other than a state highway in the territory of the City, of an overweight, oversize, or overlength commodity that cannot reasonably be dismantled, and superheavy or oversize equipment for the transportation of an overweight, oversize, or overlength commodity that cannot be reasonably dismantled.

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

Section 1. Definitions. When used in this Ordinance, the following words and phrases shall mean as follows:

*Motor vehicle* means a vehicle that is self-propelled.

*Commercial motor vehicle* means a motor vehicle, other than a motorcycle, designed and used for (i) the transportation of property, or (ii) delivery purposes.

*Semitrailer* means a vehicle without motive power that is designed, or used with a motor vehicle, so that some of its weight and the weight of its load rests on or is carried by the motor vehicle.

*Trailer* means a vehicle without motive power that is (i) designed or used to carry property or passengers on its own structure exclusively, and (ii) drawn by a motor vehicle.

*Truck-tractor* means a motor vehicle designed or use primarily for drawing another vehicle (i) that is not constructed to carry a load other than a part of the weight of the vehicle and the load being drawn, or (ii) that is engaged with a semitrailer in the transportation of automobiles or boats and that transports the automobiles or boats on part of the truck-tractor.

*Vehicle* means a mechanical device, other than a device moved by human power or used exclusively upon stationary rails or tracks, in, on, or by which a person or property can be transported on a public highway. The term includes a motor vehicle, commercial motor vehicle, truck-tractor, trailer, or semitrailer, but does not include manufactured housing as defined by the Texas Manufactured Housing Standards Act (art. 5221f, V.T.C.S., as amended or superseded).

Section 2. Prohibition. Except as otherwise provided by law, a vehicle or combination of vehicles may not be operated over or on Bridgefarmer Road within the City of Lowry Crossing if the vehicle or combination of vehicles has an overall gross weight heavier than 12,000 pounds (including all enforcement tolerances) on a group of two or more consecutive axles. Emergency vehicles (e.g. fire trucks, police vehicles), moving vans, vehicles providing food carrier services, school buses, and vehicles performing public utility functions are exempt from the prohibition of this section.

Section 3. Defense to Prosecution. It is a defense to prosecution that the prohibited vehicle or combination of vehicles was in route to or returning from a destination that can only be accessed from Bridgefarmer Road.

Section 4. Purpose. It is a purpose of this Ordinance to regulate the movement and operation on the street described in Section 2 of overweight and oversize commodities that cannot reasonably be dismantled, and of superheavy or oversize equipment for the transportation of an overweight, oversize, or overlength commodity that cannot be reasonably dismantled.

Section 5. Savings. This Ordinance shall be cumulative of all other ordinances of the City affecting the streets and roads of the City and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of those ordinances are in direct conflict with the provisions of this Ordinance.

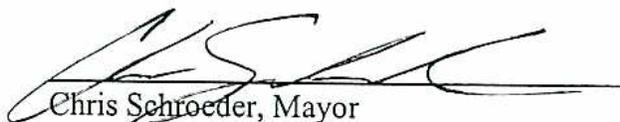
Section 6. Penalty. It shall be unlawful for any person to violate any provision of this Ordinance, and any person violating or failing to comply with any provision hereof shall be fined, upon conviction, in an amount of not more than Five Hundred Dollars (\$500.00).

Section 7. Severability. The sections, paragraphs, sentences, phrases, clauses and words of this Ordinance are severable, and if any section, paragraph, sentence, phrase, clause or word in this Ordinance or application thereof to any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of

the remaining portions of this Ordinance, and the City Council hereby declares that it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

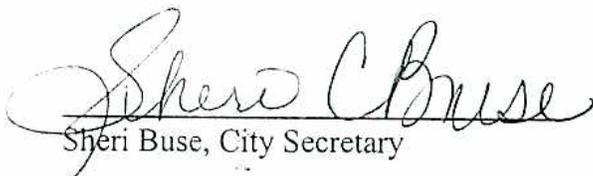
Section 8. Effective date. This Ordinance shall become effective from and after its date of passage and publication as provided by law.

**PASSED AND APPROVED** by the City Council of the City of Lowry Crossing, Texas this the 3<sup>rd</sup> day of December, 2002.



Chris Schroeder, Mayor

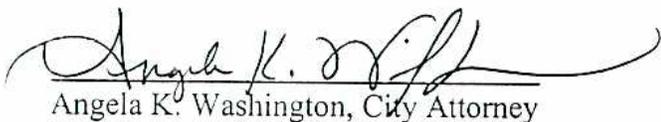
ATTEST:



Sheri Buse, City Secretary

[SEAL]

APPROVED AS TO FORM:



Angela K. Washington, City Attorney