ORDINANCE 2022-05-01

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF POETRY, TEXAS DESIGNATING TRUCK ROUTES WITHIN THE TOWN; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING FOR A PENALTY NOT TO EXCEED THE SUM OF FIVE HUNDRED ($500.00) DOLLARS FOR EACH OFFENSE AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED UPON EACH DAY DURING OR ON WHICH A VIOLATION OCCURS OR CONTINUES; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING FOR PUBLICATION AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Poetry, Texas ("Town") is a Type A general-law municipality, created in accordance with the provisions of Chapter 6 of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the Town Council of the Town of Poetry ("Town Council") has the authority to adopt and enforce traffic rules and regulations on Town streets by virtue of the authority contained in the Texas Transportation Code and other applicable law; and

WHEREAS, the Town Council finds and determines that the operation of large commercial motor vehicles on Town streets has had a significant impact on the safety and quality of life of many residents; and

WHEREAS, the Town Council finds and determines that prohibiting commercial truck traffic on certain Town streets and rights-of-way is in the best interests of the Town and its citizens; and

WHEREAS, the Town Council has investigated and determined that the designation of a designated truck route as set forth herein will improve traffic flow, be of benefit to citizens residing and traveling in Poetry, and be of benefit to the public welfare, health and safety.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF POETRY, TEXAS:

SECTION 1. The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

SECTION 2. The following designation of truck routes is hereby established:

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

Commercial truck shall mean any self-propelled motor vehicle or towed vehicle, or any combination thereof, designed, used or maintained primarily for the transportation of cargo/property, and equipped with tandem axles or a movable long bed, or truck-tractors, trailers, or semitrailers, or combination of such vehicles, having a gross vehicle weight in excess of 33,000 pounds. Commercial truck shall also mean any vehicle used to transport hazardous materials in a quantity requiring placarding by a regulation issued under the Hazardous Materials Transportation Act. Commercial trucks shall not include vehicles carrying or designated to carry only passengers, all governmentally owned or leased vehicles, public utility vehicles, franchised solid waste service provider vehicles, motor homes, or recreational vehicles.

Gross vehicle weight means the combined weight of the tractor and/or trailer or semitrailer and/or the weight of the load actually carried on the roadway.

Proof of route shall mean a written verification of pick-ups, deliveries, or destinations, which may include a log book, delivery slip, shipping order, bill or any other document which identifies and specifies the date, address, and name of the person requesting or directing the pick-up or delivery and the destination of the pick up or delivery.

2.02. Designation of truck routes.

The following streets or portions of streets are designated as through truck routes within the Town:

Street	**Extent**
FM 986	Town limits to Town limits
FM 1565	FM 986 to Town limits

Whenever any street designated as a truck route is being repaired or is otherwise temporarily out of use, the Town is hereby authorized to designate alternate truck routes for such period as might be necessary.

The following streets or portions of streets are prohibited for through truck routes:

Street	**Extent** *POB =Point of Beginning *POE=Point of Ending on Surveyors map
CR 249	Entirety
CR 323	POB: K-5 to POE: K-5+ 311 ft arch
CR 2454	Entirety
CR 2458	KC/HC line(POB H:11) to POE : H-11+ 311 ft arch
CR 2326	Entirety
CR 2434	POB: H-7 to POE: H-7 +311 ft arch
CR 2452	Entirety
CR 2432	POB: H-4 to POE: H-4 +311 ft arch
CR 2468	Entirety

2.03. No through commercial truck traffic.

(a) Except as otherwise permitted by law, no commercial truck shall be operated over on, or upon public streets wholly within the corporate limits of the Town.

(b) Commercial trucks may be operated over public streets within the corporate limits of the Town not designated as through truck routes under section 2.02 for the purpose of delivering or picking up materials or merchandise with proof of route, and then only by entering such street at its nearest intersection with one of the truck routes described in section 2.02 and traveling no farther than the destination of its pick-up or delivery and returning to the truck route by the nearest and most direct route.

(c) Any police officer, having reason to believe that the gross vehicle weight of a loaded or unloaded commercial truck constitutes a violation of this article, is authorized to weigh the vehicle by means of portable or stationary scales, locating the gross vehicle weight as furnished by the manufacturer of such vehicle, or cause the vehicle to be weighed by a public weigher, and to require that the vehicle be driven to the nearest available scales for the purpose of weighing. If the gross vehicle weight of such vehicle is found to exceed the maximum gross weight authorized by this article, such police officer shall have the option to issue a citation.

2.04. Placement of traffic control devices.

The Town Council authorizes the Mayor to provide for the placement and direction of such signs, signals, and traffic control devices as are reasonably necessary to accomplish the purposes of this section.

SECTION 3. That it is the intent of the Town Council in adopting this ordinance that an offense under this ordinance be a strict liability offense; in the prosecution of an offense under this ordinance, no pleading or proof of intent shall be required to establish the guilt of an accused. That any person, firm, entity, or corporation violating any of the provisions or terms of this ordinance shall, upon conviction, be punished by a fine not to exceed five hundred dollars ($500.00) for each offense, and a separate offense is deemed committed upon each day during or which a violations occurs on continues.

SECTION 4. This Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances or parts thereof in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance.

SECTION 5. Save and except as amended hereby, all articles, sections, subsections, clauses, and phrases of the Code of Ordinances remain in full force and effect.

SECTION 6. If any section, subsection, clause, phrase or provision of this Ordinance, or any application thereof to any person or circumstance, shall to any extent be held by a court of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections, clauses, phrases and provisions of this Ordinance, or any application thereof to any person or circumstance, shall remain in full force and effect and shall in no way be affected, impaired or invalidated.

SECTION 7. The Town Secretary is hereby directed to engross and enroll this Ordinance by copying the exact caption and effective date clause in the minutes of the Town Council and by filing this Ordinance in the Ordinance records of the Town.

SECTION 8. This Ordinance shall become effective immediately upon its passage and publication as required by law and Charter.

DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF POETRY, TEXAS on this 17th day of May 2022.

Tara Senkevech
TARA SENKEVECH, MAYOR

ATTEST:

Theresa Schwan
TOWN SECRETARY

APPROVED AS TO FORM:

Emily Bowlin
EMILY BOWLIN
ASSISTANT TOWN ATTORNEY

POETRY TEXAS