ORDINANCE NUMBER 983

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, AMENDING THE CODE OF ORDINANCES BY AMENDING TITLE VII: TRAFFIC CODE BY ADDING CHAPTER 77: TRUCK ROUTES; DESIGNATING TRUCK ROUTES WITHIN THE CITY LIMITS OF BURKBURNETT; PROVIDING A BAN ON THE OPERATION OF COMMERCIAL VEHICLES ON CERTAIN ROADS; PROVIDING A PENALTY CLAUSE; REPEALING ANY CONFLICTING ORDINANCE; PROVIDING FOR PUBLICATION AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, increased commercial traffic on certain City streets creates a hazard to the citizens of Burkburnett and is causing significant damage to City residential streets; and

WHEREAS, the Burkburnett Board of Commissioners finds that it is in the best interest of the City to promote the health, safety, and general welfare of the City to regulate the travel of trucks within the Burkburnett City limits.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS, THAT:

Part 1. Enacted

THAT the Code of Ordinances of the City of Burkburnett is hereby amended by amending TITLE VII: TRAFFIC CODE by adding Chapter 77: Truck Routes, which shall read as follows:

§ 77.01 Definitions.

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

Commercial motor vehicle means any motor vehicle designed or used for the transportation of property, not including a passenger bus, passenger automobile, panel delivery truck, or pickup truck.

Mobile home means living quarters equipped and used for sleeping and eating, which may be moved from one (1) location to another over a public street by being pulled behind a motor vehicle.

Motor vehicle means every vehicle which is self-propelled.

Pole trailer means every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a 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.

Semitrailer means every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and its load rests upon or is carried by another vehicle.

Trailer means every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

Transport means to move any motor vehicle requiring placards upon any public thoroughfare, highway, or street.

Truck tractor means every motor vehicle designed and 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 mechanical device in, upon or by which any person or property is or may be transported or drawn upon a public highway, including motor vehicles, truck-tractors, and semitrailers, severally, as herein defined, but excepting devices moved by human power or used exclusively upon stationary rails or tracks.

§ 77.02 PROHIBITION ABSENT LOCAL DESTINATION OR POINT OF ORIGIN.

No person shall operate or cause to be operated any commercial motor vehicle, truck-tractor, trailer, semitrailer, pole trailer or any combination thereof through the City in intercity travel, without a local destination or point of origin, except upon such streets as are designated as truck routes in this Chapter.

§ 77.03 TRUCK ROUTES USE REQUIRED: EXCEPTIONS.

(A) *Use required.* Except as otherwise provided herein, no person shall operate or cause to be operated upon any public street within the corporate limits of the City any commercial motor vehicle, truck-tractor, trailer, semitrailer, pole trailer or any combination thereof, except on such street or streets as are designated as truck routes. Such vehicles shall be operated on a truck route wherever reasonably practicable to fulfill the purpose for which such vehicle is then being operated.

(B) *Exceptions.* The provisions of this section shall not apply to:

(1) A vehicle traveling to or from a truck terminal, garage, place of repair, place of performing a service, or a place of loading or unloading, over the shortest practicable route to a point on a truck route. Any such vehicle shall be permitted to proceed from one point not on a truck route to another such point without returning to a truck route if to so return would

unreasonably increase the distance to be traveled between such points. The operators of any such vehicles shall carry evidence of the location of its last stop and its immediate destination.

(2) Emergency vehicles operating in response to any emergency call.

(3) Vehicles operated by a public utility while cruising in an assigned area for the purpose of inspecting the facilities of such public utility or providing maintenance service to such facilities.

(4) Vehicles operated for public service, such as garbage pickup, street repair, and water service.

(C) *Signs*. The City Manager or designee shall erect appropriate signs and markings to designate the truck routes.

(D) *Alternative Routes*. Whenever any a truck route is being repaired or is otherwise temporarily out of use, the City Manager or designee is hereby authorized to designate alternate truck routes for such period as might be necessary.

§ 77.04 DESIGNATED TRUCK ROUTES.

When signs are erected giving notice thereof, no person shall operate a commercial vehicle at any time except upon the following streets within the City limits designated as "truck routes" under this section:

(1) Interstate 44
(2) FM 369
(3) FM 3429 (Ameron Road, Daniels Road)
(4) West 3rd Street
(5) East 3rd Street
(6) Truck Bypass Road (Gresham Road)
(7) South Oklahoma Cutoff
(8) North Oklahoma Cutoff
(9) Highway 240
(10) Loop 267 (South Ave D, Sheppard Road)
(11) West Kramer Road
(12) South Preston Street
(13) Commerce Drive
(14) Glendale Street (from I-44 to Oklahoma Cutoff)

§ 77.05 PENALTY AND ENFORCEMENT.

(A) *Penalty*. Any person, firm, or corporation who violates any of the provisions of this Chapter shall be deemed guilty of a misdemeanor and upon conviction shall be fined a sum not more than $500.00 for each offense.

(B) *Enforcement*. The City of Burkburnett Police Department shall be responsible for the enforcement of this section.

Part 2. Repeal of Conflicting Ordinances.

All ordinances or parts of ordinances and sections of any of the City Code of Ordinances in conflict with this Ordinance are hereby repealed.

Part 3. Severability.

If any provision of this Ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications hereof 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.

Part 4. Publication.

The City Clerk is hereby authorized and directed to cause publication of the descriptive caption of this Ordinance as an alternative means of publication provided by law.

Part 5. Effective Date.

This Ordinance shall be in full force and effect immediately upon passage and publication.

PASSED AND APPROVED ON THIS 19TH DAY OF OCTOBER 2020.

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Carl Law, Mayor

ATTEST:

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Margie Poole, City Clerk