

ORDINANCE NO: 569

AN ORDINANCE AMENDING CHAPTER 18 OF THE CODE OF ORDINANCES OF THE CITY OF WEST COLUMBIA ENTITLED "TRAFFIC AND VEHICLES" BY AMENDING SECTION 18-1 TO INCLUDE A DEFINITION FOR THE TERM "REGULATED COMMERCIAL VEHICLE" AND BY AMENDING ARTICLE IV ENTITLED "SPECIFIC STREET REGULATIONS" OF CHAPTER 18 BY ESTABLISHING LOAD LIMITS ON CITY STREETS AND DESIGNATED ROUTES FOR REGULATED COMMERCIAL VEHICLES EXCEEDING A RATED CAPACITY OF 26,000 POUNDS; PROVIDING FOR THE REPEAL OF ALL CODE PROVISIONS, ORDINANCES, RESOLUTIONS, AND/OR INFORMAL POLICIES OF THE CITY OF WEST COLUMBIA, TEXAS TO THE EXTENT THEY ARE INCONSISTENT OR IN CONFLICT WITH THIS ORDINANCE; CONTAINING A SEVERABILITY CLAUSE; PROVIDING THAT THE VIOLATION OF THIS ORDINANCE SHALL CONSTITUTE AN OFFENSE PUNISHABLE BY A FINE NOT TO EXCEED \$500.00 FOR EACH OFFENSE, AS MORE FULLY SET OUT IN THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST COLUMBIA, TEXAS:

Section One

Section 18-1 of the Code of Ordinances of the City of West Columbia, Texas, shall be and is hereby amended by the addition to that Section of the definition "Regulated Commercial Vehicle", as follows:

Section 18-1 Definitions.

- (9) ***Regulated Commercial Vehicle*** shall mean every commercial vehicle with a rated capacity in excess of 26,000 pounds GVWR(26,000) according to the manufacturer's classification for that vehicle.

Section Two

Article IV "Specific Street Regulations" of Chapter 18 of the Code of Ordinances shall be and is hereby amended by the addition of the following Sections:

Section 18-104 Load Limits

It shall be unlawful for any person to operate any Regulated Commercial Vehicle upon any public street or right away in the City or within its extraterritorial jurisdiction except within the Business District, provided, however, when any road or highway within the Business District is damaged and/or being repaired in a manner which prevents its use by a Regulated Commercial Vehicle, then the City Manager and/or his/her designee is authorized to designate an alternate route for such periods as may be reasonably necessary.

Section 18-105 Exceptions by Permit-Indemnity Bond

A Regulated Commercial Vehicle may be operated on streets other than in the Business District only by permit issued by the City on a case by case basis, and then only upon providing the City an indemnity bond in the amount of not less than \$50,000.00 to reimburse the City for any and all damage to its streets, bridges, culverts or drainage easements which may be occasioned by the permitted use. The indemnity bond must remain in force and effect for no less than ninety (90) days from the date of the initial execution of the permit. The amount of the bond shall be determined, on a case by case basis, under guidelines established by the City Manager, which shall take into consideration the type of the vehicle, the amount of excess weight, the distance to be traveled and the condition of the streets to be traveled. A permit may be issued under this Section only when, in the determination of the City Manager, it is impossible or impractical to either reduce the weight of the load or to use a different commercial vehicle which is not regulated under this Article.

Section 18-106 Delivery and Pick-up Exception

It shall be a defense to prosecution of a load limit violation if the Regulated Commercial Vehicle is required to completely or partially load and/or unload at a point which does not lie within the Business District. In such event, the Regulated Commercial Vehicle must proceed by the shortest route to and from the point of loading and unloading and the Business District or otherwise follow a route specified by the City Manager. Any person operating a Regulated

Commercial Vehicle which falls under this exception must have in his or her possession for the inspection of the City a log book, delivery slips or other evidence of the intended destination and the point of origin.

Section 18-107 Exceptions for Governmental Vehicles and Emergency Vehicles

Expressly excluded from the definition of Regulated Commercial Vehicles are the following: (a) any fire truck, ambulance, or other emergency vehicle; (b) any vehicles owned or operated by the City, County, State or Federal Government or contracted by any of those entities; and c) any tractor owned by a bona fide resident of the City in transit between his or her residence and the nearest point in the Business District.

Section 2

Any and all Code provisions, rules, ordinances, police regulations, resolutions, and/or informal policies of the City of West Columbia, whether written, or otherwise, which are in any manner in conflict with or inconsistent with this article, shall be and are hereby repealed to the extent of such conflict and/or inconsistency.

Section 3

It is hereby declared to be the intention of the City Council that the several provisions of this article are severable, and if any court of competent jurisdiction enters a final order which holds that any section, sub-section, sentence, clause, phrase, or other portion of this article is invalid, illegal, or otherwise unenforceable, then any such portion shall be deemed a separate, distinct and independent provision, and any such ruling shall not affect any other provisions of this article which are not specifically designated as being illegal, invalid, or unenforceable.

Section 4

This article shall be effective upon its passage and approval, and the publication of its caption as provided by law.

PASSED AND APPROVED this the 13th day of
July, 2009.


LAURIE B. KINGANNON, Mayor

ATTEST:


KELLI KUBAN, City Secretary