

# CITY OF WILLOW PARK

ORDINANCE NO. 594-09

**AN ORDINANCE OF THE CITY COUNCIL OF WILLOW PARK, TEXAS, PROVIDING CERTAIN RESTRICTIONS FOR GROSS VEHICULAR WEIGHT FOR ROAD USE, DESIGNATING TRUCK ROUTES, PROVIDING AN EFFECTIVE DATE; PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF AND PROVIDING FOR ENFORCEMENT.**

WHEREAS, the City of Willow Park, Texas ("City") is a municipal corporation organized under the laws of the State of Texas; and

WHEREAS, it is the intent of the City Council to protect the public health, safety and welfare and well being of its citizens; and

WHEREAS, municipalities may, under their police powers, enact reasonable regulations to promote the health, safety and welfare of citizens; and

WHEREAS, TEXAS LOCAL GOVERNMENT CODE §51.001(1) provides that the governing body of a municipality may adopt, publish, amend, or repeal an ordinance, rule or police regulation that is for the good government, peace, or order of the municipality; and

WHEREAS, the City Council is committed to providing well-maintained and safe city streets; and

WHEREAS, the City Council has determined that keeping commercial vehicle routes as direct as possible minimizes public exposure to safety hazards and may reduce the nature or frequency of required street maintenance; and

WHEREAS, the design features and structural strength of residential city streets and streets that are not highways are not supportive of all commercial vehicle sizes and weights; and

WHEREAS, the City Council has determined that it is in the best interest of the public and citizens of the City to restrict and regulate maximum vehicular gross weight pursuant to § 621.303, TEX. TRANSPORTATION CODE.

**NOW, THEREFORE: BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WILLOW PARK, TEXAS:**

## SECTION 1. AUTHORIZATION

The Mayor, or Mayor's designee, is hereby authorized and directed to implement the applicable provisions of this Ordinance.

## SECTION 2. AMENDMENT TO CHAPTER 10 "TRAFFIC CONTROL" ARTICLE 10.504(5) "ROAD USE AGREEMENTS FOR USE OF STREETS NOT DESIGNATED AS A TRUCK ROUTE BY CERTAIN COMMERCIAL VEHICLES" OF THE CITY'S CODE OF ORDINANCES

Chapter 10, "Traffic Control", Article 10.504(5) of the City's Code of Ordinances is hereby amended as follows:

5. The Applicant shall specify the gross weight of the equipment or vehicles, which shall not exceed ~~48,000~~ 30,000 pounds of gross weight ~~or 18,000 pounds per axle, and their intended route of travel on a designated municipal Truck Route or 20,000 pounds gross weight on a non-designated Truck Route.~~

## SECTION 3. RECITALS

The City Council hereby finds and declares all precatory language herein to be true and correct and approves and adopts the same herein as part of this Ordinance.

## SECTION 4. SAVINGS/REPEALING CLAUSE

All provisions of any Ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal not abate any pending

prosecution for violation of the repealed Ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the Ordinance. Any remaining portions of said Ordinances shall remain in full force and effect.

SECTION 5. SEVERABILITY

If any section, paragraph, subsection, sentence, clause, phrase or provision of this Ordinance is for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this or any other Ordinance of the City to which these rules and regulations relate. The City of Willow Park hereby declares that it would have passed this Ordinance, and each section, paragraph, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, paragraph, subsection, sentence, clause or phrase be declared invalid or unconstitutional.

SECTION 7. EFFECTIVE DATE

This Ordinance shall take effect from and after the publication in a newspaper of general circulation.

PASSED AND ADOPTED this 20<sup>th</sup> day of April, 2009.

/s/ Marvin Glasgow  
Mayor

ATTEST:

/s/ Yael Hoffman  
City Secretary/Clerk

APPROVED AT TO FORM:

/s/ [Signature]  
City Attorney

The Willow Park City Council in acting on Ordinance No. 594-09 did on the 20<sup>th</sup> day of April, 2009, vote as follows:

	<u>FOR</u>	<u>AGAINST</u>
Marvin Glasgow, Mayor	<u>✓</u>	_____
Barry K. Tatum, Place 1	<u>✓</u>	_____
J. Teresa Welch, Place 2	_____	_____
Barry Brown, Place 3	<u>✓</u>	_____
Kenneth Hawkins, Place 4	<u>✓</u>	_____
Hale Alderman, Place 5	<u>✓</u>	_____