

CITY OF WILLOW PARK

ORDINANCE NO. 623-10

AN ORDINANCE AUTHORIZING THE CITY TO SUSPEND AND PROHIBIT THE USE OF SOUTH RANCH HOUSE ROAD AS A DESIGNATED TRUCK ROUTE DURING CERTAIN CONSTRUCTION PERIODS AS DEFINED HEREIN; PROVIDING FOR NOTICE; PROVIDING FOR THE PUBLICATION; PROVIDING FOR A PENALTY; AND, PROVIDING AN EFFECTIVE DATE.

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 streets and streets that are not highways are not supportive of all commercial vehicle sizes and weights; and

WHEREAS, the City has awarded a contract for the construction, rehabilitation or reconstruction of South Ranch House Road which is anticipated to be under construction for all or a portion of the period between September 2010 and May 2011; and

WHEREAS, the reconstruction of certain traffic lanes of South Ranch House Road requires the pouring, compaction and curing of the concrete surface which is adversely affected by commercial vehicles over 30,000 pounds gross weight; and

WHEREAS, the City amended Article 10.500 "Restrictions of Road Use for Commercial Vehicles and Designation of Truck Routes" by the adoption of Ordinance 568-08 requiring a Road Use Agreement for any commercial vehicle which exceeds 30,000 pounds of gross weight on a designated municipal truck route (see, Ordinance 594-09; effective April 20, 2009); and

WHEREAS, road use agreements for a commercial vehicle exceeding 30,000 pounds gross weight or 15,000 per axle, would permit such travel on Ranch House Road, but would be dangerous and harmful to the road during the reconstruction process; and

WHEREAS, the City has determined that it is in the best interest of the traveling public to complete the reconstruction of South Ranch House Road in as expeditious manner as possible and to do so requires the suspension of a Road Use Permit for a commercial vehicle during the period of "concrete cure" which is part of the road construction.

NOW, THEREFORE: BE IT RESOLVED 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. TEMPORARY SUSPENSION OF ROAD USE PERMIT

The designation of Ranch House Road as a truck route in and for the City pursuant to Chapter 10, Article 10.500, Municipal Code of Ordinances (Ordinance No. 594-09) is hereby temporarily suspended and no commercial vehicle with a gross weight exceeding 30,000 pounds or 15,000 pounds per axle is permitted to travel on portions of South Ranch House Road during designated construction periods.

The exclusion of commercial vehicles, so defined, shall be for a period as determined by the Mayor or City Administrator and specified in writing. The suspension of the use of South Ranch House Road as a truck route shall terminate on the earlier of: (i) a determination by the Mayor or City Administrator that the period for concrete curing is completed or (ii) the construction of South Ranch House Road has been completed.

SECTION 4. OFFENSE

It shall be unlawful for any person to operate, or permit to be operated, a commercial vehicle upon South Ranch House Road during the suspension of use of South Ranch House Road as a designated truck route. Any person, firm, corporation, or entity who violates this Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined a sum of not less than \$100 and not to exceed \$500 for each day of violation which shall constitute a separate offense.

SECTION 5. NOTICE

A copy of this Ordinance shall be sent by the City Secretary to each commercial vehicle firm, corporation, or entity reasonably known to the City which operates a commercial vehicle so defined within the City, within ten days after the adoption of this Ordinance. Failure to receive notice does not constitute a defense to an offense under this Ordinance.

SECTION 6: 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 7. 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.

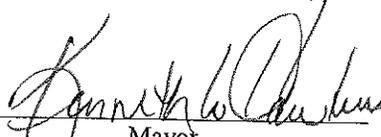
SECTION 8. PUBLICATION

City Secretary is hereby instructed to publish the caption of this ordinance in a newspaper of general circulation after its adoption

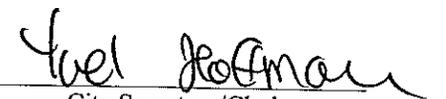
SECTION 9. EFFECTIVE DATE

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

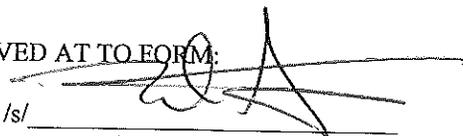
PASSED AND ADOPTED this 9th day of August, 2010.

/s/ 
Mayor

ATTEST:

/s/ 
City Secretary/Clerk

APPROVED AT TO FORM:


/s/
City Attorney

The Willow Park City Council in acting on Ordinance No. 623-10 did on the 9th day of August, 2010, vote as follows:

	<u>FOR</u>	<u>AGAINST</u>
Kenneth Hawkins, Mayor	_____	_____
Barry K. Tatum, Place 1	_____/_____/_____	_____
Gene Martin, Place 2	_____	_____
Barry Brown, Place 3	_____/_____/_____	_____
Mark Hickerson, Place 4	_____/_____/_____	_____
Hale Alderman, Place 5	_____/_____/_____	_____