

CITY OF JOSHUA, TEXAS

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF JOSHUA, TEXAS, AMENDING SUBSECTION (a) OF SECTION 12.04.003, "UNLAWFUL ACTS; EXEMPTIONS," OF CHAPTER 12, "TRAFFIC AND VEHICLES," OF THE CODE OF ORDINANCES OF THE CITY OF JOSHUA, TEXAS, BY ADDING THE HEREINAFTER REFERENCED ROADS OR STREETS TO THE LISTING OF ROADS OR STREETS IN SAID SUBSECTION; MAKING FINDINGS; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the City of Joshua, Texas ("City"), is a home-rule municipal corporation duly organized under the laws of the State of Texas; and

WHEREAS, on or about December 12, 2022, the City Council adopted Ordinance No. 852-2022, which, in part, provided a listing of the roads or streets in the City on which the operation of commercial motor vehicles was prohibited; and

WHEREAS, said Ordinance was adopted to provide additional safety for the City's residents and the traveling public; and

WHEREAS, the City Council desires to add additional roads or streets to the listing of roads or streets contained in Section 12.04.003(a) on which the operation of commercial motor vehicles is prohibited; and

WHEREAS, the City Council strongly believes that the addition of the following roads or streets will enhance public safety, limit noise and associated concerns, and be in the best interests of the residents of the City as well as the traveling public, and hereby so declares.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JOSHUA, TEXAS, THAT:

SECTION 1

The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2

From and after the effective date of this Ordinance, existing Subsection (a) of Section 12.04.003, "Unlawful Acts; Exemptions," of Chapter 12, "Traffic and Vehicles," of the Code of Ordinances of the City of Joshua, Texas, is hereby amended to include the following roads or streets on which the operation of commercial motor vehicles is prohibited: Trailwood Drive; Eddy Avenue; Santa Fe Street; Caddo Drive and Littlebrook Road.

SECTION 3

All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal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 portion of conflicting ordinances shall remain in full force and effect.

SECTION 4

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason, held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City of Joshua hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional.

SECTION 5

Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by fine not to exceed the sum of five hundred dollars (\$500.00) for each offense.

SECTION 6

This Ordinance shall become effective after its passage and publication, as required by law.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF JOSHUA, TEXAS, ON THIS 20TH DAY OF APRIL, 2023.

APPROVED:

Scott Kimble, Mayor

ATTEST:

Alice Holloway, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Terrence S. Welch, City Attorney