

ORDINANCE NO. #####
{City of Joshua - No Thru Truck
Traffic}

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF JOSHUA, TEXAS, ESTABLISHING THE CITY OF JOSHUA CODE OF ORDINANCES BY ADDING A NEW SECTION #####, THRU TRUCK TRAFFIC PROHIBITED, TO CHAPTER ##, TRAFFIC REGULATIONS; ESTABLISHING REGULATIONS RELATED TO TRUCK TRAFFIC ON PUBLIC STREETS DESIGNATED AS NO THRU TRUCK STREET; PROVIDING FOR A PENALTY IN AN AMOUNT NOT TO EXCEED \$500 FOR EACH VIOLATION THEREOF; AND MAKING FINDS RELATED THERETO; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City Council of the City of Joshua, Texas finds that it is in the best interest of the health, safety, and welfare of its citizens to prohibit thru truck traffic on certain streets within the City; and,

WHEREAS, the City Council further finds that the prohibition of thru truck traffic on the streets designated herein will help to prolong the life of those streets so designated; and,

WHEREAS, the City Council desires to prohibit thru traffic on the streets designated below; and

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

SECTION 1. The Code of Ordinances of the City of Joshua, Texas is amended by the adding of a new Section #####, Thru Truck Traffic Prohibited, to Chapter ##, Traffic Regulations, to read as follows:

“Sec. ##.## Thru truck traffic prohibited.

(a) 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:

(1) *Authorized emergency trucks* shall mean fire department trucks, police trucks, public ambulances for which permits have been issued by the State Board of Health, emergency trucks of municipal departments or public service corporations as are designated or authorized by the governing body of an incorporated city, private trucks operated by volunteer firemen or certified emergency medical volunteers while answering a fire alarm or responding to a medical emergency, and trucks owned by the state or by a political subdivision engaged in emergency utility repair or electric, water, or wastewater services.

- (2) *Commercial vehicle* shall mean any vehicle, with a gross vehicle weight in excess of ten thousand (10,000) pounds or carrying capacity exceeding one ton and used for the delivery of passengers, tools, materials, or livestock. A Recreational Vehicle, herein, is not considered a commercial vehicle.
- (3) *Light Truck* shall mean any truck with a manufacturer's rated carrying capacity of two thousand (2,000) pounds or less, including trucks commonly known as pickup trucks, panel delivery trucks, and carryall trucks.
- (4) *Recreation vehicle* means personal vehicles such as boats and boat trailers, watercraft and watercraft trailers, travel trailers, pickup campers or coaches (designed to be mounted on automotive vehicles), and motorized dwellings (RV).
- (5) *Truck* shall mean any motor vehicle designed, used or maintained primarily for the transportation of property, including "truck tractors," "road tractors," "trailers," semi-trailers," "pole trailers," and "special mobile equipment" as those terms are defined in the Texas Transportation Code.
- (6) *No Through Truck Street* means a city street where Truck Traffic is prohibited.
- (7) *Proof of route* shall mean a written verification of pick-ups, deliveries, or destinations which may include a logbook, delivery slip, shipping order, bill or any other document which identifies and specifies the date, address, and name of the person requesting or directing the pick-up or delivery and the destination of the pick-up or delivery.

SECTION 2. NO THRU TRUCK TRAFFIC STREETS DESIGNATED. Thru truck traffic is prohibited on the following streets:

	<u>Extent</u>
4 th Street	
10 th St.	Between Veatch St. and N. Main St.
14 th St.	From SH 174 to SH 917
Paula St.	
Cobb St.	
Baldwin St.	
Country Club Dr.	
C.R. 904	a.k.a. Indian Hills
C.R. 1022	
North Main St.	
South Main St.	
Thomas St.	
Spring Valley Rd.	
Forrest Ln.	

SECTION 3. THRU TRUCK TRAFFIC IS PROHIBITED. No person shall operate a Truck upon any city street designated as a No Through Truck Street. A person commits an offense if the person operates a Truck upon a city street designated as a No Through Truck Street.

SECTION 4. EXEMPTIONS AND AFFIRMATIVE DEFENSES. The Director of Public Works is directed to erect and place signs designating the above streets as “No Thru Truck Traffic” streets.

A. The provisions of this Ordinance shall not apply to:

1. An authorized emergency vehicle in response to any emergency call;
2. A vehicle operated by a public utility in the assigned area for the purpose of inspecting the facilities of the public utility or providing maintenance service to such facilities;
3. Municipal and county vehicles performing city and county business and services, school buses and church buses.

B. The following provision is an affirmative defense to prosecution if the Truck:

1. was being driven to seek service or repairs at a facility that engages in the business or repairs of commercial motor vehicles, or the truck was being driven to or from home or to fulfill a local commercial obligation to a buyer or seller at a given destination, evidenced by a bill of sale, invoice or other proof of route which shall be displayed immediately upon request; and
2. the public street was the only route to such a destination.

SECTION 5. INSTALLATION OF SIGNS. The Director of Public Works is directed to erect and place signs designating the above streets as “No Thru Truck Traffic” streets.

SECTION 6. PENALTY. Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not more than Five Hundred Dollars (\$5,00.00) per offense or the maximum amount permitted by law. Each day of violation shall constitute a separate offense.

SECTION 7. REPEALER CLAUSE: That all provisions of the Ordinances of the City of Joshua in conflict with the provision of this Ordinance be, and the same are hereby, repealed, and all other provisions of the Ordinances of the City of Joshua not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 8. SEVERABILITY CLAUSE: It is the intent of the City Council that each sentence, paragraph, subdivision, clause, phrase, or section of this Ordinance be deemed severable, and should any such sentence, paragraph, subdivision, clause, phrase, or section be declared invalid or unconstitutional for any reason, such declaration of invalidity or unconstitutionality shall not be construed to affect the validity of those provisions of the Ordinance left standing.

SECTION 9. EFFECTIVE DATE: This Ordinance shall take effect immediately from its passage and publication of the caption as the law in such cases provides.

SECTION 10. PUBLICATION. That it is hereby officially found and determined that the meeting at which this ordinance is passed is open to the public and that public notice of the time, place, and purpose of said meeting was given as required by law.

ADOPTED on this the 20th day of October, 2022.

CITY OF JOSHUA, TEXAS

APPROVED:

Scott Kimble, Mayor

ATTEST:

Alice Holloway, City Secretary