

**CITY OF JOSHUA, TEXAS**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF JOSHUA, TEXAS, REPEALING SECTION 12.04.002, "PENALTY," AND SECTION 12.04.003, "USE REQUIRED; EXCEPTIONS," OF ARTICLE 12.04, "TRUCK ROUTES," OF CHAPTER 12, "TRAFFIC AND VEHICLES," OF THE CODE OF ORDINANCES OF THE CITY OF JOSHUA, TEXAS, AND REPLACING THEM WITH A NEW SECTION 12.04.002, "TRUCK ROUTES," AND A NEW SECTION 12.04.003, "UNLAWFUL ACTS; EXEMPTIONS," RELATED TO TRUCK ROUTES AND COMMERCIAL MOTOR VEHICLE TRAFFIC ORIGINATION AND DESTINATION; 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**, the City previously has expressed serious concerns about the safety of its residents and the traveling public due to truck and other commercial motor vehicle traffic on certain street segments within the City, and wishes to provide additional safety for its residents and the traveling public; and

**WHEREAS**, there have arisen questions relative to the loading and unloading of goods in the City by commercial motor vehicles and said commercial trucks' use of the shortest possible route to a truck route, and it is the intent of this Ordinance to provide guidance on approved truck routes in the City; and

**WHEREAS**, the City Council strongly believes that the following regulations relative to commercial motor vehicle traffic 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 Section 12.04.002, "Penalty," and Section 12.04.003, "Use Required; Exceptions," of Article 12.04, "Truck Routes," of Chapter 12, "Traffic and Vehicles," of the Code of Ordinances of the City of Joshua, Texas, are hereby repealed and replaced with a new Section 12.04.002, "Truck Routes,;" and a new Section 12.04.003, "Unlawful Acts; Exemptions," to read as follows:

### **"Sec. 12.04.002     Truck Routes**

(\*)     The following roads, streets, highways or portions thereof are, by the terms of this division, hereby designated as truck routes, to the exclusion of all other roads, streets, highways or portions thereof.

(1)     All designated state highways situated within the corporate limits of the City, including, but not limited to, State Highway 174.

(\*)     All designated farm to market roads situated within the corporate limits of the City, including, but not limited to, FM 917.

(b)     The City Manager or his/her designated representative shall erect appropriate signs and markings advising motorists of the truck routes established by this article and of streets upon which truck travel is prohibited by this article.

### **Sec. 12.04.003     Unlawful Acts: Exemptions**

(a)     It shall be unlawful to operate a commercial motor vehicle on the following roads or streets located in the City:

<b>Street Segment</b>	<b>Extent</b>
4 <sup>th</sup> Street	
10 <sup>th</sup> Street	Between Veatch Street and N. Main Street
14 <sup>th</sup> Street	From SH 174 to FM 917
Paula Street	
Cobb Street	
Baldwin Street	
Country Club Drive	
CR 904	(also known as Indian Hills)
CR 1022	
North Main Street	
South Main Street	
Thomas Street	
Spring Valley Road	
Forrest Lane	

(b) *Commercial truck traffic originating outside the City*

- (1) Any commercial motor vehicle entering the City for a destination in the City shall proceed only over a truck route and shall deviate only at the intersection with the City road or street nearest to the destination. Upon leaving the destination, a commercial motor vehicle shall return to the truck route by the shortest possible route.
- (2) Any commercial motor vehicle entering the City for multiple destinations in the City shall proceed only over a truck route and shall deviate only at the intersection the City road or street nearest to the first destination. Upon leaving the first destination, a commercial motor vehicle shall proceed to other destinations by the shortest possible route. Upon leaving the last destination, a commercial motor vehicle shall return to the truck route by the shortest possible route.

(c) *Commercial motor vehicle traffic originating inside the City*

- (1) Any commercial motor vehicle, on a trip originating in the City, and traveling in the City for a destination outside the City, shall proceed:
    - (A) only over a truck route, if the business enterprise that operates or otherwise utilizes the commercial motor vehicle is located on or adjacent to a truck route; or
    - (B) if the business enterprise that operates or otherwise utilizes the commercial motor vehicle is not located on or adjacent to a truck route, then by the shortest possible route over City roads or streets, to a truck route to exit the City.
  - (2) Any commercial motor vehicle on a trip originating in the City, and traveling in the City for any destination in the City, shall proceed:
    - (A) only over a truck route, if the business enterprise that operates or otherwise utilizes the commercial motor vehicle is located on or adjacent to a truck route; or
    - (B) if the business enterprise that operates or otherwise utilizes the commercial motor vehicle is not located on or adjacent to a truck route, then by the shortest possible route over City roads or streets, to a truck route and shall deviate only at the intersection with the City road or street nearest to the destination.
- (d) For purposes of subsections (b) and (c), the operator of a commercial motor vehicle shall have in his immediate possession evidence of the local destination(s) and point of origin.

- (e) The provisions of this section shall not apply to:
- (1) Emergency vehicles operating in response to any emergency call;
  - (2) An owner and/or operator of a commercial motor vehicle driving to and from his residence;
  - (3) Commercial motor vehicle owned and/or operated by and/or on behalf of a governmental entity, a public utility and/or any contractor or materialman, while engaged in the repair, maintenance or construction of roads, streets and/or highways, and/or road, street and/or highway improvements and/or utilities within the City;
  - (4) Commercial motor vehicle owned and/or operated by and/or on behalf of a governmental entity while engaging in and/or performing official, authorized government-related business; and
  - (5) Commercial motor vehicle operating upon a City or state officially designated detour.”

### **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 15TH DAY OF DECEMBER, 2022.**

**APPROVED:**

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**Scott Kimble, Mayor**

**ATTEST:**

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**Alice Holloway, City Secretary**

**APPROVED AS TO FORM AND LEGALITY:**

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**Terrence S. Welch, City Attorney**