

ORDINANCE NO. 2012- 034

AN ORDINANCE OF THE CITY OF WIMBERLEY TEXAS AMENDING CHAPTER 70 (TRAFFIC REGULATIONS) OF THE CODE OF ORDINANCES OF THE CITY IN ORDER TO PROHIBIT THROUGH TRUCK TRAFFIC THROUGH CERTAIN PORTIONS OF RANCH ROAD 12, AND PROVIDE FOR AN ALTERNATE TRUCK TRAFFIC ROUTE AS DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; PROPER NOTICE AND MEETING, SEVERABILITY AND REPEALER.

WHEREAS, the City of Wimberley (“City”) has exclusive control over the highways and streets of the municipality pursuant to § 311.002 of the Texas Transportation Code; and

WHEREAS, use of certain streets and highways by truck traffic (as defined by ordinance) can cause severe and costly damage to street infrastructure, impede the flow of traffic and cause potential injury to property and human life; and

WHEREAS, portions of Ranch Road 12 cross through the heart of downtown known as the Square; and

WHEREAS, the Square has substantial pedestrian traffic, and truck traffic should be limited to the extent provided by the City’s ordinances; and

WHEREAS, the City Council finds that the amendments described herein are in the best interest of the public health, safety and welfare of the citizens of Wimberley.

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

Section 1. Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City of Wimberley and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

Section 2. Amendment.

THAT Section 71.02 (Through Truck Traffic) of the City of Wimberley Code of Ordinances is hereby amended to read as follows:

“§ 71.02 THROUGH TRUCK TRAFFIC.

(1) Regulations.

(a) Ranch Road 12, within the corporate limits of the City, between FM 3237 and FM 2325, is closed to through truck traffic.

- (b) The prohibition in this section does not apply to Authorized Emergency Trucks, Light Trucks or Trucks with drivers that are able to produce proof of route on the streets named in (1)(a) above, or access to a private or public street that can only be accessed from the streets named in (1)(a) above.
- (2) Authorized Truck Routes. The following streets and sections of streets are designated as truck routes for the City:
 - (a) From the intersection of Ranch Road 12 and FM 3237, eastbound on FM 3237 to eastern city limits
 - (b) From the northern city limits on Ranch Road 12, southbound on Ranch Road 12 to Emergency Lane
 - (c) From the intersection of Ranch Road 12 and Emergency Lane, westbound on Emergency Lane to FM 2325
 - (d) From the intersection of FM 2325 and Emergency Lane, northbound on FM 2325 to the northern city limits.
- (3) Above notwithstanding, it shall not be a defense in a prosecution under this chapter that there was no sign, or that such sign was not sufficiently legible or in a proper position to be seen by the defendant or by an ordinarily observant person.”

Except as expressly amended herein, the Wimberley Code of Ordinances shall remain in full force and effect.

Section 3. All ordinances or parts of ordinances in force when the provisions of this Ordinance become effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed, but only to the extent of any such conflict.

Section 4. Should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Ordinances as a whole.

Section 5. This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law in such cases provide.

Section 6. Open Meetings. That it is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meeting Act, Capt. 551, Loc. Gov't. Code.

PASSED AND APPROVED this 6th day of December, 2012, by a vote of 5 (Ayes) to 0 (Nays) 0 (Abstain) vote of the City Council of the City of Wimberley, Texas.

CITY OF WIMBERLEY, TEXAS

Bob Flocke

Bob Flocke, Mayor

ATTEST:

Cara McPartland

Cara McPartland, City Secretary

APPROVED AS TO FORM:

Catherine B. Fryer

Catherine B. Fryer, City Attorney

