

ORDINANCE NO. 2013- 013

**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 THE CITY, 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, the City Council finds that there are alternate routes throughout the City that provide sufficient connectivity for truck traffic to traverse through the City; and

WHEREAS, further, that there is no burden on intra- or interstate commerce and any inconvenience is minimal compared to the governmental interest of protecting human life and property; therefore, such traffic should be diverted accordingly; 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 CHAPTER 70: TRAFFIC REGULATIONS, SUBSECTIONS 71.01 *et seq.*, entitled “Through-Truck Traffic” be amended to read as follows:

## **“THROUGH-TRUCK TRAFFIC.**

**§ 71.01 DEFINITIONS.** For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Words and phrases which are not defined in this subchapter but are defined in the Tex. Trans. Code or other ordinances or code provisions of the city shall be given the meanings set forth in those ordinances or in the Tex. Trans. Code.

(1) **AUTHORIZED EMERGENCY TRUCKS.** Fire department trucks, police trucks, public or private 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 Services 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) **LIGHT TRUCK.** 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.

(3) **PROOF OF ROUTE.** A written verification of pick-ups, deliveries, or destinations, which may include a log book, delivery slip, shipping order, bill, or any other document that 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.

(4) **THROUGH TRUCK.** Trucks having no destination, pick-up, or delivery point on a street or highway that is designated as a street closed to through truck traffic under this section.

(5) **TRUCK.** A motor vehicle designed, used, or maintained primarily for the transportation of property, including “truck tractors,” “road tractors,” “trailers,” “semitrailers,” “pole trailers,” and “special mobile equipment,” as those terms are defined in Tex. Transp. Code §541.201.

## **§ 71.02 THROUGH TRUCK TRAFFIC.**

- (1) Designated streets closed to through truck traffic.
  - (a) County Road 1492, within the corporate limits of the City, is closed to through truck traffic.
  - (b) Ranch Road 12, within the corporate limits of the City, between FM 3237 and FM 2325, is closed to through truck traffic.

- (2) 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 subsection (1) above, or access to a private or public street that can only be accessed from the streets named in (1) above.
- (3) 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.
- (4) 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.

### **§71.03 PENALTY.**

Except as otherwise provided in this title, any person violating a provision of this title shall be punished as provided in Title I, Chapter 10, §10.99.”

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.

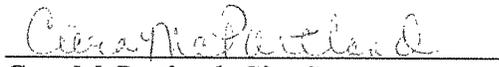
**PASSED AND APPROVED** this 15<sup>th</sup> day of July, 2013, by a vote of 4 (Ayes) to 0 (Nays) 0 (Abstain) vote of the City Council of the City of Wimberley, Texas.

**CITY OF WIMBERLEY, TEXAS**

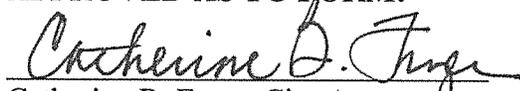


John D. White, Mayor Pro-Tem

**ATTEST:**

  
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Cara McPartland, City Secretary

**APPROVED AS TO FORM:**

  
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Catherine B. Fryer, City Attorney