

## Ordinance No. 14-017

AN ORDINANCE OF THE CITY OF MARLIN, TEXAS PROHIBITING THRU TRUCKS, ESTABLISHING TRUCK ROUTES, PROVIDING FOR DEFINITIONS, PROVIDING PENALTIES, REPEALING ANY OTHER ORDINANCE IN CONFLICT AND PROVIDING FOR PUBLICATION.

WHEREAS, it is hereby found and determined that large trucks are incompatible with residential neighborhoods, and

WHEREAS, large trucks often travel on public residential streets as a short-cut to certain destinations, and

WHEREAS, such unnecessary heavy truck traffic on public streets is detrimental to the maintenance and longevity of such streets, and

WHEREAS, the City Council finds and determines that in order to ensure the safety and comfort of Marlin neighborhoods and extend the operational life of public streets, the prohibition of thru trucks and the establishment of truck routes are necessary.

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

### Sec. 1. Definitions.

For the purposes of this article, the following words and phrases have the meanings respectively ascribed to them by this section:

*Motor vehicle* means every vehicle, as herein defined, which is self-propelled.

*Municipal street* means every street or roadway within the city that is not a truck route as defined herein.

*Pole trailer* means every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach, or pole, or by being boomed, or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes or structural members capable, generally, of sustaining themselves as beams between the supporting connections.

*Semitrailer* means every vehicle of the trailer type so designed or used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests upon or is carried by another motor vehicle. This does not include trailers pulled by a pickup truck or other vehicle with a rating of one and one-half tons or less.

*Thru truck* means a truck, truck tractor, semitrailer, pole trailer, or any combination thereof which makes use of a municipal street for other than a purpose described in the exemptions set forth below in section 2.

*Trailer* means every vehicle without motive power designed or used for carrying property or passengers wholly on its own structure and to be drawn by a motor vehicle.

*Truck* means a motor vehicle or combination vehicle/trailer with a total of three or more axles, designed, maintained, or used primarily for the transportation, loading, or unloading of material or property, including "special mobile equipment" as defined in Section 541.201 (Vehicles) of the Texas Transportation Code. This does not include a passenger bus, passenger automobile with trailer, panel delivery truck with trailer, pickup truck with trailer, or utility truck with trailer having one and one-half tons or less rating.

*Truck route* means federal highways/interstates, state highways, or state farm-to-market roads which are located in whole or in part within the corporate limits of the city.

*Truck tractors* means every motor vehicle designed or used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

*Vehicle* means every device, motorized or nonmotorized, the licensing or registration of which is required by the laws of Texas or any other state or country, in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices used exclusively upon stationary rails or tracks.

## **Sec. 2. Restrictions; exemptions.**

(a) *[Restrictions.]* Except as allowed by the exemptions contained in this section, no person shall operate a truck, truck tractor, semitrailer, pole trailer, or any combination thereof upon any municipal street within the corporate limits of the city. Thru trucks must use a truck route when traveling within the corporate limits of the city, and are prohibited from using municipal streets as shortcuts or links between truck routes.

(b) *Exemptions.* The provisions of this article shall not apply:

(1) To a vehicle traveling to or from a location which is off the truck route for the purpose of loading, unloading or weighing goods, wares, merchandise or livestock within the corporate limits of the city, provided such vehicle is operated over the shortest practicable route to and from a point on a truck route, if the operator of such vehicle has in his immediate possession evidence of the local destination and point of origin.

(2) To emergency vehicles operating in response to any emergency call.

- (3) To vehicles operated by a public utility in an assigned area for the purpose of inspecting the facilities of such public utility or providing maintenance service to such facilities.
- (4) To vehicles operated for public service, for example, garbage pickup, street repair and water service.

**Sec. 3. Erection of signs.**

The city shall erect signs at such locations that are determined by city staff to be appropriate or necessary to carry out the purposes of this article which notify the public that thru trucks are prohibited.

**Sec. 4. Penalty provision.**

Any person, firm, corporation or other entity violating any provision of this article shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined a sum not exceeding \$500.00. Each day, or any part thereof, during which a violation under this article occurs shall constitute a separate offense. The penal provisions imposed under this division shall not preclude the city from filing suit to enjoin the violation. The city retains all legal rights and remedies available to it pursuant to local, state and federal law.

**Sec. 5. Publication**

The City Secretary shall publish caption of said ordinance in local newspaper upon final passage of ordinance.

FIRST READING PASSED this 10<sup>th</sup> day of June, 2014 by a vote of 5 AYES to 0 NAYS with 2 Absentions.



*Elizabeth Nelson*  
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 Elizabeth Nelson, Mayor

*Sandra Herring*  
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 Sandra Herring, City Secretary

SECOND READING PASSED this 8<sup>th</sup> day of July, 2014 by a vote of 5 AYES to 0 NAYS with 2 Absentions.



*Elizabeth Nelson*  
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 Elizabeth Nelson, Mayor

*Sandra Herring*  
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 Sandra Herring, City Secretary