

**CITY OF SULLIVAN**

**ORDINANCE NO 2021-10**

**AN ORDINANCE OF THE CITY OF SULLIVAN CITY TEXAS, REGULATING THE WEIGHT LOAD OF VEHICLES TRAVELING ON CITY STREETS AND PUBLIC HIGHWAYS; MAKING FINDINGS OF FACT; PROHIBITING TRAVEL THROUGH CITY STREETS OF VEHICLES HAVING A COMBINED GROSS WEIGHT EXCEEDING 26,000 POUNDS, OR MORE THAN 10,000 POUNDS ON RESIDENTIAL ROADS; PROVIDING FOR EXCEPTIONS AND CONDITIONS TO SAME; PROVIDING A CRIMINAL FINE NOT TO EXCEED \$500.00 PER VIOLATION; PROVIDING FOR ENACTMENT, REPEALER, AND SEVERABILITY; PROVIDING FOR PUBLICATION, EFFECTIVE DATE, POSTING OF SIGNS, AND COMMENCEMENT OF ENFORCEMENT; AND FINDING PROPER NOTICE & MEETING.**

**WHEREAS**, the City of Sullivan City is a Home Rule City in the State of Texas; and

**WHEREAS**, pursuant to Texas Transportation Code Section 311.001, the City of Sullivan City ("City") has exclusive control over and under the streets, alleys and public highways of the municipality (hereinafter, "streets"); and

**WHEREAS**, pursuant to Texas Local Government Code Section 51.012, the City has general authority to adopt an ordinance not inconsistent with state law, that is necessary for the government, interest, welfare, or good order of the municipality; and

**WHEREAS**, the City Council finds it that streets are designed and built to handle specific types of traffic; and

**WHEREAS**, the City Council finds that heavy vehicles, due to their size and weight can cause damage to streets that are not designed for heavy vehicles and pose additional risks to the health, safety and welfare of the public; and

**WHEREAS**, the City Council finds it necessary and proper for the government, interest, welfare, and good order of the City to regulate the streets within the corporate limits of the City's boundaries by preventing heavy vehicles from disturbing communities and excessively damaging the City's streets; and

**WHEREAS**, the City Council wishes to prevent vehicles, oil field equipment or other weighted items having a combined gross weight of more than 26,000 pounds or more than 10,000 pounds on Residential Roads (hereinafter, "Heavy Vehicles") from traveling through the City of Sullivan City; and

**WHEREAS**, the City Council has determined that in the interest of safety, it is necessary to regulate and establish designated truck routes on public streets and highways in the corporate limits of the City of Sullivan City, Texas pursuant to rules, regulations and limitations imposed by law;

**WHEREAS**, having carefully evaluated the streets and traffic situation in Sullivan City, the City Council finds that there are reasonably available alternate routes outside the city limits for Heavy Vehicles; and

**WHEREAS**, pursuant to Texas Local Government Code Section 54.001, the City has general authority to impose a fine or penalty of up to \$500 for violation of an ordinance;

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

**1. FINDINGS OF FACT**

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

**2. WEIGHT LIMIT AND RESTRICTIONS; EXCEPTIONS AND CONDITIONS**

A. Vehicles having a combined gross weight over 26,000 pounds ("Heavy Vehicles") shall not travel within the municipal boundaries of the City of Sullivan City, except as may be allowed under the terms of this Ordinance.

B. A vehicle subject to this Ordinance shall be equipped and maintained as required by Texas Transportation Code Sec. 725.021 to prevent loose material from escaping by blowing or spilling.

C. The Heavy Vehicles limitations prescribed by this Ordinance shall not apply to:

- (1) Heavy Vehicles traveling or operated upon any street designated as a United States or state highway;
- (2) Heavy Vehicles making delivery of goods and services within the City;
- (3) Fire trucks or other emergency vehicles or vehicles on emergency business involved in the saving of life or property;
- (4) Implements of husbandry incidentally moved upon a road;
- (5) Road repair, construction or maintenance vehicles while involved in the repair, construction, or maintenance of roads within the City;
- (6) Municipal and county vehicles performing city and county business and services, school and church buses;
- (7) Garbage service vehicles while involved in the provision of services to residents of the City; or
- (8) Recreational vehicles - 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), motorized dwellings, tent trailers and the like, and all-terrain vehicles.

D. Vehicles having a combined gross weight of more than 10,000 pounds shall not travel on Residential Roads.

**3. MAPS**

The city secretary shall keep and maintain accurate maps setting out truck routes and streets upon which truck traffic is permitted. The maps shall be kept on file in the office of the city secretary and shall be available to the public.

**4. DESIGNATED HEAVY VEHICLE ROUTES.**

Pursuant to this article, the following streets or portions of streets are designated as truck routes (Per Exhibit A):

Street	Extent
I-2	Westbound and Eastbound within City Limits
Tablero Road	Westbound and Eastbound within City Limits
El Faro Road	Northbound and Southbound within City Limits

**5. ANNUAL PERMIT FEE.**

Pursuant to this article, any heavy vehicles, oil field equipment or other weighted items that operate, travel upon any designated truck routes or any roads, avenues, streets, or thoroughfares within the corporate city limits and exceed the 26,000 pounds of combined gross weight are required to be registered, pay an annual permit fee of Five Hundred Dollars (\$500.00 ) and approved prior to being located on site within the corporate city limits.

**6. REGISTRY OF TRUCKS.**

Any heavy vehicles, oil field equipment or other weighted items having a combined gross weight of more than 26,000 pounds or more than 10,000 pounds to be parked within a residential district or used for residential purposes through the City of Sullivan City are required to be registered, pay an annual permit fee of Five Hundred Dollars (\$500.00 ) and approved prior to being located on site within City Limits by the Code Enforcer and/or authorized designee. It is unlawful for the driver, owner or operator of a heavy vehicle to park the same, or permit the same to be parked, stand or remain motionless for any amount of time on any street in the city identified as a residential district or used for residential purposes.

**7. PROCEEDING DIRECTLY TO ROUTES.**

Pursuant to this article, if any truck traffic originating within the city shall have, as its point of origin, a point located off a designated truck route, it shall proceed to the nearest point on a designated truck route by the most direct route as possible. If such traffic originate outside the city and enter the city at a point which is not on a designated truck route, it shall proceed to the nearest point on a designated truck route by the most direct route possible.

**8. JUSTIFICATION OF DEPARTURE.**

A person operating any heavy vehicle including but not limited truck, truck tractor or combination of any truck, truck tractor, trailer traveling on any street within the corporate city limits shall have in his/her possession for inspection of police officers his/her log book, delivery slips or other

evidence of his/her destination and point of origin to justify the presence of the vehicle on a street or roadway.

**9. FINES AND PENALTIES**

It shall be unlawful for any person, firm, or corporation to operate a vehicle in violation of this ordinance. Any person, firm or corporation violating any provision of this Ordinance or failing to observe any provision hereof shall upon conviction be guilty of a misdemeanor and shall be fined a sum not more than Five Hundred Dollars (\$500.00) and each and every day or fraction of a day in which this Ordinance or any part thereof shall be violated shall be deemed a separate offense and punished as such. Each day that a violation is permitted to exist shall constitute a separate offense.

**10. SIGNAGE**

The City Manager is hereby authorized to procure and have erected appropriate traffic control signs as required by the laws of the State of Texas, providing notice of the restrictions imposed by this Ordinance.

**11. REPEALER**

All Ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

**12. SEVERABILITY**

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

**13. PUBLICATION**

The City Secretary of the City of Sullivan City is hereby directed to publish at least twice in the official newspaper of the City of Sullivan City, the caption and the penalty clause of this ordinance in accordance with Section 52.013(b) of the Local Government Code.

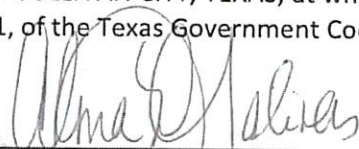
**14. EFFECTIVE DATE**

This Ordinance shall be effective immediately upon passage and publication as provided by laws of the State of Texas.

**15. PROPER NOTICE & MEETING**

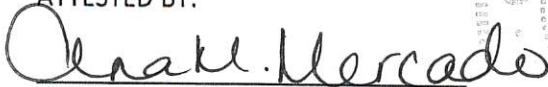
It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given required Open Meetings Act, Texas Government Code, Chapter 551. Notice will also be provided as required by Chapter 52 of the Texas Local Government Code.

READ, CONSIDERED, and APPROVED First Reading on this the 29 day of November, 2021, at a SPECIAL CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF SULLIVAN CITY, TEXAS, at which a quorum was present and which was held in accordance with Chapter 551, of the Texas Government Code.



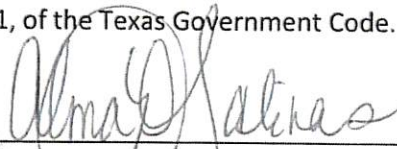
ALMA D. SALINAS, MAYOR

ATTESTED BY:



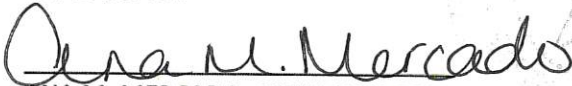
ANA M. MERCADO, CITY MANAGER

READ, CONSIDERED, and APPROVED Second Reading on this the 13 day of December, 2021, at a SPECIAL CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF SULLIVAN CITY, TEXAS, at which a quorum was present and which was held in accordance with Chapter 551, of the Texas Government Code.



ALMA D. SALINAS, MAYOR

ATTESTED BY:



ANA M. MERCADO, CITY MANAGER

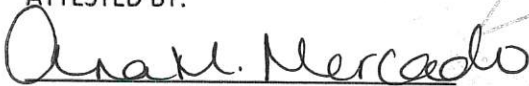
READ, CONSIDERED, APPROVED, and EXECUTED on Third Reading on this the 20 day of January, 2022, at a SPECIAL CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF SULLIVAN CITY, TEXAS, at which a quorum was present and which was held in accordance with Chapter 551, of the Texas Government Code.

PASSED AND APPROVED ON this the 20<sup>th</sup> day of January, 2022.



ALMA D. SALINAS, MAYOR

ATTESTED BY:



ANA M. MERCADO, CITY MANAGER

**EXHIBIT A  
CITY OF SULLIVAN CITY  
APPROVED TRUCK ROUTES**

