

**ORDINANCE 2021-O-009**

**AN ORDINANCE OF THE CITY OF BLANCO CODE OF ORDINANCES OF THE CITY OF BLANCO, 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; PROVIDING FOR EXCEPTIONS AND CONDITIONS TO SAME; PROVIDING A CRIMINAL FINE NOT TO EXCEED \$500 PER VIOLATION; PROVIDING FOR ENACTMENT, REPEALER, AND SEVERABILITY CLAUSE; PROVIDING FOR EFFECTIVE DATE AND POSTING OF SIGNS; FINDING PROPER NOTICE & MEETING.**

**WHEREAS**, the City of Blanco is a Type A General Law City in the State of Texas; and

**WHEREAS**, pursuant to Texas Transportation Code Section 311.001, the City of Blanco ("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 necessary and proper for the government, interest, welfare, and good order of the City to regulate the streets within 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, and other weighted items having a combined gross weight of more than 26,000 pounds (hereinafter, "Heavy Vehicles") from traveling through the City of Blanco; and,

**WHEREAS**, having carefully evaluated the streets and traffic situation in Blanco, 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 BLANCO, TEXAS:**

**PART 1.** That the recitals contained in the preamble hereto are hereby found to be true and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

**PART 2.** The City Administrator is hereby authorized to procure and have erected appropriate traffic control signs as required by the law of the State of Texas, providing notice of the restrictions imposed by this Ordinance.

**PART 3.** 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 of 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) 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.

**PART 4.** It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance be severable, and, if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared invalid by judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this ordinance and the remainder of this ordinance shall be enforced as written.

**PART 5.** That it is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

**PART 6.** This ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

**PART 7.** The repeal or amendment of any ordinance or part of ordinances effectuated by the enactment of this ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying, or altering any penalty accruing or to accrue or as affecting any rights of the City of Blanco under any section or provisions of any ordinances in effect at the time of passage of this ordinance.

**PART 8.** The provisions of this ordinance shall be cumulative of all ordinances not repealed by this ordinance and ordinances governing or regulating the same subject matter as that covered herein.

**PASSED, APPROVED, and ADOPTED** on first reading this 12 day of October 2021.



Rachel Lumpee  
Rachel Lumpee, Mayor

ATTEST:

Laurie Cassidy  
Laurie Cassidy City Secretary

APPROVED AS TO FORM:

Brad Bullock  
Brad Bullock, City Attorney

## Exhibit A

### Through truck traffic prohibited

- A. Vehicles having a combined gross weight over 26,000 pounds ("Heavy Vehicles") shall not travel within the municipal boundaries of the City of Blanco, 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 limitations prescribed by this Ordinance shall not apply to:
  - 1) Heavy Vehicles traveling or operating 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, or
  - 6) Garbage service vehicles while involved in the provision of services to residents of the City.
- D. A Heavy Vehicle which would otherwise be restricted, is permitted to make pick-ups, deliveries, or service calls in the City but shall restrict its' traveling through City streets to a minimum. Said vehicle shall be driven in such a manner as to proceed to its destination or destinations in the City by the most direct route. Upon completion of the pick-ups, deliveries, or service calls, the vehicle shall leave the City by the most direct route. The section shall not be interpreted as permitting a vehicle otherwise restricted from entering or leaving the City.