

ORDINANCE 47

AN ORDINANCE PORVIDING RESTRICTIONS FOR COMMERCIAL VEHICLES AND PARKING OF COMMERCIAL VEHICLES UPON RESIDENTIAL STREETS: PROVIDING FOR REPEAL OF ORDINCNACES IN CONFLICT PROVIDING FOR A SEVERABILITY CLAUSE: PROVIDING AN EFFECTIVE DATE: AND PROVIDING FOR A PENALTY CLAUSE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOG CABIN, TEXAS:

SECTION 1: COMMERCIAL VEHICLES AND ROUTES

- A. Commercial Vehicles.** It shall be unlawful for any person to operate any commercial vehicle rated in excess of five (5) tons, according to the manufactures classification, upon any street, boulevard, avenue, or alley with in the limits of the City, except designated United States or State highway or a designated truck route; provided that any such commercial vehicle may leave any designated United States or State Highway or designated truck route an travel on any street, boulevard, avenue or alley within the city for the purpose of providing emergency municipal or public utility services or delivering or picking up goods, wares, materials, equipment, vehicles or merchandise.
- B. Truck Routes Established.** Every United States and State Highway and farm to Market road within the limits of the City is hereby designated as a truck route under the terms of this section.
- C. Parking of Commercial Vehicles.** Commercial vehicles shall not be parked and left overnight upon any public street or public way in the City.
- D. Certain Diesel-Powered Vehicles.** Diesel powered tractors and truck-tractors shall not be operated on any predominately residential street between the hours of 9:30 P.M. and 6:30 A.M.
- E. Definitions:** As used in this Section the following terms shall have the meaning and definition as follows:
 - 1.** Commercial Vehicle means any commercial vehicle as defined in the Section 541.001, Texas Transportation Code, that is not a passenger car or light pickup truck.
 - 2.** Vehicle Load Limit means any axle or gross weight limit as established by Section 541.001, Texas Transportation Code.

SECTION 2: COMMERCIAL VEHICLES WITHIN RESIDENTIAL AREAS.

It shall be unlawful for any person or any owner to leave, park or stand any commercial vehicle, truck-tractor, road tractor, semi-trailer, bus, truck or trailer with a rated capacity in excess of five (5) ton, according to the manufacturer's classification, upon any public street or highway within any area zoned as residential according to the Zoning Ordinance of the City. This shall not prevent the parking or standing of the above-described vehicles in said zoned areas for the purpose of expeditiously loading and unloading passengers' freight or merchandise, but not otherwise.

SECTION 3: EXCEPTIONS.

The following vehicles are exempt from the terms of this ordinance while engaged in the listed activity:

- A. Emergency vehicles (as defined by State Law) responding to or from, or at the scene of an emergency call.
- B. Vehicles being used to provide any municipal service such as the installation repair or maintenance of any public street, asset or property, collection of garbage, grounds keeping, etc.; and
- C. Vehicles being used to install, repair or maintain any public service utility such as telephone, electricity, cable television, gas, water or sewer line.

SECTION 4: ENFORCEMENT.

The Chief of Police, Code Enforcement Officer and members of the Police Department, both regular and reserve officers, are empowered to enforce this ordinance.

SECTION 5: TOWING AND REMOVAL.

Any commercial vehicle which shall be or remain standing or parked upon any public street, avenue, way, alley or other public place in violation of this ordinance, the owner or driver of which vehicle has been given previous notice or citation for parking such vehicle in violation of this ordinance, may be removed by or upon an order given by the Log Cabin Police Department. The owner of such vehicle shall be responsible for the payment of any fees incurred for the towing and /or storage of said vehicle.

SECTION 6: PARKING ON PRIVATE PROPERTY.

It shall be unlawful to park any commercial vehicle on any private property without the consent of the owner of the property.

SECTION 7: PENALTIES.

Any person convicted of violating any provision of this ordinance shall be guilty of a misdemeanor and shall be subject to a fine in an amount not to exceed Two Hundred dollars (\$200.00).

SECTION 8: PRIMA FACIE EVIDENCE.

In any prosecution charging a violation of this ordinance governing the standing of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of this ordinance, together with proof that the defendant named in the complaint was, at the time of such parking, the registered owner of such vehicle, shall constitute in evidence a prima facie presumption that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred.

SECTION 9: REPEAL OF CONFLICTING ORDINANCES.

All ordinances or parts of ordinances inconsistent with or in conflict with this ordinance are hereby repealed to the extent of such inconsistency or conflict.

SECTION 10: SEVERABILITY.

If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications hereof which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

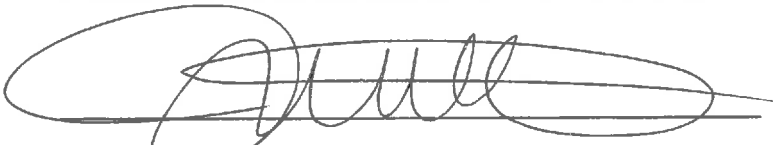
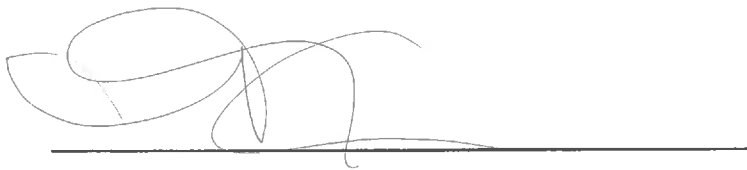
SECTION 11: OPEN MEETINGS.

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 Meetings Act, Chapter 551, Local Government Code.

SECTION 12: EFFECTIVE DATE.

This ordinance shall take effect immediately upon its adoption by the City Council and publication as required by the Local Government Code.

PASSED AND APPROVED THIS 15th DAY OF APRIL 2021


Mayor Jennifer Williams
City Secretary Alisa Corn