

ORDINANCE NO. 92

AN ORDINANCE OF THE CITY OF MANOR, TEXAS, PROHIBITING THROUGH TRUCKS ON ALL PUBLIC STREETS IN THE CITY OF MANOR EXCEPT FOR HIGHWAY 290, LOOP 212, OLD HIGHWAY 20, E.M. 973 AND BLAKE-MANOR ROAD; DEFINING CERTAIN TERMS; ESTABLISHING EXCEPTIONS; AUTHORIZING THE ERECTION OF OFFICIAL TRAFFIC CONTROL DEVICES; SETTING OUT VIOLATIONS OF THIS ORDINANCE; ESTABLISHING A PENALTY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PUBLICATION OF NOTICE OF THIS ORDINANCE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANOR, TEXAS:

SECTION 1: Definitions.

(a) For the purpose of this ordinance, the following terms and words are defined as indicated below:

(1) "Authorized emergency trucks" means trucks of a fire department, police trucks, public and 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 of electric, water, or wastewater services.

(2) "Documented proof of destination" means a written verification of pick ups, deliveries, or destinations, which may include a log book, delivery slip, shipping order, bill, or any other document which 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.

(3) "Light truck" means any truck with a manufacturer's rated carrying capacity not in excess of two thousand (2,000) pounds and shall include trucks commonly known as pickup trucks, panel delivery trucks, and carryall trucks.

(4) "Manual" means the Texas Manual on Uniform Traffic Control Devices for Streets and Highways, as it now exists or as may hereafter be duly amended.

(5) "Official traffic control devices" means traffic control devices which are consistent with the manual, state law, and this ordinance.

(6) "Person" means any person, firm, association, organization, partnership, business, trust, corporation, or company.

(7) "Through truck" means trucks having no destination, pick up, or delivery point within the corporate limits of the City of Manor.

(8) "Truck" means a motor vehicle designed, used, or maintained primarily for the transportation of property and shall include "truck-tractors", "road-tractors", "trailers", "semi-trailers", "pole trailers", and "special mobile equipment", as those terms are defined in Art. 6701d, known as the Uniform Act Regulating Traffic on Highways.

(b) Terms not defined herein shall be construed in accordance with customary usage.

SECTION 2: Regulations.

(a) All public streets, except Highway 290, Loop 212, Old Highway 20, F.M. 973 and Blake-Manor Road, within the corporate limits of the City of Manor shall be closed to through truck traffic.

(b) The prohibition in this section shall not apply to authorized emergency trucks or light trucks.

SECTION 3: Official Traffic Control Devices.

(a) The City Council of the City of Manor hereby provides for and authorizes the placement, replacement, and maintenance of official traffic control devices prohibiting through truck traffic as set out in Section 2, hereof.

(b) All official traffic control devices erected or used by the City shall be uniform and be located, so far as practicable, according to the directions shown in the manual.

(c) The Chief of Police, or his duly authorized designate, is hereby authorized to place, replace, maintain, and enforce said official traffic control devices in accordance with this ordinance and consistent with the manual.

(d) Said official traffic control devices shall be installed immediately, or as soon as such specific device, sign, or signal can be procured.

SECTION 4: Violation.

(a) It shall be a violation of this ordinance for any person to:

(1) Drive a truck in violation of Section 2, hereof.

(2) Attempt to, or in fact, alter, deface, injure, knock down, or remove any official traffic control device installed pursuant to the manual or this ordinance.

(3) Do any act which otherwise is proscribed by this ordinance.

(b) In any prosecution for a violation of this ordinance, proof that a traffic control device was actually in place on any street shall constitute prima facie evidence that the same was installed by the Chief of Police, or his duly authorized representative, pursuant to the authority of this ordinance.

(c) Above notwithstanding, it shall not be a defense in the prosecution of this ordinance 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.

(d) A driver who, in connection with a particular trip, produces documented proof of a destination, pick-up or delivery point within the corporate limits of the City of Manor shall, prima facie, be deemed not to be driving a through truck under this ordinance.

SECTION 5: Penalty. Any person found to be violating the provisions set out in Section 4 (a), above, shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine not to exceed TWO HUNDRED (\$200.00) DOLLARS. Each day of such violation shall constitute a separate offense. Such penalty shall be cumulative and not exclusive of any other rights or remedies the City may have.

SECTION 6: Severability. If any provision, section, subsection, sentence, clause, or phrase of this ordinance, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void, or invalid, the validity of the remaining portions of this ordinance shall not be affected thereby, it being the intent of the City Council in adopting this ordinance that no portion hereof, or provisions or regulations contained herein, shall become inoperative or fail by reason of any unconstitutionality of any other portion hereof, and all provisions of this ordinance are declared to be severable for that purpose.

SECTION 7: The descriptive caption of this ordinance is hereby ordered to be published in the official newspaper of the City of Manor, and said ordinance shall take effect from and after such publication.

PASSED by the City Council of the City of Manor at a meeting on the 13 day of August, 1986, at which a quorum was present and for which due notice was given pursuant to Tex.Rev.Civ.Stat.Ann. art. 6252-17 (1970, Supp. 1986).

ATTEST:

Debra Irwin  
DEBRA IRWIN, City Secretary

APPROVED this 13 day  
of August, 1986.

Doug Parker  
DOUG PARKER, Mayor