

## ORDINANCE NO. 2023-20

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF BOERNE, TEXAS, BY AMENDING CHAPTER 12, MOTOR VEHICLES AND TRAFFIC, ARTICLE X. COMMERCIAL VEHICLES, SEC. 12-341. STREETS PROHIBITED TO CERTAIN VEHICLES, SEC. 12-342. EXCEPTIONS, AND SEC. 12-343. PENALTY; PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING FOR A PENALTY NOT TO EXCEED \$500.00 FOR EACH OFFENSE; AND PROVIDING FOR PUBLICATION**

**WHEREAS**, the City Council has previously adopted regulations governing commercial vehicles and now seeks to amend those regulations; and

**WHEREAS**, the City's roadway network and traffic patterns have evolved; and

**WHEREAS**, it becomes necessary, from time to time, to amend ordinances and/or resolutions in the best interest of the citizens;

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

Chapter 12, Motor Vehicles and Traffic, of the Code of Ordinances, City of Boerne, Texas is hereby amended to read as follows:

### **SEC. 12-341. STREETS PROHIBITED TO CERTAIN VEHICLES**

(a) It shall be unlawful for any person to operate, park, unload, or otherwise maneuver a commercial motor vehicle, truck, truck tractor-trailer, trailer, semi-trailer, house trailer, pole trailer, or other large vehicle with a manufacturer's rated carrying capacity (payload) in excess of two (2) tons and a total of three (3) or more axles, the number of axles being the sum of the motorized vehicle axles plus any trailer or other attached vehicle unit axles, **except** along the streets specified below: ~~(excluding the intersection of the boundary street):~~

- ~~(1) Bandera Rd. from Schweppe~~
- ~~(2) Bess Street from Main Street to Wanda~~
- ~~(3) Water Street from Bandera Rd. to Highland Street~~
- ~~(4) North School Street from Johns Road to North Main Street~~

- 1) Interstate Highway 10
- 2) Business 87 (Main Street)
- 3) State Highway 46 (River Road and West Bandera)
- 4) RM 474 (East Blanco Road and Esser Road)
- 5) Esser Road
- 6) Herff Road

(b) ~~The Public Works Director~~ **City** is hereby authorized and directed to cause placement of traffic-control signs at each approach to the portions of roadways mentioned in subsection (a) above, and such signs shall give notice to all persons of the **granting of prohibition against** trucks and other vehicles described in this section operating over or upon the roadways set out in subsection (a).

~~(c) The provisions under this section do not apply to city service and emergency vehicles. This section shall not prohibit the use of the roadways or portions of roadways listed in subsection (a) by a commercial vehicle i.e., truck, truck tractor, trailer, or semi-trailer, or combination of such vehicles, having a total of three (3) or more axles and a power unit with a manufacturer's rated carrying capacity in~~

~~excess of two (2) tons that is performing work on a prohibited street or adjacent property through a contract with the city. Also, provisions under this section do not apply to non-commercial (private) motorized trucks or other vehicles with two (2) axles or pulling a single axle trailer carrying two (2) tons or less.~~

(c) The City shall maintain and publish a designated truck route map on the City website.

#### **SEC. 12-342. ~~PENALTY~~ EXCEPTIONS**

Certain exceptions as provided in this section are designated below:

(a) *City and Emergency Vehicles.* The provisions under this section do not apply to city service and emergency vehicles. This section shall not prohibit the use of the roadways or portions of roadways for vehicles performing work on a prohibited street or adjacent property through a contract with the city or other emergency services.

(b) *Local Destinations.* When a commercial truck must reach a local destination, the commercial truck must use the shortest route from a designated truck route to reach the destination. The operator of the truck shall carry evidence of the necessity for reaching the local destination in order for this exception to apply.

(c) *Detour points.* Streets not designated as truck routes may be used when a marked detour prohibits the truck from using a designated truck routes. Such detours may be required for city events, construction etc.

(d) *Motorbuses.* The operation of a motorbus on streets not designated as a truck route is permitted for the purpose of transporting people over a defined route to and from schools.

#### **SEC. ~~12-343~~ 12-342. PENALTY**

Any person or any agent or employee thereof who violates any of the provisions of this article shall be guilty of a misdemeanor and upon conviction in the municipal court shall be subject to a fine not to exceed **five hundred dollars (\$500.00)** ~~two hundred dollars (\$200.00)~~ for each offense, and each day any such violation shall continue shall be deemed to constitute a separate offense.

PASSED and APPROVED on this the \_\_\_\_ day of June, 2023.

PASSED, APPROVED and ADOPTED on this the \_\_\_\_ day of June, 2023.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Secretary

APPROVED AS TO FORM:

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City Attorney