

ORDINANCE 218A

ROAD USE AGREEMENT

AN ORDINANCE TO AMEND, CANCEL AND REPLACE ORDINANCE NO. 218 ESTABLISHING A MAXIMUM WEIGHT LIMIT FOR MOTOR VEHICLES ON ALL ROADS AND STREETS UNDER THE JURISDICTION OF THE TOWN OF ENCHANTED OAKS TO REMOVE THE OPTION OF OBTAINING AN ANNUAL PERMIT (SECTION 3,b.3.); AND

WHEREAS, THE TOWN OF ENCHANTED OAKS DESIRES TO LIMIT THE WEIGHT OF HEAVY VEHICLES, SUCH AS CONCRETE TRUCKS, DIRT AND STONE TRUCKS, AND OTHER SIMILAR HEAVY WEIGHT TRUCKS AND VEHICLES AND ESTABLISH A PERMITTING PROCESS FOR HEAVY TRUCKS AND VEHICLES AND PROVIDING FOR A FINE NOT TO EXCEED FIVE HUNDRED DOLLARS (\$500) FOR EACH OFFENSE; AND

WHEREAS, HEAVY VEHICLES CAUSE CONSIDERABLE DAMAGE TO THE ROADS AND STREETS SUBJECT TO THE JURISDICTION OF THE TOWN OF ENCHANTED OAKS BECAUSE SUCH ROADS AND STREETS ARE INSUFFICIENT TO CARRY THE LOADS AUTHORIZED BY STATE OR FEDERAL LAW; AND

WHEREAS, THE TOWN COUNCIL FINDS THAT TRANSPORTATION CODE ~621.303 AUTHORIZES THE TOWN OF ENCHANTED OAKS TO REGULATE THE OPERATION OF OVER-WEIGHT VEHICLES ON ALL ROADS AND STREETS UNDER THE JURISDICTION OF THE TOWN OF ENCHANTED OAKS; AND

WHEREAS, THE TOWN COUNCIL OF ENCHANTED OAKS FINDS THAT A MAXIMUM WEIGHT OF 12,000 LBS PER SINGLE AXLE, 34,000 POUNDS PER TANDEM AXLE, AND 48, 000 POUNDS PER GROSS LOAD ARE REASONABLE AND PRUDENT WEIGHTS FOR ANY MOTOR VEHICLE OPERATED ON THE STREETS AND ROADS OF THE TOWN OF ENCHANTED OAKS; AND

WHEREAS, THE TOWN COUNCIL OF ENCHANTED OAKS FINDS THAT TRANSPORTAION CODE ~622.014 AUTHORIZES THE TOWN OF ENCHANTED OAKS TO REGULATE THE OPERATION OF OVER-WEIGHT READY-MIXED CONCRETE TRUCKS OVER A PUBLIC STREET MAINTAINED BY THE TOWN OF ENCHANTED OAKS; AND

WHEREAS, THE TOWN OF ENCHANTED OAKS FINDS THE REGULATIONS ADOPTED HEREIN ARE IN THE BEST INTEREST OF THE CITIZENS OF ENCHANTED OAKS AND PROMOTE THE SAFETY, HEALTH AND WELFARE OF THE CITIZENS OF ENCHANTED OAKS; AND

NOW THEREFORE; BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ENCHANTED OAKS AS FOLLOWS:

Section 1. Definition

a. Street-A public or private right -of-way which afford as a primary means of vehicular access to abutting properties, whether designated as a street, drive, avenue, highway, road, boulevard, lane, place or however otherwise designated but does not include driveways to buildings.

b. Street right of way (ROW)- A portion of the Town set aside for public use and to provide access to private property. This right -of-way is defined by the plat as recorded by the developer and is shown by the Zoning Map of the Town. The right-of -way extends between the lot lines on either side of the street and includes the paved area, the bar ditches and the access to the boat ramps.

Section 2. Weight limitation

a. Except as otherwise provided herein or by law, no person may drive, operate or move, nor may any owner cause or permit to be driven, operated, or moved, on any street or road within the jurisdiction of the Town of Enchanted Oaks, other than state highways, any vehicle or combination of vehicles that has a weight greater than 12,000 pounds per axle or with a gross weight exceeding 48,000 pounds.

b. For purposes of this ordinance, a vehicle is defined to mean every mechanical device, in, upon, or by which any person or property is or may be transported or drawn upon a public street or road, including motor vehicles, commercial motor vehicles, truck-tractors, trailers, and semi-trailers, severally, as hereinafter defined.

Section 3. Permits

a. The Town of Enchanted Oaks shall require permits issued by the Town allowing for a vehicle or a combination of vehicles to operate with a gross weight exceeding 48,000 pounds, tandem axle weight exceeding 34,000 pounds, or single axle weight exceeding 12,000 pounds on the streets and roads of the Town of Enchanted Oaks.

b. Fees-

1. The fee for the permit shall be One Hundred fifty dollars (\$150) per each overweight vehicle per delivery using the streets of the Town of Enchanted Oaks. Operator must have a copy of that permit on the truck.

2. Building permits shall have added fees good for all overweight trucks used in the construction for that building permit.

3. All fees collected under this Ordinance shall be designated for use in maintaining the roads for the Town of Enchanted Oaks.

c. Liability -The person, corporation or owner of the permitted truck shall be responsible for all damage caused from improper operation of said truck to the streets of the Town of Enchanted Oaks.

d. Speed – Any truck exceeding the gross weights under this ordinance shall not exceed a speed of fifteen (15) miles per hour within the corporate limits of the Town of Enchanted Oaks with the exception of emergency vehicles and fire trucks.

e. Exemption –All trucks contracted to the Town of Enchanted Oaks, all franchise electric, water and cable utility trucks, all emergency vehicles and all fire trucks are exempted from permitting under this Ordinance. Trucks permitted under Transportation Code 623.402 are exempt by law. All other conditions of this Ordinance shall apply.

Section 4 - Penalty

a. Any person who violates any provisions of this Ordinance within the corporate limits of the Town of Enchanted Oaks shall be guilty of a Class C misdemeanor and upon conviction in any court of competent jurisdiction shall be subject to a fine not to exceed Five Hundred Dollars (\$500) for each offense, and each and every such violation shall be deemed to constitute a separate offense. The fine shall also include the costs of court.

Section 5– Injunctive Relief

a. In addition to and cumulative of all penalties, the Town of Enchanted Oaks shall have the right to seek injunctive relief for any and all violations of this Ordinance.

Section 6- Severance Clause

a. Each and every section and sub-section of this Ordinance has been considered separately and passed on by the governing body of Town of Enchanted Oaks, Texas. In the event any section or sub-section of this Ordinance should be held invalid or unconstitutional through judicial action, the remainder of the ordinance shall not be invalidated and shall remain in effect.

Section 7 – Authorization

a. The Mayor, the Mayor’s designee or the Police Chief is hereby authorized and directed to implement the applicable provisions of this Ordinance.

THIS ORDINANCE SHALL BE EFFECTIVE TWO DAYS FROM THE DATE APPROVED BELOW AND THE FOLLOWING ORDINANCE 218 OF THE TOWN OF ENCHANTED OAKS IS HEREBY CANCELED AND SUPERSEDED ALSO ON THAT EFFECTIVE DATE.

***Ordinance 218- Road Use Permit**

PASSED AND APPROVED THIS 11th DAY OF JUNE, 2019.



Natalie Onate, Mayor



Attest: Pam Foster, City Secretary



PO BOX 5019 • Mabank, TX 75147-5000
903•451•2222

ROAD USE PERMIT

Owner: _____ Operator: _____

Phone: _____ Phone: _____

One-time delivery: _____ Fee: _____

Truck ID/License: _____

Truck Gross Weight: _____

Number of axles: _____ Weight per axle: _____

Notes: _____

Approved: _____ Date: _____

Fee Paid: _____ Check No. _____ Cash _____

Permit Number: _____

(Date)