

ORDINANCE NO. 2013-_____

AN ORDINANCE AMENDING SECTION 25-1 OF ARTICLE I “IN GENERAL” AND SECTION 25-151 OF ARTICLE VII “TRUCK ROUTES” AND ADDING SECTION 25-201 OF ARTICLE VIII “STOPPING, STANDING, PARKING” OF CHAPTER 25 “TRAFFIC AND VEHICLES” OF THE CODE OF ORDINANCES OF THE CITY OF WACO, TEXAS TO PROHIBIT ON-STREET PARKING OF OVERSIZE AND COMMERCIAL VEHICLES IN RESIDENTIAL DISTRICTS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR A PENALTY; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

Section 1. That Section 25-1 of Article I “In General” of Chapter 25 “Traffic and Vehicles” of the Code of Ordinances of the City of Waco, Texas is amended to read as follows (additions, ~~deletions~~):

Sec. 25-1. Definitions.

~~All words and terms used in this chapter shall have the meanings ascribed to them in Vernon's Ann. Civ. St. art. 6701d unless otherwise defined as follows~~
For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Alley shall mean land dedicated to public use and devoted to secondary access to lots.

Boat trailer shall mean a trailer semi-trailer which is designed and constructed to carry a sailboat, motorboat or other vessel used upon any body of water.

Bus shall mean every motor vehicle designed for carrying more than ten (10) passengers and used for the transportation of persons, and every motor vehicle other than a taxicab, designed and used for the transportation of persons for compensation.

Commercial Motor Vehicle shall mean every motor vehicle, other than a motorcycle or passenger car, designed or used primarily for the transportation of

property, including any passenger car which has been reconstructed so as to be used, and which is being used, primarily for delivery purposes with the exception of passenger cars used in the delivery of the United States mails.

Digging out shall mean the practice of starting any motor vehicle from a standing position by applying a sudden burst of power, recognized by spinning rear wheels and noise of tires on the surface of the roadway. This practice may also be characterized by the term "burning off."

Driveway, private, shall mean any entrance or exit over the sidewalk or sidewalk area of any street affording a means of ingress or egress for vehicles to or from any private property.

Farm tractor shall mean every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines and other implements of husbandry.

House trailer shall mean a trailer or semi-trailer which is designed, constructed and equipped as a dwelling place, living abode or sleeping place (either permanently or temporarily) and is equipped for use as a conveyance on streets and highways, and shall include those vehicles commonly known as recreational vehicles.

Implement of husbandry shall mean every vehicle designed and adapted for use as a farm implement, machinery or tool as used in tilling the soil, but shall not include any passenger car or truck.

Loading zone shall mean that portion of any roadway set apart, marked and numbered for the sole use of the public as a place for loading or unloading passengers, merchandise or other cargo.

Motor home shall mean every vehicle designed and constructed as a dwelling place, living abode or sleeping place (either permanently or temporarily) and equipped for use as a conveyance on streets and highways.

Motor vehicle shall mean every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

No parking zone shall mean a space on the roadway adjacent to the curb, marked by official signs, in which no vehicle may be parked.

Park, parking shall mean the standing of a vehicle, whether occupied or not, other than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.

Parking stall or parking space shall mean that portion or section of a roadway adjacent to the curbing or edge, set apart, marked and bounded by lines painted or marked upon the surface of the roadway and extending into the roadway for the use of parking vehicles; or that portion of any alley marked by official signs showing such space to be a parking zone.

Pole trailer shall mean every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach, or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes or structural members capable, generally, of sustaining themselves as beams between the supporting connections.

Semitrailer shall mean every vehicle without motive power, other than pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

Special mobile equipment shall mean every vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway, included but not limited to ditch digging apparatus, well-boring apparatus and road construction and maintenance machinery such as asphalt spreaders, bituminous mixers, bucket loaders, tractors other than truck tractors, ditchers, leveling graders, finishing machines, motor graders, road rollers, scarifiers, earth moving carryalls and scrapers, power shovels and draglines, and self-propelled cranes and earth moving equipment. The term does not include house trailers, dump trucks, truck mounted transit mixers, cranes or shovels or other vehicles designed for the transportation of persons or property to which machinery has been attached.

Street or highway shall mean the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purpose of vehicular and pedestrian travel. A street or highway shall be for primary public access to lots.

Traffic engineer shall mean the director of engineering, who shall perform the duties and functions of the city traffic engineer unless the position of city traffic engineer is not vacant.

Trailer shall mean every vehicle without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

Truck tractor shall mean every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

U-turn shall mean the turning or causing the turning of a vehicle, so that when such turn is completed such vehicle will be headed in the opposite direction from that in which it was headed before such turning was begun, whether or not such vehicle is pulled into a driveway or any space beyond the curblin of the street.

Vehicle shall mean every device, in, upon or by which any person or property is or may be transported or drawn upon a street, except devices used exclusively upon stationary rails or tracks.

Whenever any words and phrases used in this chapter are not defined in this chapter, but are defined in the state laws regulating the operation of vehicles, any such definition therein shall be deemed to apply to such words and phrases used in this chapter.

Section 2. That Section 25-151 of Article VII “Truck Routes” of Chapter 25 “Traffic And Vehicles” of the Code of Ordinances of the City of Waco, Texas is amended as follows (additions, deletions):

Sec. 25-151. Definitions.

The following words and phrases, when used in this article, shall, for the purpose of this article, have the meanings respectively ascribed to them as follows:

Most direct route possible shall mean that this may generally be considered as the shortest route between the point of origin or destination and a point on the nearest truck route which is nearest the point of origin or destination. However, when this route runs through a residential neighborhood or over a street not otherwise suited for truck traffic, the city may designate an alternate route.

~~*Pole trailer* shall mean every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach, or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes or structural members~~

~~capable, generally, of sustaining themselves as beams between the supporting connections.~~

~~*Semitrailer* shall mean every vehicle without motive power, other than pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.~~

Single axle load shall mean the total load transmitted to the road by all wheels mounted on a single axle which is not part of a tandem axle.

Tandem axle load shall mean the total load transmitted to the road by all wheels on all axles in tandem.

~~*Trailer* shall mean every vehicle without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.~~

Truck routes shall mean those routes which are designated by this article for the use of truck traffic.

~~*Truck tractor* shall mean every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.~~

Truck traffic shall mean the operation of any motor vehicle designed, used, or maintained primarily for the transportation of property, equipped with tandem axles, or all truck-tractor, or all combinations of truck tractor with trailer, semi-trailer or pole trailer.

Section 3. That Article VIII “Stopping, Standing, Parking” of Chapter 25 “Traffic And Vehicles” of the Code of Ordinances of the City of Waco, Texas is amended by adding Section 25-201 to read as follows (additions, ~~deletions~~):

Sec. 25-201. Parking of Oversize and Commercial Vehicles and Trailers, Boats, or Boat Trailers Prohibited on Streets in Residential Districts.

(a) The following words and phrases, when used in this section, shall, for the purpose of this section, have the meanings respectively ascribed to them as follows:

Commercial Vehicle shall mean bus, semi-trailer, pole trailer, truck tractor, house trailer, special mobile equipment, farm tractor or implement of husbandry.

Overize Vehicle shall mean motor home, any motor vehicle that exceeds twenty (20) linear feet, or any commercial motor vehicle with a rated capacity in excess of one and one-half (1-1/2) tons according to the manufacturer's classification.

- (b) It shall be unlawful for any person to park or stand a commercial vehicle, oversize vehicle, trailer, boat, or boat trailer or to allow any commercial vehicle, oversize vehicle, trailer, boat, or boat trailer to park or stand upon any public street, highway, alley or public right-of-way between any street and alley, within any part of the city classified by the zoning ordinance of the city as a single-family residence district, two-family and attached single-family residence district, multiple-family district, or multiple-family residence district.
- (c) It is an affirmative defense to this section that the vehicles are:
1. In the act of loading or unloading passengers, freight, or merchandise;
 2. Publicly owned or franchised emergency or utility vehicles carrying out official duties;
 3. Being used for street construction, maintenance, or repair;
 4. Suffering with a mechanical defect, making it unsafe to proceed further, in which event it shall be lawful to stand or park the vehicle during the time necessary to make emergency repairs;
 5. Any motor home, boat, boat trailer, trailer, or house trailer being loaded, unloaded, or otherwise prepared for use or storage during a period of time that does not exceed five (5) hours; or
 6. Owned or operated by a contractor who has parked the vehicle in front of a residence or residential lot for which the person is contracted to do work, provided that the vehicle is parked only between the hours of 7:00 a.m. and 10:00 p.m. and only while the work is being performed.

Section 4. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 5. That if any provision of this ordinance shall be held to be invalid or unconstitutional, the remainder of such ordinance shall continue in full force and effect the same as if such invalid or unconstitutional provision had never been a part hereof.

Section 6. That it is the intention of the City Council and is hereby ordained that the provisions of this ordinance shall become and be a part of the Code of Ordinances of the City of Waco, Texas, and that sections of this ordinance may be renumbered or relettered to accomplish such intention.

Section 7. That nothing in this ordinance shall be constructed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or

causes of action acquired or existing, under any act or prior ordinance; nor shall any legal right or remedy of any character be lost, impaired, or affected by this ordinance.

Section 8. That a violation of this ordinance shall be a Class C misdemeanor and the penalty for violating this ordinance shall be as provided for in Sec. 1-14 of the Code of Ordinances of the City of Waco, which shall be a fine of not less than one dollar (\$1.00) and no more than five hundred dollars (\$500.00), and each day a violation exists shall be a separate offense.

Section 9. That this ordinance shall take effect on May 1, 2014.

Section 10. That it is hereby officially found and determined that the meeting at which this ordinance is passed is open to the public and that public notice of the time, place, and purpose of said meeting was given as required by law.

FIRST READING: this _____ day of _____, 201____.

SECOND READING: this _____ day of _____, 201____.

Malcolm Duncan, Jr., Mayor,
City of Waco, Texas

ATTEST:

Patricia W. Ervin, City Secretary

APPROVED AS TO FORM & LEGALITY:

Jennifer Richie, City Attorney