

ORDINANCE NO. 2018-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING SECTIONS OF CHAPTER 126 "TRAFFIC AND VEHICLES" OF THE NEW BRAUNFELS CODE OF ORDINANCES TO UPDATE THE THROUGH TRUCKS AND HAZARDOUS CARGO ROUTES ORDINANCE.

WHEREAS, to include all the through truck restrictions in the City of New Braunfels in one list; and

WHEREAS, to update the Traffic and Vehicles ordinance to include a definition of a truck; and

WHEREAS, the City Council of the City of New Braunfels, Texas has the authority under its Home Rule Charter and under the laws of the State of Texas to adopt regulations aimed to protect the health, safety and general welfare of its citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS:

I.

THAT Section 86-7 of the City of New Braunfels Code of Ordinances is hereby amended as follows:

Sec. 86-7. – Operation of vehicles in parks.

- (e) *No through truck traffic.* It shall be unlawful for any person to operate a truck upon the roads or streets entering, within, or immediately adjacent to Landa Park or Hinman Island Park, specifically including Landa Park Drive; Hinman Island Drive; Golf Course Drive; Aquatic Circle; Gazebo Circle; Playground Drive; Monument Drive; E.P. Nowotny Drive; Mill Race Road; that portion of Elizabeth Avenue that lies within and immediately adjacent to Landa Park; and all other unmarked streets within Landa Park and Hinman Island Park, all such streets being within the city limits of New Braunfels, Texas. "Trucks," for purposes of this subsection is defined in section 126-1., means every motor vehicle designed, used or maintained primarily for the transportation of property.

An exception to the provisions of this subsection (e) shall be granted to any truck that has a destination point, for commercial purposes, within Landa Park or Hinman Island Park, which shall be permitted to proceed by the shortest route through such parks to its destination, and shall exit by the same route.

This exception shall not be construed so as to permit any violation by any vehicles of the maximum weight limit restrictions for bridges created in subsection (f) of this section.

II.

THAT Chapter 126 of the City of New Braunfels Code of Ordinances is hereby amended as follows:

Sec. 126-1. – Definitions.

Truck means any motor vehicle designed, used or maintained primarily for the transport of property. For purposes of this section, the following are not included within the definition of a truck:

- (1) Light trucks, including any truck with a manufacturer's rated carrying capacity not to exceed 2,000 pounds and including those trucks commonly known as pickup trucks, panel delivery trucks, vans and carryall trucks.
- (2) Recreational vehicles and passenger buses.

Sec. 126-100. – Maximum weight limits for bridges.

It shall be unlawful for any person to operate a motor vehicle of any kind upon the bridges that are described below, within the city limits, which vehicle's and/or loaded vehicle's weight exceeds the maximum safe load limit posted upon or near such bridge:

- (1) Bridge on Garden Street at Comal River, TxDOT location number 15-045-8410-15-001, shall have a maximum safe load limit of 24,000 pounds gross and 15,000 pounds axle or tandem;
- (2) Bridge on East San Antonio Street at Comal River, TxDOT location number 15-046-8408-15-001, shall have a maximum safe load limit of 14,000 pounds gross and 7,500 pounds axle or tandem.
- (3) The bridges in parks listed in section 86-7(f).

Sec. 126-185. – Hazardous cargo routes.

- (a) Interstate Highway 35 (IH 35), North West Loop 337 (LP 337), State Highway 46 (SH 46) east of IH 35, and SH 46 west of LP 337 are designated as through truck routes and hazardous cargo routes through the city limits.
- (b) Signs are authorized to be installed within the city limits on the portion or portions of roadways set out in subsection (a) of this section
- (c) Signs will be installed by DOT as per agreement, conditional to this section.

- (d) Enforcement of this section is effective upon the posting of said traffic control signs.
- (e) The refusal of any person, to carry out the orders and provisions of this section shall be deemed a misdemeanor, punishable by a fine of not more than \$200.00.

Sec. 126-186. – Through trucks prohibited.

Through trucks are prohibited on the following roads:

- (1) Oak Sprawl between State Highway 46 and Oak Glen.
- (2) Oak Glen between Oak Run Parkway and Oak Forest Drive.
- (3) Oak Forest Drive between Oak Run Parkway and Oak Glen.
- (4) Oak Brook Drive between Oak Run Parkway and Oak Forest Drive.
- (5) Oak Run Parkway between State Highway 46 and Oak Brook Drive.
- (6) Oakwood Boulevard between Loop 337 and Lakeview Boulevard.
- (7) Old FM 306 between East Common Street and Hunter Road.
- (8) Roads in Landa Park and Hinman Island Park listed in section 86-7.
- (9) Ron Road between Green Valley Road and Morningside Drive.
- (10) Schmidt Avenue between FM 1044 and Morningside Drive.
- (11) Rusch Lane between South IH 35 Frontage Road and the city limits.
- (12) South Academy Avenue between West San Antonio Street and West Nacogdoches Street.
- (13) Hunter Road between FM 306 and Gruene Road.
- (14) Gruene Road between Hanz Drive and New Braunfels Avenue.
- (15) Solms Road between North IH 35 Frontage Road and Morningside Drive.
- (16) Rueckle Road between North IH 35 Frontage Road and Morningside Drive.
- (17) Schmidt Avenue between North IH 35 Frontage Road and Morningside Drive.

- (18) Hill Avenue between West Jahn Street and West Garden Street.
- (19) Live Oak Avenue between Landa Street and Michigan Street.
- (20) Mission Valley Road between State Highway 46 the New Braunfels city limits.
- (21) Fredericksburg Road between Landa Street and Ohio Avenue.
- (22) Ohio Avenue between Fredericksburg Road and North Walnut Avenue.
- (23) South Water Lane between IH 35 and Morningside Drive.
- (24) Loma Vista Street between IH 35 and Morningside Drive.
- (25) Encino Drive between Kerlick Lane and Laurel Lane.
- (26) Laurel Lane between Encino Drive and Wood Road.
- (27) Marigold Way between IH 35 and FM 482.
- (28) California Boulevard between Loop 337 and Lakeview Boulevard.
- (29) Lakeview Boulevard between California Boulevard and East Klingemann Street.

III.

All Ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only. All provisions of the Code of Ordinances of the City of New Braunfels not herein amended or repealed shall remain in full force and effect.

IV.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

V.

This Ordinance shall become adopted and effective upon its second reading, signature required by City Charter, and filing with the City Secretary's Office. This

Ordinance must also be published in a newspaper of general circulation at least one time within ten (10) days after its final passage, as required by the City Charter of the City of New Braunfels.

PASSED AND APPROVED: First reading this the _____ day of _____, 2018.

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CITY OF NEW BRAUNFELS, TEXAS

BARRON CASTEEL, MAYOR

ATTEST:

PATRICK D. ATEN, CITY SECRETARY

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, CITY ATTORNEY