

ORDINANCE NO. 110804

AN ORDINANCE OF THE CITY OF MERKEL, TEXAS, PROHIBITING CERTAIN HEAVY VEHICLES WITHIN THE CITY LIMITS; PROVIDING FOR EXCEPTIONS, PENALTY, SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MERKEL, TAYLOR COUNTY, TEXAS:

SECTION 1.

That any and all vehicles having three (3) or more axles and rated to be in excess of 12,000 pounds gross weight are prohibited from use of and travel on streets within the city limits of Merkel, Texas.

SECTION 2.

That exceptions to Section 1 shall be only for the following:

- a. Any vehicle passing through the city limits on Interstate Highway 20 (including access roads), or any vehicle stopped for purchase of goods or services at any business located on the access roads.
- b. Any vehicle traveling on FM 126 south (also known as Ash Street), FM 126 north (also known as Kent Street), FM 1235 south (which includes sections of Cherry, South 2nd, and Oak streets), the IH 20 business loop (also known as business 80 or North 1st), or any other street, road, or highway maintained by the State of Texas. Parking on these streets in residential areas by any vehicle included in Section 1 is prohibited.
- c. Vehicles delivering or picking up goods or materials when the driver has in his possession a log book, delivery slip, or some other evidence to justify the presence of that vehicle.
- d. School busses, public utility vehicles, emergency vehicles, and any city, county, or state owned/operated vehicle.
- e. Any vehicle which has access to the driver's residence without traveling more than 150 feet on city streets other than those listed in paragraph (b). The vehicle must be parked on private property.
- f. Although the above vehicles are exceptions to this ordinance, they must still be operated in such a way as to not violate the current City of Merkel nuisance ordinance.

SECTION 3.

That any person, firm, or corporation violating this Ordinance or any part of this Ordinance, and found guilty by the Judge of the Municipal Court, will be guilty of a Class "C" Misdemeanor, and will be fined not more that \$500 (Five Hundred Dollars) except for health violations which may be fined not more than \$2,000 (Two Thousand Dollars).

SECTION 4.

That if any part of this Ordinance is declared unconstitutional or invalid by any court of competent jurisdiction, such declaration will not affect the validity of any of the remaining parts.


SECTION 5.

That all ordinances or parts of ordinances in conflict herewith are hereby repealed, and


SECTION 6.

That this ordinance shall take effect and be in full force and effect from and after the date of its passage, and it is so ordained.

**PASSED AND APPROVED FOLLOWING PUBLIC HEARING ON FIRST READING
THIS 8TH DAY OF NOVEMBER, 2004.**


_____, Mayor
Derrell Riggan

ATTEST:


_____, City Secretary
Gwen Wetsel