

ORDINANCE NO. 01-27-2026-2

**AN ORDINANCE OF THE CITY OF MERKEL, TEXAS AMENDING
ORDINANCE NO. 110804 TO CREATE AN ADDITIONAL EXCEPTION
TO THE PROHIBITION AGAINST CERTAIN HEAVY VEHICLE
TRAVELING ON CITY STREETS; PROVIDING A PENALTY;
PROVIDING REPEALER AND SEVERABILITY CLAUSES; AND
ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, the City of Merkel, Texas (the "City") is a general law municipality operating pursuant to the laws of the State of Texas;

WHEREAS, the City has "exclusive control over the highways, streets, and alleys" of the City pursuant to Section 311.002 (a) of the Texas Transportation Code;

WHEREAS, pursuant to that authority, on November 8, 2004, the City Council of the City (the "City Council") adopted Ordinance No. 110804 to prohibit large commercial vehicles from traveling on streets within the City, with certain exceptions; and

WHEREAS, the City Council wishes to amend Ordinance No. 110804 to provide an additional exception to allow commercial vehicles to travel on City alleys to commercially zoned lots where said vehicles routinely park, so long as the owner of the vehicle agrees to repair the alleys on a regular basis.

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

I. Amendment. Section 2 of Ordinance No. 110804, adopted on November 8, 2004, is hereby amended to add subsection g to read as follows, and all other provisions of said Ordinance shall remain in full force and effect.

g. Any vehicle that can travel on alleys only to a commercially-zoned lot on which the vehicle routinely parks; provided the owner of said vehicle obtains a permit for said use from the City Council and repairs the alleys to the City's specifications every six (6) months beginning on the date the permit is issued.

II. Penalty. Any person, firm, or corporation violating any of the provisions of this Ordinance shall be deemed guilty of a class C misdemeanor, and upon conviction thereof shall be punished by a fine of not more than five hundred dollars (\$500.00).

III. Repeal. Any and all ordinances or ordinance provisions in conflict herewith are hereby repealed or amended to the extent of such conflict.

IV. Severability. If any provision or any section of this ordinance shall for any reason be adjudged invalid or unconstitutional by a court of competent jurisdiction, such judgement shall not affect or invalidate the remaining provisions or sections, which shall remain in full force and effect.

V. **Effective Date.** This ordinance, being a penal ordinance, shall become effective after adoption and its publication as required by the Texas Local Government Code.

PASSED AND APPROVED this the 27th day of January 2026.


Ray Cobb, Mayor

ATTEST:


Evelyn Morse, City Secretary