

**Ordinance No. 2016-04**

AN ORDINANCE PROHIBITING AND REGULATING CERTAIN MOTOR VEHICLES AND TRAILERS WITHIN THE CITY LIMITS OF CROWELL, FOARD COUNTY, TEXAS AND THE REQUIREMENTS NECESSARY FOR SUCH MOTOR VEHICLES AND TRAILERS TO PARK AND DRIVE ON ANY CITY STREET MAINTAINED BY THE CITY OF CROWELL, FOARD COUNTY, TEXAS, AND PRESCRIBING PENALTIES FOR VIOLATIONS, REPEALING OF ORDINANCES IN CONFLICT HEREWITH, SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the driving and parking of vehicles with a GVWR in excess of five (5) tons and having more than two (2) axels are incompatible to and render damage to the city streets and roadways of the City of Crowell; and

WHEREAS, the City Council finds that the residents of the City of Crowell would be served by the regulation of the driving and parking of such vehicles and trailers within the city:

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CROWELL, TEXAS AS FOLLOWS:**

**PART 1: DEFINITIONS**

GVWR – The Registered Gross Vehicle Weight Rating as noted in the vehicle registration records maintained by the Texas Department of Public Safety.

RESIDENTIAL AREA – An area within the city limits used primarily for housing including single and multiple family housing.

COMERICIAL PURPOSE – for the purpose of loading or unloading or for the purpose of making deliveries to a destination within the City, whether for hire or not, including fuel and raw agriculture products.

ROADWAY – The area designated for construction and maintenance of a street, including the city right of way whether improved or unimproved.

STREET – The area improved and maintained by the City of Crowell, Texas, for the movement of vehicles whether paved or not.

RECREATIONAL VEHICLE – Any motor vehicle or trailer equipped with living space and amenities such as found in a home

**PART 2: ENACTED**

**Section 1:**

a) It shall be unlawful for any person owning, or having actual physical control over any vehicle which has a GVWR exceeding five (5) tons and having more than two (2) axels, to drive, stop, stand, or park any such vehicle in a Residential Area within the city limits of the City of Crowell, Foard County, Texas.

b) It is a Defense to Prosecution under this section that the driving, stopping, standing or parking was required for a Commercial Purpose when the use of a vehicle to which this Ordinance applies is required for such Commercial Purpose.

c) It is an exception to this section that such driving, stopping, standing, or parking was required to comply with normal traffic laws of the State of Texas or the City of Crowell, Foard County, Texas, or was an emergency.

**Section 2:**

a) It shall be unlawful for any person owning or having actual physical control over any vehicle which has a GVWR exceeding five (5) tons and having more than two (2) axels, to drive, stop, stand, or park any such vehicle on any City maintained roadway or alley within the city limits of the City of Crowell, Foard County, Texas.

b) It is a Defense to Prosecution under this section that the driving, stopping, standing or parking was required for a Commercial Purpose when the use of a vehicle to which this Ordinance applies is required for such Commercial Purpose.

c) It is an exception to this section that such driving, stopping, standing, or parking was required to comply with normal traffic laws of the State of Texas or the City of Crowell, Foard County, Texas, or was an emergency.

**Section 3:**

a) It shall be unlawful for any person owning, or having actual physical control over, any trailer in excess of seven (7) feet in width or in excess of sixteen (16) feet in length, to stop, stand or park any such trailer during the hours of darkness on any city maintained roadway or alley within the city limits of the City of Crowell, Foard County, Texas.

b) It is an exception to this section that such stopping, standing, or parking was required to comply with normal traffic laws of the State of Texas or the City of Crowell, Foard County, Texas, or was an emergency.

**Section 4:**

a) It shall be unlawful for any person owning or having actual physical control over, any Recreational Vehicle, to stop, stand or park such Recreational Vehicle on any city maintained roadway or alley within the City of Crowell, Foard County, Texas.

b) It is an exception to this section that such stopping, standing or parking is allowed on private property only.

**PART 3: EXCEPTION**

This Ordinance does not apply to the 100 block of south 1<sup>st</sup> Street, the 100 block of east California Street, all of Commerce St. (U.S. Highway 70) and all of Main St. (U.S. Highway 6).

**PART 4: PENALTY**

Any person violating any of the provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined in any sum not to exceed two hundred dollars (\$200.00).

**PART 5: SEVERABILITY**

If any part of this ordinance is, or should be held invalid for any reason by a court of competent jurisdiction, then that fact shall not invalidate the entire ordinance, and the remaining part thereof shall remain in full force and effect.

**PART 6: REPEAL**

All other ordinances or parts of ordinances in conflict with this ordinance are hereby repealed, and of no further force and effect.

**PART 7: EFFECTIVE DATE**

This Ordinance shall take effect immediately after its due passage and publication according to law.

PASSED AND APPROVED this      day of                      , 2016

Mayor City of Crowell

Attest

C' Secretary