

ORDINANCE NO. 340

AN ORDINANCE REGULATING LARGE COMMERCIAL TRUCKS; DESIGNATING PORTIONS OF FARM TO MARKET ROAD 1232 AND HIGHWAY 115 AS A TRUCK ROUTE; PROHIBITING THE USE OF EXHAUST AND/OR "JAKE" BRAKES; PROVIDING FOR A FINE OR PENALTY FOR VIOLATIONS OF THIS ORDINANCE; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, there are a growing number of large commercial trucks traveling in and around the public streets of Wink, and

WHEREAS, the City Council desires to provide safety regulations for certain large trucks to ensure the proper traffic flows for the health, safety and welfare of the general public and citizens of Wink.

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

Section 1. Definitions

Large Commercial Trucks – Any truck, truck-trailer, trailers, pole trailers or semi-trailers with more than one rear axle and/or trailer, not a recreational vehicle, in excess of 30 feet in length.

Compression Brake – Commonly referred to as a "Jacobs" brake or "Jake" brake, any engine, mechanical exhaust or dynamic braking device primarily used on trucks for the conversion of the diesel engine from an internal combustion engine to an air compressor by changing engine exhaust valve operation for the purpose of braking or slowing the vehicle without the use of, or in addition to, wheel brakes.

Section 2. Designated Truck Routes

East and West FM 1232, from the city limits of the City of Wink to SH 115, and North and South SH 115 from the city limits of the City of Wink to FM 1232, are hereby designated a "Truck Route" within the City of Wink.

A large commercial vehicle, as defined herein, shall use the "designated truck route" as provided below:

Eastbound and Westbound on FM 1232, a large commercial vehicle whose destination is North or South on SH 115,

Northbound and Southbound on SH 115, a large commercial vehicle whose destination is West or East on FM 1232;

Such "designated truck routes" are shown on the map attached hereto, marked as Exhibit "A", and which is made a part of this ordinance for all legal purposes of showing the route or routes over which said transport vehicles may be driven or operated while within the corporate limits of the City of Wink. The "designated truck route" map shall be maintained in the office of the City Secretary as the official truck route map for the City of Wink.

This section shall apply to each large commercial vehicle, as defined herein, designed, used or maintained for the transportation of property except a vehicle carrying oversize, overweight or cargo which otherwise possesses a special permit from the Texas Department of Transportation allowing deviation from the designated Truck Route. This Section shall not apply to emergency vehicles nor to trucks in the service of maintenance department of the City of Wink, Winkler County, or the Texas Department of Transportation.

Large Commercial Trucks, as defined herein, restricted to the streets designated as "truck routes" herein, may depart from such routes where it is necessary to load or unload merchandise at locations situated off of designated routes, provided, however, such vehicles shall follow the most direct truck route to the point nearest their ultimate destination and provided further, that such vehicles shall not leave designated truck routes until they have reached a turning off point that can be described as the

shortest distance practical to the ultimate destination of the vehicle, which is consistent with a reasonable operation of the vehicle, provided, further, said vehicle may depart from the designated truck routes for the purpose of traveling to and from a duly designated truck terminal, which is defined as an area from trans-shipment of merchandise and service and maintenance of trucks, provided, that such vehicle proceeds by the most direct route that is practicable.

Any such vehicles may be driven off the designated routes to a public storage or repair shop when reasonably necessary for the maintenance and repair of such vehicle, provided, however, that this provision shall never be construed as authorizing the repair of vehicles in areas otherwise prohibited by the provisions of this ordinance, or by State law.

Any person operating any of the aforesaid vehicles upon any street or roadway which is not designated a truck route as provided for hereinabove shall have in his possession for the inspection of police officers his log book of evidence of his destination and point of origin to justify the presence of said vehicle on a street or roadway other than a designated truck route.

The Chief of Police shall cause to be erected appropriate signs and markings advising operators of large commercial trucks of the truck routes established herein. Whenever any street or roadway designated as a truck route is under repair or otherwise temporarily out of use, the Chief of Police shall be authorized to designate alternate truck routes.

Section 3. Braking or Slowing of Large Commercial Trucks

It shall be unlawful and illegal to operate, use or permit to use the engine of a large commercial truck so as to assist in braking or slowing the vehicle through the use of "compression brakes", as defined herein, or other engine restricting device on a public right-of-way within the corporate limits of the City of Andrews, including but not limited to state-maintained roadway and designated truck routes, except in cases of an emergency.

In determining whether an emergency existed, the determination of whether or not the usage of a "compression brake" was necessary, reasonable and prudent under the then present conditions and circumstances shall rest with the police officer observing such usage.

Section 4. Offense

Any person, firm or corporation who shall be in violation of this Ordinance, as described by Section 2 and/or Section 3, shall be guilty of a misdemeanor, and upon conviction, said person, firm or corporation shall be fined a sum not to exceed \$500 (Five Hundred and no/100 Dollars). Each and every violation shall constitute a separate and distinct offense.

Section 5. Cumulative

The provisions of this ordinance are to be cumulative of all other ordinances, or parts thereof, governing or regulating the same subject matter as that covered herein, provided, however, that all prior ordinances or parts of ordinances inconsistent or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent of any such inconsistency or conflict.

Section 6. Savings and Severability

If any section, sub-section, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Wink hereby declares that it would have passed this ordinance and each section, sub-section, sentence, clause or phrase thereof irrespective of the fact that any one of more sections, sub-section, sentence, clause or phrases be declared unconstitutional or invalid.

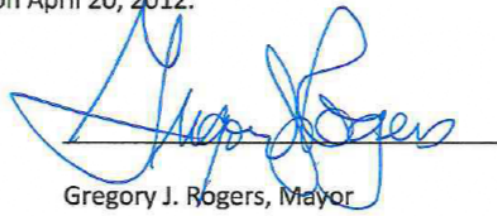
Section 7. Publication

The City Secretary is hereby authorized and directed to publish the descriptive caption of this ordinance together with the penalty provision contained herein, in the manner and for the length of time prescribed by law.

Section 8. Effective Date

Be it further ordained that this ordinance shall take effect on April 20, 2012.

PASSED AND ADOPTED on the 3rd day of April, 2012.



Gregory J. Rogers, Mayor

ATTEST:



Tonya Todd, City Secretary



