



City of Orchard

ORDINANCE NO. 99-2012

AN ORDINANCE OF THE CITY OF ORCHARD, TEXAS, DELETING AND THEREFORE REPLACING ORDINANCE NO. 008-75 AND ORDINANCE NO. 010-76, ESTABLISHING REGULATIONS CONCERNING THE OPERATION AND PARKING OF TRUCKS THAT HAVE A CAPACITY OF TWO (2) TONS OR GREATER WITHIN THE CORPORATE LIMITS OF THE CITY, AND PROVIDING CERTAIN EXCEPTIONS; PROVIDING A PENALTY IN AN AMOUNT OF NOT LESS THAN \$1.00 OR MORE THAN \$200.00 FOR VIOLATION OF ANY PROVISION AUTHORIZED BY THE TEXAS TRANSPORTATION CODE, AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$500.00 FOR ANY OTHER VIOLATION OF ANY PROVISION OF THIS ORDINANCE HEREOF; AND PROVIDING FOR SEVERABILITY.

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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ORCHARD, TEXAS:

Section 1. Ordinance No. 008-75 and Ordinance No. 010-76 are hereby deleted and the provisions of this Ordinance shall replace the regulations established in such deleted Ordinances.

Section 2. The City of Orchard, Texas (the "City"), hereby adopts the following regulations governing the operation and parking of trucks within the corporate limits of the City:

"Truck Regulations

It shall be unlawful for any person to operate or park a truck that has a capacity of two (2) tons or greater, on any public street within the corporate limits of the City or any lot in a primarily residential block within the corporate limits of the City; provided however, the following shall be excepted from such regulation:

- (a) Operation or parking of a truck that has a capacity of two (2) tons or greater on State Highway 36 within the corporate limits of the City; and
- (b) Operation or temporary parking of a truck that has a capacity of two (2) tons or greater for purposes of making a delivery,

responding to an emergency, or responding to a call for repair within the corporate limits of the City; provided such truck is not a 'Thru Truck,' as that term is commonly defined to mean, and provided such truck does not have a final point of destination within said corporate limits of the City.

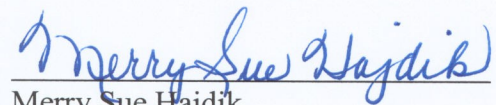
For purposes of this regulation, a 'primarily residential block' shall mean the lots immediately adjacent and on both sides of any given street, between two perpendicular intersecting streets or between a perpendicular intersecting street and the dead-end of the street along such block, for which more than seventy-five percent (75%) of such lots contain a private residence or are otherwise used for any residential purposes."

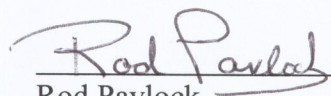
Section 3. Any person who shall violate any provision contained in this Ordinance, or who shall commit or perform any act declared herein to be unlawful shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount of not less than one dollar (\$1.00) and not more than two hundred dollars (\$200.00) for all such violations authorized by the Texas Transportation Code; whereas, any person who shall violate any other provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$500.00. Each day of violation shall constitute a separate offense.

Section 4. In the event any clause phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Commission of the City of Orchard, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

PASSED, APPROVED, AND ADOPTED this 8th of February, 2012.

ATTEST:


Merry Sue Hajdik
City Secretary


Rod Pavlock
Mayor