

ORDINANCE NO. 02182025-01

AN ORDINANCE OF THE CITY OF POTEET, TEXAS AMENDING ORDINANCE 387 RELATING TO THE REGULATION OF COMMERCIAL MOTOR VEHICLE PARKING ON PUBLIC STREETS; PROVIDING FOR DEFINITIONS; PROVIDING FOR PROHIBITED ACTS; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Poteet, Texas is a Type-A General Law Municipality, duly incorporated under the laws of the State of Texas; and,

WHEREAS, the City Council of the City of Poteet, Texas finds that the parking of commercial motor vehicles on public streets creates traffic hazards, impedes the free flow of traffic, and diminishes the quality of life in residential areas; and

WHEREAS, the City Council finds that it is in the best interest of the public health, safety, and welfare to regulate such parking;

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

The findings and recitations set out in the preamble to this Ordinance are found to be true and correct and they are hereby adopted by the City Council and made a part hereof for all purposes.

SECTION 1. DEFINITIONS

For the purposes of this ordinance, the following terms shall have the meanings respectively ascribed to them:

A. "Commercial motor vehicle" means any motor vehicle used for the transportation of passengers for hire or designed, used, or maintained primarily for the transportation of property and:

1. Has a gross vehicle weight rating (GVWR) of 26,001 or more pounds; or
2. Has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or
3. Is designed to transport 16 or more passengers, including the driver; or
4. Is used in the transportation of hazardous materials in a quantity requiring placarding under regulations issued by the Secretary of Transportation under the Hazardous Materials Transportation Act.

B. "Park" or "Parking" means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.

C. "Public street" means any public right-of-way, including streets, highways, or alleys, maintained by the City and used for vehicular traffic.

SECTION 2. PROHIBITED ACTS

A. It shall be unlawful for any person to park or leave standing any commercial motor vehicle on any public street within the city limits at any time.

B. This section shall not apply to:

1. Commercial motor vehicles actively engaged in loading or unloading operations;
2. Emergency vehicles;
3. Utility service vehicles while engaged in repair or maintenance activities;
4. Construction vehicles at active construction sites during permitted construction hours.

SECTION 3. ENFORCEMENT AND PENALTIES

A. Any person violating any provision of this ordinance shall be deemed guilty of a Class C misdemeanor and, upon conviction thereof, shall be fined in an amount not to exceed Five Hundred Dollars (\$500.00).

B. Each day of violation shall constitute a separate offense.

C. This ordinance may be enforced by any peace officer or by any person designated by the City Administrator as a code enforcement officer.

SECTION 4. SEVERABILITY

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

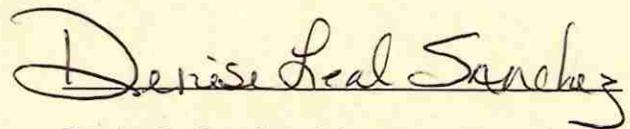
SECTION 5. REPEALER

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

SECTION 6. EFFECTIVE DATE

This ordinance shall take effect immediately upon its passage, approval, and publication as required by law.

PASSED AND APPROVED on this the 18TH day of FEBRUARY, 2025.



Denise L. Sanchez, Mayor

ATTEST:



Abigayle Frautschi, City Secretary

