

ORDINANCE NO. 18-09-13

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MINEOLA, TEXAS, REGULATING THE USE OF PUBLIC RIGHT-OF-WAYS LOCATED WITHIN THE CITY LIMITS OF THE CITY OF MINEOLA, TEXAS, BY OVERSIZED AND/OR OVERWEIGHT LOADS; REQUIRING A PERMIT; PROVIDING SEVERABILITY; PROVIDING A REPEALER CLAUSE; PROVIDING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Texas Transportation Code, Chapter 311, the City of Mineola has exclusive jurisdiction concerning the flow of traffic on city streets; and

WHEREAS, oversized and/or overweight loads traveling on city streets can cause significant damage and unnecessary wear and tear on said streets; and

WHEREAS, the City desires to pass this Ordinance to establish rules and regulations concerning the movement of oversized and/or overweight loads on city streets; and

WHEREAS, the City Council for the City of Mineola, Texas passes this Ordinance to implement such rules and regulations as may be necessary to protect city streets from said damage and/or unnecessary wear and tear.

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

**I.
GENERAL PROVISIONS**

A. An oversized and/or overweight load, as may be referred to in this Ordinance, means any vehicle(s) and loads that exceed legal size or weight limits with a gross combination weight rating (GCWR) over 40,000 lbs.

B. No oversized and/or overweight loads shall be operated on a municipal street within the city limits without a permit issued by the City. An operator of an oversized and/or overweight load shall apply for a permit to operate such vehicle or load within the City. The application shall be made in writing to include the purpose of such oversized and/or overweight load, whether the oversized and/or overweight load contains hazardous materials, the owner of the oversized and/or overweight load, the operator of the oversized and/or overweight load, the destination address(es) within the City, the insurance information for the oversized and/or overweight, and the duration, occurrence or schedule of the oversized and/or overweight load. The City shall process oversized and/or overweight load permits within ten (10) business days of the date upon which the application is submitted.

C. The provisions of this Ordinance shall not apply to an authorized emergency vehicle operating in response to an emergency call. Additionally, vehicles operating for public

service, such as garbage pickup and street repair vehicles shall not be subject to the provisions of this Ordinance while being operated for such purposes.

**II.
DAMAGE TO STREETS, ROADS OR RIGHT-OF-WAYS**

Any person driving, operating or in charge of any oversized and/or overweight vehicle that does damage to any municipal street and/or right-of-way, including but not limited to bar ditches and/or culverts within the control and/or jurisdiction of the City, shall be held liable for the costs of repair of any such damage.

**III.
PENALTY**

Any person, firm, corporation or entity violating any provision of this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined a sum of not less than one dollar (\$1), and not more than five hundred dollars (\$500) for each such occurrence. Nothing herein shall restrict the City's ability to pursue any and all other legal rights and remedies available to the City pursuant to local, state and federal law should a violation of this Ordinance occur.

**IV.
SEVERABILITY**

Should any section, sentence, provision or regulation of this Ordinance be held invalid or unconstitutional by a court of competent jurisdiction, such findings shall not affect the remaining sections, sentences, provisions or regulations hereof, which shall remain in full force and effect.

**V.
REPEALER**

All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of said conflict.

**VI.
EFFECTIVE DATE**

This Ordinance shall become effective upon its passage, approval and publication as provided by law.

**PASSED AND APPROVED BY THE CITY COUNCIL FOR THE CITY OF MINEOLA,
TEXAS, ON THIS 17th DAY OF September, 2018.**

APPROVED:

CITY OF MINEOLA, TEXAS

By:  _____
Kevin White, Mayor

ATTEST:

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Cindy Karch, City Secretary