



City of Granite Shoals
 2221 N. Phillips Ranch Road
 Granite Shoals, TX 78654
 (830) 598-2424 fax (830) 598-6538
www.graniteshoals.org

**AGENDA FOR A MEETING
 OF THE STREETS AND WATER ADVISORY GROUP
 - AN ADVISORY COMMITTEE
 OF THE CITY OF GRANITE SHOALS,
 GRANITE SHOALS CITY HALL, UPSTAIRS COUNCIL CHAMBER
2221 N. PHILLIPS RANCH ROAD, GRANITE SHOALS, TX
MONDAY, JULY 11, 2016 AT 4:30PM**

The Committee Members will discuss, consider and may take action on any item listed on the agenda.

1. Call Meeting to order.
2. Hear public comments and announcements.
3. Review, discuss and consider minutes of June 6, 2016.
4. Staff reports and updates: Peggy Smith, Assistant City Manager.
5. Review, discuss and consider the proposed updates to the Transportation section of the Comprehensive Master Plan as drafted by Councilmember Tanner to provide a recommendation to Council. (Comprehensive Master Plan may be found @www.graniteshoals.org/DocumentCenter/View/200).
6. Review, discuss and consider the Arterial Road Design Items Needing Consideration from Mayor Brugger 2-23-2016 to provide a recommendation to Council. (Documents may be found @ www.graniteshoals.org/DocumentCenter. Select Streets from side menu to access the related documents.)
7. Review, discuss, and consider strategies to address effects of heavy traffic and vehicles on city roads and recommend an ordinance to City Council. (Ordinance example provided to council from City of Manvel included. Chapter 12 from City of Fairview Code of Ordinances is provided for information.)
8. Discuss Future Agenda Items.
9. Adjournment.

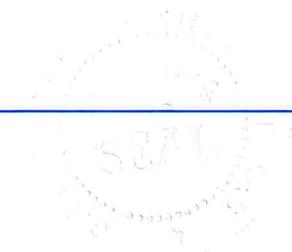
CERTIFICATION

I certify that the foregoing agenda has been posted at Granite Shoals City Hall inside bulletin board and outside on the new Parks Information and City Notice Board, 2221 N. Phillips Ranch Road, and on the official city website at www.graniteshoals.org a place assessable to the public at all times, on Tuesday, July 5, 2016 on or before 6:00 PM and shall remain there continuously from such time until after adjournment of the meeting which begins 4:30PM on Monday, July 11, 2016. City Hall is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 8 hours prior to this meeting. Please contact the City Secretary at (830) 598-2424 for further information.



Elaine Simpson

Elaine Simpson, TRMC/MMC - City Secretary





City of Granite Shoals
2221 N. Phillips Ranch Road
Granite Shoals, TX 78654
(830) 598-2424 fax (830) 598-6538
www.graniteshoals.org

MINUTES FOR A MEETING OF THE
STREETS AND WATER ADVISORY GROUP (SWAG)
OF THE CITY OF GRANITE SHOALS
MONDAY, JUNE 6, 2016

1. Susie Hardy, Chair, called the meeting to order at 4:30 PM Granite Shoals City Hall, 2221 N. Phillips Ranch Road, Granite Shoals, TX.

Present:

Susie Hardy
Claudine Gonzales
Jim Davant
Chuck Myers
Billy Cauley
George LaChance

Staff Present:

Ken Nickel, City Manager
Elaine Simpson, City Secretary (recording)

The numbering below tracks that of the agenda, whereas the actual order of consideration may have varied.

2. Hear public comments and announcements.

City Manager Ken Nickel made the staff announcements of items of interest.

Mr. Michael Steenbergen, 2208 Belaire Dr., Granite Shoals, TX :

(see Exhibit 'A' to these meeting minutes) Mr. Steenbergen discussed his concerns related to the plans for the Arterial Road Infrastructure Project. He noted he was not in favor of the focus being on the West side (Phillips Ranch Road) near City Hall. He expressed concerns of his own, and concerns forwarded to him by other city residents. He requested clarification related to exactly what the plans are for the five million dollars that have been approved for this project.

It was clarified that, in March 2016, City Council adopted Resolution #506. This did not authorize five million for this project. Rather, by passage of Res. 506, City staff was authorized to prepare an estimate in an amount not to exceed \$5,000,000 in order to fund a Public Infrastructure Road improvement project for repair/rebuild of portions of Prairie Creek Road and Phillips Ranch Road, including road improvements, right of way purchases, relocation of

utilities, and water line utility upgrades as discussed in previous City Council meetings December 15, 2015, January 12, 2016, January 26, 2016, February 9, 2016 and February 23, 2016 (“Project”). An application was authorized to be filed with the United States Department of Agriculture seeking financial assistance in an amount not to exceed \$5,000,000 in order to fund the Project. City Manager Ken Nickel was designated the authorized representative of the City for purposes of furnishing such information and executing such documents as may be required in connection with the preparation and filing of such application for financial assistance and the rules of the United States Department of Agriculture. And lastly, the Council approved that the following firms which have been acting as consultants to the City be authorized to assist in the preparation of the USDA Rural Development grant application:

- Financial Advisor: First Southwest Company, LLC
- Engineer: KC Engineering, Inc.
- City Attorney: Bickerstaff Heath Delgado Acosta LLP
- Bond Counsel: McCall, Parkhurst, & Horton LLP

It was noted that a local newspaper reporter had printed a mistake in an article about Resolution #506 when it passed. The newspaper story mistakenly stated that the City had authorized five million for this project with all authorization being given to the City Manager to spend it.

City Manager Nickel clarified that the project at this time is still being planned. Council is still considering options for the scope of the program. There may, or may not, be a bond issue placed before the voters in November. If the grant is awarded, but the city voters do not approve a bond project on the ballot, the city will decline the grant.

Mr. Arturo Rubio, 1202 Viewcrest, Granite Shoals, TX: Asked for information on the engineering firm that is advising the city on this project (Mr. Greg Haley- KC Engineering). There was a discussion regarding the preliminary nature of the city’s plans at this time. Mr. Rubio suggested that as the project planning moves forward, there should be consideration of underground utilities, of doing substantial drainage improvements, doing detailed surveys, and possibly adding ‘oversizing’ of the water infrastructure to this project in order to accommodate future growth. Mr. Rubio suggested that the plan being designed at this time be increased in scope from just the two arterials under discussion: Prairie Creek and Phillips Ranch Road. Taking only two roads at a time is not the best scope. There should be input from the larger community and the plan should be larger and have a more inclusive vision.

Mr. Rubio also offered his opinion that the patching of potholes in the city could be done more efficiently. He noted that the patches do not last very long.

Mr. Dennis McCoy: Spoke about his concerns related to the Arterial Road Infrastructure project. Also noted that the Monday afternoon at 4:30 PM schedule for meetings of the SWAG are not convenient for citizens to attend if they work during the day. He suggested a re-consideration of the meeting time.

Ms. Carol Weissler: Inquired about any contracts that the city may have with Mr. Blair Smith who spoke earlier. City Manager Nickel clarified that there is no contract at this time with Mr. Smith's firm. No Requests for proposals for utility relocation have been issued.

Ms. Christy Steer, Hummingbird Drive: Noted that she has had difficulty keeping informed related to this Project. She has found the city website to be difficult to use to find the information on agendas and meeting minutes that she desires. City staff volunteered to assist her with the website.

3. Review, discuss and consider minutes of May 2, 2016.

Jim Davant made a motion to approve, with two corrections; first that Mr. Cauley was present at the meeting, not absent, and second that the typo on page two is corrected to 'It will', the meeting minutes from the SWAG meeting of May 2, 2016, and George LaChance seconded. Motion carried unanimously by a vote of 5-0.

4. Staff reports and updates: Ken Nickel, City Manager.
Mr. Nickel did not have a staff report.

5. Presentation by Blair Smith with Lamar Technical Services on utility pole locations services. Because Mr. Smith and his associate, Mr. Pack, were kind enough to attend the meeting today to possibly field some questions about utility pole re-location, this item was actually addressed first on agenda during the meeting. Mr. Smith was unable to speak with specificity to the project in Granite Shoals because he has not been advised of the details and the scope of the Arterial Road Infrastructure Project. He gave a very broad general estimate that 20 poles might be able to be relocated within an 8 week time period, if the weather is cooperative. This is not including the engineering and other 'front end' work. There are too many variables in each project to make a cost estimate. Usually a project cost is influenced greatly by the location of the Right-Of-Way or easements.

6. Review, discuss and possibly consider the proposed updates to the Transportation section of the Comprehensive Master Plan as drafted by Councilmember Tanner. (Comprehensive Master Plan may be found @www.graniteshoals.org/DocumentCenter/View/200). There was a very brief discussion of the types of streets desired. There were questions of staff related to the existing street specifications. Chair Hardy will research the correct Ordinance number for existing street specifications.

7. Review, discuss and possibly consider the Arterial Road Design Items Needing Consideration from Mayor Brugger 2-23-2016: Documents may be found at www.graniteshoals.org/DocumentCenter. Select Streets from side menu to access the related documents.

Items 6. And 7. Were opened at the same time. Jim Davant previously submitted a list of ideas to simplify and streamline the previous suggestions put forth by the Mayor.

8. Discuss Future Agenda Items.

- The Group determined that they would like to see agenda items #6 and #7 from this agenda be brought back for further discussion on their next agenda.
- There was a suggestion that the Mayor speak at the next SWAG meeting to update the Group regarding the Arterial Road Infrastructure project, if he is available.
- There was a brief discussion of the letter to the city residents regarding the ‘Old Water Plant’ (Currently the water intake section of the water plant). SWAG members desire to sign the letter to inform these residents of city plans for this area.
- It was noted that the City Council will discuss damage to the roads from large vehicles at their next meeting 6-14-2016.

9. Adjournment.

With no other items on the agenda and no objections from the members of the Group, Chair Hardy adjourned the meeting at 5:40 PM.

I, Susie Hardy, Chairman of the Streets and Water Advisory Group (SWAG) for the City of Granite Shoals, Texas, certify that the attached are true and correct minutes taken from recordings and notes of the Committee meeting of June 6, 2016.

Susie Hardy, Chair

date:

*Streets & Water Advisory Group
June 6, 2016 - Exhibit 'A'
Meeting Minutes.*

My name is Michael Steenbergen. As a local property owner and registered voter I have become concerned about the conduct of the Granite Shoals city government in regards to raising revenue and allocating resources: specifically the roads and what I am calling the "Paradise Project" around City Hall.

The current vision of the city's master plan concentrates the wealth and the resources of the city of Granite Shoals both now and for an extended period in the future in a very small and select area of our city. It appears to me that by adding some critical needs that the citizens clearly want the current city government is managing to fund an elaborate Taj Mahal like Town Center complex around the current City Hall while continuing to delay infrastructure and road development that the citizens want. This vision of the current council and government includes landscaped lakes, fountains, community center, recreational facilities all within walking distance of City Hall. Specifically the East side of Granite Shoals appears to be totally neglected in this vision.

I am calling on the citizens of Granite Shoals to review the city government's vision and to look at the following specific areas in addition to the Paradise Project:

Neighborhood paving

Potholes

Water lines

Sewage

We need a specific plan for each of these areas. We need time tables and projections of completion dates. We need better communication so that citizens understand what is being done and when. I would ask that the Mayor appear at the next meeting of this committee to formally explain exactly where the 5 million

dollars is going to go and if any of these areas are addressed and on what schedule.

Further, we need to look at the city's revenue resources and overhead operating expenses. As we developed the modern, massive City Hall complex, did we ever stop to ask how much it will cost to maintain this building? Looking at the architecture, it appears it will cost us a small fortune just to air condition this type of structure. There is certainly nothing efficient or utilitarian in its design like most city complexes.

Finally, I know for a fact that I have seen plenty of work being done on City Hall over the last two years. When I filed for City Council in 2015 I was given a tour of City Hall. I noticed work crews everywhere and new construction all through different sections of the complex. At the time this seemed to me to be extravagant and slightly self serving for the city government to be in such opulent surroundings when we could have had paving crews in the streets for those same expenditures. I am asking the city government to justify this priority.

The cavalry charge has been sounded. The citizens of Granite Shoals have heard it. They are responding. For everyone here today, you have my greatest appreciation and I promise from this day forward there will be a new era of accountability in the City of Granite Shoals.

Thank you.

I would request three additional minutes to quote comments from citizens that they provided to me in writing.

Michael Steenbergen

From: Facebook [update+yg5w4g5a@facebookmail.com]
Sent: Friday, June 03, 2016 6:43 PM
To: Michael Steenbergen
Subject: Sidney Rector also replied to his comment on Michael Steenbergen for Granite Shoals City Council's p...



Facebook

Sidney Rector also replied to his comment on Michael Steenbergen for Granite Shoals City Council's photo.

**Sidney Rector**

June 3 at 6:42pm

Well the city did pave my road they took 3 curbs up only put one back and I had to pay 1,25\$ for that one know they want 2,25\$ per curbe if that is the case I want my old ones back so I can sell for scrap granit shoae shoals is screwong pepole



Like



Comment

[View on Facebook](#)

Reply to this email to comment on this post.

This message was sent to michael@cometgifts.com. If you don't want to receive these emails from Facebook in the future, please unsubscribe.

Facebook, Inc., Attention: Community Support, Menlo Park, CA 94025

No virus found in this message.

Checked by AVG - www.avg.com

Version: 2016.0.7639 / Virus Database: 4591/12356 - Release Date: 06/03/16

Michael Steenbergen

From: Facebook [update+yg5w4g5a@facebookmail.com]**Sent:** Sunday, June 05, 2016 1:59 PM**To:** Michael Steenbergen**Subject:** Lynn Craig Tannehill commented on Michael Steenbergen for Granite Shoals City Council's photo.

Lynn Craig Tannehill commented on Michael Steenbergen for Granite Shoals City Council's photo.

**Lynn Craig Tannehill**

June 5 at 1:59pm

Michael thank you for standing up for us! I am upset that I cannot be at this meeting , but again we are out of state . I would like to state once again that 5% of the yearly budget - set aside for roads is very narrow minded . Council needs to QUIT spending money on parks and FIX the roads . I have heard every excuse possible as to why this can't be done .



Like



Comment

[View on Facebook](#)

Reply to this email to comment on this post.

This message was sent to michael@cometgifts.com. If you don't want to receive these emails from Facebook in the future, please unsubscribe.

Facebook, Inc., Attention: Community Support, Menlo Park, CA 94025

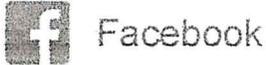
No virus found in this message.

Checked by AVG - www.avg.com

Version: 2016.0.7639 / Virus Database: 4591/12364 - Release Date: 06/05/16

Michael Steenbergen

From: Facebook [update+yg5w4g5a@facebookmail.com]
Sent: Sunday, June 05, 2016 5:27 AM
To: Michael Steenbergen
Subject: Cathy Dedmon Miers commented on Michael Steenbergen for Granite Shoals City Council's photo.



Cathy Dedmon Miers commented on Michael Steenbergen for Granite Shoals City Council's photo.



Cathy Dedmon Miers
June 5 at 5:26am

Just fix the damn roads people. For once in your life do what the people want not what suits you.

Like Comment

[View on Facebook](#)

Reply to this email to comment on this post.

This message was sent to michael@cometgifts.com. If you don't want to receive these emails from Facebook in the future, please unsubscribe.

Facebook, Inc., Attention: Community Support, Menlo Park, CA 94025

No virus found in this message.
Checked by AVG - www.avg.com
Version: 2016.0.7639 / Virus Database: 4591/12364 - Release Date: 06/05/16

Michael Steenbergen

From: Facebook [update+yg5w4g5a@facebookmail.com]

Sent: Sunday, June 05, 2016 1:43 AM

To: Michael Steenbergen

Subject: Barb Ramirez commented on Michael Steenbergen for Granite Shoals City Council's photo.



Facebook

Barb Ramirez commented on Michael Steenbergen for Granite Shoals City Council's photo.



Barb Ramirez

June 5 at 1:42am

I love your passion!



Like



Comment

[View on Facebook](#)

Reply to this email to comment on this post.

This message was sent to michael@cometgifts.com. If you don't want to receive these emails from Facebook in the future, please unsubscribe.

Facebook, Inc., Attention: Community Support, Menlo Park, CA 94025

No virus found in this message.

Checked by AVG - www.avg.com

Version: 2016.0.7639 / Virus Database: 4591/12361 - Release Date: 06/04/16

Michael Steenbergen

From: Facebook [update+yg5w4g5a@facebookmail.com]**Sent:** Sunday, June 05, 2016 12:23 AM**To:** Michael Steenbergen**Subject:** Jesse Ratliff Jr. commented on a link Michael Steenbergen for Granite Shoals City Council shared.

Jesse Ratliff Jr. commented on a link Michael Steenbergen for Granite Shoals City Council shared.

**Jesse Ratliff Jr.**

June 5 at 12:23am

I heard someone say the other day that they figured the city figured out that it had made a mistake in annexing the east side (Sherwood Shores). My thinking is if they don't want to maintain it, give it back to the county. At least then we got temporary fixes pretty regular. Vehicles are at risk of falling into a hole that will require towing to get back out of right in front of my house. The ditches and tin horns have been collapsed for months and now with rain water doesn't use the ditch, it runs across the road and into my driveway, washing it out. The pavement on the road where this happens is now getting undermined and breaks even more with each passing vehicle.



Like



Comment

[View on Facebook](#)

Reply to this email to comment on this post.

This message was sent to michael@cometgifts.com. If you don't want to receive these emails from Facebook in the future, please [unsubscribe](#).

Facebook, Inc., Attention: Community Support, Menlo Park, CA 94025

No virus found in this message.

Checked by AVG - www.avg.com

Version: 2016.0.7639 / Virus Database: 4591/12361 - Release Date: 06/04/16

6/6/2016

Michael Steenbergen

From: Facebook [update+yg5w4g5a@facebookmail.com]

Sent: Saturday, June 04, 2016 10:22 PM

To: Michael Steenbergen

Subject: Anahi Najera also replied to her comment on Michael Steenbergen for Granite Shoals City Council's ph...



Facebook

Anahi Najera also replied to her comment on Michael Steenbergen for Granite Shoals City Council's photo.

**Anahi Najera**

June 4 at 10:22pm

Si y parecen que ellos no ven en realidad como esta granite shoals rodeado de basura



Like



Comment

[View on Facebook](#)

Reply to this email to comment on this post.

This message was sent to michael@cometgifts.com. If you don't want to receive these emails from Facebook in the future, please unsubscribe.

Facebook, Inc., Attention: Community Support, Menlo Park, CA 94025

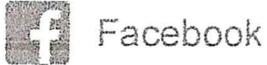
No virus found in this message.

Checked by AVG - www.avg.com

Version: 2016.0.7639 / Virus Database: 4591/12361 - Release Date: 06/04/16

Michael Steenbergen

From: Facebook [update+yg5w4g5a@facebookmail.com]
Sent: Friday, June 03, 2016 10:20 PM
To: Michael Steenbergen
Subject: Anahi Najera commented on Michael Steenbergen for Granite Shoals City Council's photo.



Anahi Najera **commented** on Michael Steenbergen for Granite Shoals City Council's photo.



Anahi Najera
June 3 at 10:20pm

MariaEnriquez mira hay q ir aver si hay podemos poner nuestras kejas

 Like  Comment

[View on Facebook](#)

Reply to this email to comment on this post.

This message was sent to michael@cometgifts.com. If you don't want to receive these emails from Facebook in the future, please unsubscribe.

Facebook, Inc., Attention: Community Support, Menlo Park, CA 94025

No virus found in this message.

Checked by AVG - www.avg.com

Version: 2016.0.7639 / Virus Database: 4591/12356 - Release Date: 06/03/16

Michael Steenbergen

From: Facebook [update+yg5w4g5a@facebookmail.com]
Sent: Saturday, June 04, 2016 10:17 PM
To: Michael Steenbergen
Subject: Maria Enriquez also replied to Anahi Najera's comment on Michael Steenbergen for Granite Shoals City...



Maria Enriquez also replied to Anahi Najera's comment on Michael Steenbergen for Granite Shoals City Council's photo.



Maria Enriquez
June 4 at 10:16pm

Si porque ya son demasiado sus exigencias cuando el lugar donde vivimos no es el mejor

Like Comment

[View on Facebook](#)

Reply to this email to comment on this post.

This message was sent to michael@cometgifts.com. If you don't want to receive these emails from Facebook in the future, please unsubscribe.

Facebook, Inc., Attention: Community Support, Menlo Park, CA 94025

No virus found in this message.

Checked by AVG - www.avg.com

Version: 2016.0.7639 / Virus Database: 4591/12361 - Release Date: 06/04/16

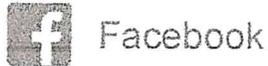
Michael Steenbergen

From: Facebook [update+yg5w4g5a@facebookmail.com]

Sent: Saturday, June 04, 2016 10:12 PM

To: Michael Steenbergen

Subject: Greg E. Beversdorf commented on Michael Steenbergen for Granite Shoals City Council's photo.



Greg E. Beversdorf commented on Michael Steenbergen for Granite Shoals City Council's photo.



Greg E. Beversdorf

June 4 at 10:11pm

My family have been paying taxes since 1972 and still eating dust on Washington, which is everybody's throughway.



Like



Comment

[View on Facebook](#)

Reply to this email to comment on this post.

This message was sent to michael@cometgifts.com. If you don't want to receive these emails from Facebook in the future, please unsubscribe.

Facebook, Inc., Attention: Community Support, Menlo Park, CA 94025

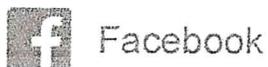
No virus found in this message.

Checked by AVG - www.avg.com

Version: 2016.0.7639 / Virus Database: 4591/12361 - Release Date: 06/04/16

Michael Steenbergen

From: Facebook [update+yg5w4g5a@facebookmail.com]
Sent: Saturday, June 04, 2016 5:35 PM
To: Michael Steenbergen
Subject: Damon Hitchcock commented on Michael Steenbergen for Granite Shoals City Council's photo.



Damon Hitchcock commented on Michael Steenbergen for Granite Shoals City Council's photo.



Damon Hitchcock

June 4 at 5:34pm

That is bad that you guys fix Phillips but not others you need take care valley view also.

Like Comment

[View on Facebook](#)

Reply to this email to comment on this post.

This message was sent to michael@cometgifts.com. If you don't want to receive these emails from Facebook in the future, please unsubscribe.

Facebook, Inc., Attention: Community Support, Menlo Park, CA 94025

No virus found in this message.

Checked by AVG - www.avg.com

Version: 2016.0.7639 / Virus Database: 4591/12361 - Release Date: 06/04/16

Michael Steenbergen

From: Facebook [update+yg5w4g5a@facebookmail.com]
Sent: Saturday, June 04, 2016 7:53 PM
To: Michael Steenbergen
Subject: Damon Hitchcock also replied to his comment on Michael Steenbergen for Granite Shoals City Council's...



Facebook

Damon Hitchcock also replied to his comment on Michael Steenbergen for Granite Shoals City Council's photo.



Damon Hitchcock

June 4 at 7:52pm

I paid for road work where does the money go to what funds are you guys still putting sewer system in also.



Like



Comment

[View on Facebook](#)

Reply to this email to comment on this post.

This message was sent to michael@cometgifts.com. If you don't want to receive these emails from Facebook in the future, please unsubscribe.

Facebook, Inc., Attention: Community Support, Menlo Park, CA 94025

No virus found in this message.

Checked by AVG - www.avg.com

Version: 2016.0.7639 / Virus Database: 4591/12361 - Release Date: 06/04/16

Michael Steenbergen

From: Facebook [update+yg5w4g5a@facebookmail.com]

Sent: Friday, June 03, 2016 10:48 PM

To: Michael Steenbergen

Subject: Rachael Marie Landers commented on Michael Steenbergen for Granite Shoals City Council's photo.



Facebook

Rachael Marie Landers **commented** on Michael Steenbergen for Granite Shoals City Council's photo.

**Rachael Marie Landers**

June 3 at 10:47pm

Have any of you driven on Phillips ranch road lately?? I've had to get two alignments in the past 8 months from the potholes on that road alone jacking with my tires.



Like



Comment

[View on Facebook](#)

Reply to this email to comment on this post.

This message was sent to michael@cometgifts.com. If you don't want to receive these emails from Facebook in the future, please unsubscribe.

Facebook, Inc., Attention: Community Support, Menlo Park, CA 94025

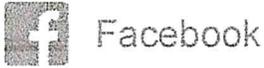
No virus found in this message.

Checked by AVG - www.avg.com

Version: 2016.0.7639 / Virus Database: 4591/12356 - Release Date: 06/03/16

Michael Steenbergen

From: Facebook [update+yg5w4g5a@facebookmail.com]
Sent: Friday, June 03, 2016 9:28 PM
To: Michael Steenbergen
Subject: Ruby Gault commented on a status Michael Steenbergen for Granite Shoals City Council shared.



Ruby Gault commented on a status Michael Steenbergen for Granite Shoals City Council shared.



Ruby Gault
June 3 at 9:28pm

I hope they would be embarrassed if they heard what visitors said about our city when they are told that the building on the hill is our city hall. They just laugh and say, you are in kidding - the streets are awful, you have no sewage system, yet you have a castle for a city hall. You have some really stupid and dump city government. I am embarrassed to tell them what the building is.

Like Comment

[View on Facebook](#)

Reply to this email to comment on this post.

This message was sent to michael@comelgifts.com. If you don't want to receive these emails from Facebook in the future, please unsubscribe.

Facebook, Inc., Attention: Community Support, Menlo Park, CA 94025

No virus found in this message.

Checked by AVG - www.avg.com

Version: 2016.0.7639 / Virus Database: 4591/12356 - Release Date: 06/03/16

Michael Steenbergen

From: Facebook [update+yg5w4g5a@facebookmail.com]

Sent: Friday, June 03, 2016 7:36 PM

To: Michael Steenbergen

Subject: Ruby Gault commented on a status Michael Steenbergen for Granite Shoals City Council shared.



Facebook

Ruby Gault commented on a status Michael Steenbergen for Granite Shoals City Council shared.

**Ruby Gault**

June 3 at 7:35pm

There are so many things the citizens of Granite Shoals need and it was and is not the city hall on the hill! A total waste of money. If was bought without asking the citizens. Makes me angry Everytime I drive buy it. Sale it and use the money for other needed projects such as drainage, street repair, down payment on sewer system, any thing would be better than the castle on the hill. That did not help the condition of the city at all.



Like



Comment

[View on Facebook](#)

Reply to this email to comment on this post.

This message was sent to michael@cometgifts.com. If you don't want to receive these emails from Facebook in the future, please unsubscribe.

Facebook, Inc., Attention: Community Support, Menlo Park, CA 94025

No virus found in this message.

Checked by AVG - www.avg.com

Version: 2016.0.7639 / Virus Database: 4591/12356 - Release Date: 06/03/16

Michael Steenbergen

From: Facebook [update+yg5w4g5a@facebookmail.com]
Sent: Wednesday, June 01, 2016 2:41 PM
To: Michael Steenbergen
Subject: Jay Ghoul commented on Michael Steenbergen for Granite Shoals City Council's photo.



Jay Ghoul commented on Michael Steenbergen for Granite Shoals City Council's photo.



Jay Ghoul

June 1 at 2:40pm

You can't have my money unless y'all plan on fixing all the roads that need it. Not just Philips ranch road.

Like Comment

[View on Facebook](#)

Reply to this email to comment on this post.

This message was sent to michael@cometgifts.com. If you don't want to receive these emails from Facebook in the future, please unsubscribe.

Facebook, Inc., Attention: Community Support, Menlo Park, CA 94025

No virus found in this message.

Checked by AVG - www.avg.com

Version: 2016.0.7598 / Virus Database: 4591/12342 - Release Date: 06/01/16

Michael Steenbergen

From: Facebook [update+yg5w4g5a@facebookmail.com]
Sent: Wednesday, June 01, 2016 10:38 PM
To: Michael Steenbergen
Subject: Julissa Valdez commented on Michael Steenbergen for Granite Shoals City Council's photo.



Julissa Valdez commented on Michael Steenbergen for Granite Shoals City Council's photo.



Julissa Valdez
June 1 at 10:38pm

Honestly I así for the same ALL roads should be fix i do go thru philip's ranch everyday but it sucks Yall only fix the Street where the City hall is at and police station

Like Comment

[View on Facebook](#)

Reply to this email to comment on this post.

This message was sent to michael@cometgifts.com. If you don't want to receive these emails from Facebook in the future, please unsubscribe.

Facebook, Inc., Attention: Community Support, Menlo Park, CA 94025

No virus found in this message.
Checked by AVG - www.avg.com
Version: 2016.0.7598 / Virus Database: 4591/12342 - Release Date: 06/01/16

Michael Steenbergen

From: Facebook [update+yg5w4g5a@facebookmail.com]

Sent: Thursday, June 02, 2016 3:38 PM

To: Michael Steenbergen

Subject: Brittany Gibson commented on Michael Steenbergen for Granite Shoals City Council's photo.



Facebook

Brittany Gibson commented on Michael Steenbergen for Granite Shoals City Council's photo.

**Brittany Gibson**

June 2 at 3:38pm

Why are they asking for 5 million when we already pay for road maintenance on our water bill every month? And they still don't do shit to any road in granite shoals... hmm makes me wonder!



Like



Comment

[View on Facebook](#)

Reply to this email to comment on this post.

This message was sent to michael@cometgifts.com. If you don't want to receive these emails from Facebook in the future, please unsubscribe.

Facebook, Inc., Attention: Community Support, Menlo Park, CA 94025

No virus found in this message.

Checked by AVG - www.avg.com

Version: 2016.0.7598 / Virus Database: 4591/12348 - Release Date: 06/02/16

Michael Steenbergen

From: Facebook [update+yg5w4g5a@facebookmail.com]
Sent: Thursday, June 02, 2016 5:36 PM
To: Michael Steenbergen
Subject: Marian Atchisson-Klaus commented on Michael Steenbergen for Granite Shoals City Council's photo.



Marian Atchisson-Klaus commented on Michael Steenbergen for Granite Shoals City Council's photo.



Marian Atchisson-Klaus

June 2 at 5:35pm

All roads need paving



Like



Comment

[View on Facebook](#)

Reply to this email to comment on this post.

This message was sent to michael@cometgifts.com. If you don't want to receive these emails from Facebook in the future, please unsubscribe.

Facebook, Inc., Attention: Community Support, Menlo Park, CA 94025

No virus found in this message.

Checked by AVG - www.avg.com

Version: 2016.0.7639 / Virus Database: 4591/12349 - Release Date: 06/02/16

Michael Steenbergen

From: Facebook [update+yg5w4g5a@facebookmail.com]

Sent: Thursday, June 02, 2016 7:31 PM

To: Michael Steenbergen

Subject: Jason Brady commented on Michael Steenbergen for Granite Shoals City Council's photo.



Facebook

Jason Brady commented on Michael Steenbergen for Granite Shoals City Council's photo.

**Jason Brady**

June 2 at 7:30pm

Everyone wants to complain about the roads but nobody shows up to meetings. You have start somewhere, study on the amount of traffic have been done if not mistaken and these are the most traveled.. And obviously you had to hunt for that picture of Phillips ranch



Like



Comment

[View on Facebook](#)

Reply to this email to comment on this post.

This message was sent to michael@cometgifts.com. If you don't want to receive these emails from Facebook in the future, please unsubscribe.

Facebook, Inc., Attention: Community Support, Menlo Park, CA 94025

No virus found in this message.

Checked by AVG - www.avg.com

Version: 2016.0.7639 / Virus Database: 4591/12350 - Release Date: 06/02/16

Michael Steenbergen

From: Facebook [update+yg5w4g5a@facebookmail.com]
Sent: Thursday, June 02, 2016 9:37 PM
To: Michael Steenbergen
Subject: Linda Booe commented on Michael Steenbergen for Granite Shoals City Council's photo.



Facebook

Linda Booe commented on Michael Steenbergen for Granite Shoals City Council's photo.



Linda Booe

June 2 at 9:37pm

Maybe worry less about the deer population and the " walking path". Us people that have to work... Don't get to walk that anyway....You guys made us a "city". Now give us roads and a shit plant.



Like



Comment

[View on Facebook](#)

Reply to this email to comment on this post.

This message was sent to michael@cometgifts.com. If you don't want to receive these emails from Facebook in the future, please unsubscribe.

Facebook, Inc., Attention: Community Support, Menlo Park, CA 94025

No virus found in this message.

Checked by AVG - www.avg.com

Version: 2016.0.7639 / Virus Database: 4591/12350 - Release Date: 06/02/16

Michael Steenbergen

From: Facebook [update+yg5w4g5a@facebookmail.com]

Sent: Friday, June 03, 2016 10:39 AM

To: Michael Steenbergen

Subject: Keith Payne commented on Michael Steenbergen for Granite Shoals City Council's photo.



Facebook

Keith Payne commented on Michael Steenbergen for Granite Shoals City Council's photo.

**Keith Payne**

June 3 at 10:38am

I agree all roads need a lot of work.



Like



Comment

[View on Facebook](#)

Reply to this email to comment on this post.

This message was sent to michael@cometgifts.com. If you don't want to receive these emails from Facebook in the future, please unsubscribe.

Facebook, Inc., Attention: Community Support, Menlo Park, CA 94025

No virus found in this message.

Checked by AVG - www.avg.com

Version: 2016.0.7639 / Virus Database: 4591/12353 - Release Date: 06/03/16

Michael Steenbergen

From: Facebook [update+yg5w4g5a@facebookmail.com]

Sent: Friday, June 03, 2016 2:41 PM

To: Michael Steenbergen

Subject: James Grover commented on Michael Steenbergen for Granite Shoals City Council's photo.



James Grover commented on Michael Steenbergen for Granite Shoals City Council's photo.



James Grover

June 3 at 2:40pm

We put chloride on them and kept them graded and drainage cleaned out when it was a pos until the city lied cheated and illegally forced us into their city limits



Like



Comment

[View on Facebook](#)

Reply to this email to comment on this post.

This message was sent to michael@cometgifts.com. If you don't want to receive these emails from Facebook in the future, please unsubscribe.

Facebook, Inc., Attention: Community Support, Menlo Park, CA 94025

No virus found in this message.

Checked by AVG - www.avg.com

Version: 2016.0.7639 / Virus Database: 4591/12355 - Release Date: 06/03/16

Michael Steenbergen

From: Facebook [update+yg5w4g5a@facebookmail.com]
Sent: Friday, June 03, 2016 4:20 PM
To: Michael Steenbergen
Subject: Mark Lacy Mortenson Jr. commented on your photo.



Facebook

Mark Lacy Mortenson Jr. commented on your photo.

**Mark Lacy Mortenson Jr.**

June 3 at 3:19pm

Some people on the east side can't even do the basics when it rains like it did yesterday. One of our sons friends came over to shower and wash clothes. I asked him if this happens often and he said yes. He was embarrassed to ask for help...we need to extend a helping hand during these times as it is very hard for a lot of ppl to reach out and ask.



Like



Comment

[View on Facebook](#)

Reply to this email to comment on this post.

This message was sent to michael@cometgifts.com. If you don't want to receive these emails from Facebook in the future, please [unsubscribe](#).

Facebook, Inc., Attention: Community Support, Menlo Park, CA 94025

No virus found in this message.

Checked by AVG - www.avg.com

Version: 2016.0.7639 / Virus Database: 4591/12356 - Release Date: 06/03/16

Michael Steenbergen

From: Facebook [update+yg5w4g5a@facebookmail.com]

Sent: Friday, June 03, 2016 5:05 PM

To: Michael Steenbergen

Subject: Sidney Rector commented on Michael Steenbergen for Granite Shoals City Council's photo.



Sidney Rector commented on Michael Steenbergen for Granite Shoals City Council's photo.



Sidney Rector

June 3 at 5:05pm

Get rid of the city council we got they get what they want I could name them but they know who they are they can have there on business on main highway building what they want but will not let other have building for there office why cause cause they want all money for there self ant that right res bett



Like



Comment

[View on Facebook](#)

Reply to this email to comment on this post.

This message was sent to michael@cometgifts.com. If you don't want to receive these emails from Facebook in the future, please unsubscribe.

Facebook, Inc., Attention: Community Support, Menlo Park, CA 94025

No virus found in this message.

Checked by AVG - www.avg.com

Version: 2016.0.7639 / Virus Database: 4591/12356 - Release Date: 06/03/16

Michael Steenbergen

From: Facebook [update+yg5w4g5a@facebookmail.com]

Sent: Friday, June 03, 2016 5:57 PM

To: Michael Steenbergen

Subject: Ruby Gault commented on Michael Steenbergen for Granite Shoals City Council's photo.



Facebook

Ruby Gault commented on Michael Steenbergen for Granite Shoals City Council's photo.

**Ruby Gault**

June 3 at 5:56pm

Sale the city hall on the hill to get money for the roads. That was bought without asking the citizens. A waste of money. Pay high taxes and high utilities and get nothing.



Like



Comment

[View on Facebook](#)

Reply to this email to comment on this post.

This message was sent to michael@cometgifts.com. If you don't want to receive these emails from Facebook in the future, please unsubscribe.

Facebook, Inc., Attention: Community Support, Menlo Park, CA 94025

No virus found in this message.

Checked by AVG - www.avg.com

Version: 2016.0.7639 / Virus Database: 4591/12356 - Release Date: 06/03/16

Michael Steenbergen

From: Facebook [update+yg5w4g5a@facebookmail.com]

Sent: Wednesday, May 25, 2016 3:18 AM

To: Michael Steenbergen

Subject: Brucie Bruce Collier commented on a link Michael Steenbergen for Granite Shoals City Council shared.



Facebook

Brucie Bruce Collier commented on a link Michael Steenbergen for Granite Shoals City Council shared.

**Brucie Bruce Collier**

May 25 at 3:18am

This! I live on valley West, past green valley... And the pot holes are ridiculous... I've actually cracked the front bumper on my car by hitting them.



Like



Comment

[View on Facebook](#)

Reply to this email to comment on this post.

This message was sent to michael@cometgifts.com. If you don't want to receive these emails from Facebook in the future, please unsubscribe.

Facebook, Inc., Attention: Community Support, Menlo Park, CA 94025

No virus found in this message.

Checked by AVG - www.avg.com

Version: 2016.0.7598 / Virus Database: 4591/12297 - Release Date: 05/25/16

Michael Steenbergen

From: Facebook [update+yg5w4g5a@facebookmail.com]**Sent:** Wednesday, May 25, 2016 11:31 AM**To:** Michael Steenbergen**Subject:** Clint Milam commented on a link Michael Steenbergen for Granite Shoals City Council shared.

Facebook

Clint Milam commented on a link Michael Steenbergen for Granite Shoals City Council shared.

**Clint Milam**

May 25 at 11:30am

I see your point I really do. But each city department has its own budget. I do agree that parks need more additional help. The tennis courts were a complete waste in my eyes. But if the city wants to expand. They're going to have to spend money on everything. Are people going to complain when they have to buy new road maintaining equipment? Like front loaders , dump trucks, road greater, and maybe new paver? What if they hire outside contractors? Money is going to be spent regardless. Plus this will take years to complete. With everyone wants and needs for the city. They'll just have to plan better than what they've in the past.



Like



Comment

[View on Facebook](#)

Reply to this email to comment on this post.

This message was sent to michael@cometgifts.com. If you don't want to receive these emails from Facebook in the future, please unsubscribe.

Facebook, Inc., Attention: Community Support, Menlo Park, CA 94025

No virus found in this message.

Checked by AVG - www.avg.com

Version: 2016.0.7598 / Virus Database: 4591/12297 - Release Date: 05/25/16

6/6/2016

Michael Steenbergen

From: Facebook [update+yg5w4g5a@facebookmail.com]**Sent:** Wednesday, June 01, 2016 2:30 PM**To:** Michael Steenbergen**Subject:** Lynn Craig Tannehill commented on Michael Steenbergen for Granite Shoals City Council's photo.

Facebook

Lynn Craig Tannehill commented on Michael Steenbergen for Granite Shoals City Council's photo.

**Lynn Craig Tannehill**

June 1 at 2:30pm

I am out of state and unable to attend. PLEASE set aside some money in your budget to pave the president streets . We have eaten dust for 20 years, not to Mention. The constant potholes . Thank you !



Like



Comment

[View on Facebook](#)

Reply to this email to comment on this post.

This message was sent to michael@cometgifts.com. If you don't want to receive these emails from Facebook in the future, please unsubscribe.

Facebook, Inc., Attention: Community Support, Menlo Park, CA 94025

No virus found in this message.

Checked by AVG - www.avg.com

Version: 2016.0.7598 / Virus Database: 4591/12342 - Release Date: 06/01/16

CITY OF GRANITE SHOALS
CONSIDERATION OF STRATEGIES TO ADDRESS EFFECTS OF
INDUSTRIAL TRUCK TRAFFIC ON PUBLIC STREETS

May ____, 2016

City staff are presently evaluating various options and strategies that the City might undertake to address the effects of trucks or other heavy equipment used for industrial purposes traveling over the streets, bridges, and other public ways located within the City. Within the scope of the City's authority to regulate and maintain these public ways for the benefit of the citizens of Granite Shoals, and to prevent activities that would result in damage to this infrastructure, the City intends to explore potential actions to address circumstances resulting from industrial truck traffic or heavy equipment, including for example, conditions of debris left by such traffic and damage (beyond normal wear and tear) caused by such traffic.

As part of this evaluation process, in which City staff is weighing the legal and technical pros and cons of various alternatives, the following is a general summary of the types of actions that may be considered:

1. Adoption of a new City ordinance that may include some or all of the following types of provisions:
 - a) Requirements for City-issued permits, with related fees, for various classes of commercial vehicle using public ways within Granite Shoals' city limits;
 - b) Legal remedies for damage caused to the City's public ways;
 - c) Provisions addressing road debris from commercial vehicles; and
 - d) Misdemeanor penalty provisions (and fines) for violations.

A copy of similar provisions, from the City Code of the City of Manvel, is attached here as an illustration of the types of provisions under consideration.

2. Development of a form of standard Road Repair Agreement, to be used by Granite Shoals and entered into with identified commercial entities whose vehicles or other heavy equipment are likely to generate debris and/or cause damage to the City's public ways.
3. Designation of specific routes to be used by trucks and other heavy equipment on certain state highways within City limits, as allowed under state law and in coordination with the Texas Department of Transportation.

< Sample >
City of Manvel, TX.

ARTICLE X. - CONSTRUCTION AND ROAD DEBRIS REGULATIONS

Sec. 17-415. - Heavy construction hours.

- (a) Heavy construction activity shall be prohibited before 7:00 a.m. and after 9:00 p.m, and all day on Sundays.
- (b) Heavy construction activity includes excavating, dirt work, site preparation, demolition, concrete work and work involving heavy machinery associated with any construction site, building, utilities installation, or other construction improvements.
- (c) Heavy construction activity shall be permitted during the prohibited hours in case of an emergency or urgent necessity in the interest of public health and safety, and then only with permission from the City of Manvel Building Inspector, which shall be granted for a period of time not to exceed the period in which the emergency continues.
- (d) Heavy construction activity during permitted hours is still subject to other laws and ordinances pertaining to nuisances and noise.

(Ord. No. 2012-O-19, § 1, 8-13-2012)

Sec. 17-416. - Road debris.

It shall be unlawful for any owner, driver, or person in charge of, or in possession of or in control of any vehicle involved in construction activity, or any commercial vehicle involved in the hauling goods or other items, to intentionally, knowingly or recklessly cause, allow, or permit trash, rock, mud, dirt, garbage, debris, or other substances to be dropped or to fall from such vehicle, upon any street, alley, or other public way within the city, whether said substance was being hauled by the person or was mud or debris or other substance that became affixed to said vehicle or the vehicle's part(s). The provisions of this section shall not apply to work done on any street, alley, or other public way by or under the direction of the city.

(Ord. No. 2012-O-19, § 1, 8-13-2012)

Sec. 17-417. - Securing of construction materials.

- (a) Any person or entity performing construction activity shall secure the construction site, if there is an incoming tropical storm or named hurricane that may impact the City of Manvel within the following 72 hours (landfall).
- (b) Securing the construction site shall include, but is not limited to, the removal of all construction materials, debris, trash, potential projectiles, and any items that could clog or affect drainage.

(Ord. No. 2012-O-19, § 1, 8-13-2012)

Secs. 17-418—17-424. - Reserved.

ARTICLE II. - WEIGHT LIMITS AND TRUCK ROUTES

Sec. 41-35. - Size and weight of vehicles.

- (a) Every commercial vehicle traveling on city roads must be covered by a permit issued by the police chief or his designee ("chief") if the vehicle has:
- (1) A single axle weight heavier than 20,000 pounds, including all enforcement tolerances;
 - (2) A tandem axle weight heavier than 34,000 pounds, including all enforcement tolerances; or
 - (3) An overall gross weight on a group of two or more consecutive axles heavier than the weight computed using the following formula and rounding the result to the nearest 500 pounds:
$$W = 500 (LN/(N-1)) + 12N + 36$$
- Where:
- W is maximum overall gross weight on the group;
- L is distance in feet between the axles of the group that are the farthest apart; and
- N is the number of axles in the group.
- (b) It shall be unlawful to drive or operate a ready-mixed concrete truck, as defined in V.T.C.A., Transportation Code § 622.011, upon a city street in excess of the weight limits set forth herein without a permit from the chief.
- (c) An application for a permit must:
- (1) Be in writing;
 - (2) Describe the vehicle; or in the case of a permit for more than one vehicle by the same applicant, describe the types of vehicles;
 - (3) Give the weight of the vehicle and the weight of the total load; or in the case of a permit for more than one vehicle by the same applicant, give an approximate weight of the vehicle and an approximate weight of the total load; and
 - (4) Be dated and signed by the applicant.
- (d) An application for a permit under this section must be accompanied by a permit fee, which shall be established by the city council.
- (e) Before the chief may issue a permit under this section, the applicant shall file with the city the required financial security for damage to the city's streets, bridges, or culverts caused by such overweight vehicle.
- (f) For every vehicle weighing more than 80,000 pounds gross vehicle weight, a \$100,000.00 letter of credit or cash deposit is required.
- (g) For every vehicle weighing less than 80,000 pounds of gross vehicle weight, but more than the weights set out in subsection (a) of this section, a \$50,000.00 letter of credit or cash deposit is required.
- (h) For ready-mixed concrete trucks, a \$15,000.00 surety bond is required. The surety bond must include a condition that the owner of the truck will pay to the city any damage to a highway caused by the operation of the truck with a tandem axle weight that is heavier than 34,000 pounds.
- (i) Any person operating or causing to be operated a vehicle exceeding the weight limitations set forth in this section, shall be liable to the city for any damage to the city's streets, bridges, or culverts caused by such overweight vehicle. Acceptance of a permit provided for in this section shall be conclusive

evidence that the person to whom such permit is issued agrees to make good and pay all such damages upon demand therefore made by the city.

- (j) A copy of the permit shall be carried on the vehicle at all times when the vehicle is traveling over city roads
- (k) Where any person operating or causing to be operated a vehicle exceeding the weight limitations set forth in this section can demonstrate that the operations involving an overweight vehicle are covered by a specific state or federal law that requires a different form or amount of financial security for damage, including waiver of any such security, the state or federal law shall control.
- (l) Except as expressly authorized by the Texas Transportation Code, the city does not require a permit, bond, fee, or license for the movement of a vehicle or combination of vehicles or any load carried by a vehicle or vehicles on the state highway system within the city that exceeds the weight or size limits on the state highway system.

(Code 1985, § 7-2; Ord. No. 2004-0-08, § 1, 5-24-2004; Ord. No. 2005-0-14, § 1, 7-25-2005; Ord. No. 2006-0-32, § 1, 12-11-2006; Ord. No. 2015-0-07, § 1, 1-26-2015)

Sec. 41-36. - Maximum load limits.

The weight limits stated in V.T.C.A., Transportation Code §§ 621.101 and 621.102 are adopted as the maximum weight limits for purposes of this article.

(Ord. No. 2004-0-08, § 2, 5-24-2004)

Sec. 41-37. - Prohibited vehicles.

It shall be unlawful for any person to operate or cause to be operated, upon a city street, any vehicle which has lugs, studs, cleats, ridges, beads, or any other protuberance of metal which project more than one-fourth inch beyond the tread or traction surface of such vehicle's tires or tracks, unless bands, wooden blocks, skids, or other devices are provided which are sufficient to protect the street surface from damage by reason thereof.

(Ord. No. 2004-0-08, § 3, 5-24-2004)

Sec. 41-38. - Exemptions.

The limitation provided in section 41-35 does not apply to a vehicle or combination of vehicles operated by or on behalf of the city, a school district, or any public utility, or which is used in or incidental to the construction, operation, or maintenance of their public works or facilities.

(Ord. No. 2004-0-08, § 4, 5-24-2004)

Sec. 41-39. - Weight limits on specific streets.

When signs are erected giving notice thereof, no person shall operate any vehicle with a gross weight in excess of the amounts specified on such signs at any time upon any of the streets or parts of streets so signed. Under this section, if vehicle weight is indicated by the number of axles supporting such vehicle, ~~signs limiting the number of axles on through vehicles shall be official.~~

(Ord. No. 2004-0-08, § 5, 5-24-2004)

Sec. 41-40. - Truck routes.

It shall be unlawful for any person to operate a motor vehicle, truck tractor, trailer, semitrailer, or combination thereof, upon a street or roadway within the city in excess of the weight limits set forth in section 41-35, except upon the following truck routes: State Highway 6, FM 1128 and such roads designated by county. Temporary routes may be designated if no stated truck routes provide access to the residence or business to be visited. Such roads shall be listed in the permit, all road laws shall be obeyed and the permit holder shall be liable for any damage on such temporary truck routes.

(Ord. No. 2004-0-08, § 6, 5-24-2004)

Sec. 41-41. - Departure from designated truck routes.

The operator of a motor vehicle, truck tractor, trailer, semitrailer, or combination thereof, restricted to designated truck routes pursuant to section 41-40, may depart from such truck routes when it is necessary to reach a truck terminal or to load or unload merchandise at locations situated off designated truck routes. The operator of such vehicle shall not leave a designated truck route until a turnoff point is reached leading to the ultimate destination of the vehicle by the shortest practical route that is consistent with the reasonable operation of the vehicle.

(Ord. No. 2004-0-08, § 7, 5-24-2004)

Sec. 41-42. - Alternate truck routes.

Whenever a truck route designated by section 41-40 is under repair, or otherwise temporarily out of use, the chief shall be authorized to designate alternate truck routes.

(Ord. No. 2004-0-08, § 8, 5-24-2004)

Sec. 41-43. - Signs.

The chief shall erect appropriate signs and markings advising motorists of the truck routes established by this article.

(Ord. No. 2004-0-08, § 9, 5-24-2004)

Sec. 41-44. - No through trucks.

When signs are erected stating "No Through Trucks," no person shall operate any commercial vehicle exceeding 6,000 pounds gross weight at any time upon any of the streets or parts of streets so signed, except that such vehicles may be operated thereon for the purpose of delivering or picking up materials or merchandise or for vehicle storage, and then only by entering such street at the intersection nearest the destination of the vehicle and proceeding thereon no farther than the next intersection thereafter.

(Ord. No. 2004-0-08, § 10, 5-24-2004)

Sec. 41-45. - Liability for road repair.

- (a) A vehicle's owners, operators, and/or transporters damaging city roads are jointly and severally liable for the costs of repairing the road, including any associated labor or equipment costs. The city attorney is authorized to bring suit against the vehicle owners, transporter, operators and/or the bond covering

the vehicle for these damages. Also by this order, the city is authorized to present any letter of credit for payment to recover the costs of repairing the road, including any associated labor or equipment costs.

- (b) The owner or operator of a vehicle damaging county roads without any permits, will not be issued a city permit unless and until the owner or operator secures a bond or letter of credit twice the applicable amount for the vehicle. This penalty will be in place for one year from the date of the original violation.
- (c) Where a vehicle has a permit granted by the state and the vehicle damages county roads, the county district attorney is authorized to bring an action to recover on the bond in a suit against the permit holder and the issuer of the bond or letter of credit brought in the district court of the county.
- (d) Any civil suit instituted in accordance with the provisions of this article may be instituted jointly against the owner, contractor, subcontractor, operator and/or transporter, or may be instituted solely against the owner, solely against the operator, contractor subcontractor, or solely against the transporter.
- (e) There are no de minimus violations of the article.
- (f) A permit will be voided when the county is informed by law enforcement that a citation has been issued for a violation of a permit's items and conditions.

(Ord. No. 2004-0-08, § 11, 5-24-2004)

Sec. 41-46. - Violation and penalty.

Any person who shall violate any provision of this article shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$500.00. Each violation shall constitute a separate offense.

(Ord. No. 2004-0-08, § 12, 5-24-2004)

CHAPTER 12

TRAFFIC AND VEHICLES

ARTICLE 12.01 GENERAL PROVISIONS*

Sec. 12.01.001 Penalty

(a) Whenever in this chapter an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or wherever in this chapter the doing of any act is required or the failure to do any act is declared to be unlawful, and no specific penalty is otherwise provided in this Code of Ordinances, the violation shall be punished by a fine not exceeding \$500.00; provided, however, that no penalty shall be greater or less than the penalty provided for the same or a similar offense of the laws of the state.

(b) Each day a violation of this code or of any ordinance continues shall constitute a separate offense.

(1998 Code, sec. 70.99)

ARTICLE 12.02 OPERATION OF VEHICLES†

Division 1. Generally

Sec. 12.02.001 School zones; signs

(a) A person commits an offense if he/she operates or drives a vehicle in a school zone in the following designated areas or on the following designated streets at a speed greater than the speed designated by this section for that area or street or portion thereof, and any speed in excess of the limit provided in this section shall be prima facie evidence that the speed is not reasonable nor prudent and is unlawful. Based on recommendations of the town engineer, the town council shall designate school zones with appropriate street markings, warnings or signs, which street markings, warnings or signs shall be placed at the school zones by the town engineer. The speed limit designated for school zones shall be effective only at times when appropriate flashing warnings and/or signs advising motorists of the speed limit are placed in conspicuous places.

(b) In accordance with the recommendations of the town engineer, the following designated ~~locations, measured from centerline of roadway to centerline of roadway, and areas~~ are declared to be school zones and the maximum speed limit for all motor vehicles operated within such areas and locations and on such streets on school days, when either a flashing warning signal is in operation, or when appropriate signs are in place and conspicuous shall be as follows:

(Ordinance 2008-8-5F adopted 8/5/08)

(1) Sloan Creek Middle School. Thirty-five (35) miles per hour. Located at 90 feet north of the northern school property line to 90 feet south of the southern school property line, a distance of 1,059 feet. (Ordinance 2009-12-1B adopted 12/1/09)

(2) Puster Elementary School. Twenty (20) miles per hour. Hart Road, from its western terminus east a distance of 1,650 feet; and Stoddard Road, from the southern right-of-way of FM 1378 to the southern terminus of Stoddard.

(c) School days, as that term is used herein, shall be each Monday through Friday throughout the calendar year when the school nearest the school zone is in session, and for purposes of this section, shall include the time period between the hours of 7:00 a.m. and 5:00 p.m. on such days.

(Ordinance 2008-8-5F adopted 8/5/08)

Secs. 12.02.002–12.02.030 Reserved

Division 2. Speed Limits**

Sec. 12.02.031 Generally

(a) (1) No person shall operate or drive any motor vehicle on any street within the town at a greater speed than 25 miles per hour, unless signs are erected designating another speed in accordance with this section.

(2) No person shall operate or drive any motor vehicle on any alley within the town at a greater speed than 15 miles per hour, unless signs are erected designating another speed in accordance with this section.

(b) Notwithstanding any other provisions of this section, no person shall drive a motor vehicle on a street at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. In every event, speed shall be so controlled as may be necessary to avoid colliding with any person, vehicle or other conveyance on or entering the street in compliance with legal requirements and the duty of all persons to use due care.

(c) The driver of every vehicle shall, consistent with the requirements of subsection (b), drive at an appropriate reduced speed when approaching a hill crest, when traveling upon any narrow or winding roadway, and when a special hazard exists with respect to pedestrians, children, bridges or other traffic or by reason of weather or street or road conditions.

~~(d) The town council may alter the maximum speed limit of 25 miles per hour, as established by subsections (a) through (c), on any street or portion thereof within the town in accord with the provisions of Tex. Transp. Code section 545.356. Whenever signs are posted giving notice of the~~

maximum legal speed limit so established for a particular street or portion thereof, it shall be unlawful for any person to drive or operate any vehicle at a rate of speed in excess of such limit.

(e) The provisions of this section and other ordinances of the town regulating the speed of vehicles shall not apply to vehicles of the fire department when responding to a call, nor to police patrols, nor to physicians or ambulances when actually engaged in responding to emergency calls.

(1998 Code, sec. 70.01)

State law reference—Prima facie speed limits, V.T.C.A., Transportation Code, sec. 545.352.

Sec. 12.02.032 Determination of limits; posting of signs

The director of traffic control shall determine on the basis of engineering and traffic surveys the reasonable and safe maximum speed limits for each street within the town and submit recommendations based upon his investigation to the town council. On the basis of the recommendations of the director of traffic control, the town council may alter the maximum speed limit established by this code as the council deems necessary. The director of traffic control shall post the maximum and minimum speeds established by this code by appropriate signs in conspicuous places so that every motorist may be aware of the speed limits. The director of public works shall serve as the director of traffic control in the absence of other specific appointment. (1998 Code, sec. 70.02)

Sec. 12.02.033 Speed limits on specific streets

Ordinances establishing speed limits for specific streets or portions of streets have not been included in this code, but all such ordinances are on file in the town secretary's office and are specifically saved from repeal upon adoption of the Code of Ordinances. A person commits an offense if he operates or drives a vehicle on the designated streets at a speed greater than the speed designated by the schedule on file in the town secretary's office for that street or portion of that street, and any speed in excess of the limit provided in the schedule shall be prima facie evidence that the speed is not reasonable nor prudent and is unlawful. (1998 Code, ch. 71, sched. I; Ordinance adopting Code)

Secs. 12.02.034–12.02.060 Reserved

Division 3. Stop Signs*

Sec. 12.02.061 Locations

~~Stop signs as are authorized in writing by the public works director shall be erected and maintained by the town. (1998 Code, sec. 70.03(A))~~

Sec. 12.02.062 Observance

Except when directed to proceed by a police officer, every driver of a motor vehicle approaching a stop intersection indicated by a stop sign shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, shall stop at a clearly marked stop line, but, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection. (1998 Code, sec. 70.03(B))

State law references—Manner of stopping at stop or yield sign, V.T.C.A., Transportation Code, sec. 544.010; vehicle entering stop or yield intersection, V.T.C.A., Transportation Code, sec. 545.153.

Sec. 12.02.063 Standards

Every said sign shall conform to the manual and specifications for uniform traffic-control devices as adopted by the state department of transportation. Every stop or yield sign shall be located as near as practicable at the nearest line of the crosswalk thereat, or, if none, at the nearest line of the roadway. (1998 Code, sec. 70.03(C))

Secs. 12.02.064–12.02.090 Reserved

Division 4. Golf Carts on Public Streets

Sec. 12.02.091 Definitions

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this division, except where the context clearly indicates a different meaning:

Golf cart. A motor vehicle designed by the manufacturer primarily for transporting persons on a golf course, and has a normal maximum speed between 15 and 25 mph.

Public street. A publicly owned or dedicated road, street, drive, or other right-of-way for the use of vehicles within the corporate boundaries of the town.

Sec. 12.02.092 Minimum requirements

A person may operate a golf cart on a public street if all of the following conditions are met:

- (1) The time when the golf cart is being operated is after sunrise and before sunset;
- (2) The maximum posted speed limit on the public street is thirty (30) miles per hour or less (or the golf cart is on a public street that has a posted speed limit of more than thirty (30) miles per hour and the golf cart is otherwise legally crossing at an intersection of such public street);
- (3) The person has a valid drivers license;

- (4) The person maintains current financial responsibility for the golf cart, as required of other passenger vehicles in Texas Transportation Code section 601.051;
- (5) The person complies with all applicable federal, state, and local laws and ordinances governing the operation of the golf cart;
- (6) The person is the holder of a golf cart permit duly issued by the town under section 12.02.094 of this division and has said permit on the golf cart; and
- (7) The golf cart has the following equipment in good working condition:
 - (A) Headlamps;
 - (B) Tail lamps;
 - (C) Reflectors;
 - (D) Parking brake;
 - (E) Horn;
 - (F) Mirrors;
 - (G) A slow moving vehicle emblem; and
 - (H) For golf carts purchased after the effective date of this division, brake lights.

 **Sec. 12.02.093 Additional regulations**

- (a) While a golf cart is in motion on a public street, the driver and every passenger in the golf cart must be seated in a seat designed to hold passengers. No person may stand, or ride in the lap of the driver and/or other passenger of a golf cart while it is moving on a public street.
- (b) Animals riding in a golf cart that is operated on a public street must be reasonably secured (i.e. safety harness, crate, passenger's lap).
- (c) Any person operating a golf cart on a public street must use proper hand signaling to illustrate intent of direction being traveled, or the golf cart must be equipped with turn signal lamps.
- (d) Golf carts may operate but not park on paved sidewalks and hike and bike trails with a width of eight (8) feet or greater.
- (e) In any park containing playground equipment, golf carts are not permitted to be operated or parked more than 6 feet from paved sidewalks or hike and bike trails.

 **Sec. 12.02.094 Permit requirement**

(a) Before operating a golf cart on a public street a person must possess an unexpired town-issued golf cart permit. An initial permit fee of sixty dollars (\$60.00) must be paid to the town for the issuance of a new permit, which shall be valid for a period of two years. A biennial renewal fee of sixty dollars (\$60.00) is required to be paid to the town to maintain the permit. The permit does not constitute a property right. In addition to other applicable penalties, the town may suspend or revoke a town-issued permit held by a person who has been convicted of a violation of any of the requirements under this division. Persons who receive town-issued permits will receive permit stickers that must be affixed to the front and rear of the golf cart as set forth in further detail herein.

(b) The registration permit process includes the following specifics:

(1) The applicant shall complete the town-supplied registration permit application form, which shall contain the:

(A) Name and address of the applicant and owner of the golf cart;

(B) Location where the vehicle is regularly stored overnight;

(C) Model, make, name and golf cart identification number;

(D) Current driver's license number of applicant;

(E) Statement that all operators are required to be licensed pursuant to Texas Transportation Code sections 521.001(3) and 521.021, as amended, and that all equipment required under this division is installed and will be kept current during the registration period;

(F) Statement that the registration permit holder and any user shall indemnify and hold harmless the town, for any and all civil liability associated with said registration, and waives any and all rights to sue or allow subrogation by an insurance company; and

(G) Other information the town may require.

(2) The permit application shall be:

(A) Accompanied by a fee of \$60.00;

(B) Accompanied by proof of financial responsibility consistent with the ~~minimum requirements of Texas Transportation Code section 601.051, as amended,~~ for operation of motor vehicles. Applicant owner must also show their original driver's license and shall provide copies of both the owner's drivers license and proof of financial responsibility; and

(C) Signed by the applicant.

(3) Upon issuance, the permit stickers shall be attached and displayed upon the right front panel (driver's side) of the golf cart and upon the left rear panel so as to be clearly visible.

(Ordinance 2011-3-1D adopted 3/1/11)

ARTICLE 12.03 PARKING, STOPPING AND STANDING[†]

Division 1. Generally

Sec. 12.03.001 Parking prohibited on certain streets

(a) Ordinances prohibiting parking on specific streets or portions of streets have not been included in this code, but all such ordinances are on file in the town secretary's office and are specifically saved from repeal upon adoption of the Code of Ordinances. No person shall park, stop, or stand any motor vehicle, boat, trailer, recreational vehicle, or camper on the portions of the named streets on file in the town secretary's office.

(b) It shall be unlawful to park a commercial semi-tractor, tractor-trailer rig, or any trailer of more than fifteen feet (15') in length on any public street or roadway for any purpose other than loading or unloading, and in no case shall such vehicle or trailer be parked on a public street or roadway overnight.

Sec. 12.03.002 Definitions

For the purposes of this article, the definitions provided by the Texas Transportation Code shall apply unless the context clearly indicates or requires a different meaning.

Official sign. Includes standard traffic regulatory, advisory and informational signs and pavement and/or curb markings approved by the traffic director.

Smart key. An electronic device that can disengage the ignition lock of a motor vehicle and activate the ignition without inserting a key in the ignition.

Sec. 12.03.003 Signs or markings indicating angle parking

The town traffic director shall determine upon what streets angle parking shall be permitted and shall mark or sign such streets, but such angle parking shall not be indicated upon any federal-aid or state highway within the town unless the Texas Department of Transportation has determined that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.

Sec. 12.03.004 Designation of loading zones

The town traffic director is hereby authorized to determine the location of approved loading zones and passenger loading zones and shall place and maintain appropriate signs and/or markings indicating the same and stating the hours during which such restrictions are applicable. If the town traffic director does not erect a sign or a marking indicating the hours when restrictions under this section are applicable, the restrictions are deemed to be effective 24 hours per day.

 **Sec. 12.03.005 Unattended motor vehicles**

An operator may not leave a vehicle unattended without stopping the engine, removing the key from the ignition switch and locking the ignition switch (or removing the smart key from the passenger compartment for vehicles with keyless ignition systems in a manner that prevents an unauthorized operator to use the smart key to activate the ignition), and—if standing on a grade—setting the parking brake effectively and turning the front wheels to the curb or side of the highway.

 **Sec. 12.03.006 Stopping, standing, or parking prohibited in specified places**

(a) An operator may not stop, stand, or park a vehicle:

- (1) On the roadway side of a vehicle stopped or parked at the edge or curb of a street;
- (2) On a sidewalk;
- (3) In an intersection;
- (4) On a crosswalk;
- (5) Between a safety zone and the adjacent curb, or within 30 feet of a place on the curb immediately opposite the ends of a safety zone, unless the town traffic director designates a different length by signs or markings;
- (6) Alongside or opposite a street excavation or obstruction if stopping, standing, or parking the vehicle would obstruct traffic;
- (7) On a bridge or other elevated structure on a highway or in a highway tunnel;
- (8) On a railroad track; or
- (9) Where an official sign prohibits stopping.

(b) An operator may not, except momentarily to pick up or discharge a passenger, stand or park an occupied or unoccupied vehicle:

- (1) In front of a public or private driveway;

- (2) Within 15 feet of a fire hydrant;
- (3) Within 20 feet of a crosswalk at an intersection;
- (4) Within 30 feet on the approach to a flashing signal, stop sign, yield sign, or traffic-control signal located at the side of a roadway;
- (5) Within 20 feet of the driveway entrance to a fire station and on the side of a street opposite the entrance to a fire station within 75 feet of the entrance, if the entrance is properly marked with a sign; or
- (6) Where an official sign prohibits standing.

(c) An operator may not, except temporarily to load or unload merchandise or passengers, park an occupied or unoccupied vehicle:

- (1) Within 50 feet of the nearest rail of a railroad crossing; or
- (2) Where an official sign prohibits parking.

(d) A person may stop, stand, or park a bicycle on a sidewalk if the bicycle does not impede the normal and reasonable movement of pedestrian or other traffic on the sidewalk.

(e) Subsections (a), (b), and (c) do not apply if the avoidance of conflict with other traffic is necessary or if the operator is complying with the law or the directions of a police officer or official traffic-control device.

 **Sec. 12.03.007 Parking not to obstruct traffic**

(a) No person shall park any vehicle upon a street, other than an alley, in such a manner or under such conditions as to leave available less than ten feet of the width of the roadway for the free movement of vehicular traffic.

(b) No person shall park any vehicle upon the street in such a manner or under such conditions as to cause the obstruction of pedestrian traffic on the sidewalk area.

(c) No person shall park any vehicle upon the street within 25 feet of a construction site or construction barricades.

 **Sec. 12.03.008 Impoundment of standing or parked vehicles--Generally**

(a) Authority. Any vehicle which shall be, or remain, standing or parked upon any public street, avenue, way, alley, or other public place may be removed by or upon order of the chief of police, or any police officer designated by the chief of police, and placed in storage in a privately operated garage or other place designated or maintained by the town, under the following circumstances set forth in subsection (b) of this section.

(b) Removal and storage circumstances. The circumstance for removal and placement in storage is when any vehicle is left standing or parked unattended for more than 24 hours in violation of any applicable section of this code, the state law or town ordinances, rules or regulations; provided that, in the event such vehicle is parked or standing immediately in front of or immediately adjacent to property owned by the owner of such vehicle, or property rented by such owner, before such vehicle shall be removed, the owner thereof shall be given written notice after the expiration of 24 hours and shall be given an additional 24 hours to remove or cause to be removed such vehicle. Such written notice may be given by depositing the same in the United States mail, addressed to the owner at the address given on the registration receipt of the vehicle, or his last known address. Any vehicle moved during any given 24-hour period and relocated within 100 feet from the original parking space shall not be entitled to have the 24-hour period tolled.

(c) Notice to owner. Should a vehicle be removed under the provisions of this section, a notice shall be mailed on or before the next business day after the vehicle is towed for a vehicle registered in the state, and no later than the fourteenth calendar day after the vehicle is towed for a vehicle registered outside of the state, to the owner of the vehicle by certified mail, return receipt requested, at the last address shown for the owner according to the vehicle's registration records. Said notice shall state a description of the vehicle, that the vehicle was parked in violation of this division, a description of the location where the vehicle was parked, that the vehicle was towed and stored at the expense of the owner or operator of the vehicle, and a telephone number that is generally answered 24 hours per day to enable the owner or operator to locate the vehicle.

 **Sec. 12.03.009 Same-Liability of town**

The provisions of section 12.03.008 shall not be construed to relieve from or lessen the responsibility of any person who shall leave his vehicle parked on the streets of the town in such a manner that the vehicle may be impounded; nor shall the town be held as assuming any liability by reason of impounding or causing to be impounded such vehicle.

 **Sec. 12.03.010 Special parking**

(a) The town traffic director with the concurrence of the chief of police may issue special permits for a definite period of time to allow parking of an unusual nature which may be contrary to or in violation of any of the provisions of this article.

(b) It shall be unlawful for any person to use a permit provided under subsection (a) of this section for purposes, places, or times other than those which are clearly indicated in the written permit.

(c) It shall be unlawful for any person other than those named in the permit to use such permit for any purpose whatsoever.

 **Sec. 12.03.011 Fire lane zones on private and public property**

(a) Designation. For the purpose of providing a speedy and unobstructed passage for fire equipment of the town en route to extinguish a fire or to protect property from fire or for access to water hydrants, the fire marshal is hereby authorized and empowered to establish and designate fire lanes upon the premises of any business, commercial, or industrial establishment, or multiple-family dwelling or upon public property for the purpose of providing access to such property for firefighting equipment.

(b) Marking. When a fire lane is designated in accordance with subsection (a) of this section, the fire marshal shall cause to be marked along the perimeter of such fire lane, with conspicuous signs, which comply with the International Fire Code as adopted by the town.

(c) Parking of nonemergency vehicles declared unlawful. It shall be unlawful for any person to park, stop or leave standing any nonemergency vehicle, whether attended or unattended, in a designated fire lane; except for the immediate loading or discharging of passengers or to comply with other traffic-control devices.

(d) Penalty. Any person violating any of the provisions of this section shall be punished by a penalty of fine not to exceed the sum of \$2,000.00 or the highest amount allowed by law, whichever is less, for each offense and each and every day such offense shall continue shall be deemed to constitute a separate offense.

 **Sec. 12.03.012 Regulation of certain parking on private property**

It shall be unlawful for any person, or any owner, to leave, park, or stand any truck tractor, semitrailer, bus, truck or trailer with a rated capacity in excess of 1-1/2 tons, according to the manufacturer's classification, upon nonresidentially zoned property unless such parking or standing is in conjunction with an accessory to an approved on-premises use.

 **Sec. 12.03.013 Presumption; registered owner responsible for violations by certain operators**

(a) In any prosecution for an offense under state law involving the stopping, standing, or parking of an unattended motor vehicle, it is presumed that the registered owner of the vehicle is the person who stopped, stood, or parked the vehicle at the time and place the offense occurred. A computer-generated record of the Texas Department of Transportation's files showing the current registered owner is prima facie evidence of the contents of the record.

(b) For all provisions of this chapter that prohibit the stopping, standing, or parking of an unattended motor vehicle, a registered owner of a motor vehicle commits an offense by causing, allowing, permitting, or suffering another person to stop, stand, or park that motor vehicle in violation of this article. If any registered owner of a vehicle operated in violation of this article is a corporation, trust, partnership, or other legal construct, the president, secretary, or treasurer of such corporation, the trustee(s) of such trust, the general partner(s) of such partnership, or any manager, agent, or employee of such legal construct are severally responsible for such violation and the penalty provided therefor.

(c) The registered owner and the operator of the vehicle, when not the same, are jointly and severally responsible to the town for a violation of this article relating to stopping, standing, or parking.

(d) The registered owner will not be held liable if the registered owner proves (in the manner of an affirmative defense under Texas Penal Code section 2.04) that the vehicle was operated without his or her express or implied consent. A report made to police that the registered owner's vehicle was stolen shall be prima facie evidence that the operation of the vehicle was without the registered owner's consent, so long as the report was made prior to the violation in question.

(e) A registered owner in the business of renting vehicles will not be held liable if the lessor supplies a sworn affidavit to the town which provides:

(1) All information necessary to verify the registered owner's status as a lessor of motor vehicles;

(2) That no employee or agent of the lessor was operating the vehicle at the time of the offense;

(3) Includes the lessee's full name, current address information, and driver's license number; and

(4) An attached copy of the signed rental agreement listing all persons authorized to operate the rental vehicle.

Said affidavit must be received by the town no later than 30 days following the date of violation to claim the exemption from liability provided by this subsection. This section does not prohibit anyone engaged in the business of renting motor vehicles from accepting liability for an operator's violation of this article and pursuing compensation from the lessee in accordance with the provisions of a rental contract or other law.

Sec. 12.03.014 Penalty

Any person violating any provision of this article shall be deemed guilty of a misdemeanor and, upon conviction, be subject to a fine in accordance with section 1.01.009 of this code.

(Ordinance 2014-8-5A, sec. 2, adopted 8/5/14)

Secs. 12.03.015–12.03.030 Reserved

Division 2. Parking Vehicle for Sale Visible from Public Roadway

Sec. 12.03.031 Penalty

Any person, firm, or corporation violating any of the provisions of this division shall be deemed guilty of a misdemeanor and upon conviction be subject to a fine in accordance with the general provisions of the town Code of Ordinances. (1998 Code, sec. 100.99)

 **Sec. 12.03.032 Prohibition; exceptions**

(a) No person shall park, stop, or stand on public or private property any motor vehicle, boat, trailer, recreational vehicle, or camper (collectively called "vehicle" or "vehicles") having displayed thereon any writing indicating that such vehicle is for sale and which is visible from a public roadway. However, a vehicle thus indicated for sale may be parked on a lot, parcel, or tract of land owned or occupied by the registered owner of said vehicle under the following conditions:

- (1) The vehicle is registered to the same address at which it is presented for sale;
- (2) The period during which the vehicle is permitted for sale on any one lot, parcel, or tract of land does not exceed 30 days in duration in any single calendar year;
- (3) No more than one vehicle is presented for sale on the premises of the owner/occupier at the same time; and
- (4) The vehicle presented for sale in no way encroaches on or interferes with the public way or otherwise obscures the vision of vehicular or pedestrian traffic on any public roadway so as to cause a safety hazard.

(b) A violation of this section shall constitute a class C misdemeanor.

(c) The provisions of this division shall not apply to a vehicle parked in an area having both a certificate of occupancy issued by the town for the sale of vehicles and a license from the state department of transportation for the sale of vehicles at that location, nor shall it apply in an area that is designed and used for the purpose of parking a vehicle while the owner of said vehicle is transacting business thereon.

(1998 Code, sec. 100.01)

 **Sec. 12.03.033 Towing of vehicles**

(a) The town manager or his or her designee may, after receiving authorization from the town police department, without the consent of the owner or operator of a vehicle parked in violation of this division, cause the vehicle and any property on or in the vehicle to be removed or stored at a vehicle storage facility at the owner's or operator's expense.

(b) Prior to a vehicle being towed, the owner or operator of the vehicle must receive actual notice that the vehicle is in violation of this division and that it will be towed and stored at the vehicle owner's or operator's expense if it is not removed.

(c) If actual notice cannot be determined, a conspicuous notice shall be attached to the vehicle's front windshield or, if the vehicle has no front windshield, to a conspicuous part of the vehicle. Said notice shall state that the vehicle is in violation of this division and that the vehicle will be towed and stored at the owner's or operator's expense if it is not removed from the area within 72 hours.

(1998 Code, sec. 100.02)

 **Sec. 12.03.034 Storage of towed vehicles**

Should a vehicle be towed under the provisions of this division, a notice must be mailed on the next business day after the vehicle is towed for a vehicle registered in the state, and no later than the fourteenth calendar day after the vehicle is towed for a vehicle registered outside of the state, to the owner of the vehicle by certified mail, return receipt requested, at the last address shown for the owner according to the vehicle's registration records. Said notice shall state a description of the vehicle, that the vehicle was parked in violation of this division, a description of the location where the vehicle was parked, that the vehicle was towed and stored at the expense of the owner or operator of the vehicle, and a telephone number that is generally answered 24 hours per day to enable the owner or operator to locate the vehicle. (1998 Code, sec. 100.03)

 **ARTICLE 12.04 WEIGHT LIMITS***

 **Sec. 12.04.001 Purpose**

The purpose of this article is to protect the health, safety and general welfare of the residents of the town and the general public and to preserve and protect the functionality and integrity of the town's streets by prohibiting the operation of certain overweight vehicles at designated areas within the town.

 **Sec. 12.04.002 Reference to state law**

This article is primarily adopted pursuant to Texas Transportation Code, section 621.303 and the town's police powers as a state home-rule municipality.

 **Sec. 12.04.003 Definitions**

The following words and phrases, when used in this article, shall have the meaning ascribed to them by this article. All terminology used in this article and not specifically defined herein, shall retain its meaning in conformance with applicable publications of the American National Standards Institute (ANSI) or its successor body or if not defined therein the latest volume of Merriam-Webster's Collegiate Dictionary.

Gross weight. The total mass of a vehicle when loaded including the weight of the vehicle, fuel, passengers, livestock, cargo, trailer weight and all other parts of the vehicle.

Overweight vehicle. A vehicle that exceeds the maximum gross weight limits set forth in this article.

Passenger car. A vehicle used primarily for the transportation of individuals, and not primarily for the transport of goods, property, commodities, freight or waste.

Person. Any person, firm, partnership, association, corporation, company, political subdivision, or other organization of any kind.

Semitrailer. A vehicle designed or used with a motor vehicle so that part of the weight of the vehicle and its load rests on or is carried by another vehicle.

Street. Any paved or unpaved surface of road, highway, alley or other public way designated or used for public vehicular traffic and the right-of-way for same, including but not limited to adjoining sidewalks, drainage ditches and utility easements; provided, however, that this definition does not include state highways.

Town. The Town of Fairview, Texas.

Trailer. A vehicle that is designed or used to carry a load wholly on its own structure; and is drawn or designed to be drawn by a motor vehicle.

Truck-tractor. A vehicle that is designed and used primarily for drawing another vehicle and is not constructed to carry a load other than a part of the weight of the vehicle and load to be drawn.

Vehicle. Any automobile, truck, semitrailer, camper, van, trailer, truck-tractor or any device - in both moving and stationary modes, irrespective of condition - or any combination of any of same connected in any manner for traveling together as a unit that is capable of transporting persons, goods, property, commodities, freight or waste.

Sec. 12.04.004 Weight limits

A gross weight maximum limit of 58,420 lbs. is established for any vehicle on the following street(s) or segment of street(s) within the town:

An approximately one-mile in length segment of Stacy Road from the intersection of Stacy Road and Stone Hinge Drive to the intersection of Stacy Road and County Road 317 (said County Road 317 otherwise being known as Orr Road).

Sec. 12.04.005 Permit for greater weight allowance

(a) Special permits to exceed the gross weight maximum limits set forth in this article may be granted by the town manager upon application in writing to allow overweight vehicles to operate on town streets during emergency situations or under special circumstances as set forth in this section. The town manager should grant a permit application only if has been clearly

demonstrated by an applicant that all other alternative routes, equipment disassembly measures, and/or divisions of an overweight vehicle load are impracticable. Inconvenience or increased cost for the applicant does not, in itself, indicate that a potential alternative to the grant of a permit is impracticable.

(b) Permits are to be granted on a trip-by-trip basis only. All permits granted by the town manager under this section shall be valid only:

- (1) For a single, identified vehicle for a single trip in one direction along any street in the town to which the weight limit(s) in this article apply;
- (2) For the period of time described in the permit;
- (3) For travel on the specific route designated on the permit; and
- (4) To the extent that the permitted vehicle's actual weight does not exceed the special allowance granted by the permit.

(c) Permits granted under this section cannot be transferred, modified, or applied to cover vehicles other than those specified in the permit.

(d) If an applicant who has been denied a permit under this section believes that this section has been misapplied, the applicant may appeal the denial to the town council and request a public hearing. Requests for a public hearing before the town council must be in writing and made on or before the seventh business day following denial by the town manager. If the town council determines that a hearing is warranted, it will place the matter on the meeting agenda for the next regularly scheduled town council meeting open to the public that allows enough time to post notice of the hearing in compliance with applicable law.

(e) Any person moving a greater weight upon a street pursuant to such special permit shall have the written permit in the possession of the driver of any such overweight vehicle while upon a street of the town.

(f) It is an affirmative defense to enforcement of a violation of this article that the driver of an overweight vehicle:

- (1) Possessed a valid permit granted under this section for that overweight vehicle; and
- (2) The route, time, and manner of travel on a street of the town is within the terms defined by said permit.

~~(g) The actions taken under authority of this article are undertaken by the town in the interest of the general public as part of the town's governmental functions of providing for street maintenance, regulation of traffic, and transportation systems.~~

(h) Nothing in this article is intended to waive the town's immunity from suit or liability, nor any immunities applicable to any town official or employee.

(i) Any permit issued by the town under this article is not a property interest.

 **Sec. 12.04.006 Overweight vehicles prohibited**

(a) Within the town and on any street set forth in section 12.04.004, it shall be unlawful for any person to operate, drive, move, park, or otherwise place or cause to be operated, driven, moved, parked or placed any overweight vehicle.

(b) The town manager or his or her designee is authorized and directed to place appropriate signs indicating the gross weight maximum limit at appropriate place(s) on or near the streets referenced in section 12.04.004.

 **Sec. 12.04.007 Prohibition of through-truck operation of certain vehicles on certain streets**

(a) From and after the effective date of this article it shall be unlawful for any person to - within the town on Stone Hinge Drive or Elisabeth Way - operate, drive, move, park, or otherwise place or cause to be operated, driven, moved, parked or placed any one or more of the following types of vehicles:

- (1) Overweight vehicles;
- (2) Trailers in excess of 20 feet in length;
- (3) Truck-tractors; or
- (4) Semitrailers.

(b) The town manager or his or her designee is authorized and directed to place appropriate signs indicating "No Through Trucks" or similar words at appropriate place(s) on or near the streets referenced in this section.

 **Sec. 12.04.008 Exemptions**

The provisions of this article shall not apply to:

- (1) Emergency vehicles operating in response to any emergency call;
- (2) An owner and/or operator of a commercial vehicle driving to and from his residence;

(3) Vehicles owned and/or operated by or on behalf of the town, while engaged in the repair, maintenance or construction of streets and/or performing official, authorized town-related business; and

(4) Vehicles operating upon a route officially designated as a detour route when there is no reasonable alternative route for reaching the ultimate destination of the vehicle.

 **Sec. 12.04.009 Penalty**

Any person violating any of the provisions or terms of this article shall be deemed guilty of a misdemeanor and, upon conviction, be punished by a fine not to exceed \$500.00 or the maximum amount allowed under law, whichever is less, in accordance with section 12.01.001 of this chapter.

(Ordinance 2011-8-2D adopted 8/2/11)

 **ARTICLE 12.05 TRAFFIC DIRECTOR**

 **Sec. 12.05.001 Established; powers and duties; vacancy**

(a) The position of town traffic director is hereby established. The town traffic director, sometimes referred to in this code as the “director of traffic,” shall be the town engineer and shall exercise the powers and duties with respect to traffic as provided in this code.

(b) When the position of town traffic director is vacant or unable to act, the police chief shall exercise the duties of the town traffic director.

 **Sec. 12.05.002 Responsibility and authority**

(a) The town traffic director shall have the general responsibility and authority to determine the installation and proper timing and maintenance of traffic-control devices, to conduct engineering analyses of traffic accidents and to devise remedial measures, to conduct engineering investigations of traffic conditions, to plan the operation of traffic on the streets and highways of the town, to cooperate with other officials in the development of ways and means to improve traffic conditions, and to carry out the additional powers and duties imposed by ordinances of the town or state law.

(b) The town traffic director shall also have the responsibility and authority to determine the installation of traffic-control devices to regulate the stopping, standing, or parking of vehicles in the town in accordance with state law.

 **Sec. 12.05.003 Promulgation of rules, emergency/experimental regulations; testing**

(a) The town traffic director is hereby empowered to make regulations necessary to make effective the provisions of the traffic ordinances of the town and to make and enforce temporary or experimental regulations to cover emergencies or special conditions. No such temporary or experimental regulation shall remain in effect for more than 90 days.

(b) The town traffic director may test traffic-control devices under actual conditions of traffic.

 **Sec. 12.05.004 Additional authority and presumptions**

(a) Whenever in this chapter the authority is given to the town traffic director to do acts as he deems or, in his opinion, are advisable or necessary or desirable, such acts shall be based on his observations and studies, according to generally used, accepted traffic-control principles or techniques.

(b) Traffic innovations and experiments, however, are not to be inhibited by the provisions of this section.

(c) As to any given traffic-control device, signal, sign, marker, or marking, it shall be initially presumed that such device, signal, sign, marker, or marking independently erected at the direction of the town traffic director has been installed pursuant to his observations and studies, based on generally used and acceptable traffic-control principles or techniques.

(d) Any responsibility or authority imposed or conferred on the town traffic director by the provisions of this code may be performed by the town traffic director or by those officers, employees, or agents of the town working under his supervision and control and designated by him to perform the same.

(e) For the purposes of this article, the definitions provided by the Texas Transportation Code shall apply unless the context clearly indicates or requires a different meaning.

 **Sec. 12.05.005 Manual and specifications for traffic-control devices**

All traffic-control signs, signals, and devices shall conform to the Texas Manual on Uniform Traffic-Control Devices and specifications approved by the state transportation commission ("the manual"). All signs and signals required hereunder for a particular purpose shall so far as practicable be uniform as to type and location throughout the town. All traffic-control devices so erected and not inconsistent with the provisions of state law and this chapter shall be official traffic-control devices.

 **Sec. 12.05.006 Duty to install**

The town traffic director shall have the duty of erecting or installing upon, over, along or beside any highway, street, or alley signs, signals and markings, or causing the same to be erected, installed, or placed in accordance with state law, this code, and consistent with the manual. Such

traffic-control devices shall be installed as soon as is practicable under the circumstances after the specific device, sign, or signal can be procured.

 **Sec. 12.05.007 Designation of crosswalks, safety zones, and traffic lanes**

The town traffic director is hereby authorized to:

- (1) Designate and maintain crosswalks at intersections where in his opinion there is particular danger to pedestrians crossing the roadway, and such other places as he may deem necessary, by use of appropriate devices, marks, or lines upon the surface of the roadway;
- (2) Establish safety zones of such kind and character, and at such places, as he may deem necessary for the protection of pedestrians; and
- (3) Mark traffic lanes upon the roadway of any street or highway where a regular alignment of traffic is necessary.

 **Sec. 12.05.008 Authority to designate through streets, etc.**

The town traffic director is hereby authorized to:

- (1) Designate through highways or streets;
- (2) Erect and maintain stop signs, yield signs, or other official traffic-control devices at specified entrances thereto; and
- (3) Designate stop or yield intersections at other roadway junctions.

 **Sec. 12.05.009 Authority to place devices altering or restricting turns**

The town traffic director is hereby authorized to:

- (1) Place official traffic-control devices within or adjacent to intersections indicating the course to be traveled by vehicles turning at such intersections, and by doing so may require vehicles to either conform to, or take deviate from, the course normally specified by state law in absence of such traffic-control devices; and
- (2) Determine those intersections at which drivers of vehicles shall not make a right turn, left turn, or U-turn, and shall place proper signs at such intersections. The making of such turns may be prohibited between certain hours of any day and permitted at other hours, in which event the same shall be plainly indicated on the signs or they may be removed when such turns are permitted.

 **Sec. 12.05.010 Authority to sign one-way streets and alleys and restrict direction of movement on streets**

The town traffic director is hereby authorized to:

- (1) Determine and designate one-way streets or alleys and shall place and maintain signs giving notice of said designation; and
- (2) Determine and designate streets, parts of streets, or specific lanes thereon upon which vehicular traffic shall proceed in one direction during one period of the day and the opposite direction during another period of the day and shall place and maintain appropriate markings, signs, barriers, or other devices to give notice thereof. The town traffic director may erect signs temporarily designating lanes to be used by traffic moving in a particular direction, regardless of the color or placement of the centerline of the roadway.

 **Sec. 12.05.011 Existing devices affirmed and ratified**

All traffic-control signs, signals, devices, and markings placed or erected prior to the effective date of this article, whether by the town or its agents, and now in use for the purpose of regulating, warning, or guiding traffic are hereby affirmed, ratified, and confirmed to be official traffic-control devices; provided, however, that the ratification of said existing traffic-control devices is not inconsistent with the provisions of state law or this code.

 **Sec. 12.05.012 Unauthorized installation**

It shall be unlawful for any person other than the town traffic director or his duly authorized representative, acting pursuant to an ordinance or resolution of the town, to install or cause to be installed or placed any signal, sign, marking or device purporting to direct the use of the streets or the activities on those streets by pedestrians, vehicles, motor vehicles or animals. In any prosecution of a violation of this article, the manual, or any other traffic ordinance of the town, proof that any traffic-control device, sign, signal or marking was actually in place on any street in conformance with the manual shall constitute prima facie evidence that the same was installed by the town traffic director pursuant to the authority of this chapter.

 **Sec. 12.05.013 Obedience to devices**

(a) The operator of a vehicle or streetcar shall comply with an applicable official traffic-control device placed as provided by this code unless:

- (1) The operator is otherwise directed by a traffic or police officer; or
- (2) Is operating an authorized emergency vehicle and is responding to an emergency.

(b) Persons violating this subsection are deemed guilty of a misdemeanor and, upon conviction, are subject to a fine in accordance with section 1.01.009 of this code.

Sec. 12.05.014 Certain proofs not required

(a) In any prosecution for any violation of this article, it shall not be necessary for the state to prove the installation or authority therefor, of any sign, signal, traffic-control device, or marking.

(b) Any person charged with a violation of this article shall have the right to prove the sign, signal, traffic-control device, or marking was not so installed or authorized as a defense.

Sec. 12.05.015 Interference with official traffic-control devices

(a) A person may not, without lawful authority, attempt to or actually alter, injure, cover, conceal, knock down, or remove:

- (1) An official traffic-control device or railroad sign or signal;
- (2) An inscription, shield, or insignia on an official traffic-control device or railroad sign or signal; or
- (3) Another part of an official traffic-control device or railroad sign or signal.

(b) Persons violating this subsection are deemed guilty of a misdemeanor and, upon conviction, are subject to a fine in accordance with section 1.01.009 of this code.

(Ordinance 2014-8-5A, sec. 3, adopted 8/5/14)