

AN ORDINANCE OF THE CITY OF FRISCO, TEXAS, REPEALING ORDINANCE NO. 08-09-79; ADOPTING A TRUCK ROUTE TO REGULATE THE ACTIVITIES OF COMMERCIAL TRUCKS IN THE CITY OF FRISCO; PROVIDING FOR UNLAWFUL ACTS AND EXEMPTIONS TO THE REGULATIONS; PROVIDING FOR THE NOTIFICATION OF THE TRUCK ROUTES BY THE INSTALLATION OF SIGNS AND MARKERS TO REGULATE COMMERCIAL TRUCKS IN THE CITY OF FRISCO; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the City Council of the City of Frisco, Texas (“City Council”) has investigated and determined that it would be advantageous and beneficial to the City of Frisco, Texas (the “City”) to repeal Ordinance No. 08-09-79 in its entirety; and

WHEREAS, the City Council has investigated and determined that it would be advantageous and beneficial to the City to adopt a new truck route ordinance, providing for the prohibition of travel of commercial trucks over certain roads, streets and highways in the City for the purpose of, among other things, promoting the health, safety and welfare of the general public and preserving and protecting the functionality and integrity of the City’s roads, streets and highways, as set forth below.

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

SECTION 1: Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein

SECTION 2: Ordinance No. 08-09-79 Repealed. Frisco Ordinance No. 08-09-79 is hereby repealed in its entirety and replaced by this Ordinance. The effective date of the repeal discussed in this Section shall not occur until the effective date of this Ordinance at which time Ordinance No. 08-09-79 shall be repealed. Such repeal shall not abate any pending prosecution and/or lawsuit or prevent any prosecution and/or lawsuit from being commenced for any violation of Ordinance No. 08-09-79 occurring before the effective date of this Ordinance.

SECTION 3: Purpose. To protect the health, safety and general welfare of the residents of the City and to preserve and protect functionality and integrity of the City’s roads, streets and highways by designating commercial truck traffic routes in the City.

SECTION 4: Definitions. For purposes of this Ordinance, when not inconsistent with the context, words used in the present tense include the future tense, words in the plural include

the singular, and words in the singular include the plural, and the use of any gender shall be applicable to all genders whenever the sense requires. Words not defined in this Section shall be given their common and ordinary meaning.

- A. Commercial Truck: Any motor vehicle having a weight of 13 tons Gross Vehicle Weight Rating (GVWR) or more including the load carried, also including but not limited to, any vehicle carrying hazardous materials or solid waste. Commercial trucks shall not include vehicles carrying or designated to carry passengers, all governmentally owned or leased vehicles, public utility vehicles, motor homes, recreational vehicles or vehicles used exclusively to transport personal possessions or family members for non-business purposes.
- B. Truck Route: A road, street and/or highway on which commercial trucks are allowed and which is designated and posted as a "Truck Route".

SECTION 5: Unlawful Acts/Exemptions.

- A. It shall be unlawful to operate a Commercial Truck on any road, street or highway in the City except upon the following described roads, streets and highways located in the City:

Street Segment	Extent
FM 423	Entire city limits
Spring Creek Parkway	From Southbound SH 121 Frontage Road to Town and Country Boulevard
Dallas Parkway	Entire city limits
Frisco Street	Main Street to Eldorado Parkway
Parkwood Drive	From Eagan Way to Stonebrook Parkway
Preston Road (SH 289)	Entire city limits
Independence Parkway	From Southbound SH 121 Frontage Road to Lebanon Road
Custer Road (FM 2478)	Entire city limits
US 380	Entire city limits
Eldorado Parkway (FM 2934)	From FM 423 to Dallas Parkway
Eldorado Parkway	From Dallas Parkway to Preston Road
All Stars Avenue	From Frisco Street to N. County Road
Main Street (FM 3537)	Preston Road to Custer Road (FM 2478)
Main Street	Dallas Parkway to Frisco Street
Stonebrook Parkway	From Dallas Parkway to Preston Road (SH 289)
Lebanon Road	From Independence Parkway to Southbound SH 121 Frontage Road
Southbound SH 121 Frontage Road	Entire city limits

B. The provisions of this section shall not apply to:

- (1) emergency vehicles operating in response to any emergency call;
- (2) a vehicle traveling to or from areas served directly by the roads, streets and/or highways listed in this section for the purpose of providing repair or maintenance service or loading or unloading goods, wares or merchandise, provided such vehicle is operated over the shortest possible route, and the operator of such vehicle has in his immediate possession evidence of the local destination and point of origin;
- (3) an owner and/or operator of a Commercial Truck driving to and from his residence;
- (4) Commercial Trucks owned and/or operated by and/or on behalf of a governmental entity, a public utility and/or any contractor or materialman, while engaged in the repair, maintenance or construction of roads, streets and/or highways, and/or road, street and/or highway improvements and/or utilities within the City;
- (5) Commercial Trucks owned and/or operated by and/or on behalf of a governmental entity while engaging in and/or performing official, authorized government-related business; and
- (6) Commercial Trucks operating upon a City or State officially designated detour.

SECTION 6: Establishing Truck Route(s). The Director of Engineering, or his/her designee, shall maintain accurate maps setting out truck routes on streets upon which truck traffic is permitted. The maps shall be kept on file in the office of the City Secretary and shall be available to the public.

SECTION 7: Posting of Restrictions. Signs indicating the "Truck Route(s)" provided herein shall be placed or caused to be placed by the Director of Engineering, or his/her designee, at the most advantageous points to be conspicuous to approaching vehicular traffic. The signs shall be permanently affixed to a stationery post or installed on permanent buildings or walls or as otherwise approved. The signs shall in no way be obstructed from view and shall comply with applicable state laws.

SECTION 8: Penalty Provision. Any person, firm, corporation or business entity violating this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined a sum of not less than One Dollar (\$1.00) nor more than Five Hundred Dollars (\$500.00). The City retains all legal rights and remedies available to it pursuant to local, state and federal law.

SECTION 9: Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional or invalid.

SECTION 10: Effective Date. This Ordinance shall become effective from and after its passage and publication as required by the City Charter and law.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS, on this _____ day of _____, 2010.

Maher Maso, Mayor

**ATTESTED AND
CORRECTLY RECORDED:**

APPROVED AS TO FORM:

Jenny Page, City Secretary



Abernathy Roeder Boyd & Joplin P.C.
Claire E. Swann, City Attorneys

DATE(s) OF PUBLICATION: _____, *FRISCO ENTERPRISE*