

**ORDINANCE 2023 - 02- 01**

**AN ORDINANCE AMENDING THE TRAFFIC CONTROL MAP ESTABLISHING REGULATIONS AND RESTRICTIONS FOR THRU TRUCK TRAFFIC AND DELIVERY TRUCK TRAFFIC ON NORTH NEAL STREET; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; FIXING PENALTIES FOR VIOLATIONS HEREOF.**

**WHEREAS**, a stakeholder meeting was held with representatives from City staff, TxDOT, the residential neighborhood of North Neal, and industrial customers on Beau Austin Dr to discuss the concerns with commercial truck traffic along and through the residential neighborhoods of North Neal Street; and

**WHEREAS**, the City of Commerce is a Home Rule Municipality with the authority to regulate commercial vehicle traffic within the corporate limits of the city and along residential streets; and

**WHEREAS**, City staff recognizes that valid concerns of both the residential citizens who desire safety on their street AND the industrial citizens who desire safe routes to deliver their supplies and products without undue damage or loss.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COMMERCE:**

**Section 1:** The following definitions shall be added to Section 90-136 of the Commerce Code of Ordinances:

***Through Commercial Vehicles:** Any commercial vehicle which has a point of origin *outside* of the City of Commerce and a point of destination *outside* of the City of Commerce and that is traveling *through* the City to reach its point of destination.*

***Delivery Commercial Vehicles:** Any commercial vehicle which has a point of origin or a point of destination *inside* the City of Commerce for the purpose of delivering or picking up goods, services, or products or for the purpose of lawfully parking at the vehicle's established place of business, or parking at the driver's residence if such parking of a commercial vehicle at such residence is lawful under the ordinances of the City of Commerce .*

**Section 2:** Section 90-139 shall be amended as follows:

It shall be unlawful for any person to operate any commercial vehicle upon any street, boulevard, avenue or alley within the limits of the city. It shall be an affirmative defense to prosecution that:

- (A) The Commercial Vehicle was only operating on a designated Truck Route; or
- (B) The Commercial Vehicle was a Delivery Commercial Vehicle and provided that the Delivery Commercial Vehicle shall leave the designated truck routes at the intersection closest to the point of pick-up or delivery or lawful parking and shall follow the most

direct route to and from the designated truck route. Where more than one pick-up or delivery is required, the Commercial Vehicle shall not be required to return to the truck route for each individual stop but shall use the most direct path available. Further, No commercial vehicle may use North Neal Street except as allowed by Section 90-144 of this Chapter.

**Section 3:** Section 90-144 shall be amended as follows:

1. The use of North Neal Street for Commercial Vehicles shall be restricted to ONLY the delivery of Manufactured Homes from Legacy Homes. All other Commercial Vehicle traffic is restricted and should use FM 71 as the delivery route.
2. The delivery of Manufactured Homes from Legacy Homes will be prohibited between the hours of 7:00 a.m. and 8:00 a.m. and between the hours of 3:00 p.m. and 4:15 p.m. during days in which the Commerce Independent School District holds classes. At no time will two Manufactured Homes be allowed on North Neal without a ten-minute gap/lapse of time.

**Section 4:** All ordinances and parts of ordinances in force in the City of Commerce which conflict with the terms and provisions of this ordinance are hereby repealed insofar as they conflict with this ordinance, but all other portions of said ordinances shall remain in full force and effect.

**Section 5:** Any person violating the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding FIVE HUNDRED AND NO/100 (\$500.00) DOLLARS.

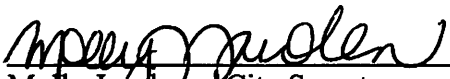
**Section 6:** This Ordinance shall take effect and be in force from and after its passage and approval in accordance with the Charter of the City of Commerce.

**PASSED AND APPROVED** on the FIRST READING this the 17<sup>th</sup> day of January, 2023.

**PASSED AND APPROVED** on the SECOND READING this the 21<sup>st</sup> day of February, 2023.

**ATTEST:**

**CITY OF COMMERCE:**

  
Molly Jacobsen, City Secretary

  
Teddy Reel, Mayor

(seal)

**APPROVED AS TO FORM:**

**APPROVED:**

  
Charles Anderson, City Attorney

  
Howdy Lisenbee, City Manager

I, Molly Jacobsen, City Secretary of the City of Commerce, Texas, do hereby certify that the above is a true and correct copy of an Ordinance, and that the same has not been repealed and is in full force and effect.

(Seal)

  
Molly Jacobsen, City Secretary