

#27c  
JAN 26 2009

**AN ORDINANCE OF MONTGOMERY COUNTY, TEXAS  
IMPOSING THRU TRUCKS RESTRICTION ON  
COLLIER CEMETERY ROAD  
AND  
HILLS PARKWAY  
IN PRECINCT 2  
AND IMPOSING A CRIMINAL PENALTY FOR  
VIOLATION OF THIS ORDINANCE**

**WHEREAS**, the Commissioners Court of Montgomery County, Texas has determined that imposing a Thru Trucks restriction on Collier Cemetery Road and Hills Parkway in Precinct 2 would be a valuable law enforcement tool of benefit to the public by lessening the danger to the public, increasing the efficiency of traffic flow and control, and decreasing the number of accidents to which public safety agencies must respond at the expense of the taxpayers; and

**WHEREAS**, Section 251.151 of the Texas Transportation Code establishes authority for the Commissioners Court of Montgomery County to regulate traffic on a county road that is under the jurisdiction of the Commissioners Court; and

**WHEREAS**, Section 251.155(a) of the Texas Transportation Code establishes authority for the Commissioners Court of Montgomery County to adopt regulations establishing a system of traffic control devices in restricted traffic zones; and

**WHEREAS**, Section 251.161 of the Texas Transportation Code establishes authority for the Commissioners Court of Montgomery County to impose a criminal penalty for violations of said regulations; and

**WHEREAS**, a public hearing as required by Texas Transportation Code Section 251.152 was held on January 26, 2009, prior to the Commissioners Court of Montgomery County imposing a Thru Trucks restriction on Collier Cemetery Road and Hills Parkway, which are public roads located in the unincorporated area of Montgomery County; and

**WHEREAS**, the Commissioners Court of Montgomery County finds and determines that it is necessary for safety to the public, including residents on Collier Cemetery Road and Hills Parkway, to impose a Thru Trucks restriction for traffic flow on Collier Cemetery Road and Hills Parkway located in Precinct 2.

**NOW, THEREFORE, BE IT ORDERED BY THE COMMISSIONERS COURT OF MONTGOMERY COUNTY, TEXAS:**

**Article I. Definitions**

Section 1.1 In this Ordinance, the following words and phrases shall have the meaning ascribed in this Section 1.1:

*Commissioners Court:* Montgomery County, Texas, acting by and through its Commissioners Court.

*Person:* An individual, company, partnership, firm, corporation, association, or other legal entity.

*Thru Truck:* A Truck traveling on Collier Cemetery Road or Hills Parkway to a destination accessible by travel on roads other than Collier Cemetery Road or Hills Parkway.

*Truck:* A motor vehicle or combination of motor vehicles having more than two axles used to transport passengers or property.

**Article II. Thru Trucks Restriction**

Section 2.1 The Commissioners Court of Montgomery County, Texas, imposes a restriction prohibiting Thru Trucks traveling on Collier Cemetery Road, from the junction of Collier Cemetery Road and F.M. 2854 to the junction of Collier Cemetery Road and Grand Lake Estates Drive, and on Hills Parkway, from the junction of Hills Parkway and Keenan Cutoff Road to the junction of Hills Parkway and Collier Cemetery Road. Only trucks with a destination accessible solely by travel on Collier Cemetery Road or Hills Parkway are permitted.

Section 2.2 The Commissioner of Precinct 2 shall cause signs to be installed along each roadway that leads to a junction with Collier Cemetery Road and Hills Parkway designating the Thru Trucks restriction imposed by this Ordinance.

Section 2.3 The signs must be at least 100 feet from the junction or located according to standards established in the manual adopted by the Texas Transportation Commission under Section 544.001 of the Texas Transportation Code. The signs must be easily readable to any operator of a motor vehicle approaching the intersection.

### **Article III. Offense**

Section 3.1 It shall be unlawful for any person to operate a Truck in violation of this Ordinance.

Section 3.2 A person commits a misdemeanor offense punishable by a fine not to exceed Two Hundred (\$200.00) Dollars if the person operates a Truck in violation of this Ordinance, as authorized by Section 251.161(b) of the Texas Transportation Code.

### **Article IV. Exempted Vehicles**

Section 4.1 School buses and emergency vehicles are exempt from application of this Ordinance.

### **Article V. Effective Date**

Section 5.1 The effective date of this Ordinance shall be February 1, 2009.

### **Article VI. General Provisions**

Section 6.1 All ordinances or parts of ordinances inconsistent with the terms of this Ordinance are hereby repealed; provided, however, that such repeal shall be only to the extent of such inconsistency of other ordinances regulating and governing the subject matter covered by this Ordinance.

Section 6.2 If any provision, section, exception, subsections, paragraph, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances, shall for any reason be held unconstitutional, void, or invalid, such provision(s) of this Ordinance or its(their) application to other sets of circumstances are declared to be severable.

**RESOLUTION AND ORDER**

On this the 26<sup>th</sup> day of January, 2009, at a **Regular Session** meeting of the Commissioners Court of Montgomery County, Texas, there came on for consideration and approval a motion for the Commissioners Court to approve and adopt "An Ordinance of Montgomery County, Texas Imposing Thru Trucks Restriction on Collier Cemetery Road and Hills Parkway in Precinct 2 and Imposing a Criminal Penalty for Violation of This Ordinance," in accordance with the Ordinance attached hereto and incorporated herein. The authority for imposing said traffic regulations derives from Chapter 251, Subchapter E, Texas Transportation Code. A public hearing as required by Texas Transportation Code Section 251.152 was held on this date.

Motion was made by Commissioner Meador and seconded by Commissioner Doyal that said Commissioners Court does hereby approve and adopt the attached Ordinance for Montgomery County.

Said Motion being put to vote, it carried by a vote of 4 "aye" votes to 0 "nay" votes.

THEREFORE, ITS IS HEREBY APPROVED AND ORDERED that the attached "Ordinance of Montgomery County, Texas Imposing Thru Trucks Restriction on Collier Cemetery Road and Hills Parkway in Precinct 2 and Imposing a Criminal Penalty for Violation of This Ordinance" shall be implemented and applicable, effective February 1, 2009, under the authority of Section 251.151 of the Texas Transportation Code, thereby prohibiting through traffic by trucks in excess of two axles on Collier Cemetery Road and Hills Parkway in Precinct 2, Montgomery County, Texas.

ATTEST:

Mark Turnbull  
Mark Turnbull,  
County Clerk

COUNTY OF MONTGOMERY  
Alan B. Sadler  
Alan B. Sadler,  
County Judge

Mike Meador  
Mike Meador,  
Commissioner for Precinct 1

Craig Doyal  
Craig Doyal,  
Commissioner for Precinct 2

Ed Chance  
Ed Chance,  
Commissioner for Precinct 3

Ed Rinehart  
Ed Rinehart,  
Commissioner for Precinct 4

