

ORDINANCE 2020-___

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PLUM GROVE, TEXAS, REPEALING AND REPLACING ORDINANCE NUMBER 2052-19 ESTABLISHING CONSTRUCTION ROUTES UPON CERTAIN PORTIONS OF PUBLIC STREETS AND HIGHWAYS SITUATED IN THE TERRITORIAL LIMITS OF THE CITY OF PLUM GROVE, TEXAS; PROVIDING A PENALTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Texas Transportation Code Section 311.002, the City of Plum Grove, Texas has exclusive control over the highways, streets, and alleys of the municipality; and

WHEREAS, pursuant to Texas Transportation Code Section 311.002, the City of Plum Grove has the explicit authority to regulate the streets of the municipality.

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

Section 1. The certain portions of streets and public highways in the territorial limits of the City of Plum Grove, Texas, and marked on the attached **Exhibit A**, shall hereby be designated as the "Construction Routes" for the city.

Section 2. All Construction Vehicles (as defined herein) shall travel exclusively on the Construction Routes and shall not travel on any City roads other than the Construction Routes. It shall be a violation of this Ordinance for any Construction Vehicle to travel on any City road that is not a Construction Route. A "Construction Vehicle" means any private or commercial vehicle or heavy equipment actively involved in the construction process or in the delivery or storage of tools or supplies.

Section 3. *Penalty.* Any person who violates any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than One Dollar (\$1.00) nor more than Five Hundred Dollars (\$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. Each occurrence of any such violation of this Ordinance shall constitute a separate offense.

Section 4. *Severability.* In the event any clause, phrase, provision, sentence or part of this Ordinance or the application of the same to any person or circumstances shall

for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Plum Grove, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 5. *Repeal Clause.* All other ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

Section 7. *Effective Date.* This Ordinance shall become effective when published as required by law.

PASSED, APPROVED, and ADOPTED this _____ day of _____
2020.

CITY OF PLUM GROVE, TEXAS

Lee Ann Penton-Walker, Mayor

ATTEST:

Missy Pouncey, City Secretary

Exhibit A

Construction Routes