



**AGENDA
REGULAR MEETING
HELOTES CITY COUNCIL
May 28, 2020
7:00 p.m.**

The City of Helotes City Council will meet for a Regular Meeting on Thursday, May 28, 2020 at 7:00 p.m. in the City Hall Council Chambers, 12951 Bandera Road, Helotes, Texas 78023. This is an open meeting, subject to the open meeting laws of the State of Texas.

SUPPLEMENTAL NOTICE OF PARTICIPATION BY TELEPHONE CONFERENCE

As a result of COVID-19, the Governor of Texas issued an order on March 16, 2020, suspending various provisions of the Open Meetings Act, which now authorizes the participation in a meeting by videoconference and / or teleconference. In order to advance the public health goal of physical distancing, the City of Helotes City Council will conduct this regular meeting by telephone conference. No in person input will be allowed. To speak remotely, register in advance by using the fillable Citizen Comment Form on the City website. The comment form is due by 12:00 pm on Thursday, May 28. Once the comment form is received, the speaker will receive a confirmation email with the toll-free phone number and access code. Speakers will be placed in a queue until their time to speak. Watch the livestream meeting broadcast on the City's YouTube channel. The digital meeting packet is available on the City website.

1. Call to order.
 - Invocation.
 - Pledge of Allegiance.

OPEN SESSION:

2. Citizens to be Heard. *The City Council shall not discuss any presented issue, nor may any action be taken on any issue at this time (Attorney General Opinion JC-0169). The Council will accept comments from citizens of the City of Helotes and its Extraterritorial Jurisdiction (ETJ) only. Comments are limited to three (3) minutes, and this time is not transferable. Each person may only speak once. No profanity or threats will be tolerated.*

UNFINISHED BUSINESS:

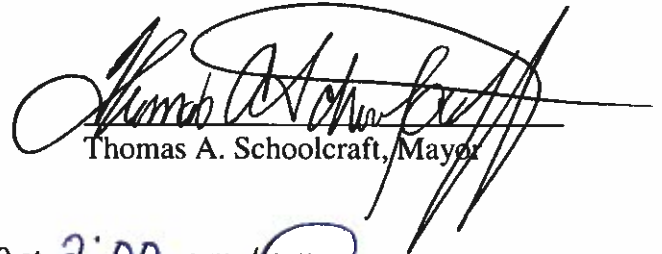
3. Discussion of and action on resuming the Spring 2020 brush pick up by C-6 Disposal Systems, Inc. to a rescheduled date, or, omitting the Spring 2020 brush pick up and providing compensation to Helotes residents for the cancelled service. (Council Member Massey and Council Member Holmes)

ITEMS FOR INDIVIDUAL CONSIDERATION:

4. Approval of the minutes of the Regular Meeting dated May 14, 2020. (Staff)
5. Discussion of and action on an Ordinance of the City Council of the City of Helotes, Texas amending Municipal Code of Ordinances Chapter 86 *Traffic and Vehicles*, Article I *In General* by revising Section 86-1 *Definitions*, Section 86-4 *Penalty*, Section 86-6 *Trucks Depositing Materials on Streets* and by adding Section 86-8 *Prohibited Truck Traffic*; and authorizing the City Administrator to implement the provisions of this Ordinance. (Staff)

Adjourn meeting.

The City Council reserves the right to adjourn into Closed Session at any time during the course of this meeting to discuss any of the exceptions to the requirement that a meeting be open to the public, in accordance with Texas Government Code, Chapter 551 *Open Meetings*, Subchapter D *Exceptions to Requirement that Meetings be Open*. No action may be taken in Closed Session.


Thomas A. Schoolcraft, Mayor

I certify that this Agenda was posted on May 22, 2020 at 2:00 a.m. / (p.m.)


Celina Perez, City Secretary

MINUTES
REGULAR MEETING
HELOTES CITY COUNCIL

The City of Helotes City Council met for a regular meeting Thursday, May 14, 2020 at 7:00 p.m. in the City Hall Council Chamber, 12951 Bandera Road, Helotes, Texas. This was an open meeting, subject to the open meeting laws of the State of Texas.

Present: Thomas A. Schoolcraft, Mayor
Alex Blue, Mayor Pro Tem
Alan Holmes
Bert Buys
Cynthia Massey
Paul Friedrichs (Via Teleconference)

Staff Present: Marian Mendoza, City Administrator
Celina Perez, City Secretary
Frank Garza, City Attorney (Via Teleconference)

1. Call to Order.

Mayor Schoolcraft called the meeting to order at 7:00 p.m. Due to COVID-19: the 10 people maximum is being adhered to, physical distancing is being maintained, and Council Member Friedrichs is joining the meeting via teleconference.

Council Member Buys led the invocation. Mayor Schoolcraft led the pledge to the U.S. flag and the Texas flag.

PUBLIC HEARING:

- 2. Public Hearing on a proposal for the City of Helotes Economic Development Corporation (HEDC) to fund a Small Business Assistance Program that will offer zero (0%) interest loans to businesses in the City of Helotes that have been impacted by the coronavirus (COVID-19). The program qualifies as an economic development "Project," as defined by Texas Local Govt. Code Chapter 505 Type B Corporations.**

Mayor Schoolcraft opened the public hearing at 7:02 pm. No residents signed up to speak. Mayor Schoolcraft closed the public hearing at 7:03 pm.

RECOGNITION:

- 3. Proclamation by Mayor Thomas A. Schoolcraft recognizing the City of Helotes Public Works Department in observance of National Public Works Week occurring May 17 - May 23, 2020.**

Mayor Schoolcraft read the Proclamation and recognized the Helotes Public Works Department.

4. Proclamation by Mayor Thomas A. Schoolcraft recognizing the City of Helotes Fire / EMS Department in observance of National EMS Week occurring May 17 - May 23, 2020.

Mayor Schoolcraft read the Proclamation and recognized the Helotes Fire/EMS Department.

OPEN SESSION:

5. Citizens to be Heard.

No one signed up to speak on this item.

CONSENT AGENDA (ITEM NOS. 6 - 8): All items marked with an asterisk (**) on the consent agenda were voted on by one motion. Motion was made by Council Member Holmes, second by Mayor Pro Tem Blue, to approve items 6 through 8 on the consent agenda. Motion to approve carried unanimously.

6. Approval of the minutes of the Regular Meeting dated April 23, 2020. (Staff)**

7. Approval of the Fiscal Year Ending (FYE) 2020 City of Helotes Revenue and Expense, Balance Sheet, and Encumbrance Reports dated May 7, 2020. (Staff)**

8. Approval of a preliminary and final subdivision plat, pursuant to Municipal Code of Ordinances Chapter 78 *Subdivisions*, establishing Goat Hill Subdivision, being a 11.249 acre tract of land out of the J.M. Ross Survey No. 224, Abstract 645, County Block 4524, and being a portion of land conveyed to the Polk Family Trust recorded in Volume 12696, Page 347 of the Official Public Records of Bexar County, Texas. (Applicant)**

ITEMS FOR INDIVIDUAL CONSIDERATION:

9. Discussion of and action on resuming the Spring 2020 brush pick up by C-6 Disposal Systems, Inc. to a rescheduled date, or, omitting the Spring 2020 brush pick-up and providing compensation to Helotes residents for the cancelled service. (Council Member Massey and Council Member Holmes)

Motion was made by Council Member Massey to discuss and act on the first part of this item, resuming the Spring 2020 brush pick-up by C-6 Disposal Systems, Inc. to a rescheduled date. The motion was seconded by Council Member Holmes.

Discussion included the cancellation of the Spring 2020 brush pick-up scheduled for May 4, 2020 thru June 19, 2020. Council Member Massey stated she spoke with Jorge Cantu, owner of C-6 Disposal Systems, Inc., and there were no compelling reasons to cancel the Spring 2020 brush pick-up.

Mayor Schoolcraft advised the decision to cancel the Spring 2020 brush pick up was made when the numbers were going up on positive COVID-19 cases. The cancellation went out in the April billing cycle, giving residents five week's notice before the first pick up date scheduled for May 4. It is typical that residents place brush piles out six to eight weeks before their pick-up date, even though they are requested not to. Brush should be placed out no more than two weeks before their pick-up date.

Frank Garza, City Attorney, added that under Chapter 14 of the Local Government Code, the Mayor has the ultimate authority under the City's declaration order to cancel the brush pick up. The Mayor's authority as emergency management director is active, as long as the City's declaration order is in place. The declaration order does not have to state every decision that the Mayor will be making. Moreover, in order for a municipality to be eligible to receive disaster funding, the City's declaration order must be in place. Lastly, if Council wishes to reschedule the Spring 2020 brush pick up, it would have to be agreed to by C-6.

Motion to amend was made by Council Member Massey to postpone this item to the City Council Meeting on May 28th. The amended motion was seconded by Council Member Holmes.

Motion to postpone carried unanimously.

- 10. First reading on a Resolution of the City Council of the City of Helotes, Texas, approving a project of the Helotes Economic Development Corporation (EDC) to establish a Small Business Assistance Program that will offer zero (0%) interest loans to businesses within the corporate limits of Helotes that have been impacted by the coronavirus (COVID-19); and authorizing the HEDC Executive Director to take all necessary steps to implement the provisions of this Resolution. (Staff)**

Mayor Schoolcraft announced the first reading of this Resolution, as required by Section 505.158 of the Local Government Code.

- 11. Second and final reading, discussion and action on a Resolution of the City Council of the City of Helotes, Texas, approving a project of the Helotes Economic Development Corporation (HEDC) to establish a Small Business Assistance Program that will offer zero (0%) interest loans to businesses within the corporate limits of Helotes that have been impacted by the coronavirus (COVID-19); and authorizing the HEDC Executive Director to take all necessary steps to implement the provisions of this Resolution. (Staff)**

Motion was made by Council Member Buys, second by Council Member Holmes, to discuss and act on this item as written.

Motion to approve the second and final reading of this Resolution carried unanimously.

- 12. Discussion of and action on a Declaration of the City of Helotes, Texas extending a declaration order of local disaster and public health emergency for the City of Helotes as a result of the COVID-19 virus. (Staff)**

Motion was made by Council Member Massey, second by Council Member Buys, to discuss and act on this item as written.

Discussion included extending the declaration order to allow the City to continue to be eligible for disaster funding. The extension would commence on May 28, 2020 and continue for an additional sixty (60) days. Council Member Massey stated the declaration order was necessary in March, but not anymore. Council Member Holmes suggested shortening the extension period to thirty (30) days, instead of the original proposed sixty (60) days. If the order needs to be extended past the thirty (30) days, then it can come back to Council.

Motion to amend was made by Council Member Massey to change the extension period to thirty (30) days, instead of the original proposed sixty (60) days. The amended motion was seconded by Council Member Buys.

Motion to amend carried: 4 Ayes – Council Member Holmes, Mayor Pro Tem Blue, Council Member Friedrichs, and Council Member Buys; 1 Nay – Council Member Massey.

Adjourn

With no more business to come before Council, Mayor Schoolcraft adjourned the meeting at p.m.

ATTEST:

Thomas A. Schoolcraft, Mayor

Celina Perez, City Secretary



**CITY COUNCIL
AGENDA ITEM REQUEST FORM**

MEETING DATE: May 28, 2020

AGENDA PLACEMENT:

- PUBLIC HEARING
- RECOGNITION
- UNFINISHED BUSINESS
- CONSENT
- INDIVIDUAL
- CLOSED

CAPTION:

Discussion of and action on an Ordinance of the City Council of the City of Helotes, Texas amending Municipal Code of Ordinances Chapter 86 *Traffic and Vehicles*, Article I *In General* by revising Section 86-1 *Definitions*, Section 86-4 *Penalty*, Section 86-6 *Trucks Depositing Materials on Streets* and by adding Section 86-8 *Prohibited Truck Traffic*; and authorizing the City Administrator to implement the provisions of this Ordinance. (Staff)

EXECUTIVE SUMMARY:

Residents in Helotes have expressed concern for a growing number of through truck traffic using residential streets as a means of traveling from one arterial roadway to another, or, to travel to a destination outside of Helotes. Through truck traffic means **no** commercial truck traffic is allowed **through on any street within the City unless** it is making a scheduled stop at a residential or commercial address in the City.

After review of the current through truck traffic regulations, Staff determined amendments were necessary to clearly establish that large commercial trucks are prohibited from using residential streets as a means of traveling from one arterial roadway to another, or, to travel to a destination outside of Helotes. The adjacent cities of Boerne, Fair Oaks Ranch and Shavano Park also regulate large truck traffic within their jurisdictions. Their ordinances were taken into consideration when drafting the proposed amendments.

The amendments include improved definitions, identified weight and size limitations, and a penalty. The arterial roadways in Helotes are State Highway 16, Leslie Road and FM 1560. These arterial roadways will remain as designated thru truck traffic roads for large commercial delivery trucks and trailers. The amendments are as follows:

- Restrict medium duty and heavy-duty trucks with a manufacturer’s gross vehicle weight rating in excess of 10,000 pounds (or 10,000 pounds gross cargo weight rating in the case of a truck-trailer unit) and those trucks having a total of more than three axles, the number

of axles being the sum of the motorized vehicle axles plus any trailer or other attached vehicle unit axles;

- Provide an exclusion for school buses, commercial passenger buses, city service and emergency vehicles, and large trucks and equipment contracted by the City; and
- Provide penalty provisions to violations of this section.

ATTACHMENTS:

Attachment A - Ordinance

PREPARED BY: Marian Mendoza, City Administrator

DATE SUBMITTED: May 21, 2020

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HELOTES, TEXAS AMENDING MUNICIPAL CODE OF ORDINANCES CHAPTER 86 TRAFFIC AND VEHICLES, ARTICLE I IN GENERAL BY REVISING SECTION 86-1 DEFINITIONS, SECTION 86-4 PENALTY, SECTION 86-6 TRUCKS DEPOSITING MATERIALS ON STREETS AND BY ADDING SECTION 86-8 PROHIBITED TRUCK TRAFFIC; AUTHORIZING THE CITY ADMINISTRATOR TO IMPLEMENT THE PROVISIONS OF THIS ORDINANCE; PROVIDING FOR SEVERABILITY; REPEALING ANY OTHER CODE PROVISIONS, ORDINANCES, OR PARTS OF ORDINANCES, AND OTHER PROVISIONS IN CONFLICT HEREWITH; INCORPORATING RECITALS; AND ADOPTING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Helotes, Texas desires to amend Municipal Code of Ordinances Chapter 86 *Traffic and Vehicles*, Article I *In General* in order to preserve, protect, and promote public health and safety.

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

SECTION ONE. AMENDMENT. Municipal Code of Ordinances Chapter 86 *Traffic and Vehicles*, Article I *In General* is hereby amended and shall read as follows:

**“CHAPTER 86 TRAFFIC AND VEHICLES
ARTICLE I IN GENERAL**

Sec. 86-1 Definitions

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

Alley means minor ways which are used primarily for vehicular service access to the back or the side or properties otherwise abutting on a street.

Ambulance means any privately owned vehicle equipped or used for transporting the wounded, injured or such.

Authorized emergency vehicle means vehicles of the fire department, police department, and such vehicles of municipal departments, public service corporations or other organizations which are designated or authorized as emergency vehicles by the chief of police.

Barricade means every barrier, obstruction or block placed upon or across any road, street or highway of this city by an authorized person for the purpose of preventing the passing of motor vehicles over such street, road or highway during a period of construction or repair to said street, road, or highway.

~~*Commercial vehicle* means every truck and every private vehicle with the name of the firm represented inscribed or painted on the front door on both sides in letters at least two inches high in contrasting colors to that of the vehicle which is maintained or used primarily for the transportation of property.~~

Commercial motor vehicle/Commercial vehicle means any motor vehicle designed or used for the transportation of property, not including a passenger bus, passenger automobile, panel delivery truck or pickup truck.

Controlled access highway means every highway, street, or roadway in respect to which owners or occupants of abutting property or lands and other persons have no legal right of access to or from the same, except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street, or roadway.

Crosswalk means that part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or in the absence of curbs from the edges of the traversable roadway. "Crosswalk" also includes within the meaning of This chapter any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

Driver means every person who drives or is in actual physical control of a vehicle.

Driveway means entrances to and exits from private premises where it is possible to park completely off the street, and which are not open for vehicular traffic except by permission of the owner of such private premises.

Intersection means:

- (1) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles, or the area which vehicles traveling upon different highways at any angle may come in conflict.
- (2) Where a highway includes two roadways 30 feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two roadways 30 feet or more apart, then every crossing of two roadways on such highways shall be regarded as a separate intersection.
- (3) The junction of an alley with a street or highway shall not constitute an intersection.

Laned roadway means a roadway which is divided into two or more clearly marked lanes for vehicular traffic.

Motor vehicle means every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires but not operated upon rails.

Motorcycle means every motor vehicle having a saddle for the use of the rider and designed to travel with not more than three wheels in contact with the ground, but excluding a tractor.

Owner means a person who holds the legal title of a vehicle. In the event a vehicle is the subject of an agreement for the conditional sale or lease with an option to purchase, and with an immediate right of possession vested in the conditional vendor or lessee, such conditional vendor or lessee shall be deemed the owner for the purpose of this chapter.

Pedestrian means any person afoot.

Person means every natural person, firm, co-partnership, association, or corporation.

Pole trailer means every vehicle with or without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes, or structural members capable, generally, of sustaining themselves as beams between the supporting connections.

Police officer means every officer authorized to direct or regulate traffic or to make arrest for violations of traffic regulations.

Private road means every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner but not by other persons.

Red flashing emergency light means any lamp mounted on an authorized emergency vehicle or ambulance which displays a red, flashing light, visible under normal atmospheric conditions from a distance of 500 feet from such vehicle.

Roadway means that portion of a street or highway improved, designed, or ordinarily used for vehicular travel. In the event a highway includes two or more separate roadways, the term "roadway" as used herein shall refer to any such roadway separately but not to all such roadways collectively.

School bus means every motor vehicle owned by any private, public, or governmental agency and operated for the transportation of children and with identification requirements set forth in the standards produced and sponsored by the National Committee on Safety Education of the National Education Association, Washington, D.C., but not including buses operated by common carriers.

School crossing zone means that portion of any street or public property or way within or without any school zone which the traffic engineer may designate for the crossing of those attending a school or other institution of learning.

School or other institution of learning means any private or public organization giving regular instruction and having an average daily attendance of 50 students or more.

School zone means each and every street and all public property or ways within 500 feet of the boundaries of any school or other institution of learning.

Semi-trailer means every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

Sidewalk means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for the use of pedestrians.

Street or highway means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purpose of vehicular traffic. *Through highway* means every street or highway or portion thereof at entrances to which vehicular traffic from the intersecting streets or highways is required by law to either stop or yield the right-of-way before entering or crossing.

Traffic control device means any electric traffic control signals, stop signs, yield right-of-way signs and any other such device designed and used to control the movement of traffic.

Trailer means every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

Truck means every motor vehicle, inclusive of any towed vehicle, designed, used or maintained primarily for the transportation of property with a manufacturer rated carrying or towing capacity of 10,000 pounds or more.

Truck tractor means every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

Vehicle means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, except devices used exclusively upon stationary rails or tracks.

Warning sign means every sign, signal, marking and device erected or placed upon any street, road, highway or barricade, or erected or placed upon any street, road or highway within the city which is under construction or being repaired, for the purpose of regulating, warning or guiding traffic or otherwise stating the conditions under which traffic by motor vehicle may be had upon such street, road or highway. A warning sign shall include, but shall not be limited, to a flagon placed upon any street, road or highway for the purpose of directing traffic around or upon such street, road or highway as is under construction or in the process of being repaired.

Sec. 86-4 Penalty

Any person or any agent or employee thereof who violates any of the provisions of this chapter shall be guilty of a misdemeanor and upon conviction in the municipal court shall be subject to a fine not less than \$25.00, but not to exceed the amount established by state law. Each day, or any part thereof, during which a violation under this chapter occurs shall constitute a separate offense.

Sec. 86-6 Trucks depositing materials on streets; ~~through truck traffic~~

(a) *Trucks depositing materials on streets.* It shall be unlawful for any person operating a truck of any kind within the city on or over any of its public streets, roads, or other rights-of-way to cause or permit any substance loaded thereon or therein, such as gravel, dirt, rock, ~~cement, concrete,~~ ash, brush, grass, hay, garbage, trash, lumber, scrap, or debris of any kind, to be deposited on such public street, road or right-of-way from such truck, or to drop such material therefrom, for any reason whatever.

~~(b) *No through truck traffic.* Through truck traffic is defined for the purposes of This chapter as the driving or entry of a truck onto any street (except State Highway 16, Leslie Road, and FM 1560) at any point, the proceeding of such truck upon and along any street and the leaving of any street by such truck at any point, unless the person driving or operating such truck has occasion to and does bring such truck for the purpose of rendering a service at such point, place or location in connection with the business for which said truck is used.~~

Sec. 86-8 Prohibited truck traffic

(a) *No through truck traffic.* Through truck traffic is defined for the purposes of this chapter as the driving or entry of or by a truck —i.e., truck-tractor, trailer, or semi-trailer, or combination of such vehicles, having a total of three (3) or more axles and with a manufacturer's rated carrying or towing capacity in excess of 10,000 pounds onto any street within the City (except State Highway 16, Leslie Road, and FM 1560) other than truck traffic making a scheduled stop at a residential or commercial address in the City.

(b) *Exemptions.* The provisions under this section do not apply to city service and emergency vehicles. This section shall not prohibit the use of the roadways or portions of roadways listed in subsection (a) by a commercial vehicle—i.e., truck, truck-tractor, trailer, or semi-trailer, or combination of such vehicles, having a total of three (3) or more axles and with a manufacturer's rated carrying capacity in excess of 10,000 pounds —that is performing work on a prohibited street or adjacent property through a contract with the city. Also, provisions under this section do not apply to noncommercial (private) motorized trucks or other vehicles with two (2) axles or pulling a single axle trailer carrying two (2) tons or less.

(c) *Penalty.* As provided in *Sec. 86-4 Penalty.*

SECTION TWO. AUTHORIZATION. The City Administrator is authorized to implement the provisions of this Ordinance.

SECTION THREE. SEVERABILITY. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or illegal, such decision shall not affect the validity of the remaining sections of this Ordinance. The City Council 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, or phrases be declared void.

SECTION FOUR. REPEALER. All other Code provisions, ordinances or parts of ordinances, and other provisions in conflict herewith are repealed to the extent of said conflict.

SECTION FIVE. FINDINGS. The City Council finds all of the above recitals to be true and correct and incorporates the same in this Ordinance as findings of fact.

SECTION SIX. EFFECTIVE DATE. This Ordinance shall be effective immediately following its publication in the San Antonio Express News. Thereafter, the rules contained therein will apply within the City of Helotes.

PASSED AND APPROVED this 28th day of May 2020.

By: _____
Thomas A. Schoolcraft
MAYOR

ATTEST:

Celina Perez
CITY SECRETARY

Published: June ____, 2020 and June ____, 2020 in San Antonio Express News

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HELOTES, TEXAS AMENDING MUNICIPAL CODE OF ORDINANCES CHAPTER 86 *TRAFFIC AND VEHICLES*, ARTICLE I *IN GENERAL* BY REVISING SECTION 86-1 *DEFINITIONS*, SECTION 86-4 *PENALTY*, SECTION 86-6 *TRUCKS DEPOSITING MATERIALS ON STREETS* AND BY ADDING SECTION 86-8 *PROHIBITED TRUCK TRAFFIC*; AUTHORIZING THE CITY ADMINISTRATOR TO IMPLEMENT THE PROVISIONS OF THIS ORDINANCE; PROVIDING FOR SEVERABILITY; REPEALING ANY OTHER CODE PROVISIONS, ORDINANCES, OR PARTS OF ORDINANCES, AND OTHER PROVISIONS IN CONFLICT HERewith; INCORPORATING RECITALS; AND ADOPTING AN EFFECTIVE DATE.

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**“CHAPTER 86 *TRAFFIC AND VEHICLES*
ARTICLE I *IN GENERAL***

Sec. 86-1 Definitions

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Alley means minor ways which are used primarily for vehicular service access to the back or the side or properties otherwise abutting on a street.

Ambulance means any privately owned vehicle equipped or used for transporting the wounded, injured or such.

Authorized emergency vehicle means vehicles of the fire department, police department, and such vehicles of municipal departments, public service corporations or other organizations which are designated or authorized as emergency vehicles by the chief of police.

Barricade means every barrier, obstruction or block placed upon or across any road, street or highway of this city by an authorized person for the purpose of preventing the passing of motor

vehicles over such street, road or highway during a period of construction or repair to said street, road, or highway.

Commercial motor vehicle/Commercial vehicle means any motor vehicle designed or used for the transportation of property, not including a passenger bus, passenger automobile, panel delivery truck or pickup truck.

Controlled access highway means every highway, street, or roadway in respect to which owners or occupants of abutting property or lands and other persons have no legal right of access to or from the same, except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street, or roadway.

Crosswalk means that part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or in the absence of curbs from the edges of the traversable roadway. "Crosswalk" also includes within the meaning of This chapter any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

Driver means every person who drives or is in actual physical control of a vehicle.

Driveway means entrances to and exits from private premises where it is possible to park completely off the street, and which are not open for vehicular traffic except by permission of the owner of such private premises.

Intersection means:

- (1) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles, or the area which vehicles traveling upon different highways at any angle may come in conflict.
- (2) Where a highway includes two roadways 30 feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two roadways 30 feet or more apart, then every crossing of two roadways on such highways shall be regarded as a separate intersection.
- (3) The junction of an alley with a street or highway shall not constitute an intersection.

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Motorcycle means every motor vehicle having a saddle for the use of the rider and designed to travel with not more than three wheels in contact with the ground, but excluding a tractor.

Owner means a person who holds the legal title of a vehicle. In the event a vehicle is the subject of an agreement for the conditional sale or lease with an option to purchase, and with an immediate right of possession vested in the conditional vendor or lessee, such conditional vendor or lessee shall be deemed the owner for the purpose of this chapter.

Pedestrian means any person afoot.

Person means every natural person, firm, co-partnership, association, or corporation.

Pole trailer means every vehicle with or without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes, or structural members capable, generally, of sustaining themselves as beams between the supporting connections.

Police officer means every officer authorized to direct or regulate traffic or to make arrest for violations of traffic regulations.

Private road means every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner but not by other persons.

Red flashing emergency light means any lamp mounted on an authorized emergency vehicle or ambulance which displays a red, flashing light, visible under normal atmospheric conditions from a distance of 500 feet from such vehicle.

Roadway means that portion of a street or highway improved, designed, or ordinarily used for vehicular travel. In the event a highway includes two or more separate roadways, the term "roadway" as used herein shall refer to any such roadway separately but not to all such roadways collectively.

School bus means every motor vehicle owned by any private, public, or governmental agency and operated for the transportation of children and with identification requirements set forth in the standards produced and sponsored by the National Committee on Safety Education of the National Education Association, Washington, D.C., but not including buses operated by common carriers.

School crossing zone means that portion of any street or public property or way within or without any school zone which the traffic engineer may designate for the crossing of those attending a school or other institution of learning.

School or other institution of learning means any private or public organization giving regular instruction and having an average daily attendance of 50 students or more.

School zone means each and every street and all public property or ways within 500 feet of the boundaries of any school or other institution of learning.

Semi-trailer means every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

Sidewalk means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for the use of pedestrians.

Street or highway means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purpose of vehicular traffic.

Through highway means every street or highway or portion thereof at entrances to which vehicular traffic from the intersecting streets or highways is required by law to either stop or yield the right-of-way before entering or crossing.

Traffic control device means any electric traffic control signals, stop signs, yield right-of-way signs and any other such device designed and used to control the movement of traffic.

Trailer means every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

Truck means every motor vehicle, inclusive of any towed vehicle, designed, used or maintained primarily for the transportation of property with a manufacturer rated carrying or towing capacity of 10,000 pounds or more.

Truck tractor means every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

Vehicle means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, except devices used exclusively upon stationary rails or tracks.

Warning sign means every sign, signal, marking and device erected or placed upon any street, road, highway or barricade, or erected or placed upon any street, road or highway within the city which is under construction or being repaired, for the purpose of regulating, warning or guiding traffic or otherwise stating the conditions under which traffic by motor vehicle may be had upon such street, road or highway. A warning sign shall include, but shall not be limited, to a flagon placed upon any street, road or highway for the purpose of directing traffic around or upon such street, road or highway as is under construction or in the process of being repaired.

Sec. 86-4 Penalty

Any person or any agent or employee thereof who violates any of the provisions of this chapter shall be guilty of a misdemeanor and upon conviction in the municipal court shall be subject to a fine not less than \$25.00, but not to exceed the amount established by state law. Each day, or any part thereof, during which a violation under this chapter occurs shall constitute a separate offense.

Sec. 86-6 Trucks depositing materials on streets

- (a) *Trucks depositing materials on streets.* It shall be unlawful for any person operating a truck of any kind within the city on or over any of its public streets, roads, or other rights-of-way to cause or permit any substance loaded thereon or therein, such as gravel, dirt, rock, concrete, ash, brush, grass, hay, garbage, trash, lumber, scrap, or debris of any kind, to be deposited on such public street, road or right-of-way from such truck, or to drop such material therefrom, for any reason whatever.

Sec. 86-8 Prohibited truck traffic

- (a) *No through truck traffic.* Through truck traffic is defined for the purposes of this chapter as the driving or entry of or by a truck —i.e., truck-tractor, trailer, or semi-trailer, or combination of such vehicles, having a total of three (3) or more axles and with a manufacturer's rated carrying or towing capacity in excess of 10,000 pounds onto any street within the City (except State Highway 16, Leslie Road, and FM 1560) other than truck traffic making a scheduled stop at a residential or commercial address in the City.
- (b) *Exemptions.* The provisions under this section do not apply to city service and emergency vehicles. This section shall not prohibit the use of the roadways or portions of roadways listed in subsection (a) by a commercial vehicle—i.e., truck, truck-tractor, trailer, or semi-trailer, or combination of such vehicles, having a total of three (3) or more axles and with a manufacturer's rated carrying capacity in excess of 10,000 pounds—that is performing work on a prohibited street or adjacent property through a contract with the city. Also, provisions under this section do not apply to noncommercial (private) motorized trucks or other vehicles with two (2) axles or pulling a single axle trailer carrying two (2) tons or less.
- (c) *Penalty.* As provided in *Sec. 86-4 Penalty.*

SECTION TWO. AUTHORIZATION. The City Administrator is authorized to implement the provisions of this Ordinance.

SECTION THREE. SEVERABILITY. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or illegal, such decision shall not affect the validity of the remaining sections of this Ordinance. The City Council 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, or phrases be declared void.

SECTION FOUR. REPEALER. All other Code provisions, ordinances or parts of ordinances, and other provisions in conflict herewith are repealed to the extent of said conflict.

SECTION FIVE. FINDINGS. The City Council finds all of the above recitals to be true and correct and incorporates the same in this Ordinance as findings of fact.

SECTION SIX. EFFECTIVE DATE. This Ordinance shall be effective immediately following its publication in the San Antonio Express News. Thereafter, the rules contained therein will apply within the City of Helotes.

PASSED AND APPROVED this 28th day of May 2020.

By: _____
Thomas A. Schoolcraft
MAYOR

ATTEST:

Celina Perez
CITY SECRETARY

Published: June ____, 2020 and June ____, 2020 in San Antonio Express News