

AN ORDER OF THE COMMISSIONERS COURT OF LIBERTY COUNTY, TEXAS RATIFYING AND APPROVING THE AMENDED ORDINANCE LIMITING WEIGHT AND REGULATING THE USE OF COMMERCIAL VEHICLES ON LIBERTY COUNTY ROADS

WHEREAS, Liberty County (the County) is a governmental agency; and,

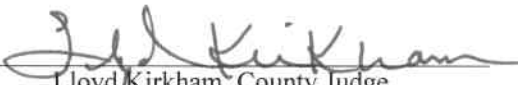
WHEREAS, The County finds that to insure the integrity of the county road system, it is necessary to adopt an Ordinance Limiting Weight and Regulating Use of Commercial Vehicles on Liberty County Roads; and,

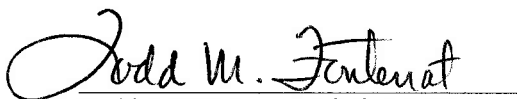
WHEREAS, The County, pursuant to 621.301 and 251.153, Texas Transportation Code, is given the authority to establish load limits for any county road, bridge or culvert;

NOW, THEREFORE, BE IT ORDERED BY THE COMMISSIONERS COURT OF LIBERTY COUNTY, TEXAS, THAT:

1. **Approval of Amended Ordinance.** The Amended Ordinance Limiting Weight and Regulating Use of Commercial Vehicles on County Roads is attached and made a part hereof for all purposes as Exhibit "A", is hereby approved, confirmed and ratified.
2. **Ratification of Actions.** All actions heretofore taken by the members of the Commissioners Court and all things done by the County Judge, pursuant to their official authority, including the action taken on this date with respect to the above referenced Amended Ordinance Limiting Weight and Regulating Use of Commercial Vehicles on Liberty County Roads, be and the same are hereby ratified, approved and adopted as the acts of the Commissioner Court.
3. **Effective Date.** This Order shall be in full force and effect from and after its passage on the date shown below.
4. **Open Meetings.** It is hereby officially found and determined that this meeting was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by the Open Meetings Act, Chapter 551, Texas Government Code.

ADOPTED AND PASSED this 14th day of May, 2001.


Lloyd Kirkham, County Judge



Todd Fontenot, Commissioner Pct. 1


Lee Groce, Commissioner Pct. 2


Melvin Hunt, Commissioner Pct. 3


Toby Wilburn, Commissioner Pct. 4

ATTEST:


Delia Sellers, Liberty County Clerk

FIRST AMENDED ORDINANCE LIMITING WEIGHT AND REGULATING
USE OF COMMERCIAL VEHICLES ON LIBERTY COUNTY ROADS

BE IT REMEMBERED that on the 14th day of May,
2001, the Liberty County Commissioners Court convened in regular
session, with following members present to-wit:

Lloyd Kirkham
County Judge

Todd Fontenot
Commissioner Pct.#1

Lee Groce
Commissioner Pct.#2

Melvin Hunt
Commissioner Pct.#3

Toby Wilburn
Commissioner Pct.#4

WHEREUPON, the following ordinance was, upon motion by
Commissioner Lee Groce, duly seconded by Commissioner
Toby Wilburn, with all members of the Court present
voting "aye", and no members of the Court present voting "nay",
adopted, to-wit:

STATED PURPOSE

The purpose of this ordinance is to limit the maximum weights
to be moved on or over a county road, bridge, or culvert.
Provisions in this ordinance requiring operators of vehicles,
commercial vehicles, trailers, semitrailers, truck-tractors or
combinations of those vehicles, to notify the duly authorized
county authority of anticipated travel on or over county roads,
bridges, or culverts are adopted to insure the integrity of the
county road system.

1. Definitions

In this Ordinance:

(A) "Commercial motor vehicle" means a motor vehicle, other
than a motorcycle, designed or used for:

- (1) the transportation of property; or
- (2) delivery purposes.

(B) "Motor vehicle" means a vehicle that is self-propelled.

(C)"Semitrailer" means a vehicle without motive power that is designed or used with a motor vehicle, so that some of its weight and the weight of its load rest on or is carried by the motor vehicle.

(D)"Trailer" means a vehicle without motive power that is:

(1)designed or used to carry property or passengers on its own structure exclusively;

and

(2)drawn by a motor vehicle.

(E)"Truck-tractor" means a motor vehicle designed or used primarily for drawing another vehicle; or

(1)that is not constructed to carry a load other than a part of the weight of the vehicle and load being drawn; or

(2)that is engaged with a semitrailer in the transportation of automobiles or boats and that transports the automobiles or boats on part of the truck-trailer.

(F)"Vehicle" means a mechanical device, other than a device, moved by human power or used exclusively upon stationary rails or tracks, in or by which a person or property can be transported on a public highway. The term includes a motor vehicle, commercial motor vehicle, truck-tractor, trailer or semitrailer, but does not include manufactured housing as defined by the Texas Manufactured Housing Standards Act (Art.5221f, Vernon's Texas Civil Statutes).

2.

BE IT ORDERED by the County of Liberty, State of Texas, that no vehicles, commercial vehicles, trailers, semitrailers, truck-tractors or combination of vehicles shall operate on any county road with a gross maximum overall weight on a group of two or more consecutive axles in excess of 58,420 pounds.

3.

BE IT ORDERED by the County of Liberty, State of Texas, that no vehicle or combination of vehicles shall operate on any county bridge in excess of the posted weight restrictions for that bridge.

4.

The Commissioners of Liberty County, or their designated authority, may issue permits for the transportation of commodities which cannot be reasonably dismantled over county roads of said Precinct, (other than state highways and public roads within the boundaries of an incorporated municipality).

5.

BE IT ORDERED by the County of Liberty that all vehicles, commercial vehicles, trailers, semitrailers, truck-tractors or combination of vehicles who travel on Liberty County roads with a gross weight in excess of 58,420 pounds shall be required to register annually with the Liberty County License and Weight Division and be issued a permit. This permit shall have the following requirements:

- a) is valid for one year
- b) must be carried in the vehicle for which it is issued; and
- c) does not supersede weight limit restrictions enforced on the national or state system of interstate and defense highways in this state.

When the Liberty County License and Weight Division issues a permit, the division shall issue a sticker to be placed on the front windshield of the vehicle above the inspection certificate issued to the vehicle. The sticker must:

- a) indicate the expiration date of the permit; and
- b) be removed from the vehicle when:

- 1)the permit for operation of the vehicle expires;
- 2)a lease of the vehicle expires; or
- 3)the vehicle is sold.

6.

The Commissioner of each Precinct, in his discretion, may require a bond to be executed by an applicant in an amount sufficient to guarantee the payment of any damage to any road or bridge sustained as a consequence of the transportation authorized by the permit.

7.

Any private or commercial operation with projected heavy usage on a specific county road is required to notify the County Commissioner of the Precinct prior to start up and obtain a road use agreement. All private individuals or companies shall comply with 48 hours prior notice to the respective commissioner of the precinct where work is to be done. The failure of any private individual or contractor to notify the appropriate Commissioner or duly authorized authority shall be grounds for revoking a permit.

8.

A motor carrier who violates any provision of the Liberty County Permit Ordinance may have his permit(s) revoked by authority given to the license and weight officer by the Commissioner's Court. A motor carrier who has his permit(s) revoked by the provision of this Ordinance may request an administrative hearing in writing to the County Commissioner's Court within twenty (20) days of the revocation of his permits. The administrative hearing shall take place in the County Commissioner's Court within thirty (30) days of receipt of the request.

9.

It shall be unlawful to drive, operate or move, on any county road of Liberty County, any vehicle which in any respect exceeds the limitations set forth above without holding a valid permit and/or road use agreement.

10.

A person commits an offense if the person operates a vehicle, commercial vehicle, trailer, semitrailer, truck-tractor or combination of vehicles in excess of the weight limit of 58,420 pounds and/or in excess of the posted weight restrictions on county bridges, and shall be guilty of a misdemeanor punishable by a fine:

a)not to exceed \$50.00

b)if it is shown that the individual, owner, corporation or association has been previously convicted one time of violating the ordinance, the fine shall not exceed \$200.00.

c)if it is shown that the individual, owner, corporation or association has been previously convicted two times of violating the ordinance, the offense is punishable by:

1) the fine shall not exceed \$500.00

2)confinement in the county jail for a term not to exceed 60 days; or

3)both the fine and confinement."

11.

All provisions of the Ordinance shall be operative immediately as permitted by law upon the posting of load limit signs. The Ordinance shall be operative as permitted by law on the 14th day of May, 2001.

LIBERTY COUNTY COMMISSIONER'S COURT

LLOYD KIRKHAM COUNTY JUDGE

TODD FONTENOT, COMM.PCT.#1


LEE GROCE, COMM.PCT.#2


MELVIN HUNT, COMM.PCT.#3

TOBY WILBURN, COMM.PCT.#4

ATTEST:


DELIA SELLERS, COUNTY CLERK