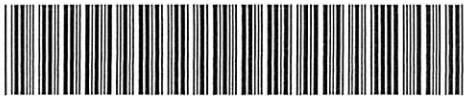


ZAPATA COUNTY
Mary Jayne Villarreal-Bonoan
COUNTY CLERK
Zapata, Tx 78076



70 2011 00161736

00161736

Instrument Number: 2011-00161736

As

Recorded On: April 01, 2011

No Fee Recording

Parties: ZAPATA COUNTY ORDINANCE

To ORDINANCE LOAD LIMIT

Number of Pages: 4

Comment: LOAD LIMIT FOR STREETS

(Parties listed above are for Clerks reference only)

**** Examined and Charged as Follows: ****

No Fee Recording	0.00
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Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY because of color or race is invalid and unenforceable under federal law.

File Information:

Record and Return To:

Document Number: 2011-00161736
Receipt Number: 9971
Recorded Date/Time: April 01, 2011 08:56:46A
Book-Vol/Pg: BK-OR VL-889 PG-632
User / Station: B Bravo - Cash Station 1

ZAPATA COUNTY
HOLD FOR COUNTY CLERK
ZAPATA TX 78076



State of Texas |
County of Zapata

I hereby certify that this instrument was filed for record in my office on the date and time stamped hereon and was recorded on the volume and page of the named records of Zapata County, Texas.

Mary Jayne Villarreal Bonoan
Mary Jayne Villarreal-Bonoan, County Clerk

AN ORDINANCE FOR THE FALCON LAKE AREA OF THE COUNTY OF ZAPATA, TEXAS, ESTABLISHING LOAD LIMITS ON COUNTY STREETS; PROVIDING FOR A PERMIT PROCEDURE FOR OVERWEIGHT TRUCKS; PROVIDING FOR TRUCK ROUTES AND FOR LOADING AND UNLOADING; ESTABLISHING EXCEPTIONS; PROVIDING ENFORCEMENT PROCEDURES AND DEFINITIONS; AND PROVIDING FOR A PENALTY.

WHEREAS, the County of Zapata is authorized to exercise "Type A" general law ordinance making powers pursuant to Section 81.033 of the Texas Local Government Code and by virtue of the approval at an election for that purpose;

WHEREAS, the County of Zapata was granted certain land development and zoning powers by the Texas Legislature by the passage of Senate Bill 63 during the 80th legislative session by the addition of Subchapter L to Chapter 231 of the Texas Local Government Code, which Subchapter L applies to the unincorporated area of Zapata County located within 25,000 feet of:

- 1) the project boundary line for Falcon Lake; and
- 2) the Rio Grande.

WHEREAS, streets within the Falcon Lake Area of the County of Zapata, are not designed for trucks carrying heavy loads and damage to County streets often results;

WHEREAS, trucks carrying heavy loads create public safety concerns for the County; and

WHEREAS, the public safety and welfare, will be benefited by the regulation of overweight trucks within the County.

NOW THEREFORE, BE IT ORDAINED BY THE COUNTY COMMISSIONERS OF THE COUNTY OF ZAPATA, TEXAS:

SECTION ONE (1): DEFINITIONS.

For the purpose of this section, the following terms, phrases, words and their derivations shall have the following meanings given herein:

FALCON LAKE AREA shall mean the area in the County of Zapata, Texas as previously described in this ordinance.

PERSON shall mean any person, firm, partnership, association, corporation, company or organization of any kind.

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TRUCK shall mean any vehicle designed or operated for the transportation of property, and whose payload rating is over one (1) ton.

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SECTION TWO (2): LOAD LIMITS.

It shall be unlawful for any person to operate any truck on any public street or right-of-way in the Falcon Lake Area, other than on state highways, which has a gross weight in excess of 50,000 pounds unless permitted by the Commissioners Court of Zapata County to do so. In the event a permit is required, an indemnity bond may be required to be posted with the County Judge to cover possible damage to its streets, bridges, culverts or drainage easements, which may be damaged by the moving of said excessive weight loads over and along these streets.

The indemnity bond of no less than \$50,000.00 shall remain in force and effect for ninety (90) days from the initial execution date of the permit. The amount of the bond shall be determined by guidelines established by the County Judge with reasonable consideration of the type of vehicle, the amount of excess weight, the distance to be traveled on the streets and the condition of the streets to be traveled.

SECTION THREE (3): OVERSIZE/OVERWEIGHT PERMIT.

A permit may be issued under the direction of the County Judge or his designee for the travel of trucks over Falcon Lake Area streets within Zapata County with loads in excess of the load limits provided in Section 2, but only when it is impossible or impractical to reduce the weight of the load or use a truck capable of hauling the load within the prescribed limit.

Such permit shall be issued for a maximum period of ninety (90) days. The County Judge shall determine route of travel of said truck and the amount of the bond, if any, but the amount shall not be less than \$50,000.00. The permit shall specify the date of the trip, the license plate number of the truck and the route of travel. A permit fee of \$10.00 for the issuance of the permit shall be paid to the County Judge by the applicant prior to issuance.

SECTION FOUR (4): TRUCK ROUTES.

All trucks shall confine their travel within the Falcon Lake Area to the designated "truck route".

SECTION FIVE (5): LOADING AND UNLOADING.

In the event that a truck must completely or partially load and/or unload at a point which does not lie on a designated truck route, the truck may proceed to and from such points of loading and/or unloading, providing that the truck follows the shortest route from a designated truck route to and from each point of loading or unloading or otherwise as may be specified by the County Judge.

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SECTION SIX (6): EXCEPTIONS.

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This section shall not prohibit:

The operation of emergency vehicles upon any street in the Falcon Lake Area.

The operation of trucks owned or operated by Zapata County, or contracted by the County, upon any street in the Falcon Lake Area.

The operator of any tractor by a resident in transit between his or her home and place of employment.

SECTION SEVEN (7): ENFORCEMENT OF SECTION; WEIGHING.

Zapata County shall keep and maintain accurate maps setting out truck routes and streets upon which truck traffic is permitted. The maps shall be kept on file at the County hall and police department and shall be made available to the public. The County Sheriff shall have the authority to require any person driving or in control of a truck to proceed to any public or private scale available for the purpose of weighing and determining whether this ordinance has been complied with. Upon such weighing, if it is determined that the truck so weighed is in excess of the load limit, then the cost of such weighing shall be immediately due and payable by the operator of such truck and such truck may be lawfully detained by the police department until such charge has been paid. In the event that the weight of such truck is not in excess of the load limit, any charges for weighing shall be paid by the County. Any charge for weighing under the terms of this section shall be in addition to any fine imposed for a violation of its provisions.

SECTION EIGHT (8): PENALTY.

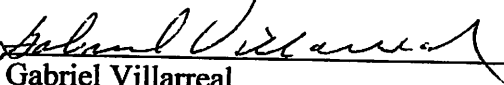
A person violating any provision of this ordinance shall be found guilty of a misdemeanor and shall be punished by a fine not to exceed five hundred dollars (\$500.00) upon conviction.

SIGNED and APPROVED on the 28th day of January, 2008.

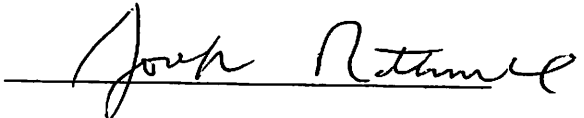
Rosalva Guerra
Zapata County Judge




Jose E. Vela
County Commissioner, Pct. 1



Gabriel Villarreal
County Commissioner, Pct. 2



Joseph Rathmell
County Commissioner, Pct. 3



Norberto Garza
County Commissioner, Pct. 4

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