

**ORDINANCE NO. 2017-\_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS AMENDING SECTION 82.128 OF THE SAN MARCOS CITY CODE TO CLARIFY THE EXCEPTIONS ALLOWING LARGE COMMERCIAL TRUCKS WEIGHING MORE THAN ONE TON TO DEVIATE FROM ESTABLISHED TRUCK ROUTES; AND PROVIDING AN EFFECTIVE DATE.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS:**

**SECTION 1.** Section 82.128 of the San Marcos City Code is hereby amended as set forth below (Added text is indicated by underlining. Deleted text is indicated by ~~strikethroughs~~.)

**Sec. 82.128. Departure from routes.**

(a) The operator of a vehicle restricted to truck routes under this division may depart from these routes under the following conditions:

- (1) When departure is necessary to reach a terminal or to load or unload materials at a location situated off the applicable route and such departure follows the shortest practical route consistent with the reasonable operation of the vehicle; and
- (2) ~~When departure follows the shortest practical route consistent with the reasonable operation of the vehicle; and~~
- (3) The operator of the vehicle keeps in the operator's possession a log book, delivery slips or other evidence of the operator's destination and point of origin.

(b) The operator shall allow a police officer, upon request, to inspect the log book, delivery slips or other evidence of the operator's destination and point of origin.

**SECTION 2.** If any word, phrase, clause, sentence, or paragraph of this ordinance is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this ordinance will continue in force if they can be given effect without the invalid portion.

**SECTION 3.** All ordinances and resolutions or parts of ordinances or resolutions in conflict with this ordinance are repealed.

**SECTION 4.** This ordinance will take effect after its passage, approval and adoption on second reading.

**PASSED AND APPROVED** on first reading on May 16, 2017.

**PASSED, APPROVED AND ADOPTED** on second reading on June 6, 2017.

John Thomaides  
Mayor

Attest:

Approved:

Jamie Lee Case  
City Clerk

Michael J. Cosentino  
City Attorney