

ORDINANCE NO. O-2022-384

AN ORDINANCE REPEALING ROUND ROCK CODE OF ORDINANCES (2018 EDITION,) VOLUME II, CHAPTER 42, ARTICLE II, TRAFFIC REGULATIONS, DIVISION 14, AUTOMATED RED-LIGHT ENFORCEMENT AND REPLACING IT WITH DIVISION 14, NON-RADIOACTIVE HAZARDOUS MATERIALS ROUTES; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROUND ROCK,
TEXAS:**

ARTICLE I.

That Volume II, Chapter 42, Article II, Traffic Regulations, Division 14, Automated Red-Light Enforcement (2018 Edition), City of Round Rock, Texas, is hereby repealed.

ARTICLE II.

That Volume II, Chapter 42, Article II, Traffic Regulations, Division 14, Non-Radioactive Hazardous Materials Routes (2018 Edition), City of Round Rock, Texas, is hereby adopted to read as follows:

DIVISION 14. NON-RADIOACTIVE HAZARDOUS MATERIALS ROUTES

Sec. 42-415. Applicability.

This Division applies to the transportation of Non-Radioactive Hazardous Materials (NRHM) within the corporate boundaries of the city.

Sec. 42.416. Definitions.

- (a) *Local Delivery* means delivery of NRHM material that originates within the corporate boundaries of the city or is bound for delivery within the corporate boundaries of the city.
- (b) *Non-Radioactive Hazardous Materials* (NRHM) means non-radioactive materials classified as hazardous by the United States Department of Transportation.
- (c) *NRHM Transportation* means motor vehicle transportation of NRHM in such quantities that the vehicle is required to carry and exhibit placards pursuant to the Code of Federal Regulations.

- (d) *NRHM Vehicle* means a motor vehicle transporting NRHM subject to this Division.
- (e) *Terminal, City means* a business or location within the city corporate boundaries that serves as a point of origination or receipt for shipments of NRHM.
- (f) *Vehicle Requiring Placards* means a NRHM Vehicle transporting NRHM subject to this Division.

Sec. 42.417. Transportation of NRHM.

A person commits an offense if that person transports, contracts, arranges, or participates in the transporting, contracting, or arranging the transporting of NRHM unless the destination or point of departure is a City Terminal and the transport is in compliance with this Division.

Sec. 42.418. Routes for Local Delivery.

- (a) While making local deliveries, a person commits an offense if that person shall fail to use the safest route available by the use of the highest classified roadway as classified in subsection (b) below, when a NRHM Vehicle is carrying NRHM unless the destination or point of departure is a City Terminal and the transport is in compliance with this Division.
- (b) The Federal Highway Administration (FHWA) classification of roadways from highest to lowest is as follows:
 - (1) designated Interstate Highway;
 - (2) designated United States Highway;
 - (3) designated State Highway;
 - (4) other designated Freeways and Expressways;
 - (5) principal arterial street (roadways providing a high degree of mobility and serving long distance trips);
 - (6) minor arterial street (roadways serving moderate length trips);
 - (7) collector Street (roadways serving short length trips from arterial to local streets); and
 - (8) local street (roadways providing the highest degree of access and lowest mobility).

Sec. 42.419. Routes for Through Traffic.

- (a) A person commits an offense if that person transports NRHM within the city on a route other than only on SH 45 between the west city limits and the east city limits.
- (b) It is an affirmative defense to a charge for violation of subsection (a) above that the departure from the permissible route is because:
 - (1) the vehicle in question is immediately and directly destined for a location providing food, fuel, rest, safe haven, or repair; or
 - (2) the vehicle is using access, frontage, or intersecting roadways as needed to enter and leave the location providing food, fuel, rest, safe haven or repair.

Sec. 42.420. Placard Requirements.

A person commits an offense if that person operates a NRHM Vehicle and fails to apply and display appropriate placards meeting United States Department of Transportation specifications on each end and on each side of the vehicle.

Sec. 42.421. Vehicle Inspection Requirements.

- (a) A person commits an offense if that person operates a NRHM Vehicle without inspecting the vehicle to determine that:
 - (1) the brakes and tires are in good working condition;
 - (2) the steering mechanism is in good working condition;
 - (3) the electrical wiring is well insulated and firmly secured; and
 - (4) the vehicle is in a condition adequate to safely transport hazardous materials.

Sec. 42.422. Empty vehicles.

- (a) Subject to Subsection (b), this Division does not apply to an empty vehicle that has been used previously to transport NRHM.
- (b) A vehicle that has transported NRHM in bulk packaging, or in any other type of container, and that is required to be placarded pursuant to the Code of Federal Regulations shall remain placarded when it is empty unless it is:
 - (1) sufficiently cleaned of residue and purged of vapors to remove any potential hazard; or
 - (2) refilled with a material requiring different placards or no placards, to such an extent that any residue remaining in the packaging is no longer hazardous.

Sec. 42.423. Offense for use of Prohibited Routes.

A person commits an offense if that person transports, arranges to transport, or contracts for the transport of NRHM on any public roadway or street designated as a prohibited NRHM route.

Sec. 42.424. Emergency Response Vehicle Carrying Fuel.

It shall be permissible, and it is an affirmative defense to a violation of this Division that the person operating the NRHM Vehicle is transporting fuel directly to the scene of an emergency, or for a public emergency purpose, specific to the function of fueling equipment used to respond to or address the emergency.

Sec. 42.425. Prohibited Parking and Standing.

- (a) A person shall not permit a NRHM Vehicle to park or stand at any location within the city, except for the purposes of loading or unloading.
- (b) This section does not apply to:
 - (1) vehicles parked in designated truck parking areas of locations providing food, fuel, rest, safe haven, or repair; or
 - (2) vehicles parked in the parking areas of businesses engaged in the transportation, storage, or production of hazardous materials.

Sec. 42.426. Penalty; Other Remedies.

- (a) The City Council has determined that this Division governs the public health and safety, and therefore the violation of any of the provisions of this Division shall constitute an offense punishable by a fine of not less than five hundred dollars (\$500.00) and not to exceed two thousand dollars (\$2,000.00).
- (b) The city shall be entitled to pursue all remedies, at law and in equity, including, but not limited to injunctive relief, with attendant civil penalties as may be provided under state statute, which remedies shall be cumulative of the criminal laws, none of which shall be mutually exclusive of the other.

ARTICLE III.

A. All ordinances, parts of ordinances, or resolutions in conflict herewith are expressly repealed.

B. The invalidity of any section or provision of this ordinance shall not invalidate other sections or provisions thereof.

C. The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Ordinance was adopted was posted and that such meeting was open to the public as required by law at all times during which this Ordinance and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

READ and **APPROVED** on first reading this the _____ day of _____, 2022.

READ, APPROVED and **ADOPTED** on second reading this the _____ day of _____, 2022.

CRAIG MORGAN, Mayor
City of Round Rock, Texas

ATTEST:

MEAGAN SPINKS, City Clerk