

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF DENTON AUTHORIZING THE CITY MANAGER TO EXECUTE AN INTERLOCAL COOPERATION CONTRACT IN THE FORM OF A MEMORANDUM OF UNDERSTANDING WITH THE STATE OF TEXAS, TEXAS DEPARTMENT OF PUBLIC SAFETY, AUTHORIZING THE DENTON POLICE DEPARTMENT TO PERFORM UNIFORM COMMERCIAL VEHICLE WEIGHT INSPECTIONS AND ENFORCEMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Texas Government Code Chapter 791, Interlocal Cooperation Contracts, the City wishes to establish through a Memorandum of Understanding (MOU) with the State of Texas, Texas Department of Public Safety, the parameters for the enforcement of state laws on uniform commercial vehicle weight enforcement within the Texas Transportation Code Chapter 621, Subchapter F; and

WHEREAS, this MOU specifies responsibilities of the City and the Texas Department of Public Safety, including but not limited to approved state training, certification requirements, approved scale use, annual scale re-calibration, violation report requirements, and mandated reporting; and

WHEREAS, the City believes that this MOU is in the best interests for the safety of the citizens of the City of Denton, and that a valid government purpose is served by said designation; NOW, THEREFORE,

THE COUNCIL OF THE CITY OF DENTON HEREBY ORDAINS:

SECTION 1: The findings and recitations contained in the preamble of this Ordinance are incorporated herein by reference.

SECTION 2: The City Manager, or their designee, is hereby authorized to execute the Memorandum of Understanding on behalf of the City of Denton with the State of Texas, Texas Department of Public Safety, authorizing the Denton Police Department to perform commercial motor vehicle inspections and enforcement, which is attached hereto as Exhibit "A," made a part hereof by reference and is hereby approved.

SECTION 3: That this Ordinance shall become effective immediately upon its passage and approval.

The motion to approve this Ordinance was made by _____ and seconded by _____; this Ordinance was passed and approved by the following vote [___ - ___]:

	Aye	Nay	Abstain	Absent
Mayor Gerard Hudspeth:	_____	_____	_____	_____
Vicki Byrd, District 1:	_____	_____	_____	_____
Brian Beck, District 2:	_____	_____	_____	_____
Suzi Rumohr, District 3:	_____	_____	_____	_____
Joe Holland, District 4:	_____	_____	_____	_____
Brandon Chase McGee, At Large Place 5:	_____	_____	_____	_____
Jill Jester, At Large Place 6:	_____	_____	_____	_____

PASSED AND APPROVED this the _____ day of _____, 2025.

GERARD HUDSPETH, MAYOR

ATTEST:
LAUREN THODEN, CITY SECRETARY

BY: _____

APPROVED AS TO LEGAL FORM:
MACK REINWAND, CITY ATTORNEY

BY: Michael L. Cing

"Exhibit A"
MEMORANDUM OF UNDERSTANDING

Between

DEPARTMENT OF PUBLIC SAFETY OF THE STATE OF TEXAS (DPS)

and

City of Denton (Allied Agency)

I. General Agreement

In accordance with Texas Transportation Code § 621.402, DPS has established parameters for approved Allied Agencies seeking to enforce Texas Transportation Code Chapter 621, Subchapter F. In order to maximize the uniform enforcement of statute, the parties enter into this Memorandum of Understanding (MOU) regarding training, approved scale use, annual scale re-calibration standards, violation report requirements, and mandated annual reporting.

II. DPS Responsibilities

In order to better implement and maintain the standards in this MOU, DPS will:

1. Train, retrain (as necessary or desirable), test, and certify the officers of any qualified Allied Agency.
2. Forward any weight enforcement complaints or challenges to the issuing Allied Agency.
3. Supply software necessary for the data entry of all inspection information on a cost recovery basis to Allied Agencies.

DPS may conduct random, in-person observation of weight enforcement inspections conducted by an Allied Agency in order to ensure that Allied Agency's officers are adhering to DPS certification standards.

III. Allied Agency Responsibilities

A. Certification Training

Allied Agency must enroll their commissioned, full-time officers in the 40 hour, Basic CVE course conducted at the direction of the DPS Motor Carrier Bureau. A commissioned officer must obtain 80% or better to become certified as a "weight enforcement officer." After initial certification, mandated re-certification training will take place following each legislative session. Weight enforcement officers must obtain 80% or better to maintain certification. DPS will immediately suspend any officer who fails to re-certify and Allied Agency must prohibit that officer from conducting or assisting with any weight enforcement activities.

Allied Agency may discontinue agency certification at any time by notifying DPS in writing. If a certified officer separates from an Allied Agency, Allied Agency must notify DPS within ten days.

B. Application of Statute and Allied Agency Requirements

1. During the course of duty, an Allied Agency weight enforcement officer must adhere to the "reasonable suspicion" requirements in weighing a commercial motor vehicle as inferred by Transportation Code § 621.402. There must be an articulable reason to detain a vehicle prior to utilizing any type of approved scale to determine actual weight. A fixed location signaling all commercial traffic to enter a weight

enforcement site is in direct conflict with this mandate.

2. Allied Agency will only conduct weight inspections while an officer is on-duty. Allied Agency may not perform inspections at any time for the specific purpose of benefitting a carrier, whether onsite or offsite (such as a roadside or at a principal place of business). Compensation for weight inspections of any kind is prohibited.
3. Officers sent for training by the Allied Agency must be full-time employees of the Allied Agency carrying their TCOLE commission. Officers will not serve as weight enforcement officers or carry out weight enforcement duties for any other agency or elected county official (other than the Sheriff of the Allied Agency, where applicable) during the time they are employed and commissioned by Allied Agency.

C. Approved Scales

Allied Agency must purchase and use scales from the approved Scale List found at the following URL: <http://www.dps.texas.gov/cve/Publications/approvedScaleList.pdf>. Allied Agency must re-calibrate the approved scales during each calendar year by a certified scale technician or vendor. Allied Agency must retain all individual scale calibration records for the current year plus the two previous years. These records are subject to review during contested judicial proceedings or any DPS audit.

D. Weight Inspection Reports & Upload

Allied Agency must purchase hardware and software to conduct weight inspections in order to upload the reports to DPS. Allied Agency may only issue DPS authorized weight inspection reports.

E. Annual Reporting Requirements

Allied Agency must submit an annual report of its weight enforcement activities for each calendar year to DPS. Allied Agency must send the report to the Motor Carrier Bureau in Austin, Texas by January 31 of each year for the prior year's enforcement activities. The annual reporting requirements under this Section will survive the termination date of this MOU.

F. Statutory Financial Reporting and Remittance Requirements

Allied Agency must comply with Transportation Code § 621.506(g) and report that data to DPS.

This includes: (1) sending the required 50 percent share to the State of Texas's Comptroller of

Public Accounts (CPA) if the fine meets the statutory criteria; and (2) only imposing the minimum

dollar fine unless the vehicle's weight was determined by a scale given or approved by DPS. DPS will confirm fiscal standing with CPA before renewing an MOU with Allied Agency.

IV. Termination of Certification

***** UNLESS RENEWED, THIS MOU WILL EXPIRE ON AUGUST 1, 2027 *****

To prevent a loss of authority to conduct weight enforcement inspections, please email DPS with your renewal request between the 60th and 30th day prior to the expiration of your current MOU. If the Allied Agency does not sign the renewal and mail it in to DPS before its current MOU expiration date, certified officers must cease performing all weight enforcement activities, until DPS receives the new fully executed MOU.


1. DPS may issue a warning to Allied Agency if Allied Agency fails to comply with MOU requirements in such a way that DPS deems that the weight enforcement action being taken is contrary to established training and statute. Failure to immediately correct any compliance issue or comply with the required remittance of assessed fines to the Comptroller of Public Accounts may result in the termination of the established MOU and the decertification of Allied Agency.
2. DPS may decertify the Allied Agency if the agency does not have a certified officer within one year of joining the MCSAP program and if an agency no longer has certified officers due to promotion, retirement, resignation or transfer they must certify an officer within one year of last officer's removal date.


V. Program Coordinators and Signatory Acceptance

Allied Agency's weight enforcement coordinators are responsible for all communications and contacts required to manage this MOU. The coordinators must provide any updates regarding contact information within 30 calendar days.

DPS Program Coordinator:

Captain Richard Reid
THP Motor Carrier Bureau
P.O. Box 4087
Austin, Texas 78773-0522
Phone: (512) 424-2053
Fax: (512) 424-5712
Richard.Reid@dps.texas.gov

Allied Agency Program Coordinator (name and title here) 
Insert address 4111 Vintage Blvd. Denton, TX 76226
Insert phone, fax, and email (940) 349-7992 - OFC (940) 349-7966 - Fax Jared.Raye@cityofdenton.com

Allied Agency Authorized Representative (name and title here) Jessica Robledo Chief of Police
Signature of Authorized Representative 
Date: 6.16.25