

ORDINANCE NO. 392

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS AMENDING CHAPTER 14, OF THE CODE OF THE CITY OF MESQUITE, TEXAS, 1960, BY AMENDING SECTION 14-3 SO AS TO PROVIDE FOR A CERTIFICATE OF A PHYSICIAN FOR VENDORS OF FOOD, BY AMENDING SECTION 14-6 SO AS TO PROVIDE FOR APPEALS WHEN PERMITS HAVE BEEN REVOKED, BY AMENDING SECTION 14-7 SO AS TO PROVIDE FOR THE REVOCATION OF PERMITS IN CASE OF VIOLATIONS OF THE CODE, BY ADDING THERETO SECTION 14-8 SO AS TO PROHIBIT SOUND PRODUCING DEVICES BETWEEN THE HOURS OF 12:00 NOON TO 3:00 P.M. AND FROM 8:00 P.M. TO 8:00 A.M. AND MAKING IT AN OFFENSE SHOULD ANY SUCH SOUND BE AUDIBLE FOR A DISTANCE OF MORE THAN TWO HUNDRED (200) FEET, BY ADDING THERETO SECTION 14-9 SO AS TO REQUIRE VENDORS TO COMPLY WITH THE PARKING REGULATIONS OF THE CITY OF MESQUITE, BY ADDING THERETO SECTION 14-10 MAKING IT AN OFFENSE FOR VENDORS TO OPERATE IN ANY CONGESTED TRAFFIC AREA, PROVIDING FOR PENALTY NOT TO EXCEED TWO HUNDRED DOLLARS (\$200.00) FOR EACH OFFENSE; AND DECLARING AN EMERGENCY:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

Section 1. That Chapter 14, Section 14-3 of the Code of the City of Mesquite, Texas, 1960, be and the same is hereby amended by adding thereto the following sentence:

"Whenever such applicant is engaged in the sale of food, the applicant shall file with his application a statement by a reputable physician of Dallas County, Texas, dated not more than ten (10) days prior to the submission of the application, certifying that the applicant is free of infectious, contagious and communicable disease."

Section 2. That Chapter 14, Section 14-6 of the Code of the City of Mesquite, Texas, 1960, be and the same is hereby amended so as to read as follows:

"If the City Manager refuses to issue or revokes the permit required by Section 14-2, the applicant shall have the right to appeal to the City Council at its next regular meeting."

Section 3. That Chapter 14, Section 14-7 of the Code of the City of Mesquite, Texas, 1960, be and the same is hereby amended so as to read as follows:

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"If, after the permit provided for in this chapter has been issued, the City Manager or other official of the City finds that the permit was obtained by false representation in the application, or if the holder of the permit violates any of the provisions of this chapter, the permit may be revoked by the City Manager."

Section 4. That Chapter 14 of the Code of the City of Mesquite, Texas, 1960, be and the same is hereby amended so as to add thereto Section 14-8 as follows, to-wit:

"Section 14-8. That if bells, music boxes, radios or any other mechanical or electronic sound producing device is employed to attract patrons they shall not be operated so as to be audible for a distance of more than two hundred (200) feet in any direction. The sound producing devices mentioned herein shall not be used during the hours of 12 noon to 3:00 P.M. nor from 8:00 P.M. to 8:00 A.M."

Section 5. That Chapter 14 of the Code of the City of Mesquite, Texas, 1960, be and the same is hereby amended so as to add thereto Section 14-9 as follows, to-wit:

"Section 14-9. The vendors referred to herein shall comply with the parking regulations of the City of Mesquite when effecting sales and shall sell and deliver their products only from the curb side of their vehicles."

Section 6. That Chapter 14 of the Code of the City of Mesquite, Texas, 1960, be and the same is hereby amended so as to add thereto Section 14-10 as follows, to-wit:

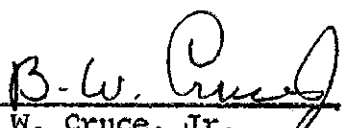
"Section 14-10. No mobile vendor shall have any exclusive right to any location in the public streets of the City of Mesquite, nor shall any be permitted a stationary location, nor shall be permitted to operate in any congested area where his operations might impede or inconvenience the public."

Section 7. Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction in the Corporation Court shall be subject to a fine not to exceed Two Hundred Dollars (\$200.00) for each offense.

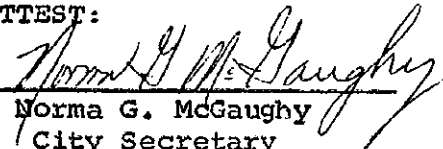
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Section 8. Whereas, there are no adequate regulations of the City of Mesquite, Texas regulating the sale of food or food products by mobile vendors, peddlers or solicitors, creates an urgency and emergency and in the preservation of public business, health, safety and welfare requires that this ordinance shall take effect immediately after its passage and the publication of the caption sheet, as the law and charter in such cases provides.

DULY PASSED BY THE CITY COUNCIL OF THE CITY OF MESQUITE,
TEXAS on the 18th day of September, 1961.


B. W. Cruce, Jr.
Mayor

ATTEST:


Norma G. McGaughy
City Secretary