

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, REGULATING THE OPERATION OF COMMERCIAL MOTOR VEHICLES ON THE PUBLIC STREETS; DEFINING TERMS; REQUIRING COMMERCIAL MOTOR VEHICLES IN INTER-CITY TRAVEL TO BE OPERATED ONLY ON TRUCK ROUTES; REQUIRING COMMERCIAL MOTOR VEHICLES WITH POINT OF ORIGIN OR DESTINATION INSIDE THE CITY TO BE OPERATED ONLY ON TRUCK ROUTES; PROVIDING EXCEPTIONS; DESIGNATING CERTAIN STREETS AS TRUCK ROUTES; AUTHORIZING THE DIRECTOR OF PUBLIC WORKS TO ERECT APPROPRIATE MARKERS AND TO DESIGNATE TEMPORARY ROUTES; EXEMPTING EMERGENCY VEHICLES, AND VEHICLES OPERATED IN THE CONSTRUCTION OR MAINTENANCE OF ANY PUBLIC UTILITY; AND PUBLIC SERVICE EQUIPMENT; PROHIBITING TRUCK TRAFFIC IN AND THROUGH PUBLIC PARKS; PROVIDING PENALTIES; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

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

SECTION 1. DEFINITIONS - The following words and phrases, when used in this Ordinance, shall for the purpose of this Ordinance, have the meanings respectively ascribed to them in this section as follows:

"Vehicle" Every mechanical device, in, upon, or by which any person or property is or may be transported or drawn upon a public highway, including motor vehicles, truck-tractors, and semi-trailers, severally, as hereinafter defined, but excepting devices moved by human power or used exclusively upon stationary rails or tracks.

"Motor Vehicle" Every vehicle as herein defined, which is self-propelled.

"Commercial Motor Vehicle" Any motor vehicle designed or used for the transportation of property, not including a passenger bus, passenger automobile, panel delivery truck or pickup truck.

"Truck-Tractors" Every motor vehicle designed or used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

"Trailer" Every vehicle without motive power designed or used for carrying property or passengers wholly on its own structure and to be drawn by a motor vehicle.

"Semi-Trailer" Every vehicle of the trailer type so designed or used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests upon or is carried by another motor vehicle.

"Mobile Home" A living quarters equipped and used for sleeping and eating which may be moved from one location to another over a public street by being pulled behind a motor vehicle.

"Pole Trailer" Every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach, or pole, or by being boomed, or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes, or structural members capable, generally, of sustaining themselves as beams between the supporting connections.

SECTION 2. No person shall operate or cause to be operated any commercial motor vehicle, truck-tractor, trailer, semi-trailer, pole trailer, or any combination thereof through the City of Mesquite in inter-city travel, without a local destination or point of origin, except upon such streets as are designated as Truck Routes by this ordinance.

SECTION 3.

- A. Except as otherwise provided herein, no person shall operate or cause to be operated upon any public street within the corporate limits of the City of Mesquite any commercial motor vehicle, truck-tractor, trailer, semi-trailer, pole trailer or any combination thereof except on such street or streets as are designated as Truck Routes; such vehicles shall be operated on a Truck Route wherever reasonably practicable; to fulfill the purpose for which such vehicle is then being operated.
- B. EXCEPTIONS - The provisions of this section shall not apply:
1. to a vehicle traveling to or from a truck terminal, garage, place of repair, place of performing a service, or a place of loading or unloading, over the shortest practicable route to a point on a Truck Route; any such vehicle shall be permitted to proceed

from one such point not on a Truck Route to another such point without returning to a Truck Route if to so return would unreasonably increase the distance to be traveled between such points; the operators of any such vehicles shall carry evidence of the location of its last stop and of its immediate destination in order for this exception to apply;

2. to emergency vehicles operating in response to any emergency call;
3. to vehicles operated by a public utility while crusing in an assigned area for the purpose of inspecting the facilities of said public utility and/or providing maintenance service to said facilities;
4. to vehicles operated for public service, ie, garbage pickup, street repair and water service.

SECTION 4.

- A. The following streets and parts of streets are designated "Truck Routes" under this ordinance.

<u>NAME OF STREET</u>	<u>LIMITS</u>
Interstate Highway 30	Between the East City Limits and West City Limits
Interstate Highway 20	Between the East and West City City Limits
Interstate Highway 635	Between the North City Limits and the South City Limits
Gus Thomasson Road	Between Town East Boulevard and the North City Limits
Town East Boulevard	Between Military Parkway and a point 2,400 feet East of I.H.635
Samuell Boulevard	Between the West City Limits and Town East Boulevard
Skyline Drive	Between Town East Boulevard and Peachtree Road
Peachtree Road	Between Skyline Drive and Gross Road
Gross Road	Between I.H.20 and Military Parkway

State Highway 352	Between the West and the East City Limits
Military Parkway	Between the West City Limits and Carmack Street
Davis Street	Between Carmack Street and State Highway 352
Bruton Road	Between Belt Line Road and Hickory Tree Road
Belt Line Road	Between South City Limits at Mesquite Creek and Bruton Road
Belt Line Road	Between the North City Limits and I.H.20

- B. The Director of Public Works or such other person designated by the City Manager shall erect appropriate signs and markings to designate the Truck Routes.
- C. Whenever any street designated as a Truck Route is being repaired or is otherwise temporarily out of use, the Director of Public Works or such other person designated by the City Manager is hereby authorized to designate alternate Truck Routes for such period as might be necessary.

SECTION 5. Except as otherwise provided herein, it shall be unlawful and a violation of this ordinance for any person to drive, operate or move, and/or to cause or permit to be driven, operated or moved, on any public street within the corporate limits of the City of Mesquite, any commercial motor vehicle with or without load, contrary to any of the regulations contained in this Section.


SECTION 6. It shall be unlawful for any person to operate or cause to be operated any commercial motor vehicle upon any portion of any street within a public park in the City of Mesquite, except to perform a service within the park or for the purpose of loading or unloading within the park.

SECTION 7. Any person, firm, corporation or any agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not to exceed Two Hundred Dollars (\$200.00) for each offense.

SECTION 8. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance, and all of the remainder of this ordinance not so held to be unconstitutional shall continue to be in full force and effect.

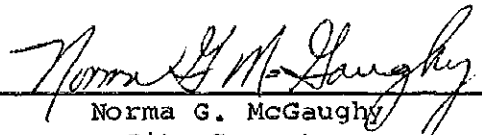
SECTION 9. The fact that the present ordinances of the City of Mesquite do not adequately provide for truck routes and the regulation of trucks within the City and the exercise of the Police Power is necessary in the protection of the public health, safety and welfare, creates an urgency and an emergency and requires that this ordinance shall take effect immediately from and after its passage and the publication of the caption of such ordinance as the law in such charter provides.

DULY PASSED by the City Council of the City of Mesquite, Texas, on the 5 day of April, A.D., 1971.


George Boyce
Mayor

ATTEST:

APPROVED AS TO FORM:


Norma G. McGaughy
City Secretary

Elland Archer
City Attorney

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