

ORDINANCE NO. 953

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AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE CITY OF MESQUITE FIRE PREVENTION CODE, ORDINANCE NO. 839 BY PROVIDING STANDARDS FOR THE CONSTRUCTION AND OPERATION OF GASOLINE DISPENSING STATIONS; PROHIBITING CERTAIN GASOLINE DISPENSING DEVICES; PROHIBITING CERTAIN SELF-SERVICE GASOLINE DISPENSING OPERATIONS; PROHIBITING CERTAIN OWNERS, OPERATORS AND ATTENDANTS FROM ALLOWING CERTAIN PERSONS TO INSERT OR REMOVE A GASOLINE DISPENSING NOZZLE INTO OR FROM A VEHICLE; BY PROVIDING DEFINITIONS FOR CERTAIN TERMS; BY PROVIDING THAT ORDINANCE 839 AND THE CODE OF THE CITY OF MESQUITE IN ALL OTHER RESPECTS SHALL REMAIN IN FULL FORCE AND EFFECT; BY PROVIDING A SEVERABILITY CLAUSE; BY PROVIDING FOR A PENALTY NOT TO EXCEED TWO HUNDRED DOLLARS (\$200.00) AND DECLARING AN EMERGENCY.

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

SECTION 1. That the following standards and requirements are established for the construction and operation of gasoline dispensing stations in order to eliminate certain hazards to the public:

- (1.) From and after the effective date of this ordinance no owner, operator or attendant of a premises shall cause or allow to be constructed or installed on such premises any dispensing device for the purpose of, or calculated to, or capable of dispensing gasoline or controlling the dispensation of gasoline from inside a building or from any location other than the pump from which the gasoline is dispensed.
- (2.) No owner, operator or attendant of a premises from which gasoline is dispensed, not so operating at the effective date of this ordinance, shall cause or allow any manner of self-service operation in the dispensing of gasoline.
- (3.) No owner, operator or attendant of a premises from which gasoline is dispensed, not so operating at the effective date of this ordinance shall allow any person not an owner, operator or attendant, to insert or remove a gasoline dispensing nozzle into or from a vehicle on such premises.

SECTION 2. Definitions - For the purpose of this ordinance the following terms are defined as follows:

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- (1.) Attendant - The term Attendant shall mean a regular employee as that term is commonly understood or an otherwise designated person retained or engaged in serving customers generally. While the payment of a fixed compensation or the withholding of social security tax shall not be a prerequisite to a person being termed an attendant, such facts may be considered in determining whether or not one is an attendant. An attendant may also be an operator.
- (2.) Operator - The term Operator shall mean a person in charge of a premises from which gasoline is dispensed or of some portion of the business operation thereon, whether all or any portion of the day and whether such person's authority is complete or partial, absolute or conditional and such term may include an attendant.
- (3.) Owner - The term owner shall mean a person having a proprietorship interest in the right of possession of the premises or of the business operation thereon rather than an interest in realty. Where the ownership is in a partnership or other form of multiple ownership, each partner or partial owner shall be considered an owner. Where the owner is a corporation each officer and each person in the chain of authority shall be considered an owner. The term owner may include the terms Attendant and Operator.
- (4.) Self-Service Operation - An operation wherein any portion of the servicing of vehicles is designed or calculated to be performed by the customer.

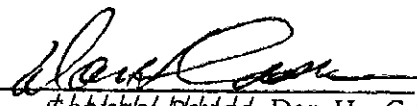
SECTION 3. Should any word, phrase, sentence, paragraph or section of this ordinance be held to be invalid or unconstitutional, the remaining provisions of this Ordinance shall remain in full force and effect.

SECTION 4. Any person, firm or corporation violating any of the provisions of this Ordinance shall be deemed to be guilty of a misdemeanor and upon conviction in the Municipal Court shall be subject to a fine not to exceed Two Hundred Dollars (\$200.00) for each offense.

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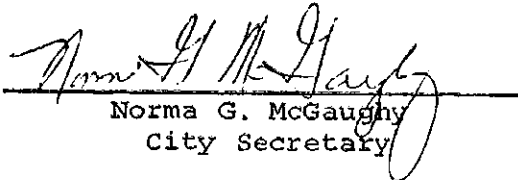
SECTION 5. The fact that the Code of the City of Mesquite, Texas, is inadequate for the necessary protection of the public comfort and general welfare, creates an urgency and an emergency for the preservation of the public health, safety and welfare and requires that this ordinance shall take effect immediately from its passage and publication as the law in such cases provides.

DULY PASSED by the City Council of the City of Mesquite, Texas, on the 7th day of June A.D., 1971.



~~Edith Boyd~~ Don H. Cook  
Mayor Pro Tem

ATTEST:

  
Norma G. McGaughey  
City Secretary

APPROVED AS TO FORM:

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Elland Archer  
City Attorney

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