

ORDINANCE NO. 1450

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS AMENDING CHAPTERS 9 AND 10 OF THE CODE OF THE CITY OF MESQUITE BY PROVIDING FOR A PENALTY FOR THE WILLFUL OR RECKLESS BREAKAGE OF GLASS PRODUCTS; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

WHEREAS, the breakage of glass products produces a hazard to the safety of persons and property; and

WHEREAS, the willful or reckless act of breaking glass products is the appropriate subject for a more severe penalty than is imposed for lesser degrees of littering of property;

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

SECTION 1. That Chapter 9 of the Code of the City of Mesquite is hereby amended by adding Sections 9-17 and 9-18 thereto to read as follows, in all other respects to remain in full force and effect:

"Sec. 9-17. General Penalty not applicable.

The general penalty provisions established by Code Section 1-6 shall not be applicable to the willful or reckless breaking of any glass, bottle, jar, or other glass product."

"Sec. 9-18. Breaking Glass Products

It shall be unlawful for any person to willfully or recklessly drop, throw, or otherwise propel any glass, bottle, jar, or other glass product which results in the breakage of the glass product upon any property other than his own or in an approved receptacle. A violation of this Section is punishable by a fine of not less than one hundred (\$100.00) nor more than two hundred (\$200.00) dollars."

SECTION 2. That Chapter 10 of the Code of the City of Mesquite is hereby amended by adding a Section 10-10.1.1 to read as follows, in all other respects to remain in full force and effect:

"Sec. 10-10.1.1. Throwing Glass From Vehicle

It shall be unlawful for any person while a

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ORDINANCE/PAGE 2

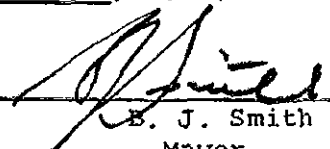
driver or passenger in a vehicle to willfully or recklessly drop, throw, or otherwise propel any glass, bottle, jar, or other glass product in such manner as to cause the breakage of the glass product upon any premises not the property of the actor or in an approved receptacle. The general penalty provision established by Code Section 1-6 shall not be applicable to an offense under this Section.

A violation of this Section is punishable by a fine of not less than One Hundred (\$100.00) nor more than Two Hundred (\$200.00) Dollars."

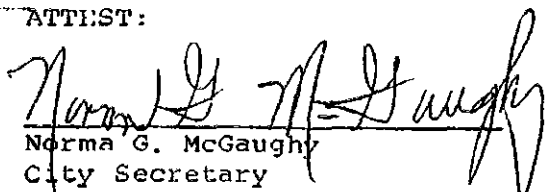
SECTION 3. That should any paragraph, sentence, clause, phrase, section or provision of this ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision hereof other than the part so decided to be unconstitutional, illegal, or invalid and shall not affect the validity of any other provision of the Code of the City of Mesquite.

SECTION 4. The fact that the City of Mesquite has no adequate ordinance regulating the willful and reckless breakage of glass products creates an urgency and an emergency and in the preservation of the public health, safety, and welfare of its citizens, requires that this ordinance shall take effect immediately from and after its passage and publication as the law in such case provides.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas this 21st day of August, A.D., 1978.


B. J. Smith
Mayor

ATTEST:


Norma G. McGaughy
City Secretary

APPROVED AS TO FORM:

Elland Archer
City Attorney