

ORDINANCE NO. 1471

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 10 OF THE CODE OF THE CITY OF MESQUITE, TEXAS, TO RESTRICT THE STOPPING, STANDING, OR PARKING OF ANY TRUCK-TRACTOR, ROAD-TRACTOR, TRAILER, SEMI-TRAILER, BUS OR COMMERCIAL MOTOR VEHICLE IN RESIDENTIAL OR GENERAL RETAIL ZONING DISTRICTS AND UPON ANY PUBLIC STREET, ALLEY, PARKWAY, BOULEVARD, OR PROPERTY OWNED OR CONTROLLED BY ANY UNIT OF GOVERNMENT, WITHIN THE CITY; PROVIDING FOR A PENALTY NOT TO EXCEED TWO HUNDRED (\$200.00) DOLLARS FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Sections 10-52 and 10-53 of the Code of the City of Mesquite, Texas, be amended to read as follows, in all other respects to remain in full force and effect:

SECTION 10-52. Parking of Commercial Vehicles-Generally.

It shall be unlawful for any person or any owner to leave, park, or stand any truck-tractor, road-tractor, trailer, semi-trailer, bus or any commercial motor vehicle upon any public street, alley, parkway, boulevard or property owned or controlled by any unit of government, provided, that this section shall not apply to street construction, maintenance and repair equipment, trucks, rollers and implements or to trucks, equipment, trailers and vehicles used by public service utility companies engaged in repairing or extending public service utilities or to motorbuses when taking on or discharging passengers at the customary bus stops or any other vehicles designated herein when actually parked at a designated loading zone in those areas of limited parking where loading zones are designated or where it is now lawful to park any commercial motor vehicle for the purpose of then accepting from the immediate shipper or then delivering to the consignee or addressee any transportable thing; provided further, that this section shall not apply to any vehicle defined or designated herein developing a mechanical defect after such vehicle has commenced the run, enroute, making it unsafe to proceed further, and in this event it shall be lawful to stand or park the vehicle during the time necessary to make emergency repairs.

SECTION 10-53. Same-Within Certain Zoning Districts

It shall be unlawful for any person or any owner to leave, park, or stand any truck-tractor, road-tractor, semi-trailer, bus, truck or trailer or any other commercial motor vehicle with a rated carrying capacity in excess of two (2) tons according to the manufacturer's classification, upon property within any area zoned as residential or general retail, according to the Zoning Ordinance of the City. This section shall not prevent the parking or standing of the above described vehicles in such zoned areas for the purpose of expeditiously loading and unloading passengers, freight, or merchandise, but not otherwise.

SECTION 2. That any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction therefor, shall be subject to a fine not to exceed two hundred (\$200.00) dollars for each offense.

SECTION 3. That should any word, sentence, clause, paragraph, 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 or adjudged to be unconstitutional, illegal, or invalid and shall not affect the validity of any other provision of the Code of the City of Mesquite, Texas.

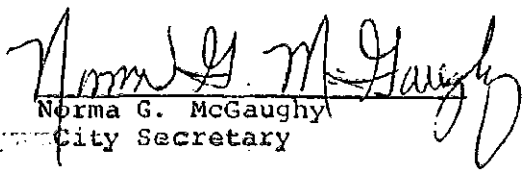
SECTION 4. The fact that present ordinances of the City of Mesquite regulating the stopping, standing, or parking of certain trucks, trailers, and other similar motor vehicles are inadequate to accomplish the purpose creates an urgency and an emergency for the preservation of the public health, safety, and welfare of its citizens and requires that this ordinance shall take effect immediately from and after its passage and the publication of the caption of said ordinance, as the law in such cases provides.

DULY PASSED by the City Council of the City of Mesquite, Texas, on the 20th day of November, A.D., 1978.


B. J. SMITH
MAYOR

ATTEST:

APPROVED AS TO FORM:


Norma G. McGaughy
City Secretary

Elland Archer
City Attorney