

ORDINANCE NO. 1968

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS,
AMENDING SECTION 10-53 OF THE CODE OF THE
CITY OF MESQUITE BY REGULATING THE PARKING
OF COMMERCIAL VEHICLES WITHIN THE CITY; BY
PROVIDING A SEVERABILITY CLAUSE; BY PROVIDING
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 Section 10-53 of the Code of the City of
Mesquite is hereby amended to read as follows, in all other
respects to remain in full force and effect:

SECTION 10-53. It shall be unlawful for any person or
any owner to leave, park or stand any truck-tractor, semi-
trailer, bus, truck or trailer or any other commercial
motor vehicle with a rated carrying capacity of two (2)
tons or more according to the manufacturer's classification,
upon property within any area zoned as residential, and
districts zoned "office," "general retail," "service station,"
"light commercial," "commercial," "central business district"
and those districts zoned "planned development" for uses other
than "industrial," according to the zoning ordinance of the
city. This section shall not prevent the parking or stand-
ing of the above-described vehicles in such zoned area for
the purpose of expeditiously loading and unloading passengers,
freight or merchandise, but not otherwise; and further pro-
vided that it shall be an affirmative defense to this section
that parking of commercial vehicles is at a lawfully zoned
business establishment, wherein such vehicles are utilized
as an integral part of said lawfully zoned business.

Any person having obtained a permit from the city, as pro-
vided herein, may lawfully park such vehicles under such
circumstances as may be provided in the terms of the permit.

SECTION 2. Definitions

1. Integral Part of a Lawfully Zoned Business. For purposes
of this ordinance shall mean, the operation of such vehicle to
deliver merchandise, transport tools, equipment and supplies
necessary to the operation of said business, and other uses
of said vehicles without which the operation of such business
would be substantially hindered. Remote and incidental uses
of such vehicles in connection with said business, such as
advertising and name exposure, shall not be deemed use as an
integral part of such business.

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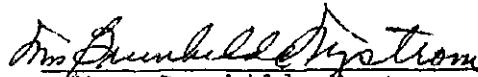
SECTION 3. Exceptions

The provisions of section 10-53 shall not apply to passenger busses parked on a parking lot in an area designated by the owner of the parking lot for the parking of busses, and with consent of the owner, in areas devoted to shopping centers or adjacent thereto.

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 final conviction in the Municipal Court shall be subject to a fine not to exceed Two Hundred Dollars (\$200.00) for each offense.

SECTION 5. The fact that the present ordinance of the City of Mesquite do not adequately regulate the parking of commercial vehicles within the city 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 and after its passage and publication of said ordinance, as the law in such cases provides.

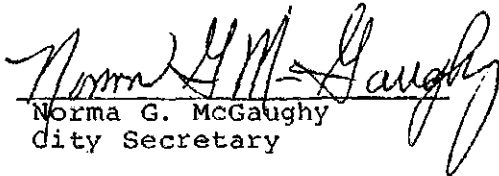
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 9th of January, A.D., 1984.



Mrs. Brunhilde Nystrom
Mayor

ATTEST:

APPROVED AS TO FORM:



Norma G. McGaughy
City Secretary

Elland Archer
City Attorney