

ORDINANCE NO. 1988

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 9 OF THE CODE OF THE CITY OF MESQUITE BY PROHIBITING THE DEPOSIT OF MATERIAL IN A COMMERCIAL CONTAINER BY UNAUTHORIZED PERSONS; BY PROVIDING FOR CERTAIN PRESUMPTIONS; 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 Chapter 9 of the Code of the City of Mesquite is hereby amended by adding a new Section 9.12.1 to read as follows; in all other respects to remain in full force and effect:

Section 9.12.1 Commercial Container Service-Use of Containers. In instances wherein commercial container service is provided as allowed under Section 9.7 of this Chapter the following provisions shall be applicable:

(a) It shall be unlawful for any person, other than the lessee or his authorized representative, to deposit, cause or allow to be deposited, any type of waste or other substance in a container wherein such container is posted with a notice prohibiting such action.

(b) Proof that a motor vehicle was utilized to transport such unauthorized material to a location wherein said material was unlawfully deposited in a commercial container as provided herein and that said vehicle was registered with the Texas Highway Department in the name of a particular person shall be prima facie proof, rebuttable as in other cases, that the registered owner thereof deposited and caused such material to be deposited in such container.

SECTION 2. 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 3. 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 4. The fact that the present ordinance of the City of Mesquite do not adequately regulate the commercial container service 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 20th of February, A.D., 1984.

Mrs. Brunhilde Nyström
Mrs. Brunhilde Nyström
Mayor

ATTEST:

APPROVED AS TO FORM:

Lynn Prugel
Lynn Prugel
City Secretary

Elland Archer
Elland Archer
City Attorney