

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING SECTION 11-17 OF THE CODE OF THE CITY OF MESQUITE BY DECLARING THE STORAGE OF INOPERABLE MOTOR VEHICLES ON CERTAIN PROPERTY A NUISANCE AND PROVIDING CERTAIN DEFINITIONS; BY PROVIDING FOR A SEVERABILITY CLAUSE; BY PROVIDING FOR A PENALTY NOT TO EXCEED TWO HUNDRED (\$200.00) DOLLARS FOR EACH OFFENSE; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 11-17 of the Code of the City of Mesquite is hereby amended as follows, in all other respects to remain in full force and effect:

It shall be unlawfull and a nuisance for any person to suffer and permit upon any real property owned, controlled or occupied by said person within the City of Mesquite for a period in excess of seven (7) days any motor vehicle in a condition such as to make it incapable of being operated or incapable of being lawfully operated upon the public streets and highways of the State of Texas or in a condition of partial dismantlement such as without a fender or fenders, hood, windshield or other major part hereof, though physically capable of being operated without such part unless such motor vehicle is screened from view on all sides by a solid wall or fence not less than six (6) feet high.

For the purpose of this ordinance "incapable of being lawfully operated upon the public streets and highways of the State of Texas" means a motor vheicle that to be operated thereon is required to be registered and licensed by the State but does not have a current license plate displayed; that is required to have a vehicle safety inspection but does not have a current vehicle inspection sticker; or any other condition that would

00188

make it unlawful to operate said vehicle upon the public streets and highways of the State except that lack of proof of liability insurance of such vehicle shall not be considered.

Where a vehicle is in one of the conditions described above and is located on real property owned or controlled by more than one party or is owned or controlled by a party other than the owner or person in control of such vehicle, in such case the owner or person in control of the real property and the persons or persons owning or having control of the vehicle both or all shall be deemed to be occupying the real property wherein such vehicle is situated and both or all parties shall be in violation of the foregoing provision.

SECTION 2. That all ordinances, or portions thereof, of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed. To the extent that such ordinances or portions thereof not in conflict herewith, the same shall remain in full force and effect.

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

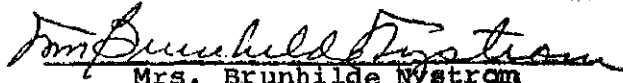
SECTION 4. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and upon conviction in the Municipal Court shall be punished by a fine not to exceed Two Hundred Dollars (\$200.00) for each offense.

SECTION 5. The fact that the ordinances of the City of Mesquite, Texas, are inadequate to control the storage of inoperable vehicles and in order to protect the public interest and general welfare of the City of Mesquite, creates an urgency and an emergency and requires that this ordinance shall take effect immediately from and after its passage and publication

00189


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 4th day of June, A.D., 1984.

  
Mrs. Brunhilde Nystrom  
Mayor

ATTEST:

APPROVED AS TO FORM:

  
Lynn Prugel  
City Secretary

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Elland Archer  
City Attorney

00190