

00244

ORDINANCE/PAGE 2

within the City in an area prohibited by law contrary to Section 10-73, Code of the City of Mesquite or to operate said motorized vehicle upon private property in violation of Article 30.05, Texas Penal Code.

Definitions:

Criminal negligence is defined as that culpable mental state wherein a person having been informed once within the preceding twelve (12) month period that a minor under seventeen (17) years of age under his care, custody or control or upon a motorized vehicle made available by him to said minor has operated said vehicle upon a prohibited public area in violation of Section 10-73 of the Code of the City of Mesquite or upon private property in violation of Article 30.05 of the Texas Penal Code and who, within said twelve (12) month period, fails and omits to exercise reasonable care and control to prevent said violation from being repeated by said minor. Proof that reasonable care to prevent said repeat violation was exercised and that said violation occurred notwithstanding such care shall negate criminal negligence.

Motorized vehicle shall mean all wheeled or tracked vehicles powered by other than human or animal effort and shall include, among others, automobiles, trucks, tractors, motorcycles, motorbikes, "dirt bikes", "three-wheelers" and motor scooters. It is expressly intended that the partial listing herein shall not exclude any other motorized vehicle; provided however, that motorized wheel chairs used by the physically handicapped shall not be included.

SECTION 2. That should any paragraph, sentence, subdivision, 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.

SECTION 3. That any person, 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 (\$200.00) Dollars for each offense.

00270

ORDINANCE/PAGE 3

SECTION 4. The fact that the present ordinances of the City of Mesquite are inadequate to protect the health and welfare the inhabitants of the City of Mesquite creates an urgency and an emergency and necessitates that this ordinance become effective immediately from and after its date of passage and the publication of its caption as the law in such cases provides.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas on the 17th day of March A.D., 1986.

Mrs. Brunhilde Nystrom

Mrs. Brunhilde Nystrom
Mayor

ATTEST:

APPROVED AS TO FORM:

Lynn Grugel

Lynn Grugel
City Secretary

Elland Archer
City Attorney

00246