

## ORDINANCE NO. 2401

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS AMENDING SECTION 10-53 OF THE CODE OF THE CITY OF MESQUITE BY ADDING LANGUAGE ESTABLISHING CRITERIA FOR TRUCK PARKING AREAS AT MOTELS, THEREBY MAKING IT LAWFUL FOR COMMERCIAL VEHICLES TO PARK AT MOTELS WHEN SUCH CRITERIA IS MET, AND ALLOWING FOR VARIANCES TO SUCH CRITERIA FOR EXISTING MOTELS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO HUNDRED (\$200.00) DOLLARS FOR EACH OFFENSE AND DECLARING AN EFFECTIVE DATE THEREOF.

NOW, THEREFORE, BE IT ORDIANCED 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:

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," and in industrial zoned areas, planned development or standard districts where such land is vacant unless the parking on the vacant industrial land is upon a surface paved in accordance with City of Mesquite specifications, together with approved turning radii and curb cuts as provided therein; 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 area for the purpose of expeditiously loading and unloading passengers, freight or merchandise, but not otherwise; and further provided 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 provided herein, may lawfully park such vehicles under such circumstances as may be provided in the terms of the permit.

"Integral part of a lawfully zoned business" for purposes of this section 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.

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.

The provisions of Section 10-53 shall not apply to commercial vehicles parked in designated truck parking areas at motels within the city where the motels truck parking area meets the criteria for parking lot design for truck parking established by the City of Mesquite as follows: (1) minimum 6-inch lime stabilized subgrade with 5-inch reinforced concrete pavement; (2) minimum approach width of 40 feet for two-way driveways and 25 feet for one way entrance or exit with minimum 30-foot curb return radii on driveway approaches; and (3) minimum 25-foot interior turning radii.

If it appears that the criteria for truck parking lots would work an unnecessary hardship on motels that are existing as of the date of this ordinance, such motels may appeal to the City Council for a variance from the criteria for such parking areas.

SECTION 2. That should any word, sentence, clause, paragraph or provision 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. 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 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 (\$200.00) Dollars for each offense.

SECTION 5. 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 16th day of March, A.D., 1987.

Mrs. Brunhilde Nystrom  
Mrs. Brunhilde Nystrom  
Mayor

ATTEST:

APPROVED AS TO FORM:

Lynn Prugel  
Lynn Prugel  
City Secretary

Elizabeth A. Lunday  
Elizabeth A. Lunday  
Assistant City Attorney

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