

ORDINANCE NO. 2535

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS CREATING A NEW SECTION 10-8 OF CHAPTER 10 OF THE CITY CODE ENTITLED "CRUISING" AND PROHIBITING CRUISING IN CERTAIN DESIGNATED ZONES; PROVIDING FOR A PENALTY NOT TO EXCEED FIVE HUNDRED (\$500.00) DOLLARS FOR EACH OFFENSE; PROVIDING FOR A SEVERANCE CLAUSE; AND DECLARING AN EMERGENCY:

WHEREAS, the City of Mesquite has a compelling interest in controlling traffic congestion, noise, and litter on public and private property; and

WHEREAS, a compelling interest has been demonstrated in controlling interference with the use and enjoyment of property by the citizens of Mesquite; and

WHEREAS, a compelling interest has been demonstrated in maintaining access to public thoroughfares by public safety vehicles;

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

SECTION 1. That Chapter 10 of the City Code of the City of Mesquite is hereby amended by adding a new Section 10-8 ("Cruising") to read as follows:

Section 1. Definitions

(a) A "traffic control point" as used in this section means any point or points within no cruising zones established by the police department for the purpose of monitoring cruising.

(b) A designated "no cruising zone" as used in this ordinance means any and all streets, alleys, and other public property located within or partially within physical boundaries described by resolution of the City Council, including any streets, alleys and other public property describing the boundaries of the zone.

Section 2. Cruising Prohibited

(a) No person shall operate or permit a motor vehicle under his care, custody, or control to be operated so as to pass a traffic control point three (3) times within any two-hour period between the hours of 8:00 p.m. and 4:00 a.m., on any day of the week, within a designated no cruising zone.

(b) The City Manager shall erect signs giving notice of any no cruising zone and any regulations governing such zone shall not be effective unless such signs have been placed or erected.

(c) No violation shall occur except upon the third passage of a vehicle by the same traffic control point within the aforementioned two-hour period.

(d) No cruising zones shall be designated by resolution of the City Council.

(e) It shall be a defense under this section that the vehicle was being operated for business purposes at the time of the alleged violation. The burden shall be upon the person operating the vehicle or under whose care, custody, or control the vehicle is being operated to prove that the

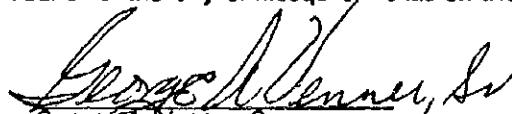
vehicle was being operated for business purposes at the time of the alleged violation.

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 and shall not affect the validity of the remainder of Chapter 10, or any other provision of the Code of the City of Mesquite.


SECTION 3. 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 Five Hundred Dollars (\$500.00) for each offense.

SECTION 4. The fact that the present ordinances of the City of Mesquite do not adequately protect the safety of the inhabitants of the City creates an urgency and emergency and in the preservation of the public health, safety and welfare requires that this ordinance shall become effective immediately from and after its passage and the publication of caption.


DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas on the 20th day of June, 1988.


George A. Venner, Sr.
Mayor

ATTEST:


Lynn Prugel
City Secretary

APPROVED:


Jonathan Graham
City Attorney