

ORDINANCE NO. 2580

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 20 OF THE CODE OF THE CITY OF MESQUITE; DELETING CERTAIN PRESENT LANGUAGE AND ADDING CERTAIN NEW LANGUAGE; PROVIDING FOR A PENALTY FOR VIOLATION; PROVIDING A PENALTY NOT TO EXCEED FIVE HUNDRED (\$500.00) DOLLARS; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 20 is hereby amended as follows, in all other respects to remain in full force and effect:

- (1) Revise Sec. 20-1. Response to calls. Amend by adding a new section (c) to read as follows:
  - (c) A person who violates this section is guilty of an offense and, upon conviction, is punishable by a fine not to exceed \$500.00.

- (2) Repeal the following subsections:

- Sec. 20.5 Liability and fidelity.
- Sec. 20.7 Availability of service.
- Sec. 20.16 Authorized operators designated.
- Sec. 20-21 Authorized operator designated.

- (3) Revise Sec. 20-13. Rates. Delete the first four (4) paragraphs.

- (4) Revise Sec. 20-14. Operator Requirements.

- (7) Amend the last sentence by deleting after the word "Mesquite" the words " and in the district to be served, except where required to serve in another district during an emergency" to read as follows:

*Facilities.* Storage/office facilities must be physically located within the City of Mesquite.

- (8) Amend the first and second sentence by deleting after the word "drivers" the words "At least one (1) unit shall be" to read as follows:

*Equipment.* Each standard wrecker service operator facility shall provide not less than two (2) wrecker units with drivers, equipped with approved two-way radios capable of operation on frequencies designated by the police department, and approved emergency lighting.

- (5) Revise Sec. 20-15. Discretion of police department.

- (3) Amend by deleting the final sentence after the word "operator" the words "A response time of thirty (30) minutes may be used as a guide for reasonableness, but may vary depending upon circumstances" to read as follows:

*Response time.* The police department shall have discretion to determine a reasonable response time based upon the circumstances, such as traffic congestion or other factors involved in a particular situation that may affect the public safety. Upon failure on the part of the operator called to so respond, the police department may call another wrecker operator.

- (6) Revise Sec. 20-18. Rates. Delete the first three (3) paragraphs.
- (7) Revise Sec. 20-20. Discretion of police department.

(2) Amend by deleting the final sentence after the word "operator" the words "A response time of one hour may be used as a guide for reasonableness but may vary depending upon circumstances" to read as follows:

*Response time.* The police department shall have discretion to determine a reasonable response time based upon the circumstances, such as traffic congestion or other factors involved in a particular situation that may affect the public safety. Upon failure on the part of the operator called to respond, the police department may call another wrecker service operator.

SECTION 2. Should any word, phrase, sentence, paragraph, or section of this ordinance be held to be invalid or unconstitutional, the remaining provisions shall not be affected because of such invalidity or unconstitutionality.

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 conviction in the Municipal Court, shall be subject to a fine not to exceed five hundred (\$500.00) dollars for each offense.

SECTION 4. All ordinances or provisions thereof in conflict with this ordinance are repealed to the extent of such conflict.


SECTION 5. The fact that the Code of the City of Mesquite is inadequate for the protection of the inhabitants of the City creates an urgency and an emergency for the preservation of the public health, safety, and welfare of its citizens and requires that this ordinance shall take effect immediately from and after its passage and the publication of the caption of said ordinance, as the law in such cases provides.

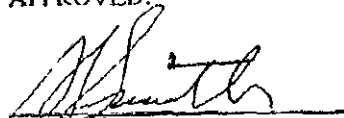
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 16th day of January, 1989.

  
 George A. Venner, Sr.  
 Mayor

ATTEST:

APPROVED:

  
 Lynn Prugel  
 City Secretary

  
 B.J. Smith  
 City Attorney