

ORDINANCE NO. 2689

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 10, ARTICLE VII; COMMERCIAL VEHICLES, OF THE CODE OF THE CITY OF MESQUITE BY AMENDING SECTION 10-65 AND ADDING A NEW SECTION 10-71.1; BY ADOPTING CERTAIN DEFINITIONS; BY DESIGNATING A HAZARDOUS MATERIALS TRUCK ROUTE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY AND DECLARING AN EMERGENCY.

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

**SECTION 1.** That Chapter 10, Article VII, Section 10-65 of the Code of the City of Mesquite; Commercial Vehicles, is hereby amended by adopting certain definitions to read as follows, and by adding a new Section 10-71.1; designating a hazardous materials truck route, in all other respects said Chapter and Code to remain in full force an effect:

A. **Sec. 10-65. Definitions.**

*Dallas-Fort Worth Metropolitan Area:* Any location within Dallas County or Tarrant County.

*Hazardous Materials:* Any quantity, group, form or class or material designated as hazardous material in any official publication of the Secretary of Transportation of the United States under the authority of 49 U.S.C.A. Section 1803 (1976), as amended, including any such publication issued after the effective date of this ordinance.

*Requiring Placards:* Material to be transported is hazardous and is in sufficient quantity to require placarding in accordance with Department of Transportation Hazardous Materials Regulations (49 U.S.C.A. Section 1801, et. seq.)

*Transport:* To move any motor vehicle requiring placards upon any public thoroughfare, highway or street.

B. **Sec. 10-71.1. Designation of truck routes for transportation of hazardous materials.**

(a) No person shall knowingly cause hazardous materials to be transported upon any public street within the corporate limits of the City of Mesquite, Texas, except on the following:

- (1) That portion of Interstate 635 (L.B.J. Freeway) lying within the corporate limits of the City of Mesquite, Texas.
- (2) That portion of any federal or state highway or public thoroughfare used to reach a destination or point of departure by the most direct route within corporate limits of the City of Mesquite, Texas.
- (3) That portion of any federal or state highway or public thoroughfare within the corporate limits of the City of Mesquite, Texas used to reach a destination or point of departure by the most direct route within the Dallas-Fort Worth Metropolitan area.

(b) The operator of a vehicle used to transport hazardous materials requiring placards shall not operate said vehicle unless:

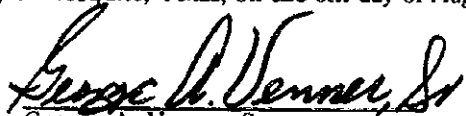
- (1) Appropriate placards meeting U.S. Department of Transportation specifications are displayed as required by 49CFR Part 172; and

- (2) Before operation, the operator shall inspect the vehicle and determine that:
- a. the brakes are in good working condition;
  - b. the steering mechanism is in good working condition;
  - c. the electrical wiring is well insulated and firmly secured;
  - d. the required lights are operative;
  - e. the vehicle is in a safe condition to transport hazardous materials; and
  - f. all emergency features on bulk transport carriers are installed and operative as outlined in U.S. Department of Transportation specifications and requirements.
- (c) It is presumed for purposes of prosecution under this section that a transportation vehicle contains hazardous materials if it bears a placard.
- (d) Both the City of Mesquite Police Department and the City of Mesquite Fire Department are expressly authorized to enforce the provisions of this section.
- (e) The Traffic Engineering Department of the City of Mesquite is hereby authorized and is hereby ordered to erect signs along the route designated herein indicating that such route is a hazardous material truck route.

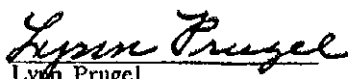
**SECTION 2.** That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be deemed guilty of a Class C Misdemeanor and upon conviction in the Municipal Court shall be punished by a fine not to exceed Two Thousand (\$2,000.00) Dollars for each offense.

**SECTION 3.** The fact that the Code of the City of Mesquite does not adequately designate truck routes for transportation of hazardous materials, creates an urgency and an emergency for the preservation of the public health, safety, and welfare and requires that this ordinance shall take effect immediately from its passage and publication as the law in such cases provides.


DULY PASSED AND APPROVED by the City of Mesquite, Texas, on the 6th day of August, 1990.

  
George A. Venner, Sr.  
Mayor

ATTEST:

  
Lynn Prugel  
City Secretary

APPROVED:

  
B.J. Smith  
City Attorney