

ORDINANCE NO. 3577

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 8 OF THE CODE OF THE CITY OF MESQUITE BY DELETING SECTIONS 8-776, 8-778, 8-796, 8-799 AND 8-813 IN THEIR ENTIRETY AND ADDING NEW SECTIONS 8-776, 8-778 AND 8-785 REGARDING WRECKER SERVICE AND PUBLIC SAFETY CALLS; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED FIVE HUNDRED DOLLARS (\$500.00); AND DECLARING AN EMERGENCY.

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

**SECTION 1.** That Chapter 8 of the Code of the City of Mesquite is hereby amended by deleting Sections 8-776, 8-778, 8-796, 8-799 and 8-813 in their entirety and adding new Sections 8-776, 8-778 and 8-785 to read as follows, in all other respects said Code and Chapter to remain in full force and effect.

**CHAPTER 8**

**LICENSES, PERMITS AND BUSINESS REGULATIONS**

**ARTICLE IX. WRECKER SERVICE – PUBLIC SAFETY CALLS**

- A. Amend by deleting Section 8-776 in its entirety and adding a new Section 8-776 to read as follows:

**Sec. 8-776. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Heavy-duty wrecker service* means that service requiring wrecker equipment with a tandem axle with a minimum gross vehicle weight of 38,000 pounds and a minimum boom rating of 25 tons.

*North Mesquite District* means that area of the city north of a line beginning at the west city limits and the north boundary of the north service road of U. S. Highway 80 and extending along such boundary to the east city limits, including that portion of any intersecting streets within such area.

*South Mesquite District* means that area of the city south of the north boundary of the north service road of U. S. Highway 80 as it extends from the west city limits to the east city limits, including that portion of any intersecting streets within such area.

*Standard wrecker service* means that service requiring wrecker equipment of less capability than heavy-duty wrecker service as defined in this section.

- B. Amend by deleting Section 8-778 in its entirety and adding a new Section 8-778 to read as follows:

**Sec. 8-778. Operator's responsibility.**

Each authorized wrecker service operator shall be responsible for responding to calls within his area of operation as more specifically defined by contract. Operators shall have available sufficient personnel and equipment to provide service at all times.

- C. Amend by adding a new Section 8-785 to read as follows:

**Sec. 8-785. Discretion of police department.**

Due to the emergency nature of wrecker service, certain matters are determined to necessarily be within the discretion of the police department:

- (1) *Type of class of wrecker needed.* The police department shall have the responsibility for calling the type (standard or heavy-duty) wrecker deemed suitable for any particular situation necessitating wrecker service.
- (2) *Dispatching calls.* The districts established are for the convenience of the City and to prevent duplication of effort. Calls may be dispatched based on districts or such other method, such as a citywide rotating basis, as determined by the Chief of Police by contract with the appropriate wrecker service. When wrecker service is needed, the police department shall notify the applicable wrecker service operator. In situations where it is difficult to determine the applicable district, the determination by the police department shall control.
- (3) *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.

- D. Amend by deleting Section 8-796 in its entirety.
- E. Amend by deleting Section 8-799 in its entirety.
- F. Amend by deleting Section 8-813 in its entirety.

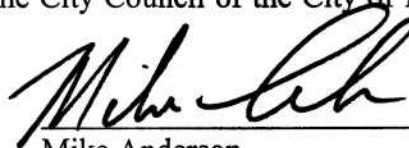
SECTION 2. That all ordinances or portions thereof in conflict with the provisions of this ordinance, to the extent of such conflict, are hereby repealed. To the extent that such ordinances or portions thereof are not in conflict herewith, the same shall remain in full force and effect.

SECTION 3. That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional, the validity of the remaining provisions of this ordinance shall not be affected and shall remain in full force and effect.

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

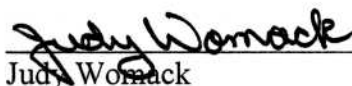
SECTION 5. That the present ordinances of the City of Mesquite regarding wrecker service relating to public safety calls are in need of revision creates an urgency and an emergency for the preservation of the public health, safety and welfare, and requires that this ordinance shall take effect immediately from and after its passage and publication 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 19th day of May, 2003.




Mike Anderson  
Mayor

ATTEST:



Judy Womack  
City Secretary

APPROVED:



B. J. Smith  
City Attorney