

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 9 OF THE CODE OF THE CITY OF MESQUITE BY ADDING SECTIONS 9-121 AND 9-122 THEREBY PROHIBITING THE OPERATION OF MOTOR-ASSISTED SCOOTERS ON ANY ALLEY, STREET OR HIGHWAY WITHIN THE CITY OF MESQUITE; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO HUNDRED (\$200.00) DOLLARS FOR EACH OFFENSE; AND DECLARING AN EMERGENCY.

WHEREAS, the City Council has determined that the prohibition of motor assisted scooters on the streets, highways and alleys within the City of Mesquite is necessary in the interest of safety.

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

SECTION 1. That Chapter 9 of the Code of the City of Mesquite is hereby amended by adding Sections 9-121 and 9-122 to read as follows, in all other respects said Code and Chapter to remain in full force and effect:

Sec. 9-121. Motor-assisted scooters.

- (a) For purposes of this section the term "motor-assisted scooter" as defined by Transportation Code, Section 551.301, means a self-propelled device with:
- (1) At least two wheels in contact with the ground during operation;
 - (2) A braking system capable of stopping the device under typical operating conditions;
 - (3) A gas or electric motor not exceeding 40 cubic centimeters;
 - (4) A deck designed to allow a person to stand or sit while operating the device; and
 - (5) The ability to be propelled by human power alone.
- (b) A person may not operate a motor-assisted scooter on any alley, street or highway within the City.

Sec. 9-122. Unlawful acts.

It shall be unlawful to operate a motor-assisted scooter, as defined by Transportation Code, Section 551.301, as amended, on any alley, street or highway within the city limits except on sidewalks and on paths set aside for the exclusive operation of bicycles.

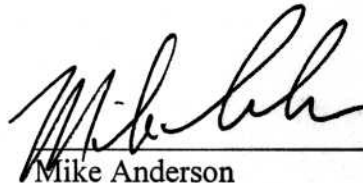
SECTION 2. That all ordinances or portions thereof in conflict with the provisions of this ordinance, to the extent of such conflict, are hereby repealed. To the extent that such ordinances or portions thereof are not in conflict herewith, the same shall remain in full force and effect.

SECTION 3. That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional, the remaining provisions of this ordinance 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 Two Hundred (\$200.00) Dollars for each offense.

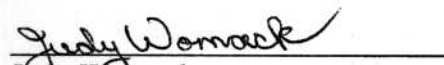
SECTION 5. That the present ordinances of the City of Mesquite regarding the operation of motor-assisted scooters on any alley, street and highways as they relate to public safety are in need of revision, creates an urgency and an emergency for the preservation of the public health, safety and welfare, 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 1st day of December, 2003.



Mike Anderson
Mayor

ATTEST:



Judy Womack
City Secretary

APPROVED:



B. J. Smith
City Attorney