

ORDINANCE NO. 3836

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 9 OF THE CODE OF THE CITY OF MESQUITE BY DELETING SECTIONS 9-166 AND 9-167 IN THEIR ENTIRETY AND ADDING NEW SECTIONS 9-166 AND 9-167 THEREBY REVISING COMMERCIAL VEHICLE PARKING; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED FIVE HUNDRED (\$500.00) DOLLARS FOR EACH OFFENSE AND DECLARING AN EMERGENCY.

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, Texas, is hereby amended by deleting Sections 9-166 and 9-167 in their entirety and adding new Sections 9-166 and 9-167 to read as follows, in all other respects said Code and Chapter to remain in full force and effect:

1. *Section 9-166.* Amend by deleting the section in its entirety and adding a new Section 9-166 to read as follows:

Sec. 9-166. Definitions.

For the purpose of this Division, the following terms shall carry the meanings as set out below:

- (a) *Commercial vehicle* shall mean truck-tractor, road tractor, semi-trailer, bus, truck or trailer or any other commercial vehicle with a rated carrying capacity of one-and-one-half (1½) tons or more according to the manufacturer's classification.
- (b) *Integral part of a lawfully zoned business* shall mean the operation and use of a commercial vehicle to deliver merchandise, or transport tools, equipment or supplies necessary to the operation of the lawfully zoned business and other uses of a commercial vehicle without which the operation of said business would be substantially hindered. Remote and incidental uses of a commercial vehicle in connection with a business, such as advertising, name exposure and promotion, except where such is specifically permitted by the zoning ordinance, shall not be deemed use as an integral part of such business.
- (c) *Standard truck parking area* shall mean a designated parking area at a motel or hotel within the City that meets the criteria for parking lot design for truck parking established by the City as follows:
 - (1) Minimum six-inch lime stabilized subgrade with six-inch reinforced concrete pavement;

- (2) Minimum approach width of 40 feet for two-way driveway and 25 feet for one-way entrance or exit with minimum 30-foot curb return radii on driveway approaches; and
 - (3) Minimum 25-foot turning radii.
 - (d) *Oversized vehicle* shall mean any vehicle that is greater than 23 feet in length, 8 feet in width or 10 feet in height. Regardless of size, the term *oversized vehicle* shall include step vans, tow trucks, panel trucks, cargo vans, bobtail trucks, bucket trucks, platform trucks and other similar vehicles.
2. *Section 9-167.* Amend by deleting the section in its entirety and adding a new Section 9-167 to read as follows:

Sec. 9-167. Parking of commercial/oversized vehicles prohibited – public streets, alleys, etc.

It shall be unlawful for any owner or person in control of a commercial/oversized vehicle, as defined herein, to leave, park or stand, or permit the leaving, parking or standing of such vehicle upon any public street, alley, parkway, boulevard or other property owned or controlled by any unit of government, except that this section shall not apply to:

- (a) Commercial/oversized vehicles while being used for street construction, maintenance or repair;
- (b) Commercial/oversized vehicles being utilized by a company engaged in extending public service utilities;
- (c) Passenger buses taking on or discharging passengers at an approved bus stop;
- (d) A commercial/oversized vehicle parked in a loading zone for the purpose of loading or unloading freight or merchandise to a lawfully zoned business;
- (e) A commercial/oversized vehicle parked for the purpose of expeditiously delivering or picking up merchandise to or from a specific designated location or loading or unloading personal property to or from a specific designated location; and
- (f) A commercial/oversized vehicle experiencing a mechanical defect making it unsafe or impossible to proceed, for such period of time as emergency repairs are made or, if repairs cannot be made in a timely manner, until a tow truck arrives.

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 are inadequate to provide for the parking of commercial vehicles 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 16th day of October, 2006.



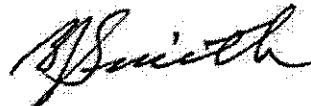
Mike Anderson
Mayor

ATTEST:

APPROVED:



Judy Womack
City Secretary



B. J. Smith
City Attorney