

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 9 OF THE CODE OF THE CITY OF MESQUITE, TEXAS, AS AMENDED, BY DELETING SECTION 9-168 IN ITS ENTIRETY AND ADDING A NEW SECTION 9-168 THEREBY REGULATING THE PARKING OF COMMERCIAL VEHICLES ON PRIVATE PROPERTY; 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 EFFECTIVE DATE THEREOF.

SECTION 1. That Chapter 9 of the Code of the City of Mesquite, Texas, as amended, is hereby amended by deleting Section 9-168 in its entirety and adding a new Section 9-168 to read as follows, in all other respects said Code and Chapter to remain in full force and effect:

**Sec. 9-168. - Same—Private property.**

- (a) It shall be unlawful for any owner or person in control of property or a commercial vehicle to leave, park or stand, or permit the leaving, parking or standing of a commercial vehicle on private property within the corporate limits of the City unless allowed by provisions of the Code of Ordinances of the City of Mesquite.
- (b) It is a defense to prosecution that the commercial vehicle was 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 while in the normal course of business for which the commercial vehicle operates.
- (c) It is a defense to prosecution that the parking of the commercial vehicle was authorized as an accessory use by the Mesquite Zoning Ordinance.
- (d) It is a defense to prosecution that the commercial vehicle was:
  - (1) an emergency vehicle operating in response to any emergency call or being used in a disaster relief operation;
  - (2) operated by a public utility for the purpose of inspecting the facilities of such public utility or providing maintenance service to such facilities; or
  - (3) operated for public service, such as garbage pickup, street repair and water service.

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or portions thereof in conflict with the provisions of this ordinance, to the extent of such conflict, are hereby repealed.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 (as defined in Chapter 1, Section 1-2 of the Code of the City of Mesquite, Texas, as amended) violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and upon conviction thereof, shall be subject to a fine not to exceed Five Hundred (\$500.00) Dollars for each offense, provided, however, if the maximum penalty provided for by this ordinance for an offense is greater than the maximum penalty provided for the same offense under the laws of the State of Texas, the maximum penalty for violation of this ordinance for such offense shall be the maximum penalty provided by the laws of the State of Texas. Each day or portion of a day any violation of this ordinance continues shall constitute a separate offense.

SECTION 5. That this ordinance shall take effect and be in force from and after five days after publication.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 2nd day of October, 2017.

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Stan Pickett  
Mayor

ATTEST:

APPROVED:

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Sonja Land  
City Secretary



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B. J. Smith  
City Attorney