

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 9 OF THE MESQUITE CITY CODE, AS AMENDED, BY DELETING SECTIONS 9-86(a), 9-87(b), 9-87(c) AND 9-87(d) IN THEIR ENTIRETY AND ADDING NEW SECTIONS 9-86(a), 9-87(b) AND 9-87(c) TO REFERENCE THE MOST CURRENT EDITION OF THE TEXAS MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES AND THE CITY OF MESQUITE ENGINEERING DESIGN MANUAL; 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.

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

SECTION 1. That Chapter 9 of the Mesquite City Code, as amended, is hereby amended by deleting Sections 9-86(a), 9-87(b), 9-87(c) and 9-87(d) in their entirety and adding new Sections 9-86(a), 9-87(b) and 9-87(c) to read as follows, in all other respects said Code, Chapter and Sections to remain in full force and effect:

- (1) *Sec. 9-86(a).* Amend by deleting Section 9-86(a) in its entirety and adding a new Section 9-86(a) to read as follows:
 - (a) The most current of the Texas Manual on Uniform Traffic Control Devices is hereby adopted by the City as the official traffic-control manual for the City together with any revisions and amendments thereto, including City-specified amendments contained in the City of Mesquite Engineering Design Manual, except where same shall be in conflict with state law. Provided, however, that any traffic-control device in use or placed in use by the City shall remain an official traffic-control device until such time as same shall be changed to conform with said Texas Manual on Uniform Traffic Control Devices as may be amended by the City of Mesquite Engineering Design Manual.
- (2) *Secs. 9-87(b), 9-87(c) and 9-87(d).* Amend by deleting Sections 9-87(b), 9-87(c) and 9-87(d) in their entirety and adding new Sections 9-87(b) and 9-87(c) to read as follows:
 - (b) The City Manager or his designee shall have the authority to place traffic-control devices in locations throughout the City as may be determined necessary and in accordance with the most current edition of the Texas Manual on Uniform Traffic Control Devices.
 - (c) All individuals and companies conducting operations within City right-of-way or easements shall install and maintain in good order such traffic control devices as are required by the most current edition of the Texas

Manual on Uniform Traffic Control Devices and City-specified amendments contained in the City of Mesquite Engineering Design Manual until all work is completed in said City right-of-way or easements. Any person or company undertaking operations or work within City or state right-of-way or easements who fails to properly install and maintain in good order such traffic control devices shall be guilty of a misdemeanor and upon conviction shall be subject to a fine as specified in Section 1-6 of this Code.

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.

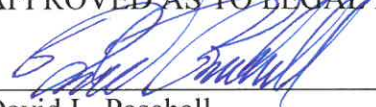
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 19th day of August 2019.

Stan Pickett
Mayor

ATTEST:

Sonja Land
City Secretary

APPROVED AS TO LEGAL FORM:



David L. Paschall
City Attorney