

ORDINANCE NO. 494

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING SECTION 4, SUBPARAGRAPHS (2) AND (6) OF ORDINANCE NO. 120 SO AS TO REGULATE CERTAIN MINIMUM AREAS OF PRIVATE SCHOOLS, KINDERGARTENS AND DAY NURSERIES; PROVIDING FOR A PENALTY NOT TO EXCEED TWO HUNDRED (\$200.00) DOLLARS FOR EACH OFFENSE; AND DECLARING AN EMERGENCY.

WHEREAS, the City Plan Commission of the City of Mesquite, and the governing body of the City of Mesquite, in compliance with the laws of the State of Texas and the ordinances of the City of Mesquite, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all the property owners generally, and to all persons interested and situated in the affected area and in the vicinity thereof, and in the exercise of its legislative discretion, has concluded that the comprehensive zoning ordinance should be amended: NOW, THEREFORE,

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

SECTION 1. That Section 4, Subparagraph (2) of Ordinance No. 120 of the City of Mesquite be, and the same is hereby amended so as to hereafter read as follows, to-wit:

"(2) Private schools, kindergartens and nurseries teaching the same subjects as public elementary and high schools in any district, provided the building or buildings are set back from all required yard lines in the District in which they are to be located two (2) feet for each foot of building height and provided off-street parking facilities are provided. For schools and kindergartens where a regular school curriculum is taught, a minimum building area of fifteen (15) square feet per pupil and a minimum site area of one hundred (100) square feet per pupil shall be provided."

That Section 4, Subparagraph (6) of Ordinance No. 120 of the City of Mesquite be, and the same is hereby amended so as to read as follows, to-wit:

"(6) Day nurseries in any district. For day nurseries primarily concerned with child care, a minimum building area of thirty (30) feet per child and a minimum site area of two hundred (200) square feet per child shall be provided."

SECTION 2. Any person or corporation who shall violate any of the provisions of this ordinance or fail to comply

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therewith or with any of the requirements thereof, or who shall build or alter any buildings in violation of any detailed statement or plan submitted and approved thereunder, shall be guilty of a misdemeanor, and shall be subject to fine of not more than Two Hundred (\$200.00) Dollars for each offense, and each day such violation shall be permitted to continue shall constitute a separate offense. The owner or owners of any building or premises or part thereof, where anything in violation of this ordinance shall be placed, or shall exist, and any architect, builder, contractor, agent, person or corporation, employed in connection therewith and who may have assisted in the commission of any such violation, shall be guilty of a separate offense and upon conviction thereof shall be fined as above provided.

SECTION 3. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 4. It is hereby declared to be the intention of the City Council of the City of Mesquite that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional or to contravene superior law by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance or of Ordinance No. 120 of the City of Mesquite, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.

SECTION 5. The fact that the present regulations of the City of Mesquite are inadequate in providing for minimum building and site areas for private schools, kindergartens and day nurseries, creates an urgency and an emergency and in the preservation of the public health, safety and welfare requires that this ordinance shall take effect immediately from and after its passage and the publication of the caption as the law and charter in such cases provides.

DULY PASSED by the City Council of the City of Mesquite, Texas, on the 5 day of August, 1963.

APPROVED:

  
MAYOR

APPROVED AS TO FORM:

  
ATTORNEY

ATTEST:

  
CITY SECRETARY