

ORDINANCE NO. 846

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, PROHIBITING CONSTRUCTION OR DEVELOPMENT ON ANY LAND WITHIN THE CITY OF MESQUITE WHERE SUCH CONSTRUCTION OR DEVELOPMENT SHALL BE SITUATED WITHIN 500 FEET OF THE CENTER LINE OF A DRAINAGE CHANNEL AS DESIGNATED BY THE FLOOD PLAIN STUDY MADE BY THE UNITED STATES CORPS OF ENGINEERS AND AS FILED FOR RECORD WITH THE OFFICE OF THE CITY SECRETARY OF THE CITY OF MESQUITE. BY FURTHER PROHIBITING SUCH CONSTRUCTION OR DEVELOPMENT ON LANDS WITHIN THE CITY OF MESQUITE WHOSE LOCATION CONSTITUTES A NATURAL CONTINUATION OF SUCH DRAINAGE CHANNEL OUTSIDE OF THE AFORESAID STUDY MADE BY THE UNITED STATES CORPS OF ENGINEERS. BY PROVIDING THAT A BUILDING PERMIT SHALL BE DENIED FOR SUCH CONSTRUCTION OR DEVELOPMENT AS IS HEREIN PROHIBITED. BY PROVIDING A SEVERABILITY CLAUSE, BY PROVIDING A PENALTY NOT TO EXCEED TWO HUNDRED (\$200.00) DOLLARS AND DECLARING AN EMERGENCY.

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

SECTION 1. That no person firm or corporation shall construct upon or develop any land within the city limits of the City of Mesquite under the following circumstances:

- A. Where such construction or development shall be situated within 500 feet of the center line of a drainage channel as designated in the Flood Plain Study as prepared by the United States Corps of Engineers and as is on file with the office of the City Secretary of the City of Mesquite.
- B. Where such construction or development shall be situated within 500 feet of the center line of a drainage channel on those lands whose location constitutes a natural continuance of such drainage channel outside the actual study made by the United States Corps of Engineers and as provided for in paragraph A, above.

SECTION 2. That no building permit shall be issued for the construction upon or the development of any lands as prohibited in Section 1, above.

SECTION 3. It is the intention of the City Council of the City of Mesquite, Texas, that the provisions of this ordinance be deemed severable in the event any such provisions shall be held invalid or unconstitutional for any reason. Such invalidity or unconstitutionality shall not affect the provisions of this ordinance left standing or any other ordinances of the City of Mesquite.

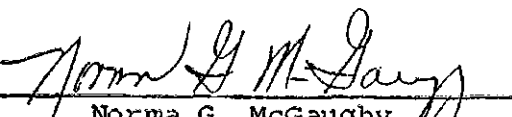
SECTION 4. That any person, firm or corporation who shall violate any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be fined in an amount not to exceed Two Hundred (\$200.00) Dollars.

SECTION 5. That the present ordinances of the City of Mesquite are inadequate to properly regulate development of the lands within flood plain areas of the City constitutes an urgency and an emergency in the interest of the public health, safety and welfare and necessitates that this ordinance take effect immediately from and after its date of passage and the publication of its caption as the law in such cases provides.

DULY PASSED by the City Council of the City of Mesquite, Texas, on the 2 day of March, A.D., 1970.


George Boyce
Mayor

ATTEST:


Norma G. McGaughy
City Secretary

APPROVED AS TO FORM:

William R. Springfield
City Attorney