

## ORDINANCE NO. 2192

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS AMENDING CHAPTER 13, SECTION 13-9.02 OF THE CODE OF THE CITY OF MESQUITE BY PROHIBITING PARKING IN THE FRONT OR SIDE YARD EXCEPT UNDER CERTAIN CONDITIONS AND STATING SUCH CONDITIONS; BY PROVIDING A PENALTY NOT TO EXCEED TWO HUNDRED (\$200.00) DOLLARS AND PROVIDING AFFIRMATIVE DEFENSES:

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

SECTION 1. That Chapter 13, Section 13-9.02 (a) is hereby amended to read as follows, in all other respects to remain in full force and effect:

(a) Prohibited. It shall be unlawful an an offense for the owner, occupant or person in charge of any land, lot or premises within the City except that zoned for Industrial use under the Comprehensive Zoning Ordinance (or currently endowed with a legal non-conforming use for industrial uses) to permit the parking, standing or storing of house trailers, mobile homes, motor vehicles, trucks, passenger motor vehicles, motor homes, camper cabins, motorcycles, trailers, boats, farm machinery or similiar equipment, within the front yard between the front building line and the front property line, or in the side yard of corner lots between the side building line and the property line where the property abuts a street or public right-of-way, unless such vehicle or item of property is parked or located on, (1) in the case of a business establishment, on a surface paved according to City specifications for parking lots, or (2) in the case of a residence, upon a standard driveway approach or approved parking space. "Standard driveway approach" is defined as the paved driveway between the street or alley and the garage, carport, or required spaces on a lot, which is to be no wider than the width of the garage, carport or parking space which it serves, plus eight (8) feet or twenty (20) feet, whichever is greater, or a paved circular driveway which is intended to facilitate easier access to the main entrance of the premises.

(b) Penalty. Any person, firm or corporation violating any of the provisions or terms of this section shall be deemed to be guilty of a Class C misdemeanor and subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of 1973, of the City of Mesquite, and upon conviction in the municipal court, shall be punished by a fine not to exceed two hundred (\$200.00) dollars for each offense.

(c) Affirmative defense. It shall be an affirmative defense that the improved surface used for parking was in existence at the time of passage of Ordinance 1957 (October 17, 1983) or has been added thereafter with materials of like kind, i.e., concrete and concrete; gravel and gravel; asphalt and asphalt; and the surface used for parking in existence at passage or Ordinance Number 1957 was and is materials of like kind and provided further that sod or scrap materials shall not be considered improved surface and provided further that any surface added after date of passage of Ordinance Number 1957 shall not exceed the area limitations of said Ordinance Number 1957.

SECTION 2. That all ordinances, or portions thereof, of the City of Mesquite 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 not in conflict herewith, the same shall remain in full force and effect.

SECTION 3. That should any paragraph, sentence, subdivision, clause, phrase, or section of this ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision hereof other than the part so decided to be invalid, illegal, or unconstitutional and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

SECTION 4. The fact that the present ordinances of the City of Mesquite are inadequate to protect the health and welfare the inhabitants of the City of Mesquite creates an urgency and an emergency and necessitates that this ordinance become effective immediately from and after its date of passage and the publication of its caption as the law in such cases provides.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas on the 1st day of July, A.D., 1985.

*Mrs. Brunhilde Nystrom*  
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Mrs. Brunhilde Nystrom  
Mayor

ATTEST:

APPROVED AS TO FORM:

*Lynn Prugel*  
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Lynn Prugel  
City Secretary

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Elland Archer  
City Attorney