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ORDINANCE NO. 2987

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS AMENDING CHAPTER 12 SECTION 12-2(a) BY ADDING LANGUAGE PROHIBITING THE LOCATION OF A SEXUALLY ORIENTED BUSINESS WITHIN THE TOWN EAST MALL RESTAURANT AND RETAIL AREA AND WITHIN 2000 FEET OF CITY OWNED PROPERTY AND OTHER STATED USES; PROVIDING FOR A PENALTY; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

WHEREAS, the area of the City in and surrounding Town East Mall is a family oriented business area essential to the economy of Mesquite, and

WHEREAS, the location of sexually oriented businesses within the area would be detrimental to this family oriented business area, and

WHEREAS, in order to protect public decency and order it is necessary to prohibit sexually oriented businesses to locate in close proximity to community and family oriented property and uses, and

WHEREAS, the enactment, by a Municipality, of regulations regarding sexually oriented businesses is specifically authorized by State Statute, Chapter 243 Local Government Code.

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

SECTION 1. That Chapter 12 Section 12-2(a) of the Code of the City of Mesquite, Texas is hereby amended to read as follows, in all other respects said Code and Chapter to remain in full force and effect:

(a) No building permit or certificate of occupancy may be granted for, and a person commits an offense if he operates or causes to be operated, a sexually oriented commercial activity nearer than two thousand (2,000) feet from the nearest property line of any residential zone, or any public, private or parochial school, library, park, playground, or other recreational facility, whether commercial or nonprofit, in any other zone, or any church, convent, monastery, synagogue, or other similar place of religious worship, or City owned property or the property line of a lot devoted to residential use.

In addition, in as much as the businesses and development located in the area within the City situated to the east of I.H. 635 extending to North Galloway Avenue with access originating from Town East Boulevard, including restaurants and businesses located on Emporium Circle, Pavilion Court, Towne

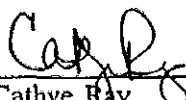
Center Drive and Independence Drive between Town East Boulevard and Poteet Drive (the Town East Mall restaurant and retail area), attract and/or are oriented towards families with young children and in as much as the City of Mesquite is dependent on the continuation of this family oriented atmosphere for its economy and the continuing health, safety and welfare of the citizens of the City, no building permit or certificate of occupancy may be granted for, and a person commits an offense if he operates or causes to be operated, a sexually oriented commercial activity within this Town East Mall restaurant and retail area.

SECTION 2. That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional the remaining provisions of this ordinance shall remain in full force and effect.

SECTION 3. That an offense committed by any person, firm, or corporation violating any of the provisions or terms of this ordinance is a Class A Misdemeanor punishable by a fine not to exceed Three Thousand Dollars (\$3000.00); confinement in jail for a term not to exceed one year; or both such fine and imprisonment..

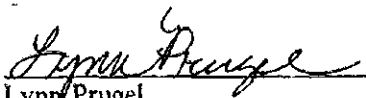
SECTION 4. That the present ordinances of the City of Mesquite are inadequate to protect the inhabitants of the City from location of sexually oriented businesses in the Town East Mall restaurant and retail area and in close proximity to other family and community oriented property and uses creates an urgency and an emergency for the preservation of the public health, safety, and welfare and requires that this ordinance shall take effect immediately from and after its passage and publication of said ordinance, as the law in such cases provides.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 19th day of September, 1994.




Cathye Ray
Mayor

ATTEST:



Lynn Prugel
City Secretary

APPROVED:



B.J. Smith
City Attorney