

ORDINANCE NO. 3100  
File No. ZO 96-2

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE, ADOPTED ON SEPTEMBER 4, 1973, AND RECODIFIED ON NOVEMBER 21, 1988 BY DELETING SECTION 3-202E AND BY ADOPTING A NEW REVISED SECTION 3-202E: NEW MERCHANDISE; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; AND DECLARING AN EMERGENCY.

WHEREAS, through administration and experience, the Planning and Zoning Commission has determined that it is necessary to revise certain regulations so that the intended purposes of the Zoning Ordinance are best served; and

WHEREAS, the City Council did give public notice and did hold public hearings regarding the proposed amendment;

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

SECTION 1. That the Mesquite Zoning Ordinance, adopted on September 4, 1973, and recodified on November 21, 1988, be and the same is hereby amended as follows, said Ordinance in all other respects to remain in full force and effect:

- A. Delete the existing Section 3-202E in its entirety and adopt a new revised Section 3202E to read as follows:

Goods and merchandise offered for sale in all districts shall consist of new merchandise only. This provision shall not prohibit the incidental sale of used items, 1) if the items were originally sold, rented or serviced by the establishment, including such items as floor displays, demonstrator models, items previously rented by a rental establishment, or items reconditioned at a service establishment; and 2) if such sale/resale is clearly incidental and secondary to the primary operation of the establishment with only a small number of items offered; in addition, this shall not prohibit the sale of the following types of merchandise when sold in an establishment predominantly offering similar new items: 1) used musical instruments at a music store; 2) sports, other trading cards, and comic books at a sport card store; and 3) reconditioned

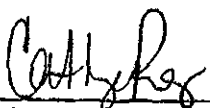
engine parts at an auto parts store. The sale of all other used merchandise, including resale or consignment sales, shall not be permitted unless the use is classified as and approved in accordance with the requirements under SIC 593: Used Merchandise Stores.

SECTION 2. 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 of provisions hereof other than the part so decided to be invalid, illegal or unconstitutional and shall not affect the validity of the Mesquite Zoning Ordinance as a whole.

SECTION 3. That any person, firm, or corporation violating any of the provision or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and subject to the same penalty as provided for in the Mesquite Zoning Ordinance as amended, of the City of Mesquite, and upon conviction in the Municipal Court shall be punished by a fine not to exceed Two Thousand (\$2,000.00) Dollars for each offense.

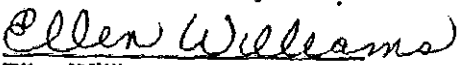
SECTION 4. Whereas the need to regulate proper development of the City of Mesquite, and the need to protect the public interest, comfort, and general welfare of the citizens of the City of Mesquite, creates an urgency and emergency for the preservation of the public health, safety, and welfare, and requires that this ordinance shall take effect immediately from and after its passage and publication of said ordinance, as the law in such cases provides.

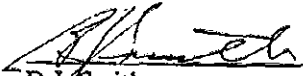
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 5th day of August, 1995.

  
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Cathye Ray  
Mayor

ATTEST:

APPROVED:

  
\_\_\_\_\_  
Ellen Williams  
City Secretary

  
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B.J. Smith  
City Attorney