

ORDINANCE NO. 3134

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTERS 10 AND 12 OF THE CODE OF THE CITY OF MESQUITE BY DELETING SECTION 10-170 IN ITS ENTIRETY AND PROVIDING AN ADDITIONAL DEFINITION TO SECTION 12-1, REGARDING RENTAL ACCOMMODATIONS; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapters 10 and 12 of the Code of the City of Mesquite, Texas, are hereby amended as follows; in all other respects said code and chapters to remain in full force and effect:

- a. Delete in its entirety: *Section 10-170. Rental of living and/or sleeping accommodations for periods of less than twenty-four hours prohibited.*
- b. Amend by adding a definition to *Section 12-1* to read as follows:

Sec. 12-1. Definitions-Sexually oriented commercial activities.

Adult motel means a hotel, motel, or similar commercial establishment which:

- (1) Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmission, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas;" and has a sign visible from the public right-of-way which advertised the availability of this adult type of photographic reproduction; or
- (2) Offers a sleeping room for rent for a period of time less than ten hours; or
- (3) Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten hours.

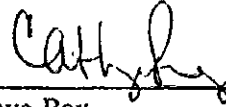
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SECTION 2. That should any word, sentence, clause, paragraph, or provision of this ordinance be held to be invalid or unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision hereof other than the part or provision so decided to be unconstitutional, illegal, or invalid and shall not affect the validity of the remainder of Chapters 10 and 12 or any other provision of the Code of the City of Mesquite.

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

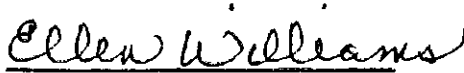
SECTION 4. That the present ordinances of the City of Mesquite are inadequate to regulate rental of living and/or sleeping accommodations creates an urgency and emergency for the preservation of the public health, safety, and welfare and requires that this ordinance shall take effect immediately from 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 21st day of January, 1997.



Cathye Ray
Mayor

ATTEST:



Ellen Williams
City Secretary

APPROVED:



B.J. Smith
City Attorney