

ORDINANCE NO. 3358

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 8 OF THE CODE OF THE CITY OF MESQUITE BY ADDING ARTICLE XII THEREBY REGULATING SALES OF ALCOHOLIC BEVERAGES NEAR SCHOOLS, CHURCHES OR HOSPITALS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED FIVE HUNDRED DOLLARS (\$500.00) 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 Chapter 8 of the Code of the City of Mesquite, Texas, is hereby amended by adding Article XII to read as follows, in all other respects said Code, Chapter and Article to remain in full force and effect:

ARTICLE XII. ALCOHOLIC BEVERAGE SALES

Sec. 8-840. Sales near churches, schools or hospitals.

(a) It shall be unlawful for any owner or person to sell alcoholic beverages at a business that is within 300 feet of a church, public hospital or public school.

(b) The measurement of the distance between the place of business where alcoholic beverages are sold and a church, public hospital or public school shall be made as set forth in the Texas Alcoholic Beverage Code.


SECTION 2. That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional the validity of the remaining provisions of this ordinance shall not be affected and shall remain in full force and effect.

SECTION 3. 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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed, except that this ordinance shall not affect any provision of the Mesquite Zoning Ordinance. To the extent that such ordinances or portions thereof are not in conflict herewith, the same shall remain in full force and effect.

SECTION 4. 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 five hundred dollars (\$500.00) for each offense.


SECTION 5. That the present ordinances of the City of Mesquite are inadequate to provide for the proper regulation of sales of alcoholic beverages 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 17th day of April, 2000.




Mike Anderson
Mayor

ATTEST:



Ellen Williams
City Secretary

APPROVED:



B.J. Smith
City Attorney