

ORDINANCE NO. 3904

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 8 OF THE CODE OF THE CITY OF MESQUITE BY DELETING SECTION 8-840 IN ITS ENTIRETY AND ADDING A NEW SECTION 8-840 THEREBY REGULATING SALES OF ALCOHOLIC BEVERAGES NEAR CHURCHES OR SCHOOLS; 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 deleting Section 8-840 in its entirety and adding a new Section 8-840 to read as follows, in all other respects said Code and Chapter to remain in full force and effect:

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

- (a) It shall be unlawful for any owner or person to sell alcoholic beverages at a business:
 - (1) That is within 300 feet of a public or private school, or a church which constitutes the primary use of the lot; or
 - (2) That shares a common wall with a church in a General Retail, Light Commercial or Commercial zoning district and where the front doors of the business and church are less than 300 feet apart.
- (b) The measurement of the distance between the place of business where alcoholic beverages are sold and a church or a public or private school shall be made as set forth in the Texas Alcoholic Beverage Code. The term "private school" shall have the meaning ascribed to it in the Texas Alcoholic Beverage Code.
- (c) This section shall not apply to restaurants holding a Food and Beverage Certificate from the Texas Alcoholic Beverage Commission.

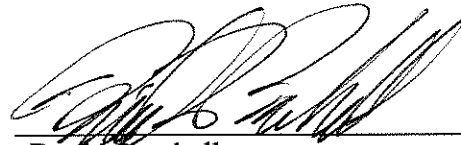
SECTION 2. That all ordinances, or portions thereof, of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed. To the extent that such ordinances or portions thereof are not in conflict herewith, the same shall remain in full force and effect.

SECTION 3. 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 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.

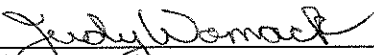
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 15th day of October, 2007.



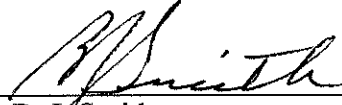
David Paschall
Mayor Pro Tem

ATTEST:

APPROVED:



Judy Womack
City Secretary



B. J. Smith
City Attorney