

ORDINANCE NO. 4054  
ZONING TEXT AMENDMENT NO. 2009-3

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 PROVIDING CERTAIN ADDITIONS AND DELETIONS UNDER SECTIONS 2-603, 3-202 AND 6-102 THEREBY PROVIDING REGULATIONS ON DONATION COLLECTION FACILITIES; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE; AND DECLARING AN EFFECTIVE DATE THEREOF.

WHEREAS, in order that the intended purposes of the Mesquite Zoning Ordinance are best served, it has been determined necessary to amend certain language of said ordinance; and

WHEREAS, the Planning and Zoning Commission did give public notice and did hold a public hearing regarding proposed revisions and has recommended amendment of the ordinance; and

WHEREAS, the City Council did give public notice and did hold a public hearing 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 by providing certain additions and deletions under Sections 2-603, 3-202 and 6-102 to read as follows, said Ordinance in all other respects to remain in full force and effect:

- (1) *Section 2-603.* Amend by adding a new Section 2-603(K) to read as follows:

K. DONATION COLLECTION FACILITIES

A donation collection facility, whether conducted as a primary or accessory use, shall not be permitted on any property, public or private, within the City.

- (2) *Section 3-202.* Amend by adding a new Section 3-202(G) to read as follows:

G. DONATION COLLECTION FACILITIES

A donation collection facility, whether conducted as a primary or accessory use, shall not be permitted on any property, public or private, within the City.

- (3) *Section 6-102.* Amend by adding a new definition under Section 6-102 to read as follows:

**DONATION COLLECTION FACILITY**

A box, bin, container, trailer, accessory structure or similar facility outside of an enclosed building used for the collection of donated materials, including household goods and clothing, and not used exclusively for the collection of recyclables such as paper or plastic.

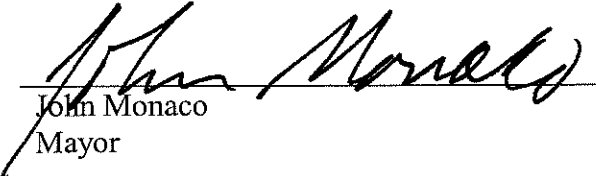
SECTION 2. That all ordinances, or portions thereof, of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed. To the extent that such ordinances or portions thereof not in conflict herewith, the same shall remain in full force and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

SECTION 3. That should any word, sentence, clause, paragraph, phrase or section of this ordinance be held to be 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 so decided to be invalid, illegal or unconstitutional and shall not affect the validity of the Mesquite Zoning Ordinance as a whole.

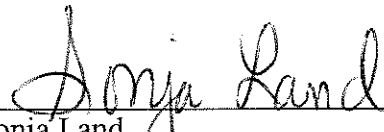
SECTION 4. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and subject to the same penalty as provided for in the Mesquite Zoning Ordinance, as amended, and upon conviction in the Municipal Court shall be punished by a fine not to exceed Two Thousand (\$2,000.00) Dollars for each offense.

SECTION 5. That this ordinance shall be effective immediately from and after its passage.


DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 15th of June, 2009.

  
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John Monaco  
Mayor

ATTEST:

  
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Sonja Land  
City Secretary

APPROVED:

  
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B. J. Smith  
City Attorney