

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE PROHIBITING BUSINESS OR COMMERCIAL ESTABLISHMENTS WITHIN 50 FEET OF U.S. HIGHWAY 171 IN THE CITY OF BYNUM, SETTING A PENALTY AND SETTING AN EFFECTIVE DATE.

WHEREAS, traffic congestion on and near U.S. Highway 171 through the city of Bynum, Texas, has become severe around existing business or commercial establishments which front on or are near U.S. Highway 171, and has detrimentally affected the public health and welfare through increased risk of accidents in motor vehicle traffic, caused excessive noise, dust, and hazzards, and further has caused greatly increased risk to pedestrian traffic, especially children and elderly citizens, and has prevented owners of residential property near U.S. Highway 171 from being able to use and enjoy their property without undue and unnecessary interference caused by said traffic and business establishments;

WHEREAS, the City Council of the City of Bynum has determined that the public interest will be best served by prohibiting new business or commercial establishments within 50 feet of Highway 171; and by allowing new business of commercial establishments only at locations over 50 feet from Highway 171;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BYNUM, TEXAS:

SECTION 1: That business or commercial establishments of any type, other than existing businesses, shall not be permitted, and are hereby prohibited, within 50 feet of any part of U.S. Highway 171 at any place within the City Limits of the City of Bynum, Texas. Business or commercial establishments in existence and use at the time of passage of this ordinance shall not be enlarged in external size of building or other improvements, and shall not be placed back into business or commercial use if said use is discontinued. This prohibition shall include parking lots, business signs, and any other use accessory to or associated with business or commercial use of property. Business and commercial uses shall be defined to mean any use normally included within their terms, specifically including but not limited to any sale at retail or wholesale of any article. Business or commercial uses will be and are permitted at any place over 50 feet from Highway 171.

SECTION 2: Any person, firm, corporation, or association who violates any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than two hundred (\$200.00) dollars, and each and every day of continuance thereof shall constitute a distinct and separate offense.

SECTION 3: This ordinance shall be effective upon passage and publication.

PASSED, APPROVED AND ADOPTED this the \_\_\_\_\_ day of \_\_\_\_\_, 2003.

  
MAYOR

ATTEST:

  
CITY SECRETARY