

ORDINANCE NO. 1053

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 6A, SECTION 4, OF THE CODE OF THE CITY OF MESQUITE, TEXAS, (ORDINANCE NO. 858) BY ADDING A NEW SUB-PARAGRAPH (e) TO PROVIDE STANDARDS AND REQUIREMENTS FOR THE CREATION OF LAKES, PONDS, AND LAGOONS BY EXCAVATION, FILLING OR DAM CONSTRUCTION AND IN ALL OTHER RESPECTS TO REMAIN IN FULL FORCE AND EFFECT; BY PROVIDING A SEVERABILITY CLAUSE AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 6A, Section 4, of the Code of the City of Mesquite, Texas, is amended as follows; in all other respects to remain in full force and effect:

A new sub-paragraph (e) is added to Section 4, to provide the following:

- (e) In the event that an owner or developer desires to impound storm water by excavation, filling or construction of a dam within a property, thereby creating a lake, pond, or lagoon as a part of the planned development of that property, the standard provisions for storm drainage as established in Section 6-3 of this Ordinance shall not be applicable, provided:
- 1) That an engineering plan for such construction, accompanied by complete drainage design information, prepared by a registered professional engineer, shall have been approved by the City of Mesquite;
 - 2) That the owner or developer shall have agreed to retain under private ownership the lake, pond, or lagoon constructed, and to assume full responsibility for the protection of the general public from any health or safety hazards related to the lake, pond, or lagoon constructed;

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- 3) That the owner or developer shall have agreed to assume full responsibility for the maintenance of the lake, pond or lagoon constructed;
- 4) That the obligations herein shall run with the land and shall be a continuing obligation.

SECTION 2. That if any section, paragraph, clause, phrase or provision of this Ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof, other than the part so decided to be invalid or unconstitutional; nor shall such unconstitutionality or invalidity have any effect on any other ordinances or provisions of ordinances of the City of Mesquite.


SECTION 3. That any person who shall violate the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction therefor shall be subject to a fine not to exceed Two Hundred Dollars (\$200.00).

SECTION 4. That the present ordinances of the City of Mesquite are inadequate to provide for adequate storm drainage facilities and flood control in the development of properties within such city, constitutes an urgency and emergency in the interest of the public health, safety and welfare, and necessitates that this ordinance become effective immediately from and after its date of passage as the law in such cases permits.

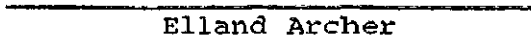
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on this the 7 day of August A.D., 1972.


 George Boyce
 Mayor

ATTEST:


 Norma G. McGaughy
 City Secretary

APPROVED AS TO FORM:


 Elland Archer
 City Attorney