

AN ORDINANCE OF THE CITY OF MESQUITE PROHIBITING DUMPING IN THE CITY WITHOUT A PERMIT THEREFOR; PROVIDING FOR THE ISSUANCE OF A PERMIT FOR FILLING; PROVIDING CONDITIONS UPON WHICH A PERMIT MAY BE ISSUED; PROVIDING FOR A LIEN ON PROPERTY FILLED UNDER CERTAIN CONDITIONS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO HUNDRED DOLLARS (\$200.00) FOR EACH OFFENSE; AND DECLARING AN EMERGENCY.

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

SECTION 1. Chapter 13 of the Code of the City of Mesquite is hereby amended as follows, in all other respects to remain in full force:

A new section entitled Section 13-17 is added to read as follows:

It shall be unlawful and an offense for any person, firm, corporation or other party to dump dirt, rock, concrete or other fill substance or any substance of whatsoever nature upon any property, public or private, without a permit having first been obtained from the City of Mesquite for dumping at such location.

It shall further be unlawful and an offense for any property owner to knowingly permit another person to dump any substance upon any real property within the City owned or controlled by said property owner without having first obtained a permit therefor.

It shall further be unlawful and an offense for any person or party to knowingly permit his agent, servant or employee to dump any substance upon any real property within the City for which no permit has been issued.

SECTION 2. Permits. Any landowner or party authorized to act upon such landowner's behalf, desiring to obtain a permit for filling land may apply to the Director of Community Development therefor.

Upon review of such application, the Director of Community Development shall ascertain if such proposed filling is in the flood plain as denoted by the official flood plain map of the City or will otherwise adversely affect the natural drainage of surface waters. If such location shall be in the flood plain, the provisions of Section 6A-(d) shall be applicable.

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When the Director of Community Development has determined that filling such location is permissible under Section 6A-(d) or that same is otherwise permissible, he shall grant a permit for such filling as will not be detrimental to the City; conditioned upon the following:

1. Applicant agrees to be responsible for all cleanup operations incidental to the filling operation including the leveling and grading of the property at intervals not to exceed once every three months and to remove all trash and debris not suitable for filling, including that deposited on adjacent property including City streets and right-of-way.
2. The Director of Community Development shall prepare a list of suitable fill substances, which applicant shall adhere to in filling the land.
3. Applicant shall be responsible for cleanup operations, including street and right of way for a period of one year after cessation of fill operations.
4. Applicant shall provide the City security by way of a suitable bond or other security approved by the City to assure compliance with applicant's obligations.
5. If applicant fails in any respect to fulfill his commitments hereunder, City may go upon applicant's property and perform such work as may be necessary to fulfill such requirements and may clean City streets and right of way of trash and debris, all at applicant's expense and charge same against the security of applicant and, in addition shall have a lien on applicant's property which may be filed with the County Clerk as in the case of paving assessment liens for all amounts expended thereby.

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 violating any of 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) for each offense.

SECTION 5. The fact that the City of Mesquite has no adequate ordinances to control dumping creates an urgency and an emergency and requires that this ordinance shall take effect immediately from and after its passage and publication as the law in such cases provides.

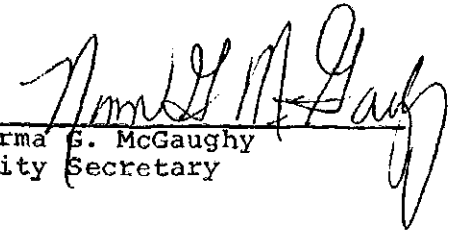
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 6th day of August, A.D., 1979.



B. J. SMITH
MAYOR

ATTEST:

APPROVED AS TO FORM:



Norma S. McGaughy
City Secretary

Elland Archer
City Attorney

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