

ORDINANCE NO. 2301

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 6A OF THE CODE OF THE CITY OF MESQUITE BY MAKING IT UNLAWFUL AND AN OFFENSE TO SUFFER OR PERMIT DIRT, MUD OR SILT TO WASH, SLIDE OR ERODE ONTO CITY STREETS, THOROUGHFARES OR ALLEYS FROM REAL PROPERTY; BY REQUIRING A PERMIT AND ESTABLISHING CRITERIA THEREFOR INCLUDING A CASH DEPOSIT AND ESTABLISHING A PERMIT FEE; BY PROVIDING A SEVERABILITY CLAUSE; BY PROVIDING FOR A PENALTY NOT TO EXCEED TWO HUNDRED (\$200.00) DOLLARS 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 6A of the Code of the City of Mesquite is hereby amended by adding Sections 6A-13, 6A-14, 6A-15 and 6A-16 in all other respects to remain in full force and effect:

Sec. 6A-13. Duty of property owner.

It shall be unlawful and an offense and shall constitute a nuisance for any person, firm, corporation or entity owning or having control of real property within the City of Mesquite to suffer or permit dirt, mud or silt to wash, slide or erode from said real property onto a public street, thoroughfare or alley. It shall be the affirmative duty of each property owner or party in control thereof to prevent the erosion of dirt, mud or silt from said real property onto the public streets, thoroughfares and alleys of the City and to inspect such property and acquaint oneself with the conditions existing and to remedy any condition likely or calculated to allow dirt, mud or silt to wash, slide or erode onto said public streets, thoroughfares and alleys and failure to do so shall be deemed criminal negligence for the purpose of the offense described herein.

Sec. 6A-14. Filling, Grading Excavation - Permit Required.

No person firm, corporation or entity or owner of real property shall fill, grade, excavate or otherwise disturb the surface of real property withir the City without first having secured a permit from the City Engineer therefor.

Sec. 6A-15. Issuance of Permits - Criteria.

The City Engineer shall issue permits for the grading, filling excavating or otherwise disturbing the surface upon proper application upon the following criteria:

Applicant provides adequate assurance that City will be reimbursed for any expense of cleaning or removal of dirt and silt from City streets, thoroughfares or alleys or the barricading thereof by the posting of a deposit of cash with the City to guarantee same. The amount of such deposit shall be established by the City Council from time to time and is hereby established as follows:

<u>Area</u>	<u>Amount</u>
One acre or less	\$500.00 minimum
From One acre up	\$100.00 for each additional acre

The City Engineer may exclude that portion of tracts in excess of one hundred acres that is determined to be situated so as not to contribute to erosion due to location and topography.

Upon determination and certification by the City Engineer that no further hazard of erosion and silting of public streets, thoroughfares or alleys exists by reason of the condition of land for which a deposit is made so much of said deposit as is not required to reimburse City for the expense of removal of dirt, mud and silt from its streets, thoroughfares and alleys by reason of work performed on said land shall be refunded. The reasonable charge of such removal by City shall be billed to permittee from time to time and subtracted from the balance of said deposit.

Sec. 6A-16. Permit fee.

A non-refundable fee of \$10.00 shall be charged for each permit issued to cover administrative expense.

SECTION 2. 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 3. 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 Two Hundred (\$200.00) Dollars for each offense.

SECTION 4. The fact that the present ordinances of the City of Mesquite are inadequate to protect the public interest, comfort, and general welfare of the City of Mesquite, creates an urgency and an emergency for the preservation of the public health, safety, and

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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 19th day of May A.D., 1986.

Steve Bennett
Mr. Steve Bennett
Mayor Pro Tem

ATTEST:

APPROVED AS TO FORM:

Lynn Prugel
Lynn Prugel
City Secretary

Elland Archer
Elland Archer
City Attorney

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