

ORDINANCE NO. 2604

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS AMENDING ORDINANCE NO. 2583 OF THE CITY OF MESQUITE, TEXAS, BY AMENDING SECTION 204 OF THE 1988 EDITION OF THE UNIFORM BUILDING CODE BY DELETING THE PRESENT SECTION 204 AND ADDING A NEW SECTION 204; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Ordinance No. 2583 of the City of Mesquite, is hereby amended by amending section 204 of the Uniform Building Code, 1988 edition by deleting the present section 204 in its entirety and adding a new section 204 to read as follows, the remaining portions of said ordinance to remain in full force and effect:

Board Of Appeals

Section 204 (a). Created; Composition. There is hereby created a board to be known as the Building Code Board of Appeals. The Board shall be composed of five (5) members who are qualified through their experience to pass upon matters pertaining to building construction, and who are not employees of the City of Mesquite.

(b). Scope and Authority of the Board. The Board shall hear and decide appeals of orders, decisions, or the determinations made by the building official relating to the application and interpretation of the building and housing codes of the City of Mesquite.

(c). Appeal Procedure. An appeal to the Building Code Board of Appeals shall be filed within thirty (30) calendar days after the date the determination or decision of the Building official is made. If the thirtieth (30th) day falls on a Saturday, Sunday, or City holiday then the time for filing the appeal shall be extended to the next day following the thirtieth (30th) day which is not a Saturday, Sunday, or City holiday. The appeal shall be filed at the office of the City Building official, and such notice of appeal shall specify the grounds of such appeals, stating the reasons why the appellant feels the building officials determination should be overturned.

(d). Terms. The Board members are appointed by the City Council to serve without compensation for a two year term. Three members shall be appointed on or about January 1 of odd numbered years, and two members shall be appointed on or about January 1 of even numbered years. The board shall set its rules and regulations and appoint a chairman from among its members.

(e). Vacancies. The City Council shall fill all vacancies by the appointment of a suitable person to serve the unexpired term.

(f). Meetings. Board meetings shall be held at the call of the chairman or at such other times as the board may determine. All meetings are open to the public. The board shall keep minutes of its meetings and all records are open to the public.

(g). Quorum. Three members shall constitute a quorum. A concurring vote of three members of the board shall be necessary to render a decision in favor of the Appellant.

(h). Secretary. The building official shall serve as the secretary of the board, but shall not be a member thereof. The secretary shall keep a record of the activities and the actions of the board and its determinations, receive and file applications for appeal, and notify the applicants of the date and time of hearing.


(i). Limitations of authority. The board shall have no authority relative to interpretation of the administrative provisions of this code, nor shall the board be empowered to waive requirements of the code.

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 Thousand (\$2000.00) Dollars for each offense.


SECTION 4. That the present ordinances of the City of Mesquite are inadequate to properly establish a Building Code Board of Appeals for the City of Mesquite, creates an urgency and an emergency for the preservation of the public health, safety, and 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 5th day of June, 1989.


George A. Vencer, Sr.
Mayor

ATTEST:

APPROVED:


Lynn Prugel
City Secretary


B.J. Smith
City Attorney