

00137

ORDINANCE NO. 2946

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 10 OF THE CODE OF THE CITY OF MESQUITE BY DELETING SECTIONS 10-126 AND 10-130 AND ADDING NEW SECTIONS 10-126 AND 10-130(a)(b) TO PROVIDE NOTICE OF VIOLATION; 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 10 of the Code of the City of Mesquite is hereby amended by deleting Sections 10-126 and 10-130 in their entirety and adding new Sections 10-126 and 10-130(a)(b) as follows, in all other respects said Code and Chapter to remain in full force and effect:

Sec. 10-126. Penalties for violation of article.

Any person violating any provision of this article shall be guilty of a misdemeanor and, upon conviction, subject to a fine as specified in section 1-6 of this Code.

Sec. 10-130. Same-Notice to owner to remove, etc.; removal by city upon failure of owner to do so.

(a) In the event that any person owning, claiming, occupying or having supervision or control of any real property occupied or unoccupied within the corporate limits of the city fails to comply with the provisions of sections 10-127 through 10-129 it shall be the duty of the city to give ten (10) days' notice by certified mail to such person violating the terms of this chapter or by letter addressed to such person at his post office address. If such person fails or refuses to comply with the provisions of such sections within ten (10) days after date of notification in writing or by letter, the city may go upon such property and do or cause to be done the work necessary to obtain compliance with this chapter, and may charge the expenses incurred in doing or in having same done, to the owners of such property as provided in this article in compliance with V.T.C.A. Health and Safety Code, Section 342.001 et seq.


(b) If the owner, occupant, or property manager in control of any real property, occupied or unoccupied within the city fails to correct the violation in the notification specified in Section 10-130(a), and the property has a previous record of non-compliance requiring city notification, the health director or designee may inform the owner by certified mail, return receipt requested, that if another violation of the same kind or nature poses a danger to the public health and safety on or before the first anniversary of the date of the notice, then the city may without further notice correct the violation at the owner's expense and assess the expenses

against the property. If a property manager has been assigned responsibility for maintenance of the property, and the health director or designee has been notified in writing of this assignment, then the City will additionally notify the property manager by certified mail. If a violation covered by such notice occurs within the one (1) year period, and the city has not been informed in writing by the owner of an ownership change, then the city without further notice may do the work or make the improvements required and pay for the work done or improvements made, and then charge the expenses to the owner and assess the expenses against the property.


SECTION 2. That should any word, sentence, clause, paragraph, or provision of this ordinance be held to be invalid or unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision hereof other than the part or provision so decided to be unconstitutional, illegal, or invalid and shall not affect the validity of the remainder of Chapter 10 or any other provision of the Code of the City of Mesquite.

SECTION 3. That the present ordinances of the City of Mesquite are inadequate to provide notice for the cutting and removal of weeds, brush and other objectionable or unsightly matter, creates an urgency and 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 20th day of December, 1993.


Cathye Ray
Mayor

ATTEST:


Lynn Prugel
City Secretary

APPROVED:


B.J. Smith
City Attorney