

ORDINANCE NO. 3272

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 6 OF THE CODE OF THE CITY OF MESQUITE BY AMENDING SECTION 6-6 ESTABLISHING REGULATIONS FOR THE BOARD OF APPEALS; REPEALING SECTIONS 6-7 AND 6-8; 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 6, Section 6-6 of the Code of the City of Mesquite, Texas is hereby amended to read as follows:

Sec. 6-6. Amendments made in the Uniform Fire Code.

(.05) Section 103.1.4 Amend by deleting the existing section 103.1.4 in its entirety and adding a new section 103.1.4 to read as follows:

Section 103.1.4 Board of Appeals.

(a). Created; Composition. There is hereby created a board to be known as the Fire Code Board of Appeals. The Board shall be composed of five (5) members who are qualified by experience and training to pass judgment upon pertinent matters, 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 Chief relating to the application and interpretation of the Fire Code of the City of Mesquite.

(c). Appeal Procedure. An appeal to the Fire Code Board of Appeals shall be filed within thirty (30) calendar days after the date the determination or decision of the Chief 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 with the Fire Department at the office of the Chief, and such notice of appeal shall specify the grounds of such appeal, stating the reasons why the appellant feels the Chief's determination should be overturned.

(d). Terms. The Board members are appointed by the City Council to serve without compensation for a two year term. Initially, however, all of the members of the Board shall be appointed by the City Council, three (3) of which shall serve until the year 2001 and two (2) members shall serve until the year

2000. Thereafter, two (2) members shall be appointed to a two year term on or about January 1 of even numbered years, and three (3) members shall be appointed to a two year term on or about January 1 of odd 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.

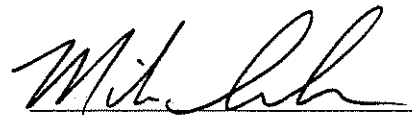
(g). Quorum. Three (3) members shall constitute a quorum. A concurring vote of three (3) members of the Board shall be necessary to render a decision in favor of the Appellant.

SECTION 2. That Chapter 6, Sections 6-7 and 6-8 of the Code of the City of Mesquite, Texas are hereby repealed in their entirety; in all other respects said Chapter and Code to remain in full force and effect.

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.

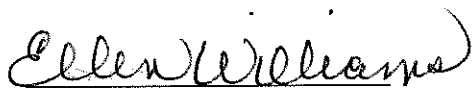
SECTION 4. That the present ordinance regulating appeals of fire code provisions is inadequate to protect the public interest, comfort, and general welfare of the City of Mesquite which creates an urgency and an emergency for the preservation of the public health, safety and welfare and requires that 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 16th day of November, 1998.



Mike Anderson
Mayor

ATTEST:



Ellen Williams
City Secretary

APPROVED:



B.J. Smith
City Attorney