

ORDINANCE NO. 3421

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 10 OF THE CODE OF THE CITY OF MESQUITE BY DELETING SECTION 10-130 IN ITS ENTIRETY AND INSERTING A NEW SECTION 10-130 THEREBY PROVIDING THE MANNER IN WHICH NOTICE OF ENVIRONMENTAL CODE VIOLATIONS RELATING TO CONDITION OF PREMISES IS GIVEN; PROVIDING FOR REMOVAL BY THE CITY; PROVIDING FOR PLACEMENT OF LIENS ON SUCH PROPERTY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 10 of the Code of the City of Mesquite is hereby amended by deleting Section 10-130 in its entirety and inserting a new Section 10-130 to read as follows, in all other respects said Code and Chapter to remain in full force and effect:

**OFFENSES - MISCELLANEOUS**

**ARTICLE I. IN GENERAL**

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

(a) If any person owning, claiming, occupying or having supervision or control of any real property occupied or unoccupied within the City fails to comply with the provisions of Sections 10-127 through 10-129 within ten (10) days of notice of a violation, the City may go upon such property and do or cause to be done the work necessary to obtain compliance with this Chapter and Article, and may assess the expenses incurred in doing or in having same done to the owners of such property and against the real estate on which the work is done or improvements made and may place a lien on such property as provided in V.T.C.A. Health and Safety Code, Section 342.001 et seq.

(b) The notice required in this Section must be given:

- (1) Personally to the owner in writing; or
- (2) By letter addressed to the owner at the owner's address as recorded in the records of the Dallas County Appraisal District; or
- (3) If personal service cannot be obtained as provided in (b)(1) or (b)(2):

- a. By publication at least once;
- b. By posting notice on or near the front door of each building on the property to which the violation relates; or
- c. By posting notice on a placard attached to a stake driven into the ground on the property to which the violation relates if the property contains no buildings.

(c) If the notice mailed to the property owner in accordance with Subsection (b) is returned by the United States Postal Service as "refused" or "unclaimed", the validity of the notice is not affected and the notice is considered as delivered.

(d) In a notice provided under this Section the Director of Code Compliance or designee may inform the owner by regular mail and a posting on the property that if another violation of the same kind or nature that poses a danger to the public health and safety is committed by the owner on or before the first anniversary of the date of the notice, the City may without further notice correct the violation at the owner's expense and assess the expenses against the property. If a violation occurs within the one year period and the City has not been informed in writing by the owner of an ownership change, the municipality may without notice take any action permitted by Subsection (a) and assess its expenses as provided therein.

(e) If a property manager has been assigned responsibility for maintenance of the property and the Director of Code Compliance or designee has been notified in writing of this assignment, with regard to notices provided under this Section to the owner of property, the City will additionally notify the property manager by letter addressed to the property manager at the address provided.

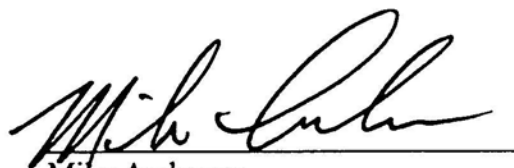
SECTION 2. That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional, the validity of the remaining provisions of this ordinance shall not be affected and shall remain in full force and effect.

SECTION 3. That all ordinances or portions thereof in conflict with the provisions of this ordinance, to the extent of such conflict, are hereby repealed. To the extent that such ordinances or portions thereof are not in conflict herewith, the same shall remain in full force and effect.

SECTION 4. 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 punishable by a fine not to exceed two thousand (\$2,000.00) dollars for each offense.

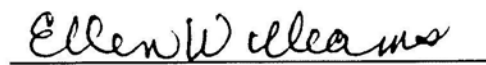
SECTION 5. That the present ordinances of the City of Mesquite are inadequate in providing the manner in which notice of environmental code violations relating to condition of premises are given, creates an urgency and an emergency for the preservation of the public health, safety and welfare, and requires 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 19th day of March, 2001.

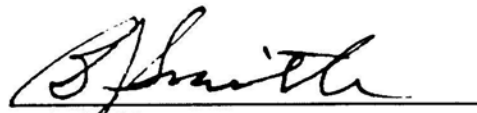


Mike Anderson  
Mayor

ATTEST:

  
Ellen Williams  
City Secretary

APPROVED:

  
B. J. Smith  
City Attorney