

ORDINANCE NO. 3755

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 1 OF THE CODE OF THE CITY OF MESQUITE BY ADDING A NEW SECTION 1-17; THEREBY PROVIDING EXPIRATION DATES TO PERMIT APPLICATIONS, PERMITS AND DORMANT PROJECTS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND DECLARING AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 1 of the Code of the City of Mesquite, Texas, is hereby amended by adding a new Section 1-17 to read as follows, in all other respects said Code and Chapter to remain in full force and effect:

Sec. 1-17. Permit applications.

- (1) Definitions. The following words when used in this section shall have the meanings ascribed to them in this section except where the context clearly indicates a different meaning:

Director means the Director of Community Development or his designee or other city official designated by the City Manager to administer the provisions of this section.

Permit shall have the meaning ascribed to it in *Local Government Code* § 245.001.

Project shall have the meaning ascribed to it in *Local Government Code* § 245.001.

- (2) Notwithstanding any other provision of this Code, all permit applications shall expire as stated herein, and any approved permit or authority to construct, build or execute any project pursuant to a permit or series of permits shall expire as follows:

a. Permit applications - expiration.

1. A permit application or plan for development, filed on or after April 27, 2005, shall expire on the 45th day after said application or plan is filed, unless approved, if:

- (a) The applicant fails to provide documents or other information necessary to comply with the City's technical requirements relating to the form and content of the application;

- (b) The City provides written notice to the applicant of the failure not later than the 10th business day after the date the application is filed specifying the necessary documents or other information and the date the application will expire if the documents or other information are not provided; and
 - (c) The applicant fails to provide the specified documents or other information within the time provided in the notice.
 - 2. Permit applications filed prior to April 27, 2005, that are pending approval on August 15, 2005, shall expire on October 1, 2005, if by said date the applicant has failed to provide documents or other information necessary to comply with the City's technical requirements relating to the form and content of the application.
 - 3. The Director may, but is not required, to extend the time only for issuance of a building permit to erect or improve a building or other structure, in which event the permit application shall expire when said extension expires. Any such extension shall be in writing and signed by the Director or his designee.
- (3) Permits and projects – expiration.
 - a. A permit approved pursuant to a permit application filed on or after September 1, 2005, shall expire two years after the date of said application if no progress has been made towards completion of the project to which the permit pertains.
 - b. A project, the first permit application for which was filed on or after September 1, 2005, shall expire no later than five years after the date said application was filed if no progress has been made towards completion of the project.
 - c. A permit approved prior to September 1, 2005, for which there is no expiration date, shall expire one year from the date of the permit application if no progress has been made towards completion of the project. Upon expiration of said permit, the project to which the permit pertains shall also expire.
- (4) Effect of new rules and regulations.
 - a. Except as otherwise provided or exempted by law, the City shall consider the approval, disapproval or conditional approval of an application for a permit solely on the basis of any orders,

regulations, ordinances, rules, expiration dates, or other properly adopted requirements in effect at the time the original application for the permit is filed.

- b. Any person that claims injury as a result of the application of Sections 1-17(3) and (4) may appeal the determination as to which standards apply to a particular permit. The applicant shall petition the Director, in writing, giving the basis for such appeal. If the Director denies the petition, in whole or in part, or fails or refuses to respond in writing to the petition within 10 business days after filing the same, the applicant may request a hearing before the City Council. The request must be filed in writing with the City Secretary no more than 20 business days following the date of the original petition. Upon receipt, the City Secretary shall schedule the hearing on the next available meeting of the City Council.

SECTION 2. 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 3. 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 4. That this ordinance shall take effect on September 1, 2005.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 15th day of August, 2005.



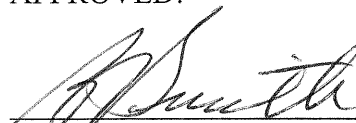
Mike Anderson
Mayor

ATTEST:



Judy Womack
City Secretary

APPROVED:



B. J. Smith
City Attorney