

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTERS 5, 6 AND 7 OF THE CODE OF THE CITY OF MESQUITE BY DELETING SECTIONS 5-27(1)(g), 5-187(2)(d), 5-206 THROUGH 5-213 INCLUSIVELY, 5-347, 5-348, 5-468(1)(m), 6-6(2)(e), 7-2, 7-3(1)(c), 7-3(1)(d) AND 7-3(1)(e) IN THEIR ENTIRETY AND ADDING NEW SECTIONS 5-25, 5-27(1)(g), 5-187(2)(d), 5-317(1)(b), 5-466(1)(c), 5-468(1)(m), 6-6(2)(e) AND 7-3(1)(c); THEREBY CREATING A BUILDING STANDARDS BOARD; PROVIDING FOR COMPOSITION OF THE BOARD, INCLUDING THE TERMS AND QUALIFICATIONS OF MEMBERS; DEFINING THE SCOPE AND AUTHORITY OF THE BOARD; ESTABLISHING RULES AND PROCEDURES FOR APPEALS, VACANCIES AND MEETINGS; DEFINING A QUORUM; REQUIRING TRAINING FOR THE MEMBERS; ABOLISHING PRIOR BOARDS AND CONTINUING PENDING APPEALS; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR A SEVERABILITY CLAUSE.

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

SECTION 1. That Chapters 5, 6 and 7 of the Code of the City of Mesquite, Texas, are hereby amended by deleting Sections 5-27(1)(g), 5-187(2)(d), 5-206 through 5-213 inclusively, 5-347, 5-348, 5-468(1)(m), 6-6(2)(e), 7-2, 7-3(1)(c), 7-3(1)(d) and 7-3(1)(e) in their entirety and adding new Sections 5-25, 5-27(1)(g), 5-187(2)(d), 5-317(1)(b), 5-466(1)(c), 5-468(1)(m), 6-6(2)(e) and 7-3(1)(c) to read as follows, in all respects said Code, Articles, Chapters and Sections to remain in full force and effect:

- (1) *Section 5-25.* Amend by adding a new Section 5-25 to read as follows:

Sec. 5-25. Building Standards Board.

- (a) *Created; composition.* There is hereby created a board to be known as the Building Standards Board, and all references to the Board of Appeal(s) contained in the Code of Ordinances shall refer hereafter to the Building Standards Board. The Board shall be composed of seven regular voting members who are appointed by the City Council and that are qualified through their individual experience to pass upon matters pertaining to building- and fire code-related issues. The City Council shall also appoint two alternate members to serve in the absence of a regular member. The appointed members shall be residents of, or own or operate businesses located within, the City of Mesquite and shall not be employees of the City. Board members may be appointed to succeed themselves. The Building Official and Fire Code Official shall be ex-officio, non-voting members of the Board. The Building Official shall serve as Secretary of the Board.

- (b) *Scope and authority of the Board.* The Building Standards Board shall hear and decide appeals of orders, decisions or determinations made by the Building Official or Fire Code Official relating to the application and interpretation of the technical provisions of the building, electrical, plumbing, mechanical, fuel gas, fire and property maintenance codes for both residential and commercial construction as adopted by the City of Mesquite. The Board shall not have the authority to waive or modify any of the code provisions as listed or adopted. The Board shall also conduct hearings on dangerous structures pursuant to the substantive and procedural requirements of Chapter 214 of the Local Government Code.

- (c) *Appeal procedures.* An appeal to the Building Standards Board shall be filed within thirty (30) calendar days after the decision of the Building Official or Fire Code Official is mailed or delivered to the appellant, provided that if the 30th day falls on a Saturday, Sunday or city holiday, the time for filing the appeal shall be extended to the next business day. An application for appeal shall be filed in writing at the office of the Building Official and shall be based on a claim that the true intent of a code, law or rule legally adopted thereunder has been incorrectly interpreted, the provisions of the code, law or rule do not fully apply, or an equally good or better form of construction is proposed. The application for appeal shall state how the Building Official's or Fire Code Official's order, decision or determination should be modified or reversed. The Building Standards Board shall hear the appeal and render a decision, which shall be final with respect to the matter presented in the appeal. Such decision shall be filed with the City Secretary and a copy shall be mailed or delivered to the appellant.

- (d) *Board member qualifications.* The regular seven member Board shall be as follows:
 - (1) One member shall be a State of Texas Licensed Master Electrician with at least five years of experience in the electrical trade.
 - (2) One member shall be a State of Texas Licensed Master Plumber with at least five years of experience in the plumbing trade.
 - (3) One member shall be a registered homebuilder in the City of Mesquite.
 - (4) One member shall be a registered General Contractor in the City of Mesquite.
 - (5) One member shall be a State of Texas Licensed Mechanical Contractor with at least five years of experience in the mechanical trade.

- (6) Two members shall be certified from the Texas Commission on Fire Protection.

The alternate members shall qualify for one or more of the positions above, but only serve temporarily in the absence of any regular member.

- (e) *Terms of member appointment.* The Board members are appointed by the City Council for two-year terms and until their successors are appointed and qualified. They shall serve without compensation. The City Council shall appoint the membership of the Building Standards Board on or prior to the effective date of this ordinance. Members may be appointed from among the most recent membership of the boards abolished in subsection (J) or such other persons as may qualify for appointment. Of the first members appointed to the Board, three regular members and one alternate member shall be appointed for terms expiring on January 1, 2007, and four regular members and one alternate member shall be appointed for terms expiring on January 1, 2008.
- (f) *Vacancies.* Vacancies shall be filled by the City Council for unexpired terms. Newly appointed members shall be installed at the first regular board meeting after their appointment.
- (g) *Meetings.* Board meetings shall be held at the call of the chairman, the Building Official or Fire Code Official, 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. The Board shall establish such rules and regulations as it deems appropriate and appoint a chairman from among its members.
- (h) *Quorum.* Four members shall constitute a quorum. A concurring vote of four members of the Board shall be necessary to render a decision in favor of the applicant.
- (i) *Training and competency.* As a condition of membership on the Board, the members shall participate in such training and education as may be required by law or ordinance. From time to time, the Building Official or Fire Code Official shall provide additional training and education opportunities for the members of the Board in order to maintain and improve their knowledge and competence in matters pertaining to the adopted codes.
- (j) *Prior Boards abolished; effect upon pending appeals and hearings.* The Board of Appeal, the Board of Plumbers, the Board of Electricians and the Fire Code Board of Appeals are hereby abolished, and the membership of all persons previously appointed to serve on said boards shall cease upon the effective date of this ordinance. All appeals, hearings and other matters pending before said boards shall continue without interruption and

shall be heard by the newly constituted Building Standards Board, without the necessity of additional notice to the parties affected or the public.

- (2) *Section 5-27(1)(g)*. Amend by deleting the entire section, including all subsections in their entirety, and adding a new Section 5-27(1)(g) to read as follows:

- (g) *Section 112*. Amend by deleting the entire section, including all subsections in their entirety, and adding a new Section 112 to read as follows:

Appeals. Any person shall have the right to appeal a decision of the Code Official to the Building Standards Board hereinafter established in Section 5-25.

- (3) *Section 5-187(2)(d)*. Amend by deleting the entire section, including all subsections in their entirety, and adding a new Section 5-187(2)(d) to read as follows:

- (d) *Section 109*. Amend by deleting the entire section, including all subsections in their entirety, and adding a new Section 109 to read as follows:

Appeals. Any person shall have the right to appeal a decision of the Code Official to the Building Standards Board hereinafter established in Section 5-25.

- (4) *Sections 5-206 through 5-213 inclusively*. Amend by deleting the sections in their entirety.

- (5) *Section 5-317(1)(b)*. Amend by adding a new Section 5-317(1)(b) to read as follows:

- (b) *Section 109*. Amend by deleting the entire section, including all subsections in their entirety, and adding a new Section 109 to read as follows:

Appeals. Any person shall have the right to appeal a decision of the Code Official to the Building Standards Board hereinafter established in Section 5-25.

- (6) *Sections 5-347 and 5-348*. Amend by deleting the sections in their entirety.

- (7) *Section 5-466(1)(c)*. Amend by adding a new Section 5-466(1)(c) to read as follows:

- (c) *Section 109*. Amend by deleting the entire section, including all subsections in their entirety, and adding a new Section 109 to read as follows:

Appeals. Any person shall have the right to appeal a decision of the Code Official to the Building Standards Board hereinafter established in Section 5-25.

- (8) *Section 5-468(1)(m).* Amend by deleting the section in its entirety and adding a new Section 5-468(1)(m) to read as follows:

- (m) *Section R112.* Amend by deleting the entire section, including all subsections in their entirety, and adding a new Section R112 to read as follows:

Appeals. Any person shall have the right to appeal a decision of the Code Official to the Building Standards Board hereinafter established in Section 5-25.

- (9) *Section 6-6(2)(e).* Amend by deleting the section in its entirety and adding a new Section 6-6(2)(e) to read as follows:

- (e) *Section 108.* Amend by deleting the entire section, including all subsections in their entirety, and adding a new Section 108 to read as follows:

Appeals. Any person shall have the right to appeal a decision of the Code Official to the Building Standards Board hereinafter established in Section 5-25.

- (10) *Section 7-2.* Amend by deleting the section in its entirety.

- (11) *Sections 7-3(1)(c), 7-3(1)(d) and 7-3(1)(e).* Amend by deleting the sections in their entirety and adding a new Section 7-3(1)(c) to read as follows:

- (c) *Section 111.* Amend by deleting the entire section, including all subsections in their entirety, and adding a new Section 111 to read as follows:


Appeals. Any person shall have the right to appeal a decision of the Code Official to the Building Standards Board hereinafter established in Section 5-25.

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 the 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 become effective immediately from and after its passage.

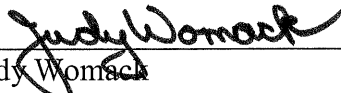
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 21st day of March, 2006.



Mike Anderson
Mayor

ATTEST:

APPROVED:



Judy Womack
City Secretary



B.J. Smith
City Attorney