

ORDINANCE NO. 3920

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 5 OF THE CODE OF THE CITY OF MESQUITE BY DELETING SECTION 5-468(H) IN ITS ENTIRETY AND ADDING A NEW SECTION 5-468(H) THEREBY ASSESSING AN ADMINISTRATIVE FEE OF ONE HUNDRED (\$100.00) DOLLARS FOR OCCUPYING A RENTAL DWELLING UNIT PRIOR TO INSPECTION; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE; AND DECLARING AN EFFECTIVE DATE THEREOF.

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

SECTION 1: That Chapter 5 of the Code of the City of Mesquite, Texas, is hereby amended by deleting Section 5-468(h) in its entirety and adding a new Section 5-468(h) to read as follows, in all other respects said Code and Chapter to remain in full force and effect:

- (h) *Section R110.2.* Amend by deleting the section in its entirety and adding a new Section R110.2 to read as follows:

Change in tenancy. When a rental dwelling unit is vacated by the tenant, the owner of the unit must apply for and receive a Certificate of Occupancy from the Building Official prior to the unit being occupied by a new tenant. The Building Official or his designated representative will inspect the unit and premises for compliance with this code, the Property Maintenance Code and other applicable ordinances of the City. If deficiencies are found, the Building Official may prohibit occupancy of the unit and premises until such time as the owner takes action needed to bring the unit and premises into compliance. The inspection required by this section shall also be required for a dwelling unit and premises to its original occupancy as a rental unit.

R110.2.1. If the dwelling unit is found to be occupied prior to inspection, the Building Official shall assess an administrative fee of One Hundred (\$100.00) Dollars to defray the expense to the City for conducting an inspection of an occupied unit. Said fee shall be paid by the owner prior to any further inspection or reinspection of the unit and shall be cumulative of all other fees or penalties provided in this code.

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or portions thereof in conflict with the provisions of this ordinance, to the extent of such conflict, are hereby repealed.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 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 punished by a fine not to exceed Two Thousand (\$2,000.00) Dollars for each offense.

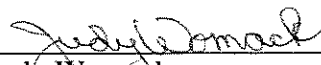
SECTION 5. That this ordinance shall take effect immediately from and after its passage.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 17th day of December, 2007.



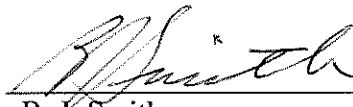
John Monaco
Mayor

ATTEST:



Judy Womack
City Secretary

APPROVED:



B. J. Smith
City Attorney