

ORDINANCE NO. 4014

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 10 OF THE CODE OF THE CITY OF MESQUITE BY MAKING CERTAIN DELETIONS AND ADDITIONS TO SECTIONS 10-131 AND 10-132 THEREBY AMENDING THE SPECIAL EXPENSE FEES RELATING TO THE CONDITION OF PREMISES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER 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 10 of the Code of the City of Mesquite, Texas, is hereby amended by making certain deletions and additions to Sections 10-131 and 10-132 to read as follows, in all other respects said Code and Chapter to remain in full force and effect:

1. *Section 10-131.* Amend by deleting Subsections 10-131(a)(1) and 10-131(a)(2) in their entirety and adding new Subsections 10-131(a)(1) and 10-131(a)(2) to read as follows:
  - (1) Single residential lot (with/without dwelling), per lot \$100.00
  - (2) Five or more adjacent lots (without dwelling), per lot \$ 20.00\*

\* Lots without dwellings that can be contracted by the acres shall be charged the *nonresidential* fee.
2. *Section 10-132.* Amend by deleting the section in its entirety and adding a new Section 10-132 to read as follows:

**Sec. 10-132. Same – To become lien on property.**

The charges provided for in this article shall be levied, assessed and collected by the Director of Finance of the City. The Director of Finance shall file with the County Clerk, a statement by the Manager of Environmental Code or his designee setting out the expenses that the City has incurred pursuant to the provisions of this article, and the City shall thereby perfect a privileged lien on the property involved, second only to tax liens and liens for street improvements, to secure the expenses incurred; together with an annual rate of 10 percent interest from the date of invoice. For any such expenditures and interest, as aforesaid, suit may be instituted and foreclosure had in the name of the City; and the statement so made, as aforesaid, or a certified copy thereof; shall be prima facie proof of the

amount expended for any such work or improvements. Upon full and final payment of such costs the City will release the lien.

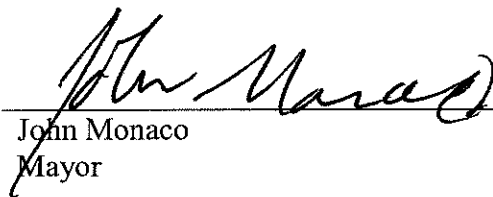
SECTION 2. That all ordinances, or portions thereof, of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed. To the extent that such ordinances or portions thereof are not in conflict herewith, the same shall remain in full force and effect.

SECTION 3. That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional, the remaining provisions of this ordinance 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 on and after its passage and publication of said ordinance as the law in such cases provides.

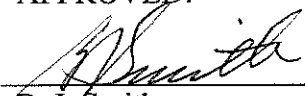
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 15th day of December, 2008.

  
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John Monaco  
Mayor

ATTEST:

  
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Judy Womack  
City Secretary

APPROVED:

  
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B. J. Smith  
City Attorney