

ORDINANCE NO. 4123

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 5 OF THE CODE OF THE CITY OF MESQUITE, TEXAS, BY PROVIDING CERTAIN ADDITIONS AND DELETIONS UNDER SECTION 5-25 THEREBY DEFINING THE SCOPE, AUTHORITY AND ADDITIONAL POWERS OF THE BUILDING STANDARDS BOARD; PROVIDING FOR THE REVIEW OF NATIONAL MODEL CODES PRIOR TO ADOPTION OR AMENDMENT; 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 Chapter 5 of the Code of the City of Mesquite, Texas, is hereby amended by providing certain additions and deletions under Section 5-25 to read as follows, in all respects said Code, Articles, Chapters and Sections to remain in full force and effect:

- (1) *Subsection 5-25(b).* Amend by deleting the subsection in its entirety and adding a new subsection 5-25(b) to read as follows:
 - (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.
- (2) *Subsections 5-25(d) through 5-25(j).* Amend by renumbering Subsections 5-25(d) through 5-25(j) to Subsections 5-25(e) through 5-25(k) and adding a new Subsection 5-25(d) to read as follows:
 - (d) *Additional powers of the Board.* In addition to all other powers established in this Section, the Building Standards Board shall:
 - (1) Review, obtain public comment on, and submit recommendations to the City Council on the proposed adoption of or amendment to a national model code; and
 - (2) Conduct hearings to determine whether a dilapidated, substandard or dangerous building complies with minimum standards and whether the building should be vacated, secured, repaired, removed or demolished. For purposes of this subsection, the 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 shall constitute the minimum standards for the continued use and occupancy of all buildings regardless of the date of their construction. Notice to the owner of a building shall be given using any of the procedures authorized by Chapter 214 of the Local Government 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 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 20th day of December, 2010.




John Monaco
Mayor

ATTEST:



Sonja Land
City Secretary

APPROVED:



B. J. Smith
City Attorney