

ORDINANCE NO. 4199

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 5 OF THE CODE OF THE CITY OF MESQUITE, TEXAS, BY DELETING SECTIONS 5-468(1)(h), 5-468(1)(i), 5-468(1)(j) AND 5-468(2)(a) IN THEIR ENTIRETY AND ADDING NEW SECTIONS 5-468(1)(h), 5-468(1)(i), 5-468(1)(j) AND 5-468(2)(a) PERTAINING TO NON-OWNER OCCUPIED ONE- AND TWO-FAMILY DWELLING UNITS; 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.

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 Sections 5-468(1)(h), 5-468(1)(i), 5-468(1)(j) and 5-468(2)(a) in their entirety and adding new Sections 5-468(1)(h), 5-468(1)(i), 5-468(1)(j) and 5-468(2)(a) to read as follows, in all respects said Code and Chapter to remain in full force and effect:

(1) *Secs. 5-468(1)(h), 5-468(1)(i) and 5-468(1)(j).* Amend by deleting Sections 5-468(1)(h), 5-468(1)(h) and 5-468(10)(i) in their entirety and adding new Sections 5-468(1)(h), 5-468(1)(h) and 5-468(10)(i) to read as follows:

(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 occupancy.* When a non-owner occupied dwelling unit is vacated by the occupant, the owner of the unit must apply for and receive a Certificate of Occupancy from the Building Official prior to the unit being reoccupied. 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 non-owner occupied dwelling unit and premises prior to its original occupancy.

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.

- (i) *Section R110.3.* Amend the first paragraph in Section R110.3 to read as follows:

*Certificate issued.* When the Building Official determines that a non-owner occupied dwelling unit and premises are in compliance with the provisions of this and other applicable codes, the Building Official shall issue a Certificate of Occupancy containing the following:

1. The address of the structure;
2. The name and address of the property owner;
3. A statement that the described portions of the structure have been inspected for compliance with the requirements of this code;
4. The name of the Building Official;
5. The edition of the code on which the certificate was issued; and
6. The date the Certificate of Occupancy was issued.

*R110.3.1.* No certificate-of-occupancy shall be issued for a non-owner occupied dwelling unit until the owner has paid all perfected liens of whatsoever nature attached to the property in favor of the City of Mesquite, together with interest as allowed by law.

- (j) *Section R111.1.* Amend by deleting the section in its entirety and adding a new Section R111.1 to read as follows:

*Connection of service utilities.* No person shall make connections from a utility, source of energy, power or water to any new dwelling unit, townhouse or system regulated by this code and requiring a permit until such connection is approved by the Building Official. No person shall make connections for water utilities to any non-owner occupied dwelling unit that is required by this code to be inspected prior to occupancy until the unit is approved as code compliant and the Building Official has issued a Certificate of Occupancy.

- (2) *Sec. 5-468(2)(a).* Amend by deleting Section 5-468(2)(a) in its entirety and adding a new Section 5-468(2)(a) to read as follows:

- (a) *Section R202.* Amend by adding a new definition of “Dwelling Unit, Non-Owner Occupied ” in Section R202 to read as follows:

*Dwelling Unit, Non-Owner Occupied.* A dwelling unit in a one- or two-family dwelling that is not inhabited, nor intended to be inhabited, by the person holding legal title thereto. A non-owner occupied dwelling unit shall include any unit occupied, or intended to be occupied, pursuant to a

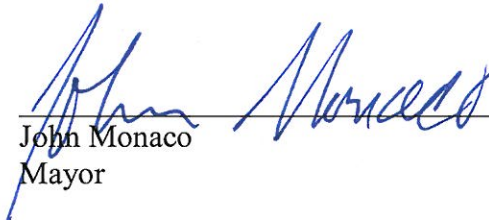
written or verbal tenancy agreement or a contract for deed or any other contract or deed that conveys less than legal title to the occupant.

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 (as defined in Chapter 1, Section 1-2 of the Code of the City of Mesquite, Texas, as amended) violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and upon conviction thereof, shall be subject to a fine not to exceed Two Thousand (\$2,000.00) Dollars for each offense, provided, however, if the maximum penalty provided for by this ordinance for an offense is greater than the maximum penalty provided for the same offense under the laws of the State of Texas, the maximum penalty for violation of this ordinance for such offense shall be the maximum penalty provided by the laws of the State of Texas. Each day or portion of a day any violation of this ordinance continues shall constitute a separate offense.


DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 6th day of February 6, 2012.

  
\_\_\_\_\_  
John Monaco  
Mayor

ATTEST:

  
\_\_\_\_\_  
Sonja Land  
City Secretary

APPROVED:

  
\_\_\_\_\_  
B. J. Smith  
City Attorney