

ORDINANCE NO. 4997

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE CITY CODE BY REVISING CHAPTER 11, ARTICLE V (DRAINAGE AND FLOOD HAZARD AREA REGULATIONS), DIVISION 1, TO ADD THE AREAS OF SPECIAL FLOOD HAZARD IDENTIFIED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), AND OTHER RELATED GENERAL AND ORGANIZATIONAL UPDATES; PROVIDING A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY CLAUSE WITH A FINE NOT TO EXCEED \$500; PROVIDING FOR PUBLICATION OF THE CAPTION HEREOF; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, it is the intent of the City Council of the City of Mesquite, Texas (“**City Council**”), to protect the public health, safety, and welfare; and

WHEREAS, the primary reason for this ordinance amendment is to include language required by the Federal Emergency Management Agency (“**FEMA**”); and

WHEREAS, the City of Mesquite, Texas (“**City**”), is a home-rule municipality acting under its Charter adopted, and amended, by the electorate pursuant to Article 11, [Section 5](#) of the Texas Constitution and [Chapter 9](#) of the Texas Local Government Code; and

WHEREAS, a home-rule municipality has full power of local self-government, pursuant to Texas Local Government Code, Title 2, Subtitle D, Chapter 51, [Section 51.072\(a\)](#); and

WHEREAS, the City shall have the power to enact and enforce ordinances necessary to protect health, life, and property and to prevent and summarily abate and remove all nuisances, and to preserve and enforce good government, order, and security of the City and its inhabitants, pursuant to Article III, [Section 2](#) of the Mesquite City Charter; and

WHEREAS, a home-rule municipality may enforce ordinances necessary to protect health, life, and property, and to preserve the good government, order, and security of the municipality and its inhabitants, pursuant to Texas Local Government Code, Title 2, Subtitle D, Chapter 54, [Section 54.004](#), as amended; and

WHEREAS, upon full review and consideration of all matters attendant and related thereto, the City Council is of the opinion this ordinance should be approved and adopted.

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

- SECTION 1. Recitals Incorporated.**
The City Council hereby finds and determines the recitals made in the preamble of this ordinance are true and correct, and hereby incorporates such recitals here in the body of this ordinance as if copied in their entirety.
- SECTION 2. MESQUITE CITY CODE TEXT AMENDMENT:
Amending Chapter 11 – PLANNING AND DEVELOPMENT.**
The Mesquite City Code is hereby amended as identified in **EXHIBIT A**, thereby revising Chapter 11, Article V, Division 1; and said **EXHIBIT A** is attached hereto and made a part hereof, and in all other respects, said Code, Chapters, and Articles shall remain in full force and effect.
- SECTION 3. Conflicts Resolution Clause.**
In the event of an irreconcilable conflict between the provisions of another previously adopted ordinance of the City of Mesquite and the provisions of this Ordinance, the provisions of this Ordinance shall be controlling.
- SECTION 4. Severability Clause.**
Should any word, sentence, paragraph, subdivision, clause, phrase, or section of this ordinance be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance and the Mesquite City Code, as hereby or previously amended, which shall remain in full force and effect.
- SECTION 5. Savings Clause.**
An offense committed before the effective date of this Ordinance is governed by prior law and the provisions of the Mesquite City Code, as amended, in effect when the offense was committed, and the former law is continued in effect for this purpose.
- SECTION 6. Penalty Clause.**
Any violation of the provisions or terms of this ordinance by any “person,” as defined in Mesquite City Code, Chapter 1, [Section 1-2](#), shall be deemed a Class C Misdemeanor criminal offense, and upon conviction thereof, shall be subject to a penalty of fine, or any other general penalties, as provided in Mesquite City Code, Chapter 1, [Section 1-6](#), as amended.
- SECTION 7. Publication.**
The descriptive caption of this ordinance shall be published in the City’s official newspaper in accordance with Mesquite City Charter, Article IV, [Section 24](#); and Texas Local Government Code, Chapter 52, § 52.013.

SECTION 8. Effective Date.

This ordinance after its passage and publication shall take effect on, and be in force from and after, five (5) days after publication thereof, in accordance with Mesquite City Charter, Article IV, [Section 24](#), and it is accordingly so ordained.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, ON THE 19th DAY OF DECEMBER, 2022.

DocuSigned by:
Daniel Aleman Jr.
D999585317D142B...

Daniel Alemán, Jr.
Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

DocuSigned by:
Sonja Land
C2518095973F46A...

Sonja Land
City Secretary

DocuSigned by:
David L. Paschall
666E18891208434...

David L. Paschall
City Attorney

EXHIBIT A

To Ordinance No. 4997

City of Mesquite, Texas
Mesquite City Code, Chapter 11 – PLANNING AND DEVELOPMENT
Article V – Drainage and Flood Hazard Area Regulations

MESQUITE CITY CODE

* * *

Chapter 11 – Planning and Development

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ARTICLE V. – DRAINAGE AND FLOOD HAZARD AREA REGULATIONS**DIVISION 1. GENERALLY**

* * *

Sec. 11-124. – Statutory authorization; Scope of authority; Related ordinances, rules, and regulations. ~~Scope of authority and statutory authorization.~~

- (a) Statutory authority. These regulations are adopted pursuant to the authority provided in Section 16.315 of the Flood Control and Insurance Act of the Texas Water Code, or successor and as amended, which delegates to political subdivisions the responsibility for adopting regulations designed to minimize flood losses.
- (b) Scope of authority. Any person, firm, corporation, or business proposing to develop land or improve property within the City is subject to the provisions of this article. This article also applies to individual building structures, subdivisions, excavations grading and fill operations, and similar activities. The scope of authority extends to additional improvements on projects, developments, subdivisions, etc. which were previously permitted and/or constructed under the authority of prior ordinances or guidelines.
- (c) Related ordinances, rules, and regulations. In addition to this article, the City has other ordinances, rules, regulations, and specifications pertaining to drainage and storm sewer facilities. These other documents include the City of Mesquite Engineering Design Manual and the zoning and subdivision ordinances, which shall remain in full force and effect. If there is any conflict between such prior ordinance and this article, this article shall prevail.

(Ord. No. 4216, § 1, 7-2-12; Ord. No. 4674, § 1(Exh. B(4)), 5-20-19)

State law reference – Political Subdivisions; Compliance with Federal Requirements; V.T.C.A. Water Code, Chapter 16, Sec. 16.315.Cross references –Appendix B - Subdivisions.Appendix C - Zoning Ordinance.City of Mesquite Engineering Design Manual may be found on the City's official web-site.**Sec. 11-125. – Areas of Special Flood Hazard. ~~Related ordinances.~~**

- (a) Kaufman County. The areas of special flood hazard identified by the Federal Emergency Management Agency in the current scientific and engineering report entitled: "The Flood Insurance Study (FIS) for KAUFMAN COUNTY, TEXAS AND INCORPORATED AREAS," dated January 12, 2023, with accompanying Flood Insurance Rate Maps (FIRM) dated January 12, 2023, and any revisions thereto are hereby adopted by reference and declared to be part of this article.
- (b) Dallas County. The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in the current scientific and engineering report entitled: "The Flood Insurance Study (FIS) for DALLAS COUNTY, TEXAS AND INCORPORATED AREAS," dated March 21, 2019, with accompanying Flood Insurance Rate Maps (FIRM) dated March 21, 2019, and any revisions thereto are hereby adopted by reference and declared to be part of this article.
- (c) Flood Insurance Study. The Flood Insurance Study (FIS) is on file at the office of the City Engineer.

Chapter 11 – Planning and Development; Article V – Drainage and Flood Hazard Area Regulations.

City Council Meeting Date: December 19, 2022

~~In addition to this article, the City has other ordinances, regulations and specifications pertaining to drainage and storm sewer facilities. These other documents include the City of Mesquite Engineering Design Manual and the zoning and subdivision ordinances, which shall remain in full force and effect. If there is any conflict between such prior ordinance and this article, this article shall prevail.~~

~~(Ord. No. 4216, § 1, 7-2-12; Ord. No. 4674, § 1(Exh. B(4)), 5-20-19)~~

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