

ORDINANCE NO. 5037

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE CITY CODE BY REVISING CHAPTER 20, ARTICLE IV, DIVISION 4 “BUILDING STANDARDS BOARD” FOR THE PURPOSE OF REMOVING THE RESIDENCY REQUIREMENT FOR REGULAR MEMBERS AND ALTERNATES THEREBY ALLOWING ANY QUALIFIED APPLICANT TO BE APPOINTED REGARDLESS OF THE CITY THE PERSON RESIDES IN; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the Building Standards Board was originally created and established on March 21, 2006; and

WHEREAS, the Building Standards Board hears and decides appeals of administrative interpretations or decisions made by an administrative official including the Building Official and Fire Code Official, in the application, enforcement, or interpretation of the Building Codes or Fire Codes as adopted by the City; and

WHEREAS, because regular members and alternates must have certain specific professional qualifications, it is sometimes difficult to find qualified Mesquite residents to serve on the Board; and

WHEREAS, removing the residency requirement would be beneficial to the City so as to allow, for example, persons that perform work in Mesquite, but that nonetheless do not reside in Mesquite, or other retired professionals living outside the Mesquite City limits to serve on the Board; and

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 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, 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.

Building Services | July 17, 2023

Chapter 20 – Art. IV, Division 4. – Building Standards Board (“BSB”) Residency Requirements

Page 2 of 2

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 20 – BOARDS, COMMISSIONS, AND COMMITTEES.

That Mesquite City Code, Chapter 20 is hereby created as identified in **EXHIBIT A** attached hereto and made a part hereof, and in all other respects, the remaining Chapters of the Mesquite City Code shall remain in full force and effect.

SECTION 3.

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 4.

Effective Date.

This shall take effect and be in force from and after the passage 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 17th DAY OF JULY 2023.

DocuSigned by:

Daniel Aleman Jr.

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Daniel Alemán, Jr.
Mayor

ATTEST:

DocuSigned by:

Sonja Land

C2518095973F46A...

Sonja Land
City Secretary

APPROVED AS TO LEGAL FORM:

DocuSigned by:

David Paschall

666E18891208434...

David L. Paschall
City Attorney

EXHIBIT A

To Ordinance No. 5037

City of Mesquite, Texas

MESQUITE CITY CODE

Chapter 20 – Boards, Commissions, and Committees,
Article IV – Quasi-Judicial Boards, Commissions, and Committees,
Division 4 – Building Standards Board.

MESQUITE CITY CODE

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Chapter 20 – BOARDS, COMMITTEES, AND COMMISSIONS

[Editor’s Note: Make the following revisions with additions identified in green font and underlined, and deletions identified in ~~red font with strikethrough~~.]

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ARTICLE IV. – QUASI-JUDICIAL BOARDS, COMMISSIONS, AND COMMITTEES

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DIVISION 4. – BUILDING STANDARDS BOARD

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Sec. 20-2404. – Organization. (a) Regular Members:

| Building Standards Board – Regular Members | |
|---|--|
| Position No. 1. | Appointed for a term expiring in odd-numbered years. |
| | A State of Texas Licensed Master Electrician with at least five (5) years of experience in the electrical trade. <u>City of Mesquite residency not required.</u> |
| Position No. 2. | Appointed for a term expiring in even-numbered years. |
| | A State of Texas Licensed Master Plumber with at least five (5) years of experience in the plumbing trade. <u>City of Mesquite residency not required.</u> |
| Position No. 3. | Appointed for a term expiring in odd-numbered years. |
| | A registered homebuilder in the City of Mesquite, Texas. <u>City of Mesquite residency not required.</u> |
| Position No. 4. | Appointed for a term expiring in even-numbered years. |
| | A registered general contractor in the City of Mesquite, Texas. <u>City of Mesquite residency not required.</u> |
| Position No. 5. | Appointed for a term expiring in odd-numbered years. |
| | A State of Texas Licensed Mechanical Contractor with at least five (5) years of experience in the mechanical trade. <u>City of Mesquite residency not required.</u> |
| Position No. 6. | Appointed for a term expiring in even-numbered years. |
| | A person certified from the Texas Commission on Fire Protection. <u>City of Mesquite residency not required.</u> |
| Position No. 7. | Appointed for a term expiring in odd-numbered years. |
| | A person certified from the Texas Commission on Fire Protection. <u>City of Mesquite residency not required.</u> |

Sec. 20-2404. – Organization.

(b) Alternates:

| Building Standards Board—Alternates | |
|-------------------------------------|--|
| Alternate No. 1. | Appointed for a term expiring in odd-numbered years. <u>City of Mesquite residency not required.</u> |
| Alternate No. 2. | Appointed for a term expiring in even-numbered years. <u>City of Mesquite residency not required.</u> |

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