

ORDINANCE NO. 5061
Zoning Text Amendment No. 2023 – 01

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, MAKING A MESQUITE ZONING ORDINANCE TEXT AMENDMENT, NO. 2023-01, FOR CERTAIN ADDITIONS AND DELETIONS TO SECTIONS CONTAINED IN PARTS 1, 5, AND 6 PERTAINING TO CERTIFICATE OF OCCUPANCY PROVISIONS FOR ISSUANCE, DENIAL, AND REVOCATION AND CLARIFYING THE APPEALS OF SUCH ARE MADE TO THE BOARD OF ADJUSTMENT; AND MAKING MESQUITE CITY CODE TEXT AMENDMENTS FOR CERTAIN ADDITIONS AND DELETIONS TO CHAPTERS 5, 6, 7, AND 20, THEREBY CLARIFYING THAT APPEALS OF ADMINISTRATIVE DECISIONS WITH REGARD TO CERTIFICATES OF OCCUPANCY ARE MADE TO THE BOARD OF ADJUSTMENT; REVISING APPENDIX D – COMPREHENSIVE FEE SCHEDULE THEREBY ADDING ADDITIONAL FEES ASSOCIATED WITH CERTIFICATES OF OCCUPANCY; PROVIDING A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE WITH A FINE NOT TO EXCEED \$2,000; PROVIDING FOR PUBLICATION; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, provisions in the Mesquite City Code and Mesquite Zoning Ordinance are in need of revisions thereby providing updates to the issuance, denial, or revocations of a Certificate of Occupancy, as well as providing clarification that the appeals of administrative decisions with regard to such shall be heard by the BOARD OF ADJUSTMENT; 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, 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 and order and security of the City and its inhabitants, pursuant to Mesquite City Charter, Article III, [Section 2](#); and

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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, Subchapter A, [§ 54.004](#), as amended; and

WHEREAS, pursuant to Mesquite City Charter, Article III, [Section 28](#), the City Council shall have the power to provide for the enforcement of all ordinances enacted by the City by a fine not to exceed the maximum amount authorized by State law; provided, that no ordinance shall prescribe a greater or less penalty than is prescribed for a like offense by the laws of this State; and

WHEREAS, the City's health and safety ordinances are subject to quasi-judicial enforcement pursuant to Texas Local Government Code, Title 2, Subtitle D, Chapter 54, Subchapter C, [§ 54.032](#); and

WHEREAS, on **JUNE 26, 2023**, the City of Mesquite **PLANNING & ZONING COMMISSION** considered the herein described text amendments to the *Mesquite Zoning Ordinance* and after having given proper public notice and holding a public hearing for the receipt of public comments, the Planning and Zoning Commission *recommended* by majority vote the City Council adopt the text amendments to the Mesquite Zoning Ordinance, attached as **EXHIBIT A**; and

WHEREAS, on **AUGUST 3, 2023**, the City of Mesquite **BUILDING STANDARDS BOARD** considered the herein described text amendments to the Mesquite City Code, specifically the adopted *2018 International Codes*, by making certain additions and deletions referred to as "local amendments" to the 2018 editions of the International Codes, and after having given proper public notice and holding a public hearing for the receipt of public comments, the BUILDING STANDARDS BOARD *recommended* by majority vote the City Council adopt the text amendments to the Mesquite City Code, attached as **EXHIBIT B, EXHIBIT C, and EXHIBIT D**; and

WHEREAS, after having given proper public notice and holding a public hearing, the City Council finds that it is in the best interests of the citizens of the City to amend the Mesquite City Code and Mesquite Zoning Ordinance as herein provided.

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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 Zoning Ordinance Text Amendment.
Amending Parts 1, 5, and 6.**

The Mesquite Zoning Ordinance is hereby amended by making certain additions and deletions as identified in **EXHIBIT A**, and said Exhibit is attached hereto and made a part hereof, and in all other respects said Zoning Ordinance, and its parts, and sections shall remain in full force and effect.

**SECTION 3. Mesquite City Code Text Amendment.
Amending Chapter 5 – Buildings and Construction.**

The Mesquite City Code is hereby amended by making certain additions and deletions as identified in **EXHIBIT B**, and said Exhibit is attached hereto and made a part hereof, and in all other respects, said Code, and its chapters, articles, divisions, and sections shall remain in full force and effect.

**SECTION 4. Mesquite City Code Text Amendment.
Amending Chapter 6 – Fire Prevention and Protection.**

The Mesquite City Code is hereby amended by making certain additions and deletions as identified in **EXHIBIT C**, and said Exhibit is attached hereto and made a part hereof, and in all other respects, said Code, and its chapters, articles, divisions, and sections shall remain in full force and effect.

**SECTION 5. Mesquite City Code Text Amendment.
Amending Chapter 7 – Housing and Minimum Property Standards.**

The Mesquite City Code is hereby amended by making certain additions and deletions as identified in **EXHIBIT D**, and said Exhibit is attached hereto and made a part hereof, and in all other respects, said Code, and its chapters, articles, divisions, and sections shall remain in full force and effect.

**SECTION 6. Mesquite City Code Text Amendment.
Amending Chapter 20 – Boards, Committees, and Commissions.**

The Mesquite City Code is hereby amended by making certain additions and deletions as identified in **EXHIBIT E**, and said Exhibit is attached hereto and made a part hereof, and in all other respects, said Code, and its chapters, articles, divisions, and sections shall remain in full force and effect.

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SECTION 7. Mesquite City Code Text Amendment.

Amending Appendix D – Comprehensive Fee Schedule.

Appendix D – the Comprehensive Fee Schedule of the Mesquite City Code is hereby amended by making certain additions and deletions as identified in **EXHIBIT F**, and said Exhibit is attached hereto and made a part hereof, and in all other respects said Code, and its chapters, articles, divisions, and sections shall remain in full force and effect.

SECTION 8. Mesquite City Code Text Amendment.

Amending Cross References With Regard to Certificate of Occupancy.

Appendix D – the Comprehensive Fee Schedule of the Mesquite City Code is hereby amended by making certain additions and deletions as identified in **EXHIBIT G**, and said Exhibit is attached hereto and made a part hereof, and in all other respects said Code, and its chapters, articles, divisions, and sections shall remain in full force and effect.

SECTION 9. 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 10. 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 11. 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 12. 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 13. Publication.

This Ordinance shall be published in the City’s official newspaper in accordance with Mesquite City Charter, Article IV, [Section 24](#).

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SECTION 14.

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 5th DAY OF SEPTEMBER, 2023.

DocuSigned by:

Daniel Aleman Jr.

D999585317D142B...

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. 5061

ZTA 2023-01

MESQUITE ZONING ORDINANCE
Amending Parts 1, 5, and 6

MESQUITE CITY CODE

* * *

APPENDIX C – MESQUITE ZONING ORDINANCE

* * *

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

PART 1. – GENERAL PROVISIONS

* * *

1-400 – Performance Standards

* * *

1-401 – Compliance required.

1-401 Compliance required.

In all zoning districts, any use indicated as a permitted use shall conform in operation, location, and construction to the performance standards hereinafter specified.

~~A. Procedures. If in the judgment of the director of community development there are reasonable grounds to believe that a use proposed by application for a building permit or a certificate of occupancy is likely to violate performance standards, the applicant shall be required to submit information to determine how and if compliance will be assured. If the director of community development determines that compliance cannot be achieved, no building permit or certificate of occupancy shall be issued. An applicant may appeal the determination of the director of community development to the city council.~~

[Editor's Note: Re-letter the remaining sub-sections accordingly.]

A. Enforcement. Even though compliance with performance standards may not be verified in obtaining a building permit or a certificate of occupancy, initial and continued compliance with performance standards is required for every use, and provisions for enforcement of continued compliance shall be enforced by the Director of Planning and Development Services ~~director of community development~~ and the health official against any use, if there are reasonable grounds to believe that performance standards are being violated by such use.

* * *

[Editor's Note: Add the cross references to the end of this section 1-401.]

Cross references –

Certificate of Occupancy, Mesquite Zoning Ordinance, Part 5, 5-100, Sec. 5-106.

Appeals of Administrative Decisions to the Board of Adjustment, Mesquite Zoning Ordinance, Part 5, 5-200, Sec. 5-210.

Certificate of Occupancy fees; Appendix D – Comprehensive Fee Schedule, Article XII, Sec. 12-110.

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PART 5. – ADMINISTRATION

* * *

5-100 – Review and Enforcement Procedures

5-101 – General review requirements.

* * *

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

C. Certificates of occupancy. Certificates of Occupancy (CO) shall be required and enforced in accordance with Sec. 5-106 (Certificate of Occupancy), or successor and as amended. ~~Except for single family residential and duplex uses, no building or land shall be used or changed in use or ownership until a certificate of occupancy shall have been issued by the Building Official stating that the building, land and authorized uses comply with the provisions of this ordinance and other applicable building laws.~~

- ~~1. Application: Application for a certificate of occupancy shall be made prior to occupancy and connection of utilities.~~
- ~~2. Nonconforming situations: Prior to the issuance of a certificate of occupancy in a nonconforming situation, when there is uncertainty of the legal nonconforming status, a notarized affidavit may be required to verify that the use was legally in existence at the time of the ordinance adoption, amendment, or annexation which created the nonconformity. The affidavit should be accompanied by documentation showing relevant dates and should include a description of the use, the scope of operations, and structures and other improvements used at that time.~~
- ~~3. Records: A record of all certificates of occupancy shall be maintained by the building official and copies shall be furnished upon request to any person having an interest in the building or land.~~
- ~~4. Denial/revocation: Failure to comply initially or to continue to comply with the provisions of this ordinance, the site plan approval, or other applicable stipulations or building regulations, or the failure to conduct the authorized uses and only the authorized uses within the limits established by the certificate of occupancy, shall constitute a basis to deny or revoke approval of the certificate of occupancy, including denial or disconnection of utilities. See Sec. 5-103.C.~~
 - ~~a. Notice of revocation: The Director or Director's designee shall issue a written notice of intent to revoke a certificate of occupancy, which shall set forth the grounds upon which the notice is issued and inform the holder that the certificate of occupancy will be revoked at the end of ten (10) days after service of such notice unless a written request for hearing is filed with the Director within the ten-day period. If no request for hearing is filed within the ten-day period, the Director's decision to revoke the certificate of occupancy shall become final.~~
 - ~~b. Hearing: A hearing requested under this Subparagraph A shall be scheduled before the Director not less than ten (10) days nor more than thirty days (30) days after the date a timely written request for a hearing was filed. At the hearing, the certificate holder will be allowed an opportunity to respond to the allegations and present any mitigating evidence or reasons why the proposed revocation is improper.~~
 - ~~c. Appeal of revocation: If, after the hearing, the Director determines that the certificate of occupancy should be revoked, an appeal of the Director's decision may be made to the Board of Adjustment in accordance with Chapter 211 of the Texas Local Government Code.~~

* * *

[Editor's Note: ADD the following NEW Section.]

5-106 – Certificate of Occupancy.

- A. *In general.* A Certificate of Occupancy (CO) is an official certificate issued by the City through the Building Official or his/her designee that indicates conformance with building requirements and zoning regulations, and authorizes the legal use of the premises for which it is issued.
- B. *When required and exception(s).*
1. *In general.* Occupancy and a use, or change of occupancy and use, and the connection of utilities shall not take place until a valid Certificate of Occupancy has been issued by the Building Official.
 2. *Required.* Certificates of Occupancy shall be required for, including but not limited to, any of the following:
 - a. Occupancy and use of a **new** building or structure erected; or
 - b. Occupancy and use of an **altered existing** building or structure; or
 - c. Change in **use** of land, or any building, or other structure; or
 - d. Change in **ownership** of land, or any building, or other structure; or
 - e. Change in **business name**; or
 - f. Change in the **occupancy** of land, or any building, or other structure; or
 - g. Change in use, ownership, occupancy, tenancy, or business **within** a larger building or structure; or
 - h. Change in any **nonconforming use** to a “substitute use” or a “conforming use” in accordance with Part 1, 1-300, [1-302](#) (Nonconforming uses), or [1-304](#) (Termination of Nonconforming Situations), or [1-305](#) (Amortization); or
 - i. Change in any **nonconforming buildings, structures, and premises**, but where the use is conforming, in accordance with Part 1, 1-300, [1-303](#) (Nonconforming structures and premises).
 3. *Exceptions.* Certificates of occupancy shall not be required for any of the following:
 - a. Single family residential use; or
 - b. Duplex use.
- C. *Procedure for issuance of CO, or a Temporary-CO.*
1. *Application.*
 - a. A written application for a Certificate of Occupancy shall be submitted to the Building Official on forms provided by the City for that purpose.
 2. *Supplemental information.* Additional information may be required in the following situations:
 - a. *Nonconforming situations.* Prior to the issuance of a Certificate of Occupancy in a nonconforming situation, when there is uncertainty of the legal nonconforming status, a notarized affidavit may be required to verify that the use was legally in existence at the time of the ordinance adoption, amendment, or annexation which created the nonconformity. The affidavit should be accompanied by documentation showing relevant dates and should include a description of the use, the scope of operations, and structures and other improvements used at that time.

- b. *When required by this Zoning Ordinance or City Code.* Prior to the issuance or reissuance of a Certificate of Occupancy, the applicant shall provide such supplemental information and/or licenses as required by this Zoning Ordinance, Mesquite City Code, or other laws, and regulations.

3. *Issuance.*

- a. A Certificate of Occupancy (CO) shall be issued only:
- (1) after an inspection by the Building Official or his/her designee, and any other inspections as may be required such as an inspection by the Fire Code Official, or Health Official, etc.; and
 - (2) after the determination is made that no violation of this Zoning Ordinance, the Mesquite City Code, or any other regulation or ordinance of the City exists; and
 - (3) upon payment of all applicable fees. See Appendix D – Comprehensive Fee Schedule; Art. XII, [Sec. 12-110](#) (Certificate of Occupancy fees) for applicable fees.
- b. A Temporary Certificate of Occupancy (Temporary-CO) may be issued by the Building Official. An initial Temporary-CO, or any subsequent Temporary-CO, shall be issued only:
- (1) if the Building Official finds that no substantial hazard will result from occupancy of any building or structure, or portion thereof, prior to completion of the entire new (or alteration of an existing) building or structure; and
 - (2) for a period not to exceed the time period as specified on the CO; and
 - (3) upon payment of all applicable fees. See Appendix D – Comprehensive Fee Schedule; Art. XII, [Sec. 12-110](#) (Certificate of Occupancy fees) for applicable fees.

- D. *Contents.* The contents of the Certificate of Occupancy (or Temporary-CO) shall be drafted in accordance with the International Building Code.
- E. *Display of CO.* The Certificate of Occupancy (or Temporary-CO) shall be displayed in a conspicuous place on the premises and shall not be removed except by the Building Official or his/her designee.
- F. *Replacement CO.* A reissuance of a Certificate of Occupancy may be issued for one lost, destroyed, or mutilated CO upon application on the form provided by the Building Official. A replacement CO may have the word "REPLACEMENT" stamped across its face and may bear the same number as the one it replaces. See Appendix D – Comprehensive Fee Schedule; Art. XII, [Sec. 12-110](#) (Certificate of Occupancy fees) for applicable fees.
- G. *Transferability.* A Certificate of Occupancy is not assignable or transferable.
- H. *Denial or revocation of CO.* The Building Official may in writing, and in accordance with Sub-section (I) (Process and procedures for denial or revocation of a CO), deny or revoke the issuance of a Certificate of Occupancy on the basis of:
1. an incomplete application submitted; or
 2. incorrect information supplied; or
 3. the CO was issued in error; or
 4. the CO was issued on the basis of incorrect information supplied; or
 5. there is a failure to conduct the authorized uses, and only the authorized uses, within the limits established by the CO; or
 6. there is a failure to initially comply with or to continue to comply with the site plan approval; or
 7. it is determined that the building or structure, or portion thereof, is in violation of any provision of

this Zoning Ordinance, Mesquite City Code, or any other ordinance or regulation adopted by the City, or successor, and as amended.

- I. *Process and procedures for denial or revocation of a CO.* To deny or revoke a Certificate of Occupancy the Building Official shall issue a written notice of the administrative decision (“notice”) which shall set forth the grounds upon which the administrative decision is issued and inform the applicant or holder:
 1. The Building Official “denies” the issuance of the CO, or “revokes” the existing CO.
 2. The decision to deny or revoke the CO will become final on the twenty-first (21st) day after the date of the notice unless the applicant or holder appeals the administrative decision in accordance with Mesquite Zoning Ordinance, Part 5, 5-200, [Section 5-210](#) (Appeals of Administrative Decisions to Board of Adjustment).
 3. This Section, Mesquite Zoning Ordinance, Part 5, 5-100, Section 5-106 (Certificate of Occupancy), and Mesquite Zoning Ordinance, Part 5, 5-200, [Section 5-210](#) (Appeals of Administrative Decisions to Board of Adjustment) shall be referenced in the notice.
 4. The date of the notice is considered Day Zero (0).
- J. *Appeals of administrative decisions.* Appeals of administrative decisions may be made in accordance with Mesquite Zoning Ordinance, Part 5, 5-200, [Section 5-210](#) (Appeals of Administrative Decisions to Board of Adjustment).

Cross reference – General penalties; Part 5, 5-100, Sec. 5-103.

Cross reference – [Sec. 6-102](#) – “Certificate of occupancy” defined; Part 6; 6-100.

Cross reference – Certificate of Occupancy fees; Appendix D – Comprehensive Fee Schedule, Article XII, [Sec. 12-110](#).

Cross reference – Certificate of Occupancy Fire Code Official Inspection Fees; Appendix D – Comprehensive Fee Schedule, Article VI, [Sec. 6-105](#).

Other reference – 2018 International Building Code; [Section 111 Certificate of Occupancy](#).

State Law reference— Authority of Board, V.T.C.A. Local Government Code, § 211.009.

State Law reference— Appeal to Board, V.T.C.A. Local Government Code, § 211.010.

State Law reference – Tenant’s remedies regarding revocation of Certificate of Occupancy, V.T.C.A. Property Code, Ch. 92, Section 92.023.

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EXHIBIT A-2 TO ORDINANCE NO. 5061; ZTA NO. 2023-01.
 Mesquite Zoning Ordinance, Part 5, Sec. 5-401.
 P&Z Meeting Date: June 26, 2023 | City Council Meeting Date: September 5, 2023

MESQUITE ZONING ORDINANCE – SUMMARY OF APPLICATION ACTIONS

APPLICATIONS	ADMINISTRATORS AND REVIEW BODIES								
	Building Official / Fire Code Official	Historic Preservation Officer (HPO)	Director of Planning & Development Services	Landmark Commission (MLC)	Planning & Zoning Commission (P & Z)	Board of Adjustment (BOA)	City Council (CC)	District Court	Zoning Ordinance Source Cited
* City Council (CC)									
Zoning Ordinance Text Amendment			RR		PH & RR		PH & D	A	5-302
Zoning Map Amendment (Zoning Change)			RR		PH & RR		PH & D	A	5-302
Planned Developments (PD)			RR		PH & RR		PH & D	A	4-200
Conditional Use Permits			RR		PH & RR		PH & D	A	5-102 ; 5-302 5-303
Site Plan Requiring CC Action			RR				R & D	A	3-503 ; 4-603
Designation of Mesquite Landmark or H-POD		R	R	PH & RR	PH & RR		PH & D	A	4-400
* Board of Adjustment (BOA)									
Termination of Nonconforming Use						PH & D		A	1-304
Variance to Zoning			RR			PH & D		A	5-200
Special Exceptions			RR			PH & D		A	5-102 5-200
Appeal of Certain Administrative Decisions						R & D		A	5-102 5-200
* Planning & Zoning Commission (P&Z)									
Site Plan (PD)			RR		R & D		A		4-202 ; 5-101 & 5-102
* Mesquite Landmark Commission (MLC)									
Certificate of Appropriateness		R		R & D		A			4-409
Certificate of Demolition, Removal or Relocation		R		R & D		A			4-410
Director of Planning & Development Services									
Site Plan Review – Administrative			R & D			A			4-904 ; 4-934
Zoning Interpretation			R & D			A			5-102
Historic Preservation Officer (HPO)									
Determination of No Material Effect		R & D		A					4-409
Building Official / Fire Code Official									
Certificate of Occupancy	R & D					A			5-106
KEY									
R = Review RR = Review & Recommendation PH – Public Hearing D = Decision A = Appeal									
* = A governmental body subject to the Open Meetings Act									

MESQUITE CITY CODE

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APPENDIX C – MESQUITE ZONING ORDINANCE

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

PART 6. – DEFINITIONS

6-100 - DEFINITIONS AND INTERPRETATION OF TERMS

* * *

6-102 Definitions

* * *

Certificate of Occupancy (“CO”): An official certificate issued by the City through the Building Official or his/her designee ~~which that~~ indicates conformance with ~~the~~ building requirements and zoning regulations, and ~~authorized~~ authorizes the legal use of the premises for which it is issued.

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EXHIBIT B

To Ordinance No. 5061

MESQUITE CITY CODE
Amending Chapter 5

MESQUITE CITY CODE

* * *

Chapter 5 – BUILDINGS AND CONSTRUCTION

* * *

ARTICLE II – A. – BUILDING CODE

* * *

DIVISION 2. - AMENDMENTS

Sec. 5-16. Local Amendments to the International Building Code, 2018 Edition.

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

	* * *	* * *
11	IBC SECTION 113 Appeals.	<p><i>Amend section in its entirety to read as follows:</i></p> <p>SECTION 113 APPEALS</p> <p>113.1 General.</p> <p><u>Except as otherwise provided, any</u> Any person shall have the right to appeal an administrative decision of the Building Official, Fire Official, or any other City official to the Building Standards Board, when said decision is relative to the application, enforcement, or interpretation of this Code.</p> <p>The Building Standards Board is established in Mesquite City Code, <u>Chapter 20, Article IV</u>, Division 4 (Building Standards Board).</p> <p>The process and procedures for appealing an administrative decision are set forth in <u>Chapter 5, Article XIII</u> (Appeals of Administrative Decisions to Building Standards Board).</p> <p><u>Appeal of an Administrative Decision relative to a Certificate of Occupancy:</u></p> <p><u>When an appeal of an administrative decision is relative to a Certificate of Occupancy the appeal shall be to the Board of Adjustment for its denial, revocation, suspension, or otherwise (in accordance with Mesquite Zoning Ordinance, Part 5, 5-100, Section 5-106 (Certificate of Occupancy)).</u></p> <p><u>The process and procedures for appealing an administrative decision relative to a Certificate of Occupancy, or any other administrative decision made under the Mesquite Zoning Ordinance, are set forth in Mesquite Zoning Ordinance, Part 5, 5-200, Section 5-210 (Appeals of Administrative Decisions to Board of Adjustment).</u></p>
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EXHIBIT B TO ORDINANCE NO. 5061**Mesquite City Code. Chapter 5 Buildings and Construction.**

Building Standards Board Meeting Date: August 3, 2023 | City Council Meeting Date: September 5, 2023

ARTICLE II – B. – EXISTING BUILDING CODE

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DIVISION 2. - AMENDMENTS**Sec. 5-51. Local Amendments to the International Existing Building Code, 2018 Edition.**

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

	* * *	* * *
11	IEBC SECTION 112 Appeals.	<p><i>Amend section in its entirety to read as follows:</i></p> <p>SECTION 112 APPEALS</p> <p>112.1 General.</p> <p><u>Except as otherwise provided, any</u> Any person shall have the right to appeal an administrative decision of the Building Official, Fire Official, or any other City official to the Building Standards Board, when said decision is relative to the application, enforcement, or interpretation of this Code.</p> <p>The Building Standards Board is established in Mesquite City Code, <u>Chapter 20, Article IV</u>, Division 4 (Building Standards Board).</p> <p>The process and procedures for appealing an administrative decision are set forth in <u>Chapter 5, Article XIII</u> (Appeals of Administrative Decisions to Building Standards Board).</p> <p><u>Appeal of an Administrative Decision relative to a Certificate of Occupancy:</u></p> <p><u>When an appeal of an administrative decision is relative to a Certificate of Occupancy the appeal shall be to the Board of Adjustment for its denial, revocation, suspension, or otherwise (in accordance with Mesquite Zoning Ordinance, Part 5, 5-100, Section 5-106 (Certificate of Occupancy)).</u></p> <p><u>The process and procedures for appealing an administrative decision relative to a Certificate of Occupancy, or any other administrative decision made under the Mesquite Zoning Ordinance, are set forth in Mesquite Zoning Ordinance, Part 5, 5-200, Section 5-210 (Appeals of Administrative Decisions to Board of Adjustment).</u></p>
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ARTICLE VI. - PLUMBING CODE

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DIVISION 2. - AMENDMENTS

Sec. 5-206. Local Amendments to the International Plumbing Code, 2018 Edition.

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

	* * *	* * *
14	IPC SECTION 109 Appeals.	<p><i>Amend section in its entirety to read as follows:</i></p> <p>SECTION 109 APPEALS</p> <p>109.1 General.</p> <p><u>Except as otherwise provided, any</u> Any person shall have the right to appeal an administrative decision of the Building Official, Fire Official, or any other City official to the Building Standards Board, when said decision is relative to the application, enforcement, or interpretation of this Code.</p> <p>The Building Standards Board is established in Mesquite City Code, <u>Chapter 20, Article IV</u>, Division 4 (Building Standards Board).</p> <p>The process and procedures for appealing an administrative decision are set forth in <u>Chapter 5, Article XIII</u> (Appeals of Administrative Decisions to Building Standards Board).</p> <p><u>Appeal of an Administrative Decision relative to a Certificate of Occupancy:</u></p> <p><u>When an appeal of an administrative decision is relative to a Certificate of Occupancy the appeal shall be to the Board of Adjustment for its denial, revocation, suspension, or otherwise (in accordance with Mesquite Zoning Ordinance, Part 5, 5-100, Section 5-106 (Certificate of Occupancy)).</u></p> <p><u>The process and procedures for appealing an administrative decision relative to a Certificate of Occupancy, or any other administrative decision made under the Mesquite Zoning Ordinance, are set forth in Mesquite Zoning Ordinance, Part 5, 5-200, Section 5-210 (Appeals of Administrative Decisions to Board of Adjustment).</u></p>
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ARTICLE VII. - MECHANICAL CODE

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DIVISION 2. - AMENDMENTS

Sec. 5-321. Local Amendments to the International Mechanical Code, 2018 Edition.

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

	* * *	* * *
14	IMC SECTION 109 Appeals.	<p>Amend section in its entirety to read as follows:</p> <p>SECTION 109 APPEALS</p> <p>109.1 General.</p> <p><u>Except as otherwise provided, any</u> Any person shall have the right to appeal an administrative decision of the Building Official, Fire Official, or any other City official to the Building Standards Board, when said decision is relative to the application, enforcement, or interpretation of this Code.</p> <p>The Building Standards Board is established in Mesquite City Code, <u>Chapter 20, Article IV</u>, Division 4 (Building Standards Board).</p> <p>The process and procedures for appealing an administrative decision are set forth in <u>Chapter 5, Article XIII</u> (Appeals of Administrative Decisions to Building Standards Board).</p> <p><u>Appeal of an Administrative Decision relative to a Certificate of Occupancy:</u></p> <p><u>When an appeal of an administrative decision is relative to a Certificate of Occupancy the appeal shall be to the Board of Adjustment for its denial, revocation, suspension, or otherwise (in accordance with Mesquite Zoning Ordinance, Part 5, 5-100, Section 5-106 (Certificate of Occupancy)).</u></p> <p><u>The process and procedures for appealing an administrative decision relative to a Certificate of Occupancy, or any other administrative decision made under the Mesquite Zoning Ordinance, are set forth in Mesquite Zoning Ordinance, Part 5, 5-200, Section 5-210 (Appeals of Administrative Decisions to Board of Adjustment).</u></p>
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ARTICLE VIII. - SWIMMING POOL AND SPA CODE.

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DIVISION 2. - AMENDMENTS.

Sec. 5-406. Local Amendments to the International Swimming Pool and Spa Code, 2018 Edition.

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

	* * *	* * *
13	ISPSC SECTION 108 Appeals.	<p>Amend section in its entirety to read as follows:</p> <p>SECTION 108 APPEALS</p> <p>108.1 General.</p> <p><u>Except as otherwise provided, any</u> Any person shall have the right to appeal an administrative decision of the Building Official, Fire Official, or any other City official to the Building Standards Board, when said decision is relative to the application, enforcement, or interpretation of this Code.</p> <p>The Building Standards Board is established in Mesquite City Code, <u>Chapter 20, Article IV</u>, Division 4 (Building Standards Board).</p> <p>The process and procedures for appealing an administrative decision are set forth in <u>Chapter 5, Article XIII</u> (Appeals of Administrative Decisions to Building Standards Board).</p> <p><u>Appeal of an Administrative Decision relative to a Certificate of Occupancy:</u></p> <p><u>When an appeal of an administrative decision is relative to a Certificate of Occupancy the appeal shall be to the Board of Adjustment for its denial, revocation, suspension, or otherwise (in accordance with Mesquite Zoning Ordinance, Part 5, 5-100, Section 5-106 (Certificate of Occupancy)).</u></p> <p><u>The process and procedures for appealing an administrative decision relative to a Certificate of Occupancy, or any other administrative decision made under the Mesquite Zoning Ordinance, are set forth in Mesquite Zoning Ordinance, Part 5, 5-200, Section 5-210 (Appeals of Administrative Decisions to Board of Adjustment).</u></p>
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ARTICLE IX. - FUEL GAS CODE

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DIVISION 2. - AMENDMENTS

Sec. 5-531. Local Amendments to the International Fuel Gas Code, 2018 Edition.

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

	* * *	* * *
14	IFGC SECTION 109 Appeals.	<p>Amend section in its entirety to read as follows:</p> <p>SECTION 109 APPEALS</p> <p>109.1 General.</p> <p><u>Except as otherwise provided, any</u> Any person shall have the right to appeal an administrative decision of the Building Official, Fire Official, or any other City official to the Building Standards Board, when said decision is relative to the application, enforcement, or interpretation of this Code.</p> <p>The Building Standards Board is established in Mesquite City Code, <u>Chapter 20, Article IV</u>, Division 4 (Building Standards Board).</p> <p>The process and procedures for appealing an administrative decision are set forth in <u>Chapter 5, Article XIII</u> (Appeals of Administrative Decisions to Building Standards Board).</p> <p><u>Appeal of an Administrative Decision relative to a Certificate of Occupancy:</u></p> <p><u>When an appeal of an administrative decision is relative to a Certificate of Occupancy the appeal shall be to the Board of Adjustment for its denial, revocation, suspension, or otherwise (in accordance with Mesquite Zoning Ordinance, Part 5, 5-100, Section 5-106 (Certificate of Occupancy)).</u></p> <p><u>The process and procedures for appealing an administrative decision relative to a Certificate of Occupancy, or any other administrative decision made under the Mesquite Zoning Ordinance, are set forth in Mesquite Zoning Ordinance, Part 5, 5-200, Section 5-210 (Appeals of Administrative Decisions to Board of Adjustment).</u></p>
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ARTICLE X. - RESIDENTIAL CODE

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DIVISION 2. - AMENDMENTS

Sec. 5-581. Local Amendments to the International Residential Code, 2018 Edition.

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

	* * *	* * *
17	IRC SECTION R112 Appeals.	<p>Amend section in its entirety to read as follows:</p> <p>SECTION R112 APPEALS</p> <p>R112.1 General.</p> <p><u>Except as otherwise provided, any</u> Any person shall have the right to appeal an administrative decision of the Building Official, Fire Official, or any other City official to the Building Standards Board, when said decision is relative to the application, enforcement, or interpretation of this Code.</p> <p>The Building Standards Board is established in Mesquite City Code, <u>Chapter 20, Article IV</u>, Division 4 (Building Standards Board).</p> <p>The process and procedures for appealing an administrative decision are set forth in <u>Chapter 5, Article XIII</u> (Appeals of Administrative Decisions to Building Standards Board).</p> <p><u>Appeal of an Administrative Decision relative to a Certificate of Occupancy:</u></p> <p><u>When an appeal of an administrative decision is relative to a Certificate of Occupancy the appeal shall be to the Board of Adjustment for its denial, revocation, suspension, or otherwise (in accordance with Mesquite Zoning Ordinance, Part 5, <u>5-100</u>, Section 5-106 (Certificate of Occupancy)).</u></p> <p><u>The process and procedures for appealing an administrative decision relative to a Certificate of Occupancy, or any other administrative decision made under the Mesquite Zoning Ordinance, are set forth in Mesquite Zoning Ordinance, Part 5, <u>5-200</u>, Section <u>5-210</u> (Appeals of Administrative Decisions to Board of Adjustment).</u></p>
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ARTICLE XI. - ENERGY CONSERVATION CODE

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DIVISION 2. - AMENDMENTS

Sec. 5-709. Local Amendments to the International Energy Conservation Code, 2018 Edition.

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

	* * *	* * *
29	IECC SECTION C109 Appeals.	<p>Amend section in its entirety to read as follows:</p> <p>SECTION C109 APPEALS</p> <p>C109.1 General.</p> <p><u>Except as otherwise provided, any</u> Any person shall have the right to appeal an administrative decision of the Building Official, Fire Official, or any other City official to the Building Standards Board, when said decision is relative to the application, enforcement, or interpretation of this Code.</p> <p>The Building Standards Board is established in Mesquite City Code, <u>Chapter 20, Article IV</u>, Division 4 (Building Standards Board).</p> <p>The process and procedures for appealing an administrative decision are set forth in <u>Chapter 5, Article XIII</u> (Appeals of Administrative Decisions to Building Standards Board).</p> <p><u>Appeal of an Administrative Decision relative to a Certificate of Occupancy:</u></p> <p><u>When an appeal of an administrative decision is relative to a Certificate of Occupancy the appeal shall be to the Board of Adjustment for its denial, revocation, suspension, or otherwise (in accordance with Mesquite Zoning Ordinance, Part 5, <u>5-100</u>, Section <u>5-106</u> (Certificate of Occupancy)).</u></p> <p><u>The process and procedures for appealing an administrative decision relative to a Certificate of Occupancy, or any other administrative decision made under the Mesquite Zoning Ordinance, are set forth in Mesquite Zoning Ordinance, Part 5, <u>5-200</u>, Section <u>5-210</u> (Appeals of Administrative Decisions to Board of Adjustment).</u></p>
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EXHIBIT C

To Ordinance No. 5061

MESQUITE CITY CODE
Amending Chapter 6

MESQUITE CITY CODE

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Chapter 6 – FIRE PREVENTION AND DETECTION

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ARTICLE II. - FIRE CODE

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DIVISION 2. - AMENDMENTS

Sec. 6-151. Local Amendments to the International Fire Code, 2018 Edition.

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

	* * *	* * *
07	IFC SECTION 106.6 Permit fees.	<p>Amend section by adding a new section to read as follows:</p> <p>106.6 Permit fees.</p> <p>* * *</p> <p>17. Certificate of Occupancy (<u>CO</u>) inspections. Any occupancy requiring a re-inspection shall be charged a fee (1st re-inspection fee), and there shall also be a fee for each subsequent re-inspection after the first re-inspection. <u>There shall be an after-hours inspection fee (per inspector, per hour, with a two-hour minimum).</u></p> <p>Cross references— Comprehensive Fee Schedule, <u>Sec. 6-105 (Fire Code Official CO Inspection fees).</u> <u>Comprehensive Fee Schedule, Sec. 12-110 (CO Issuance by Building Official).</u></p> <p>* * *</p>

EXHIBIT C TO ORDINANCE NO. 5061

Mesquite City Code. Chapter 6 – Fire Prevention and Protection.

Building Standards Board Meeting Date: August 3, 2023 | City Council Meeting Date: September 5, 2023

08	IFC SECTION 109 Appeals.	<p><i>Amend section in its entirety to read as follows:</i></p> <p>SECTION 109 APPEALS</p> <p>109.1 General.</p> <p><u>Except as otherwise provided, any</u> Any person shall have the right to appeal an administrative decision of the Building Official, Fire Official, or any other City official to the Building Standards Board, when said decision is relative to the application, enforcement, or interpretation of this Code.</p> <p>The Building Standards Board is established in Mesquite City Code, Chapter 20, Article IV, Division 4 (Building Standards Board).</p> <p>The process and procedures for appealing an administrative decision are set forth in Chapter 5, Article XIII (Appeals of Administrative Decisions to Building Standards Board).</p> <p><u>Appeal of an Administrative Decision relative to a Certificate of Occupancy:</u></p> <p><u>When an appeal of an administrative decision is relative to a Certificate of Occupancy the appeal shall be to the Board of Adjustment for its denial, revocation, suspension, or otherwise (in accordance with Mesquite Zoning Ordinance, Part 5, 5-100, Section 5-106 (Certificate of Occupancy)).</u></p> <p><u>The process and procedures for appealing an administrative decision relative to a Certificate of Occupancy, or any other administrative decision made under the Mesquite Zoning Ordinance, are set forth in Mesquite Zoning Ordinance, Part 5, 5-200, Section 5-210 (Appeals of Administrative Decisions to Board of Adjustment).</u></p>
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EXHIBIT D

To Ordinance No. 5061

MESQUITE CITY CODE
Amending Chapter 7

MESQUITE CITY CODE

* * *

Chapter 7 – HOUSING AND MINIMUM PROPERTY STANDARDS

* * *

ARTICLE III. - PROPERTY MAINTENANCE CODE

* * *

DIVISION 2. - AMENDMENTS

Sec. 7-321. Local Amendments to the International Property Maintenance Code, 2018 Edition.

* * *

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

	* * *	* * *
13	IPMC SECTION 111 Means of appeal.	<p><i>Amend section in its entirety to read as follows:</i></p> <p>SECTION 111 APPEALS</p> <p>111.1 General.</p> <p><u>Except as otherwise provided, any</u> Any person shall have the right to appeal an administrative decision of the Building Official, Fire Official, or any other City official to the Building Standards Board, when said decision is relative to the application, enforcement, or interpretation of this Code.</p> <p>The Building Standards Board is established in Mesquite City Code, <u>Chapter 20, Article IV</u>, Division 4 (Building Standards Board).</p> <p>The process and procedures for appealing an administrative decision are set forth in <u>Chapter 5, Article XIII</u> (Appeals of Administrative Decisions to Building Standards Board).</p> <p><u>Appeal of an Administrative Decision relative to a Certificate of Occupancy:</u></p> <p><u>When an appeal of an administrative decision is relative to a Certificate of Occupancy the appeal shall be to the Board of Adjustment for its denial, revocation, suspension, or otherwise (in accordance with Mesquite Zoning Ordinance, Part 5, 5-100, Section 5-106 (Certificate of Occupancy)).</u></p> <p><u>The process and procedures for appealing an administrative decision relative to a Certificate of Occupancy, or any other administrative decision made under the Mesquite Zoning Ordinance, are set forth in Mesquite Zoning Ordinance, Part 5, 5-200, Section 5-210 (Appeals of Administrative Decisions to Board of Adjustment).</u></p>
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EXHIBIT D TO ORDINANCE NO. 5061**Mesquite City Code. Chapter 7 – Housing and Minimum Property Standards**

Building Standards Board Meeting Date: August 3, 2023 | City Council Meeting Date: September 5, 2023

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

ARTICLE V. - RESIDENTIAL RENTAL PROPERTY – LANDLORD AND TENANT REGULATIONS

* * *

DIVISION 2. - MULTI-FAMILY RENTAL UNITS

* * *

Sec. 7-558. Definitions.

* * *

CERTIFICATE OF OCCUPANCY ("CO") means an official certificate issued to the OWNER by the City through the BUILDING OFFICIAL or his/her designee that indicates conformance with building requirements and zoning regulations, and authorizes the legal use of the PREMISES for which it is issued~~authorizing occupancy of a building following an inspection to determine compliance with the City's BUILDING CODES.~~

* * *

Sec. 7-559. Certificate of Occupancy.

- (a) *Certificate of Occupancy required.* In this Division, a CERTIFICATE OF OCCUPANCY is required to allow a building or STRUCTURE considered COMMERCIAL RESIDENTIAL MULTI-FAMILY PROPERTY to be occupied pursuant to Mesquite Zoning Ordinance, Part 5, 5-100, Section 5-106 (Certificate of Occupancy)~~Section 111 (CERTIFICATE OF OCCUPANCY) of the International BUILDING CODE~~, or successor and as amended.
- (b) *Offense.* It shall be unlawful for an OWNER or PROPERTY MANAGER to ~~intentionally, knowingly, recklessly, or negligently commit, permit, or~~ allow a building or STRUCTURE on COMMERCIAL RESIDENTIAL MULTI-FAMILY PROPERTY to be used or occupied without a valid CERTIFICATE OF OCCUPANCY ~~issued pursuant to Section 111 (CERTIFICATE OF OCCUPANCY) of the International BUILDING CODE, or successor and as amended.~~
- (c) *Obtaining a Certificate of Occupancy is a prerequisite to obtaining a Multi-Family Residential Rental Property License.* A valid CERTIFICATE OF OCCUPANCY must first be obtained prior to the BUILDING OFFICIAL issuing a MULTI-FAMILY RESIDENTIAL RENTAL PROPERTY LICENSE for any COMMERCIAL RESIDENTIAL MULTI-FAMILY PROPERTY.
- (d) *Issuance, denial, suspension, and revocation of a Certificate of Occupancy.* The issuance of a CERTIFICATE OF OCCUPANCY, and the denial, suspension, or revocation of a CO by the BUILDING OFFICIAL or his/her designee shall be in accordance with Mesquite Zoning Ordinance, Part 5, 5-100, Sec. 5-106 (Certificate of Occupancy).
- (e) *Appeals of administrative decisions with regard to a Certificate of Occupancy.* Appeals of administrative decisions with regard to a CERTIFICATE OF OCCUPANCY may be made in accordance with Mesquite Zoning Ordinance, Part 5, 5-200, Section 5-210 (Appeals of Administrative Decisions to Board of Adjustment).

Cross references –

Building Code, Article II-A, Chapter 5.

Certificate of Occupancy, Mesquite Zoning Ordinance, Part 5, 5-100, Sec. 5-106.

Appeals of Administrative Decisions to the Board of Adjustment, Mesquite Zoning Ordinance, Part 5, 5-200, Sec. 5-210.

Certificate of Occupancy fees; Appendix D – Comprehensive Fee Schedule, Article XII, Sec. 12-110.

* * *

EXHIBIT D TO ORDINANCE NO. 5061**Mesquite City Code. Chapter 7 – Housing and Minimum Property Standards**

Building Standards Board Meeting Date: August 3, 2023 | City Council Meeting Date: September 5, 2023

Sec. 7-562. Denial or revocation of License ~~and/or Certificate of Occupancy.~~

- (a) *In general.* For failure to comply with the terms of this Division, the BUILDING OFFICIAL, or FIRE CODE OFFICIAL may deny or revoke the MULTI-FAMILY RESIDENTIAL RENTAL PROPERTY LICENSE (LICENSE) ~~and/or the CERTIFICATE OF OCCUPANCY~~ for those APARTMENT COMPLEXES, DWELLING UNITS, BUILDINGS, or STRUCTURES in violation.
- (b) *Process and procedures - Denial or revocation of a License ~~and/or Certificate of Occupancy.~~*
- (1) A LICENSE ~~or CO~~ may be denied or revoked if:
 - a. the application contains false information; or
 - b. there are utility, tax, or property lien fees due for the property for which the LANDLORD is responsible; or
 - c. the property is not in compliance with the standards set forth in this Division; or
 - d. there exists any condition in, on or near the property that renders the rental property unsafe or unfit for human habitation or occupancy or presents a threat to public health or safety; or
 - e. serious or repeated violations of any of the requirements of this Division, or for interference with the CITY or any of its agents in the performance of their duties.
 - (2) The BUILDING OFFICIAL or FIRE CODE OFFICIAL shall issue a written ~~“NOTICE OF INTENT – ADMINISTRATIVE DECISION TO DENY OR REVOKE A LICENSE and/or CERTIFICATE OF OCCUPANCY” (“Notice of Intent – Administrative Decision”)~~ notice of the administrative decision (“notice”) to deny or revoke a LICENSE ~~and/or CERTIFICATE OF OCCUPANCY~~, which shall set forth the grounds upon which the Administrative Decision is issued and inform the applicant or holder:
 - a. The BUILDING OFFICIAL or FIRE CODE OFFICIAL “denies” the issuance of the LICENSE ~~and/or CERTIFICATE OF OCCUPANCY (“CO”)~~; or the BUILDING OFFICIAL or FIRE CODE OFFICIAL “revokes” the LICENSE ~~and/or CO~~.
 - b. The decision to deny or revoke the issuance of a LICENSE ~~and/or CO~~ will become final at the close of business on the thirtieth (30th) day after the date of the ~~Notice of Intent – Administrative Decision~~ notice unless the holder appeals the administrative decision in accordance with Chapter 5, Article XIII (Appeals of Administrative Decisions to BUILDING STANDARDS BOARD).
 - c. This Division (Multi-Family Rental Units), and Chapter 5, Article XIII (Appeals of Administrative Decisions to BUILDING STANDARDS BOARD) shall be referenced in the ~~Notice of Intent – Administrative Decision~~ notice.
 - d. The date of the ~~Notice of Intent – Administrative Decision~~ notice is considered DAY ZERO (0).
 - (3) Failure of any PERSON to file a “Notice of Appeal” within the time period, as identified in Chapter 5, Article XII, Sec. 5-1304 (Initiating an appeal and deadline), is a waiver of his/her right to a hearing and the Administrative Decision to deny or revoke the LICENSE and/or CERTIFICATE OF OCCUPANCY shall be FINAL.

EXHIBIT D TO ORDINANCE NO. 5061**Mesquite City Code. Chapter 7 – Housing and Minimum Property Standards**

Building Standards Board Meeting Date: August 3, 2023 | City Council Meeting Date: September 5, 2023

Sec. 7-563. Tenant's remedies regarding revocation of Certificate of Occupancy.

If the CITY or a county revokes a CERTIFICATE OF OCCUPANCY for a LEASED PREMISES because of the LANDLORD'S failure to maintain the PREMISES, the LANDLORD is liable to a TENANT who is not in default under the LEASE in accordance with Texas Property Code, Chapter 92, Section 92.023 (Tenant's remedies Regarding Revocation of CERTIFICATE OF OCCUPANCY), or successor and as amended.

State Law reference – Tenant's remedies regarding revocation of Certificate of Occupancy, V.T.C.A. Property Code, Ch. 92, Section 92.023.

Cross references –

Certificate of Occupancy, Mesquite Zoning Ordinance, Part 5, 5-100, Sec. 5-106.

Appeals of Administrative Decisions to the Board of Adjustment, Mesquite Zoning Ordinance, Part 5, 5-200, Sec. 5-210.

Certificate of Occupancy fees; Appendix D – Comprehensive Fee Schedule, Article XII, Sec. 12-110.

Sec. 7-564. Reinstatement or reissuance of License ~~and/or Certificate of Occupancy~~.

- (a) *In general.* If the MULTI-FAMILY RESIDENTIAL RENTAL PROPERTY LICENSE (LICENSE) ~~or CERTIFICATE OF OCCUPANCY~~ is denied or revoked by the BUILDING OFFICIAL or FIRE CODE OFFICIAL, either may be reinstated, reissued, or issued by the BUILDING OFFICIAL or FIRE CODE OFFICIAL, upon request by the OWNER or PROPERTY MANAGER.
- (b) *Reinstatement, reissuance, or issuance requirements.* In order to reinstate, reissue, or issue a LICENSE ~~or CERTIFICATE OF OCCUPANCY~~, the BUILDING OFFICIAL or FIRE CODE OFFICIAL must make a finding that the denial or revocation is no longer valid because:
 - (1) the violations have been corrected; and
 - (2) there are no other grounds for the LICENSE ~~and/or CERTIFICATE OF OCCUPANCY~~ to remain denied or revoked; and
 - (3) the LICENSE ~~and/or CERTIFICATE OF OCCUPANCY~~ should be reinstated.
- (c) An administrative decision to deny the reinstatement, reissuance, or issuance of a LICENSE ~~and/or CO~~ may be appealed in accordance with Chapter 5, [Article XIII](#) (Appeals of Administrative Decisions to BUILDING STANDARDS BOARD).

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Sec. 7-575. Appeals of administrative decisions.

- (a) *In general.* Administrative decisions of CITY officials made pursuant to this Division may be appealed in accordance with Chapter 5, [Article XIII](#) (Appeals of Administrative Decisions to BUILDING STANDARDS BOARD), or successor and as amended.
- (b) *Types of decisions that may be appealed.* Appeals of administrative decisions under this Division include, but may not be limited to:
 - (1) denial of issuance of LICENSE; or
 - (2) revocation of LICENSE, ~~or CERTIFICATE OF OCCUPANCY~~; or
 - (3) denial of reissuance of LICENSE, ~~or CERTIFICATE OF OCCUPANCY~~; or
 - (4) denial of reinstatement of LICENSE, ~~or CERTIFICATE OF OCCUPANCY~~.

Secs. 7-576—7-600. – Reserved.

EXHIBIT D TO ORDINANCE NO. 5061**Mesquite City Code. Chapter 7 – Housing and Minimum Property Standards**

Building Standards Board Meeting Date: August 3, 2023 | City Council Meeting Date: September 5, 2023

DIVISION 3. - SINGLE-FAMILY RENTAL UNITS – LONG-TERM RENTALS

* * *

Sec. 7-612. Denial or revocation of License for LTR.

- (a) *In general.* For failure to comply with the terms of this Division, the DIRECTOR OF NEIGHBORHOOD SERVICES may deny or revoke Single-Family Residential Rental Property License For LONG-TERM RENTALS (LICENSE) for LONG-TERM RENTAL PROPERTY in violation.
- (b) *Process and procedures - Denial or revocation of a license.*
- (1) A LICENSE may be denied or revoked if:
 - a. the application contains false information; or
 - b. there are utility, tax, or property lien fees due for the property for which the LANDLORD is responsible; or
 - c. the property is not in compliance with the standards set forth in this Division; or
 - d. there exists any condition in, on or near the property that renders the rental property unsafe or unfit for human habitation or occupancy or presents a threat to public health or safety; or
 - e. serious or repeated violations of any of the requirements of this Division, or for interference with the CITY or any of its agents in the performance of their duties.
 - (2) The DIRECTOR OF NEIGHBORHOOD SERVICES shall issue a written ~~“NOTICE OF INTENT—ADMINISTRATIVE DECISION TO DENY OR REVOKE A SINGLE-FAMILY RESIDENTIAL RENTAL PROPERTY LICENSE” (“Notice of Intent—Administrative Decision”)~~ notice of the administrative decision (“notice”) to deny or revoke a LICENSE, which shall set forth the grounds upon which the Administrative Decision is issued and inform the holder:
 - a. The DIRECTOR OF NEIGHBORHOOD SERVICES “denies” the issuance of the LICENSE; or the Director “revokes” the LICENSE.
 - b. The decision to deny or revoke the issuance of a LICENSE will become final at the close of business on the thirtieth (30th) day after the date of the ~~Notice of Intent—Administrative Decision~~ notice unless the holder appeals the administrative decision in accordance with Sec. 7-617 (Appeals of Administrative Decisions for LTR).
 - c. This Division (Single-Family Rental Units – Long-Term Rentals) shall be referenced in the ~~Notice of Intent—Administrative Decision~~ notice.
 - d. The date of the ~~Notice of Intent—Administrative Decision~~ notice is considered DAY ZERO (0).
 - (3) Failure of any PERSON to file a “Notice of Appeal” within the time period, as identified in Sec. 7-617 (Appeals of Administrative Decisions for LTR), is a waiver of his/her right to a hearing and the administrative decision to deny or revoke the LICENSE shall be FINAL.

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DIVISION 4. - SINGLE FAMILY RENTAL UNITS – SHORT-TERM RENTALS

* * *

Sec. 7-712. Denial or revocation of License for STR.

- (a) *In general.* For failure to comply with the terms of this Division, the DIRECTOR OF NEIGHBORHOOD SERVICES may deny or revoke SINGLE-FAMILY RESIDENTIAL RENTAL PROPERTY LICENSE FOR SHORT -TERM RENTALS (LICENSE) for SHORT -TERM RENTAL PROPERTY in violation.
- (b) *Process and procedures - Denial or revocation of a License.*
- (1) A LICENSE may be denied or revoked if:
 - a. the application contains false information; or
 - b. there are utility, tax, or property lien fees due for the property for which the LANDLORD is responsible; or
 - c. the property is not in compliance with the standards set forth in this Division; or
 - d. there exists any condition in, on or near the property that renders the rental property unsafe or unfit for human habitation or occupancy or presents a threat to public health or safety; or
 - e. serious or repeated violations of any of the requirements of this Division, or for interference with the CITY or any of its agents in the performance of their duties.
 - (2) The DIRECTOR OF NEIGHBORHOOD SERVICES shall issue a written ~~“NOTICE OF INTENT—ADMINISTRATIVE DECISION TO DENY OR REVOKE A SINGLE-FAMILY RESIDENTIAL RENTAL PROPERTY LICENSE” (“Notice of Intent—Administrative Decision”)~~ notice of the administrative decision (“notice”) to deny or revoke a LICENSE, which shall set forth the grounds upon which the Administrative Decision is issued and inform the applicant or holder:
 - a. The DIRECTOR OF NEIGHBORHOOD SERVICES “denies” the issuance of the LICENSE; or the Director “revokes” the LICENSE.
 - b. The decision to deny or revoke the issuance of a LICENSE will become final at the close of business on the thirtieth (30th) day after the date of the ~~Notice of Intent—Administrative Decision~~ notice unless the holder appeals the administrative decision in accordance with Sec. 7-717 (Appeals of Administrative Decisions).
 - c. This Division (Single-Family Rental Units – Short -Term Rentals) shall be referenced and in the ~~Notice of Intent—Administrative Decision~~ notice.
 - d. The date of the ~~Notice of Intent—Administrative Decision~~ notice is considered DAY ZERO (0).
 - (3) Failure of any PERSON to file a “Notice of Appeal” within the time period, as identified in Sec. 7-717 (Appeals of Administrative Decisions for STR) is a waiver of his/her right to a hearing and the Administrative Decision to deny or revoke the LICENSE shall be FINAL.

* * *

EXHIBIT E

To Ordinance No. 5061

MESQUITE CITY CODE
Amending Chapter 20

EXHIBIT E TO ORDINANCE NO. 5061
Mesquite City Code. Chapter 20 - Boards, Commissions, and Committees.
City Council Meeting Date: September 5, 2023

MESQUITE CITY CODE

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Chapter 20 – BOARDS, COMMISSIONS, AND COMMITTEES

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

* * *

DIVISION 3. - BOARD OF ADJUSTMENT

* * *

Sec. 20-2308. – Responsibilities and matters of the Board of Adjustment.

* * *

- (14) Appeals of a denial, suspension, or revocation of a Certificate of Occupancy. Appendix C, Zoning Ordinance, Part 5, 5-100, ~~5-101~~ 5-106.

* * *

EXHIBIT F

To Ordinance No. 5061

MESQUITE CITY CODE

Amending Appendix D – Comprehensive Fee Schedule

MESQUITE CITY CODE

* * *

APPENDIX D – COMPREHENSIVE FEE SCHEDULE

* * *

ARTICLE XII. PLANNING AND DEVELOPMENT SERVICES

* * *

Sec. 12-110. Certificate of occupancy.

Certificate of Occupancy\$125.00

Temporary Certificate of Occupancy\$125.00

Reinspection Fee \$60.00

Replacement (Duplication) Certificate of Occupancy\$25.00

Appeals of Administrative Decisions\$ 250.00

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EXHIBIT G

To Ordinance No. 5061

MESQUITE CITY CODE

Amending Mesquite City Code & Mesquite Zoning Ordinance
Cross References

MESQUITE CITY CODE

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Chapter 4, Article VI.

Sec. 4-206. - Sale of animals from public property.

* * *

Cross reference – Certificate of Occupancy; Mesquite Zoning Ordinance, Part 5, 5-100, Sec. 5-106.

Cross reference – Certificate of Occupancy fees; Appendix D – Comprehensive Fee Schedule, Article XII, [Sec. 12-110](#).

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Chapter 8, Article III, Division 5.

Sec. 8-262. – Certificate of Occupancy required.

* * *

Cross reference – Certificate of Occupancy; Mesquite Zoning Ordinance, Part 5, 5-100, Sec. 5-106.

* * *

Chapter 8, Article XII.

Sec. 8-855. - Registration application.

* * *

Cross reference— [Sec. 1-103](#). Credit access businesses, Appendix D—Comprehensive Fee Schedule.

Cross reference – Certificate of Occupancy; Mesquite Zoning Ordinance, Part 5, 5-100, Sec. 5-106.

* * *

Chapter 8, Article XIII.

Sec. 8-873. - Violations and enforcement.

* * *

Cross reference – Certificate of Occupancy; Mesquite Zoning Ordinance, Part 5, 5-100, Sec. 5-106.

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MESQUITE CITY CODE

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Chapter 8, Article XVI.

Sec. 8-912. - Registration of convenience stores and late hours businesses.

* * *

Cross reference – Certificate of Occupancy; Mesquite Zoning Ordinance, Part 5, 5-100, Sec. 5-106.

* * *

Chapter 10, Article III.

Sec. 10-73. - Affirmative defenses.

* * *

Cross reference— Offenses, [Section 10-71](#).

Temporary Noise Permit, [Chapter 8](#), Article XVII, Division 2—Temporary Noise Permit.

Noise Variance, [Chapter 8](#), Article XVII, Division 3—Noise Variance.

Certificate of Occupancy; Mesquite Zoning Ordinance, Part 5, 5-100, Sec. 5-106.

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Chapter 11, Article V, Division 2.

Sec. 11-148. - Permits.

* * *

Cross reference – Certificate of Occupancy; Mesquite Zoning Ordinance, Part 5, 5-100, Sec. 5-106.

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Chapter 12, Article I.

Sec. 12-2. - Commercial regulations.

* * *

Cross reference— Buildings and construction, [Ch. 5](#).

Certificate of Occupancy; Mesquite Zoning Ordinance, Part 5, 5-100, Sec. 5-106.

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MESQUITE CITY CODE

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Chapter 13, Article III.

Sec. 13-47. - Submission of plans; issuance of permit.

* * *

Cross reference – Certificate of Occupancy; Mesquite Zoning Ordinance, Part 5, 5-100, Sec. 5-106.

* * *

Chapter 13, Article III.

Sec. 13-51. - Sign permits independent of all other approvals.

* * *

Cross reference – Certificate of Occupancy; Mesquite Zoning Ordinance, Part 5, 5-100, Sec. 5-106.

* * *

Chapter 16, Article VI.

Sec. 16-605. - Installation and maintenance requirements.

* * *

Cross reference – Certificate of Occupancy; Mesquite Zoning Ordinance, Part 5, 5-100, Sec. 5-106.

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APPENDIX C

MESQUITE ZONING ORDINANCE

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Part 1, 1-300.

1-301 - General provisions.

* * *

Cross reference – Certificate of Occupancy: Mesquite Zoning Ordinance, Part 5, 5-100, Sec. 5-106.

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Part 1, 1-600.

1-601 - General requirements and procedures.

* * *

Cross references –

Certificate of Occupancy, Mesquite Zoning Ordinance, Part 5, 5-100, Sec. 5-106.

Appeals of Administrative Decisions to the Board of Adjustment, Mesquite Zoning Ordinance, Part 5, 5-200, Sec. 5-210.

Certificate of Occupancy fees; Appendix D – Comprehensive Fee Schedule, Article XII, Sec. 12-110.

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Part 1, 1-600.

1-602 – Permitted temporary uses and structures.

* * *

Cross references –

Certificate of Occupancy, Mesquite Zoning Ordinance, Part 5, 5-100, Sec. 5-106.

Appeals of Administrative Decisions to the Board of Adjustment, Mesquite Zoning Ordinance, Part 5, 5-200, Sec. 5-210.

Certificate of Occupancy fees; Appendix D – Comprehensive Fee Schedule, Article XII, Sec. 12-110.

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Part 1, 1-600.

1-603 –Special exceptions.

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Cross reference – Certificate of Occupancy, Mesquite Zoning Ordinance, Part 5, 5-100, Sec. 5-106.

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APPENDIX C

MESQUITE ZONING ORDINANCE

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Part 1A, 1A-200.
1A – 201 – General landscape requirements.

* * *

Cross reference – Certificate of Occupancy, Mesquite Zoning Ordinance, Part 5, 5-100, Sec. 5-106.

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Part 1A, 1A-300.
1A – 301 – General screening and buffering requirements.

* * *

Cross reference – Certificate of Occupancy, Mesquite Zoning Ordinance, Part 5, 5-100, Sec. 5-106.

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Part 1A, 1A-400.
1A – 403 – Application to remove protected trees.

* * *

Cross reference – Certificate of Occupancy, Mesquite Zoning Ordinance, Part 5, 5-100, Sec. 5-106.

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Part 2, 2-800.
2-801 –Certificate of Occupancy.

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Cross references –
Certificate of Occupancy, Mesquite Zoning Ordinance, Part 5, 5-100, Sec. 5-106.
Appeals of Administrative Decisions to the Board of Adjustment, Mesquite Zoning Ordinance, Part 5, 5-200, Sec. 5-210.
Certificate of Occupancy fees; Appendix D – Comprehensive Fee Schedule, Article XII, Sec. 12-110.

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APPENDIX C

MESQUITE ZONING ORDINANCE

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Part 3, 3-500.
3 – 502 – Miniwarehousing.

* * *

Cross reference – Certificate of Occupancy, Mesquite Zoning Ordinance, Part 5, 5-100, Sec. 5-106.

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Part 3, 3-500.
3 – 503 – Commercial Occupancy of frame buildings – CB district.

* * *

Cross references –

Certificate of Occupancy, Mesquite Zoning Ordinance, Part 5, 5-100, Sec. 5-106.

Appeals of Administrative Decisions to the Board of Adjustment, Mesquite Zoning Ordinance, Part 5, 5-200, [Sec. 5-210](#).

Certificate of Occupancy fees; Appendix D – Comprehensive Fee Schedule, Article XII, [Sec. 12-110](#).

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Part 3, 3-500.
3 – 507 – Coin-Operated amusement devices.

* * *

Cross references –

Certificate of Occupancy, Mesquite Zoning Ordinance, Part 5, 5-100, Sec. 5-106.

Appeals of Administrative Decisions to the Board of Adjustment, Mesquite Zoning Ordinance, Part 5, 5-200, [Sec. 5-210](#).

Certificate of Occupancy fees; Appendix D – Comprehensive Fee Schedule, Article XII, [Sec. 12-110](#).

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Part 3, 3-500.
3 – 511 – Paraphernalia shop.

* * *

Cross references –

Certificate of Occupancy, Mesquite Zoning Ordinance, Part 5, 5-100, Sec. 5-106.

Appeals of Administrative Decisions to the Board of Adjustment, Mesquite Zoning Ordinance, Part 5, 5-200, [Sec. 5-210](#).

Certificate of Occupancy fees; Appendix D – Comprehensive Fee Schedule, Article XII, [Sec. 12-110](#).

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APPENDIX C

MESQUITE ZONING ORDINANCE

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Part 3, 3-500.
3 – 512 – Mobile Food Unit Park (“MFU-Park”).

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Cross references –

Certificate of Occupancy, Mesquite Zoning Ordinance, Part 5, 5-100, Sec. 5-106.

Appeals of Administrative Decisions to the Board of Adjustment, Mesquite Zoning Ordinance, Part 5, 5-200, [Sec. 5-210](#).

Certificate of Occupancy fees; Appendix D – Comprehensive Fee Schedule, Article XII, [Sec. 12-110](#).

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Part 4, 4-600.
4 – 603 – Required conditions.

* * *

Cross reference – Certificate of Occupancy, Mesquite Zoning Ordinance, Part 5, 5-100, Sec. 5-106.

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Part 4, 4-900.
4 – 904 – Required conditions.

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Cross reference – Certificate of Occupancy, Mesquite Zoning Ordinance, Part 5, 5-100, Sec. 5-106.

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Part 4, 4-930.
4 – 934 – Required conditions.

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Cross reference – Certificate of Occupancy, Mesquite Zoning Ordinance, Part 5, 5-100, Sec. 5-106.

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APPENDIX C

MESQUITE ZONING ORDINANCE

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Part 5, 5-200.
5 – 209 – Expiration.

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Cross references –
Certificate of Occupancy, Mesquite Zoning Ordinance, Part 5, 5-100, Sec. 5-106.

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Part 5, 5-300.
5 – 303 – Conditional use permits.

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Cross references –
Certificate of Occupancy, Mesquite Zoning Ordinance, Part 5, 5-100, Sec. 5-106.

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