

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE CITY CODE BY REVISING APPENDIX D – COMPREHENSIVE FEE SCHEDULE, ARTICLE XII – PLANNING AND DEVELOPMENT SERVICES, SECTION 12-100 (BUILDING PERMITS) FOR THE PURPOSE OF INCREASING THE TEMPORARY NOISE PERMIT FEE; PROVIDING A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SEVERABILITY CLAUSE; 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, a Temporary Noise Permit is an administrative approval, reviewed and approved by the City Manager or his/her designee pursuant to Mesquite City Code, Chapter 8, Article XVII, [Division 2 – Temporary Noise Permit](#). The purpose of a Temporary Noise Permit is to allow, on a *temporary basis*, noise to exceed the permissible levels when an event or activity is in the public interest, in cases of urgent necessity, or in the interest of public safety and convenience; and

WHEREAS, this ordinance amendment will amend the Comprehensive Fee Schedule to increase the Temporary Noise Permit fee to one hundred dollars (\$100) per day to off-set costs for processing and issuance of the permit, staff time to analyze field conditions, and to encourage the work to be performed during a condensed time period to lessen the time for any potential noise disturbance; 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.

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 Appendix D – Comprehensive Fee Schedule.

The Mesquite City Code is hereby amended as identified in **EXHIBIT A**, and said exhibit 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. Effective Date.

That this ordinance shall take effect and be in force immediately upon its adoption pursuant to 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 JUNE, 2023.

Daniel Alemán, Jr.
Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

Sonja Land
City Secretary

David L. Paschall
City Attorney

EXHIBIT A

To Ordinance No. _____

CITY OF MESQUITE, TEXAS

Mesquite City Code, Appendix D – Comprehensive Fee Schedule
Article XII, Sec. 12-100. Building Permits.
(Temporary Noise Permit)

MESQUITE CITY CODE

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APPENDIX D – COMPREHENSIVE FEE SCHEDULE

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ARTICLE XII – Planning and Development Services

Sec. 12-100. Building Permits.

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Temporary Noise Permit fee (per day) \$100.00 ~~\$50.00~~

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(Ord. No. 4702, § 1(Exh. A), 8-19-19; Ord. No. 4723, § 1(Exh. A), 9-16-19; Ord. No. 4764, § 1, 3-2-20; Ord. No. 4850, § 5(Exh. D), 3-15-21; Ord. No. 4878, § 1, 7-19-21; Ord. No. 4900, § 1(Exh. A), 9-20-21; Ord. No. 4939, § 1(Exh. A), 2-21-22)