

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTERS 1, 4 AND 16 OF THE CODE OF THE CITY OF MESQUITE, TEXAS, AS AMENDED, BY DELETING SECTION 1-7 IN CHAPTER 1 IN ITS ENTIRETY AND ADDING A NEW SECTION 1-7 THEREBY CREATING A CITATION PROGRAM; BY DELETING SECTION 4-3(b) IN CHAPTER 4 IN ITS ENTIRETY AND ADDING A NEW SECTION 4-3(b) THEREBY PROVIDING ANIMAL CONTROL OFFICERS WITH THE AUTHORITY TO ISSUE CITATIONS FOR ANY VIOLATION OF CHAPTER 4 AND PURSUANT TO SECTION 1-7; BY DELETING SECTION 16-203(d) IN CHAPTER 16 IN ITS ENTIRETY AND ADDING A NEW SECTION 16-203(d) THEREBY PROVIDING THE HEALTH OFFICIAL'S DESIGNATED REPRESENTATIVES WITH THE AUTHORITY TO ISSUE CITATIONS FOR ANY VIOLATIONS IN CHAPTER 16, ARTICLE VI; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED FIVE HUNDRED (\$500.00) DOLLARS FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE THEREOF.

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

SECTION 1. That Chapter 1 of the Code of the City of Mesquite, Texas, as amended, is hereby amended by deleting Section 1-7 in its entirety and adding a new Section 1-7 to read as follows, in all other respects said Code and Chapter to remain in full force and effect:

Sec. 1-7. Authority to issue citations to appear in Municipal Court.

- (a) *Applicability.* This chapter does not apply to law enforcement by licensed peace officers who are employed by the City as peace officers.
- (b) *Designated employees.*
 - (1) In addition to any express authority provided in this Code, a director of a City department may issue one or more citations to a person to appear in Municipal Court, if the director reasonably believes that the person has engaged in conduct that violates a law or ordinance that relates to the operations of the department for which the director is responsible as assigned by the City Manager.
 - (2) A department director may designate employees to issue citations.
 - (3) A person designated under this section must:
 - a. Be an employee of the director's department; and

- b. Successfully complete a training program approved by the director.
 - (4) A person designated under this section:
 - a. Is not a peace officer; and
 - b. Is not authorized to arrest an individual for violation of a City ordinance.
 - (5) The department director shall provide a designated employee with an identification card, including the department name, the name of the employee and a photograph of the employee.
 - (6) A designated employee shall show the employee's identification card on request.
- (c) *Citation.*
- (1) A citation issued under this section must be on a form approved by the Municipal Court Clerk that includes the following information:
 - a. The name and address of the person cited;
 - b. The offense for which the person is charged;
 - c. The date and location of the offense;
 - d. A timeframe providing a deadline for appearance ("appearance time");
 - e. A statement requiring the person receiving the citation to appear at Municipal Court on or before the appearance time indicated on the citation;
 - f. A statement of the person's promise to respond to the citation by the appearance time indicated on the citation, including a place for the person cited to provide the person's signature;
 - g. The name of the person issuing the citation; and
 - h. Other information as determined by the director of the issuing department.
 - (2) Upon receipt of a completed citation, the Municipal Court Clerk shall process the citation in the same manner as a citation issued by a peace officer.
- (d) *Duty to respond to citation.*
- (1) On or before the appearance time indicated on a citation, a person cited shall submit a plea to each charge indicated on the citation. The person

may enter a plea of guilty, not guilty or no contest. The plea may be submitted by mail, in person or by other method acceptable to the Municipal Court.

- (2) A person may enter a plea of guilty or no contest to a charge on a citation by paying the fine for the charge.

(e) *Offenses.*

- (1) A person commits an offense if the person interferes with, hinders or molests a City employee in the performance of the employee's duties under this chapter.
- (2) A person commits an offense if the person gives a false or fictitious name, address or other information to a director or designated employee at the time the director or designated employee issues the person a citation.

- (f) *Cumulative remedies.* The remedies authorized in this chapter are cumulative of other remedies. This chapter does not require a department director or designated employee to issue a citation in lieu of other remedies.

SECTION 2. That Chapter 4 of the Code of the City of Mesquite, Texas, as amended, is hereby amended by deleting Section 4-3(b) in its entirety and adding a new Section 4-3(b) to read as follows, in all other respects said Code and Chapter to remain in full force and effect:

- (b) Any animal control officer of the City shall have the authority to issue citations for any violation of this chapter and any other power or duty stated within the terms of this chapter, in addition to any other authority provided pursuant to Section 1-7 of this Code. If the person being cited is not present, the animal control officer may send the citation to the alleged offender by registered or certified mail, return receipt requested, by depositing same in the United States Mail, postage prepaid.

SECTION 3. That Chapter 16 of the Code of the City of Mesquite, Texas, as amended, is hereby amended by deleting Section 16-203(d) in its entirety and adding a new Section 16-203(d) to read as follows, in all other respects said Code and Chapter to remain in full force and effect:

- (d) The provisions of this article shall be enforced by the Health Official. His designated representatives shall have the authority to issue citations to persons violating the provisions of this article.

SECTION 4. That all ordinances or portions thereof in conflict with the provisions of this ordinance, to the extent of such conflict, are hereby repealed. To the extent that such ordinances or portions thereof are not in conflict herewith, the same shall remain in full force and effect.

SECTION 5. That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional, the validity of the remaining provisions of this ordinance shall not be affected and shall remain in full force and effect.

SECTION 6. That any person (as defined in Chapter 1, Section 1-2 of the Code of the City of Mesquite, Texas, as amended) violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and upon conviction thereof, shall be subject to a fine not to exceed Five Hundred (\$500.00) Dollars for each offense, provided, however, if the maximum penalty provided for by this ordinance for an offense is greater than the maximum penalty provided for the same offense under the laws of the State of Texas, the maximum penalty for violation of this ordinance for such offense shall be the maximum penalty provided by the laws of the State of Texas. Each day or portion of a day any violation of this ordinance continues shall constitute a separate offense.

SECTION 7. That this ordinance shall take effect and be in force from and after five days after publication.


DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 7th day of August, 2017.

Stan Pickett
Mayor

ATTEST:

Sonja Land
City Secretary

APPROVED:



B. J. Smith
City Attorney