

# City of Mesquite, Texas

## Legislation Text

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**File #:** 17-2880, **Version:** 1

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An ordinance amending Chapters 1, 4 and 16 of the City Code creating a Citation Program.

In order to ensure field staff members have the authority to write citations for violations under their purview, it is recommended that a formal citation program be created. Currently, staff who are not peace officers have the clear authority to issue citations for only those sections of the City Code where it is specifically stated.

Sometimes there is a need for a staff member to take enforcement action in an area that has been assigned to his/her department by the City Manager, but said authority to write citations is not spelled out in the Code. For example, Animal Control Officers (ACOs) are authorized to issue citations to violators for regulations found in Chapter 4 (Animals) of the City Code. However, the regulation of livestock is addressed in the Zoning Chapter. This means, that even though most residents would think to call Animal Services for help with this issue, an ACO must work in concert with Planning and Zoning to issue the citation. This additional administrative step has caused delay in enforcement action, and a delay in resolving issues in Mesquite neighborhoods. With this ordinance revision, staff will have the flexibility to respond quickly to issues in their departments without extending the process.

Additionally, it is proposed that the existing language creating an offense for failure to appear be deleted as the court does not prosecute failure to appear cases (instead of a separate offense for failure to appear, the court increases the fine by \$100 if the violator does not appear). Assessing an additional offense when a person fails to appear on the original violation has been criticized by the Department of Justice as an example of maximizing revenue instead of administering justice.

Staff recommends approval of the ordinance.

Ordinance

Valerie Bradley

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