

ORDINANCE NO. 2012- 022

AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS, AMENDING TITLE XV (LAND USAGE), CHAPTER 151 (BUILDING REGULATIONS; CONSTRUCTION), CREATING A NEW SECTION 151.03 (SURCHARGE; FINES) OF THE CODE OF ORDINANCES TO IMPOSE A SURCHARGE AND FINES FOR FAILURE TO COMPLY WITH THE CITY'S RESIDENTIAL BUILDING CODE (§151.01) AND THE CITY'S COMMERCIAL BUILDING CODE (§151.02) REQUIRING PERMITS FOR CONSTRUCTION OF RESIDENTIAL AND COMMERCIAL PROPERTIES WITHIN THE CITY LIMITS; AND PROVIDING FINDINGS OF FACT, A REPEALING CLAUSE, TO PROVIDE A SAVINGS AND SEVERABILITY CLAUSE, PROPER NOTICE AND MEETING, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The City of Wimberley has previously adopted Title XV (Land Usage), Chapter 151 (Building Regulations; Construction), sections 151.01 and 151.02, each of which require building permits to be obtained prior to the time any work commences on a building, structure, electrical, gas, mechanical, or plumbing system for both residential and commercial construction and impose fees for such permits; and

WHEREAS, contrary to the requirements of City ordinances, work is being performed for residential and commercial construction within the city limits of the City of Wimberley without the necessary permits being obtained and fees being paid; and

WHEREAS, residential and commercial construction performed without the necessary permits is frequently not in conformance with building standards adopted to protect the health, safety, and welfare of the residents of the structures and of the public generally; and

WHEREAS, the City of Wimberley incurs expenses in identifying violators of the City's Residential Building Ordinance and Commercial Building Ordinance, in issuing stop work orders, and in following up to ascertain compliance; and

WHEREAS, the City Council of the City of Wimberley, in order to deter violation of city ordinances and to protect the health, safety, and welfare of the residents of the city desires to impose fines for the failure to comply with sections 151.01 and 151.02 of the Code of Ordinances; and

WHEREAS, the City Council finds that the provisions of this Ordinance will serve to promote the public health, safety, morals and general welfare; and,

WHEREAS, Texas Local Government Code section 54.001 authorizes the City to impose fines of up to \$2,000.00 for violation of a city ordinance that governs public health and sanitation;

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

Section 1. Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City of Wimberley and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

Section 2. Amendment.

THAT the City of Wimberley Code of Ordinances, Title XV (Land Usage), Chapter 151 (Building Regulations; Construction) is hereby amended to create a new Section 151.03 (Surcharge; Fines) to read as follows:

“Failure to comply with Section 151.01 or with Section 152.02 by failing to obtain a building permit prior to commencing any residential or commercial building construction within the city limits of the City of Wimberley will result in the following:

A surcharge of \$25.00 to be imposed in addition to the approved building permit fee for each permit required.

Notwithstanding Section 10.99 (General Penalty) of the City of Wimberley Code of Ordinances, for a second offense of failing to secure the required building permit, the violation shall be punished by a fine of \$500.00 to \$2,000.00.

Notwithstanding Section 10.99 (General Penalty) of the City of Wimberley Code of Ordinances, for a third offense of failing to secure the required building permit, the violation shall be punished by a fine of \$750.00 to \$2,000.00.

Notwithstanding Section 10.99 (General Penalty) of the City of Wimberley Code of Ordinances, for a fourth or subsequent offense of failing to secure the required building permit, the violation shall be punished by a fine of \$1,000.00 to \$2,000.00.

Section 3. Except as expressly amended herein, the City of Wimberley Code of Ordinances, Title XV (Land Usage), Chapter 151 (Building Regulations; Construction) shall remain in full force and effect.

Section 4. All ordinances or parts of ordinances in force when the provisions of this Ordinance become effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed, but only to the extent of any such conflict.

Section 5. Should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Ordinances as a whole.

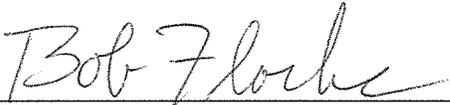
Section 6. This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such cases provide.

Section 7. Open Meetings. That it is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meeting Act, Capt. 551, Loc. Gov't. Code.

FIRST READING PASSED AND APPROVED this 3rd day of May, 2012, by a vote of 5 (Ayes) to 0 (Nays) 0 (Abstain) vote of the City Council of the City of Wimberley, Texas.

SECOND READING PASSED AND APPROVED this 17th day of May, 2012, by a vote of 5 (Ayes) to 0 (Nays) 0 (Abstain) vote of the City Council of the City of Wimberley, Texas.

CITY OF WIMBERLEY, TEXAS



Bob Flocke, Mayor

ATTEST:



Cara McPartland, City Secretary

APPROVED AS TO FORM:



Catherine B. Fryer, City Attorney

