

ORDINANCE NO. 2012- 024

AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS, AMENDING TITLE XV (LAND USAGE), CHAPTER 151 (BUILDING REGULATIONS; CONSTRUCTION), SECTIONS 151.01 (RESIDENTIAL BUILDING CODE ADOPTED; AMENDMENTS) AND 151.02 (COMMERCIAL BUILDING CODE ADOPTED; AMENDMENTS) OF THE CODE OF ORDINANCES TO ALLOW ORDINARY NON-STRUCTURAL RESIDENTIAL OR COMMERCIAL REPAIRS AND RENOVATIONS TO BE PERFORMED WITHOUT A BUILDING PERMIT AND REQUIRING ALL STRUCTURAL REPAIRS AND RENOVATIONS OF RESIDENTIAL AND COMMERCIAL PROPERTIES TO BE PERFORMED UPON ISSUANCE OF A BUILDING PERMIT; 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 which requires building permits to be obtained prior to the time any work commences on a building, structure, electrical, gas, mechanical, or plumbing system for residential construction and imposes fees for such permits; and

WHEREAS, ordinary, non-structural residential property repairs and renovations to the interior or exterior of a residence do not pose a risk to the public health, safety and general welfare as they relate to the construction and occupancy of buildings and structures; and

WHEREAS, all residential repairs and renovations involving interior or exterior structural alterations or repairs do pose a risk to the public, health, safety and general welfare as they relate to the construction and occupancy of buildings and structures; and

WHEREAS, ordinary, non-structural commercial property repairs and renovations to the interior or exterior of a commercial building do not pose a risk to the public health, safety and general welfare as they relate to the construction and occupancy of buildings and structures; and

WHEREAS, all commercial building repairs and renovations involving interior or exterior structural alterations or repairs do pose a risk to the public, health, safety and general welfare as they relate to the construction and occupancy of buildings and structures; and

WHEREAS, the City Council of the City of Wimberley, in order to protect the health, safety, and general welfare of the community without unduly burdening residential or commercial property owners desires to grant an exception to the need for issuance of building permits in those instances of ordinary, non-structural residential and commercial property repairs and renovations; and

WHEREAS, the City Council of the City of Wimberley, in order to protect the health, safety, and general welfare of the community requires the issuance of building permits in

connection with all residential and commercial property interior or exterior repairs and renovations that require structural alterations or repairs;

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

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. Amendments.

1. 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 151.01 (E) (Non-structural Repairs and Renovations) to read as follows:

(E) *Non-structural Repairs and Renovations.* Notwithstanding any provision of the Residential Building Code herein adopted, a building permit is not required for residential property interior or exterior repairs or renovations that do not involve structural changes to the residence.

2. 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 151.01 (F) (Structural Repairs and Renovations) to read as follows:

(F) *Structural Repairs and Renovations.* A building permit is required for residential property interior or exterior repairs or renovations that involve structural changes or repairs to the residence.

3. 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 151.02 (E) (Non-structural Repairs and Renovations) to read as follows:

(E) *Non-structural Repairs and Renovations.* Notwithstanding any provision of the Commercial Building Code herein adopted, a building permit is not required for commercial property interior or exterior repairs or renovations that do not involve structural changes to the building.

4. 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 151.02 (F) (Structural Repairs and Renovations) to read as follows:

(F) *Structural Repairs and Renovations.* A building permit is required for commercial property interior or exterior repairs or renovations that involve structural changes or repairs to the building.

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.

PASSED AND APPROVED this 7th day of June, 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
Bob Flocke, Mayor

ATTEST:

Cara McPartland
Cara McPartland, City Secretary

APPROVED AS TO FORM:

Catherine A. Fryer
Catherine A. Fryer, City Attorney

