

ORDINANCE NO. 2012-025

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 CERTAIN NON-STRUCTURAL RESIDENTIAL ROOFING REPAIRS AND REROOFING WORK TO BE PERFORMED BY THE PROPERTY OWNER WITHOUT A BUILDING PERMIT AND TO REQUIRE A BUILDING PERMIT FOR ALL COMMERCIAL ROOF REPAIRS AND REROOFING REGARDLESS OF WHO IS PERFORMING THE WORK; 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, certain types of roofing repairs and reroofing which do not involve structural changes to a residence or replacement of existing composition, wood shingle, or shake shingles with heavy roofing materials such as tile or slate may be performed by the owner of the property without 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 roofing repairs and reroofing do implicate the public health, safety and general welfare and should require the issuance of a building permit regardless of who is performing the work; 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 property owners desires to grant an exception to the need for issuance of building permits in limited circumstances for residential roofing repairs or reroofing and to require building permits for all commercial roofing repairs and reroofing; and

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 (D) (Residential Roofing) to read as follows:

(D) *Residential Roofing.* Notwithstanding any provision of the Residential Building Code herein adopted, a building permit is not required for residential property roof repairs or reroofing work that is being performed by the property owner provide such work does not involve structural changes to the residence or the installation of heavy roofing materials such as tile or slate. If the roof repairs or reroofing work is performed by a third party, involves structural changes, or involves the installation of heavy roofing materials such as tile or slate, a building permit is required for such work.

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 151.02 (D) (Commercial Roofing) to read as follows:

(D) *Commercial Roofing.* All commercial roof repair or reroofing projects require the issuance of a building permit without regard to who is performing the work.

Section 2. 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 3. 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 4. 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 5. 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 6. 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 21st 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 B. Fryer

Catherine B. Fryer, City Attorney

