

ORDINANCE 2018-11

OF THE CITY OF FAIR OAKS RANCH AMENDING THE FAIR OAKS RANCH CODE OF ORDINANCES CHAPTER 3 BUILDING REGULATIONS, ARTICLE 3.01 GENERAL PROVISIONS, SECTION 3.01.002 - COMPLIANCE; PENALTY, SECTION 3.01.005(f) - APPROVAL OR DISAPPROVAL; ADMINISTRATIVE REVIEW, SECTION 3.01.006(d) - NOTICE OF VIOLATION; ADMINISTRATIVE REVIEW AND ARTICLE 3.16 BOARD OF APPEALS, SECTION 3.16.005 - NOTICE OF MEETING; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, in August 2005 under Ordinance 75.16, the Building Regulations relating to construction and maintenance of buildings within the corporate limits of the City of Fair Oaks Ranch was adopted; and,

WHEREAS, city staff, after reviewing building permits and inspections compliance, penalty, administrative review and notice of violation standards in said ordinance codified in Chapter 3 Article 3.01 General Provisions of the Fair Oaks Ranch Code of Ordinances, finds, for clarity purposes, appropriate amendments needed; and,

WHEREAS, in November 2015 under Ordinance 2015-11, the Fair Oaks Ranch Board of Appeals was created; and,

WHEREAS, the Board of Appeals hears and decides appeals of orders, decisions, or determinations made by the Building Official relative to the application and interpretations of the International Building Code, International Residential Code, International Energy Code, International Mechanical Code, International Fuel Gas Code, International Fire Code, International Energy Conservation Code, International Plumbing Code and the National Electric Code; and,

WHEREAS, the city staff and the Board of Appeals, after reviewing the notice of meetings standards in said ordinance codified in Article 3.16 Board of Appeals of the Fair Oaks Ranch Code of Ordinances, find 10 days is insufficient time to schedule appeal meetings, allow for research of an appeal, and coordinate field visits of the relevant property; and,

WHEREAS, the City Council of the City of Fair Oaks Ranch deems it necessary to amend sections of the City of Fair Oaks Ranch Code of Ordinances Chapter 3 Building Regulations Article 3.01 General Provisions and Article 3.16 Board of Appeals.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAIR OAKS RANCH, TEXAS:

Part 1: The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

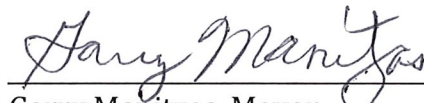
Part 2: That the City of Fair Oaks Ranch Code of Ordinances Chapter 3 Building Regulations, Article 3.01 General Provisions and Article 3.16 Board of Appeals are hereby amended as set forth in the attached Exhibit A.

Part 3: The provisions of this ordinance are declared to be severable. If any section, subsection, sentence, clause, phrase, or portion of this ordinance shall for any reason be found to be held invalid or unconstitutional by any court of competent jurisdiction, such decisions shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this ordinance, but they shall remain in effect; it being the legislative intent that this ordinance shall remain in effect notwithstanding the validity of any part.

- Part 4 All ordinances and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.
- Part 5 This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.
- Part 6 If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Ordinance would have been enacted without such invalid provision.
- Part 7 It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.
- Part 8 This ordinance shall take effect November 7, 2018 and after publication as required by law.

PASSED AND APPROVED on the first reading, this 18th day of October, 2018.

PASSED, APPROVED, AND ADOPTED on the second reading, this 1st day of November, 2018.


Garry Manitzas, Mayor

ATTEST:


Christina Picioccio, City Secretary

APPROVED AS TO FORM:

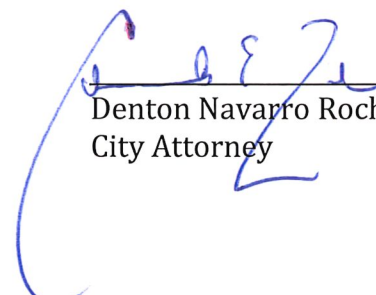

Denton Navarro Rocha Bernal & Zech, P.C.,
City Attorney

Exhibit A

- I. The City of Fair Oaks Ranch Code of Ordinances Chapter 3 Building Regulations, Article 3.01 General Provisions is hereby amended by moving Section 3.01.006 (d) with amendments to Section 3.01.002 - Compliance; Penalty as follows:

Notice of violation; administrative review.

- (1) Upon determination that a violation of this chapter has occurred, a written notice of violation shall be sent to the responsible party. This notice shall contain the nature of the violation, the section of this chapter that was violated, and the penalty imposed by this chapter for such violation.
- (2) Upon receipt, the responsible party will have 15 calendar days from the date of the notice to pay the penalty and provide other documents as required or request in writing, an administrative review of the alleged violation and imposed penalty.
- (3) The request for an administrative review shall be submitted to the Building Official and shall contain the reason(s) why the violation and/or a penalty are/is not applicable.
- (4) The administrative review will be conducted within 10 business days of receipt by the building official, the city manager, and, at least, one at-large city staff member.
- (5) The findings of the administrative review will be provided, in writing, to the responsible party named in the violation notice within 5 business days following the administrative review.
- (6) The responsible party has 31 calendar days to comply with the findings of the administrative review or file a written appeal with the municipal court for resolution before the 31st day after the administrative review findings are filed.

- II. The City of Fair Oaks Ranch Code of Ordinances Chapter 3 Building Regulations, Article 3.01 General Provisions Section 3.01.005 (f) is hereby amended as follows:

(f) Approval or disapproval; administrative review.

- (1) The city reserves the right to refuse a permit if, in the city's judgment, the provisions of this chapter have not been complied with.
- (2) Written requests for an administrative review, for refusal of a permit issuance, shall be sent to the building official within 15 calendar days from the date of the refusal. The request shall contain the reason(s) why the permit should be issued.
- (3) The administrative review will be conducted by the building official, city manager, and, at least, one at-large city staff member, within 10 business days of receipt by the request.
- (4) The findings of the administrative review will be provided, in writing, to the requestor within 5 business days following the review.

- (5) The requestor may appeal the administrative review's findings by filing a petition with the City Council for resolution, before the 31st day after the administrative review findings are filed.

III. The City of Fair Oaks Ranch Code of Ordinances Chapter 3 Building Regulations, Article 3.16 Board of Appeals, Section 3.16.005 is hereby amended as follows:

Sec 3.16.005 Notice of Meeting

The board shall meet upon notice from the chairperson, within 30 calendar days from the filing of an appeal. Notice of the meetings to the public must comply with the requirements of the Texas Open Meetings Act.