

ORDINANCE 2020-23

OF THE CITY OF FAIR OAKS RANCH AMENDING THE FAIR OAKS RANCH CODE OF ORDINANCES CHAPTER 3 BUILDING REGULATIONS, ARTICLE 3.16 BOARD OF APPEALS, SECTION 3.16.004 - MEMBERSHIP OF BOARD; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, in November 2015 under Ordinance 2015-11, the Fair Oaks Ranch Board of Appeals was created to hear and decide 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, on June 4, 2020 a Council Subcommittee was created to evaluate the process of appointing/reappointing members to Boards and Commission as well as standardizing terms coinciding with each fiscal year and the possible staggering of terms; and,

WHEREAS, the Subcommittee determined that it would be in the best interest of the city to initiate standard, staggered terms for Boards and Commissions beginning October 1 of each fiscal year; and,

WHEREAS, on September 3, 2020 the City Council concurred with the subcommittee recommendation,

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 3.16.004 Board of Appeals is 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and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.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.

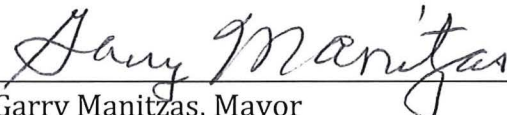
Part 6 If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this 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 October 1, 2020.

PASSED AND APPROVED on the first reading, this 17th day of September, 2020.

PASSED, APPROVED, AND ADOPTED on the second reading, this 24th day of September 2020.



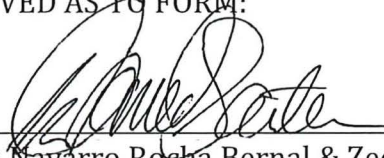
Garry Manitzas, Mayor

ATTEST:



Christina Picioccio, City Secretary

APPROVED AS TO FORM:



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

Exhibit A

Chapter 3 "Building Regulations"; Article 3.004 "Membership of board" is hereby amended as follows:

[Deletions shown as strikethrough and additions shown as underscore]

Sec. 3.16.004 Membership of board

(a) ~~The board of appeals shall consist of three persons appointed by the city council, by resolution, to serve at the will of the city council or until a successor has been appointed. The~~ Board shall consist of three (3) regular members and one alternate, each of whom shall be appointed by the City Council of the City by resolution. Each Board Member shall be a resident of the City of Fair Oaks Ranch.

(b) Each member of the Board shall be appointed for a three (3) year staggered term to begin on October 1 and end on September 30 of the third year. A Board Member may be appointed to a shorter term in order to create staggered terms, as necessary.

(c) A Board Member shall serve at the will of the City Council or until either reappointed or a successor is appointed.

(b) ~~(d)~~ The building official shall be an ex officio member of said board but shall have no vote on any matter before the board.

(1) Alternate members. ~~The city council, by resolution, shall appoint one alternate member who shall be called by the board chairperson to hear appeals during the absence or disqualification of a member. The alternate member shall possess the qualifications required for board membership. and shall serve at the will of the city council or until a successor has been appointed.~~

(2) Qualifications. The board shall consist of members who are qualified by experience and training to pass on matters pertaining to building construction and are not employees of the jurisdiction.

(3) Rules and procedures. The board is authorized to establish policies and procedures necessary to carry out its duties.

(4) Chairperson. The board shall select one of its members to serve as chairperson. The chairperson shall serve at the will of the board.

(5) Disqualification of member. A member shall not hear an appeal in which that member has a personal, professional or financial interest.

(6) Secretary. A building codes administrative employee shall be designated as the board of appeals secretary. The secretary shall file a detailed record of all proceedings in the office of the city secretary.