

CITY OF HORSESHOE BAY

ORDINANCE NO. ORD 08-08-19D

AMENDMENT TO BUILDING PERMIT ORDINANCE NO. ORD 06-04-18D TO AMEND SECTIONS VI (b), VI(b)(2), VI(b)(2)B, AND SECTION VI (b) (2) (C) TO REQUIRE FINES FOR CONSTRUCTION SITE CLEAN-UP VIOLATIONS.

AN ORDINANCE OF THE CITY OF HORSESHOE BAY, TEXAS AMENDING ORDINANCE NO. ORD 06-04-18D, BUILDING PERMIT ORDINANCE, ADOPTED APRIL 18, 2006, BY AMENDING SECTIONS VI (b), VI(b)(2), VI(b)(2)B, AND SECTION VI (b) (2) (C); TO REVISE HEADINGS, REQUIRE A SHORTER PERIOD OF TIME FOR CLEAN UP OF DEBRIS, AND TO PROVIDE CIVIL AND CRIMINAL PENALTIES FOR VIOLATION OF UP TO \$500 PER DAY; PROVIDING FOR AN EFFECTIVE DATE, REPEALER, SEVERABILITY, AND PROPER NOTICE AND MEETING.

WHEREAS, the City of Horseshoe Bay has adopted Ordinance No. 06-04-18D Building Permit Ordinance to provide requirements for issuance and enforcement of Building Permits, and

WHEREAS, four Sections of the Ordinance address the maintenance of properties under construction, and

WHEREAS, the City Council of the City of Horseshoe Bay has found that those two sections are in need of amendment to keep areas under construction clean and maintained during construction, so as not to adversely affect the health, safety and welfare of surrounding residents.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HORSESHOE BAY, TEXAS:

I. FINDINGS OF FACT

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

II. AMENDMENT OF DEFINITIONS

(a) The heading of Section VI (b) of Ordinance 06-04-18D is hereby amended to delete the current heading of “Deposit Deductions & Forfeiture” and replace it with the following:

* * *

(b) Deposit Deductions, Forfeiture, and Penalties

* * *

(b) The first line of Section VI (b) (2) of Ordinance 06-04-18D is hereby amended to delete the current first line and replace it with the following:

* * *

(2) Deductions and Penalties: A deduction from the refund, or civil or criminal penalty, will occur if the following situations arise:

* * *

(c) Section VI (b) (2) (B) of Ordinance 06-04-18D is hereby deleted in its entirety and replaced by the following:

* * *

(B) The Site and surrounding areas shall be kept free from construction debris and litter with no significant accumulation outside of a required trash enclosure for more than twenty-four (24) hours. The trash enclosure is to be located on the Site through completion of the construction period. If the permit holder does not provide an orderly Site and the accumulation of unconfined debris threatens the surrounding areas, the City will advise the permit holder of their concern and require an immediate clean up. If the debris is not removed and a clean Site established within forty-eight (48) hours from the date of the initial notification, the City shall issue a “Stop Work Order” at the Site, and will not allow construction to proceed until the Site is cleaned up. In addition, violations found by the City’s Building Inspector or Code Inspector can result in a citation and fine to the contractor for up to \$500.00 per day that the debris is not cleaned up, and each day the debris is not cleaned up shall constitute a separate offense. The City’s Building Inspector and Code Inspector are hereby given the authority to issue such citations.

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(d) Section VI (b) (2) (C) of Ordinance 06-04-18D is hereby deleted in its entirety and replaced by the following:

* * *

(C) Organic material (tree limbs, brush, etc.), which is cut and not removed from the Site within fourteen (14) days of being cut shall also constitute a violation of this Ordinance, and if not removed within fourteen (14) days, as required, the City shall issue a “Stop Work Order” at the Site, and will not allow construction to proceed until the material is removed. In addition, violations found by the City’s Building Inspector or Code Inspector can result in a citation and fine to the contractor for up to \$500.00 per day that the material is not removed, and each day the material is not removed shall constitute a separate offense. The City’s Building Inspector and Code Inspector are hereby given the authority to issue such citations.

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