

CITY OF HORSESHOE BAY

ORDINANCE NO. ORD 08-09-16B

AMENDMENT TO BUILDING PERMIT ORDINANCE NO. 06-04-18D TO INCREASE THE PENALTY FOR STARTING CONSTRUCTION PRIOR TO 7:00 A.M. WITHOUT CITY APPROVAL

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HORSESHOE BAY, TEXAS AMENDING ORDINANCE NO. 06-04-18D, BUILDING PERMIT ORDINANCE, SECTION VI (b)(2)(F); TO INCREASE THE DEDUCTION FROM THE DEPOSIT TO \$500 FOR STARTING WORK PRIOR TO 7:00 A.M. WITHOUT OBTAINING CITY APPROVAL; PROVIDING THE PROCESS FOR OBTAINING CITY APPROVAL; 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, the current Ordinance provides for a fine of \$100 deduction from the deposit for each day there is a violation, and

WHEREAS, the City Council of the City of Horseshoe Bay has found that this section is in need of amendment to ensure that work does not start prior to 7:00 a.m. without having obtained specific approval of the City, 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 EARLY CONSTRUCTION START TIME SECTION PENALTY INCREASE

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

(F) Construction shall only occur during weekdays and Saturdays, and hours of work shall be no earlier than 7:00 a.m. and no later than 7:00 p.m., unless specifically approved by the City. To be able to start earlier per the City, the contractor must first obtain the approval of all residents within a two hundred (200) foot radius of the property, and provide such approval information to the Development Services Department at least forty-eight (48) hours prior to the

date such early work start time is proposed. The Development Services Manager shall either approve or deny such early work start time based on the evidence provided, and shall notify the contractor and the Police Department of the decision. Any violation of this provision shall result in a deduction from the deposit of \$500 each day there is a violation.

III. EFFECTIVE DATE

This Ordinance shall be and become effective immediately upon and after its passage and publication as may be required by governing law.

IV. REPEALER

All ordinances or parts of ordinances in force when the provisions of this Ordinance becomes effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed only to the extent of such conflict.

V. SEVERABILITY

Should any part, sentence or phrase of this Ordinance be determined to be unlawful, void or unenforceable, the validity of the remaining portions of this Ordinance shall not be adversely affected. No portion of this Ordinance shall fail or become inoperative by reason of the invalidity of any other part. All provisions of this Ordinance are declared to be severable.

VI. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was adopted was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

ADOPTED AND APPROVED on this 16th day of September, 2008 by a vote of the City Council of the City of Horseshoe Bay, Texas.

CITY OF HORSESHOE BAY, TEXAS

/S/

Robert W. Lambert, Mayor

Attest:

/S/

Teresa L. Moore, City Secretary