

CITY OF HORSESHOE BAY

ORDINANCE NO. ORD 09-01-20

BUILDING PERMIT ORDINANCE AMENDMENT

AN ORDINANCE OF THE CITY OF HORSESHOE BAY, TEXAS, AMENDING ORDINANCE NO. 06-08-18D THE BUILDING PERMIT ORDINANCE TO AMEND SECTION II(B) DEFINITIONS TO ADD DEFINITIONS FOR DUMPSTER, PORTABLE TOILET AND STOP WORK ORDER; TO AMEND SECTION VI(B)(2) TO ADD A NEW SECTION (J) TO REQUIRE DEDUCTIONS FROM THE BUILDING PERMIT DEPOSIT FOR KEEPING A PORTABLE TOILET AND A DUMPSTER ON A CONSTRUCTION SITE WHEN THE SITE HAS BEEN RED-TAGGED, A STOP WORK ORDER HAS BEEN ISSUED OR THE BUILDING PERMIT HAS EXPIRED, TO AMEND SECTION VII(A) INSPECTORS, AND TO AMEND SECTION VII (C)(1) TO REQUIRE A \$500 FINE FOR NOT FOLLOWING THE BUILDING INSPECTION PROCEDURE

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, portable toilets and dumpsters are being left on construction sites when a Stop Work Order has been issued or when a Building Permit has expired, and need to be removed; and

WHEREAS, the City Council of the City of Horseshoe Bay has found removal of these items from construction sites will positively 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 DEPOSIT DEFINITIONS

Section II(b) of Ordinance 06-04-18D is hereby amended by adding the following Definitions, to be inserted in appropriate alphabetical order:

Dumpster means a large waste receptacle provided by and designed to be removed by a waste management company, or a receptacle manufactured or put together at the site, whether of steel, wood, or other construction.

Portable toilet means a movable restroom facility typically placed at construction sites or other sites or events at which indoor plumbing or other restroom facilities are not readily available, and which may also be known as a porta-john, porta-potty or by similar descriptive, generic or commercial titles.

Stop Work Order means an order by the City to discontinue additional work at a construction site for work that is in violation of Local Building Codes as listed on the Stop Work Order. A Stop Work Order can be issued for any of the following violations:

- (a) Work that is being done or that has been done without a permit;
- (b) Work being done that is beyond the scope of an issued permit;
- (c) Work being done that does not match approved plans;
- (d) Work being done that violates current adopted Building Codes; or
- (e) Work being done that is in violation of a Municipal Ordinance.

III. AMENDMENT OF DEPOSIT DEDUCTIONS, FORFEITURE, AND PENALTIES

Section VI(b)(2) of Ordinance 06-04-18D is hereby amended by adding the following Section (J):

(J) Any portable toilet or dumpster located on a construction site that has a Stop Work Order or has an expired Building Permit must be removed within 48 hours. Any portable toilet or dumpster not removed within 48 hours will result in a deduction from the deposit of \$100.00 per day for every day left on the site. If the portable toilet or dumpster is not removed within five (5) days, the City can have them removed and the cost deducted from the deposit, and can require that the deposit be increased to cover the removal cost.

IV. AMENDMENT OF INSPECTORS

Section VII(a) of Ordinance 06-04-18D is hereby amended by deleting the Section in its Entirety and replacing it with the following:

(a) Inspector

The City shall appoint a Building Inspector who shall be an employee of the City or a contract employee and shall be responsible for administering Ordinance 06-04-18D as amended, Ordinance 06-04-18E as amended, and any other pertinent Ordinances.

V. AMENDMENT OF INSPECTIONS AT EACH STAGE OF CONSTRUCTION

Section VII(c)(1) of Ordinance 06-04-18D is hereby amended by adding the following sentences between “stage.” and “Inspections...” in the fourth (4th) line :

The permit holder is responsible for following the City’s inspection procedure, including calling for inspections before covering up work. Failure to follow any required procedure will subject the permit holder to a fine not to exceed \$500. Each and every day a violation occurs shall be deemed to constitute a separate offense.

VI. EFFECTIVE DATE

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

VII. 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.

VIII. 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.

IX. 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.

