

TOWN OF ADDISON, TEXAS

ORDINANCE NO. 008-038

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING CHAPTER 18, ARTICLE II OF THE CODE OF ORDINANCES OF THE TOWN BY ADDING A NEW SECTION 18-52.1 (PERMIT EXPIRATION) TO AMEND THE INTERNATIONAL BUILDING CODE, 2006 EDITION (IBC) BY AMENDING SUBSECTION 105.5 OF, AND BY ADDING A NEW SUBSECTION 105.5.1 TO, THE IBC, WHICH AMENDMENTS CONCERN BUILDING PERMITS, INCLUDING A TIME PERIOD FOR COMPLETION OF CONSTRUCTION WORK FOLLOWING THE ISSUANCE OF A BUILDING PERMIT, AND THE REQUIREMENT OF OBTAINING A NEW BUILDING PERMIT AND PAYMENT OF A CORRESPONDING FEE FOLLOWING ITS EXPIRATION; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY, UPON CONVICTION FOR ANY VIOLATION, NOT TO EXCEED THE SUM OF FIVE HUNDRED AND NO/100 DOLLARS (\$500.00) AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED EACH DAY DURING OR ON WHICH A VIOLATION OCCURS OR CONTINUES; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS:

Section 1. Amendment. The Code of Ordinances of the Town of Addison, Texas (the "City") is hereby amended in the following particulars, and all other chapters, articles, sections, subsections, paragraphs, sentences, phrases, and words are not amended but are ratified and affirmed:

A. Chapter 18 (Buildings and Building Regulations) is amended by adding a new Section 18-52.1 (Permit Expiration) to Division 2 (Deletions, Amendments and Additions, Generally) of Article II (Building Code) thereof, to read as follows:

Sec. 18-52.1. Permit Expiration.

The International Building Code is amended by amending subsection 105.5 and by adding a new subsection 105.5.1 to read as follows:

105.5 Expiration. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated. Construction of 10,000 square feet or less in area shall be completed within 18 months after the date of

issuance of the permit. Construction of 10,001 square feet or greater in area shall be completed within 24 months after the date of issuance of the permit.

105.5.1 New permits required. A new permit must be obtained for any construction which is not completed in the allowable time period as provided above. A new fee shall be required in connection with the issuance of a new permit. The new fee shall be the amount required for the original permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work. A new permit must be obtained for any construction which has been suspended or abandoned for a period of more than 180 days. The permittee shall make new application, resubmit plans for review, and pay a new full permit fee to resume work.

Section 2. Savings; Repealer. This Ordinance shall be cumulative of all other ordinances of the City and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of those ordinances are in direct conflict with the provisions of this Ordinance. Provided, however, that the repeal of such ordinances or parts of such ordinances shall not affect any right, property or claim which was or is vested in the Town of Addison, Texas, or any act done, or right accruing or accrued, or established, or any suit, action or proceeding had or commenced before the time when this Ordinance shall take effect; nor shall said repeals, amendments or changes effect any offense committed, or any penalty or forfeiture incurred, or any suit or prosecution pending at the time when this Ordinance shall take effect under any of the ordinances or sections thereof so repealed; and to that extent and for that purpose the provisions of such ordinances or parts of such ordinances shall be deemed to remain and continue in full force and effect.

Section 3. Severability. The provisions of this Ordinance are severable, and if any section or provision of this Ordinance or the International Building Code, 2006 Edition, or revisions thereof, adopted herein, or the application of any section or provision to any person, firm, corporation, entity, situation or circumstance is for any reason adjudged invalid or held unconstitutional by a court of competent jurisdiction, the same shall not affect the validity of any other section or provision of this Ordinance or the International Building Code, 2006 Edition, or revisions thereof, or the application of any other section or provision to any other person, firm, corporation, entity, situation or circumstance, and the City Council declares that it would have adopted the valid portions of this Ordinance and the International Building Code, 2006 Edition, or revisions thereof, adopted herein without the invalid parts and to this end the provisions of this Ordinance and the International Building Code, 2006 Edition, and revisions thereof, adopted herein shall remain in full force and effect.

Section 4. Penalty. It shall be unlawful for any person, firm, corporation, or other business entity to violate any provision of this Ordinance, and any person, firm, corporation, or other business entity violating or failing to comply with any provision hereof shall be fined, upon conviction, in an amount of not more than Five Hundred Dollars (\$500.00), and a separate offense shall be deemed committed each day during or on which a violation or failure occurs or continues.

Section 5. Effective Date. This Ordinance shall become effective from and after its passage and approval and its publication as may be required by law (including, without limitation,

the City Charter, and the ordinances of the City).

PASSED AND APPROVED by the City Council of the Town of Addison, Texas this
23rd day of *September*, 2008.



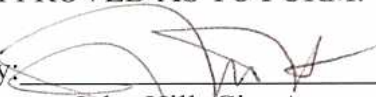
Joe Chow, Mayor

ATTEST:

By: 

Mario Canizares, City Secretary

APPROVED AS TO FORM:

By: 

John Hill, City Attorney