

TOWN OF ADDISON, TEXAS

ORDINANCE NO. 011-026

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS AMENDING CHAPTER 18 BUILDING AND BUILDING REGULATIONS, OF THE CODE OF ORDINANCES OF THE TOWN BY AMENDING VARIOUS PROVISIONS OF ARTICLE III (PROPERTY MAINTENANCE CODE) THEREOF, INCLUDING: SECTIONS 18-101 (ADOPTED), 18-124 (BUILDING/FIRE CODE BOARD OF APPEALS); PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500.00) FOR EACH OFFENSE AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED EACH DAY DURING OR ON WHICH A VIOLATION OCCURS OR CONTINUES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the amendments set forth in this Ordinance to Chapter 18 are pursuant to investigation and analysis by the City, and are with a view of and to further the purposes and objectives set forth in Section 18-31 of the Code, including to promote the health, safety, welfare, convenience and enjoyment of the public, including to protect the public welfare, and are to comply with applicable State law; and

WHEREAS, the adoption of this Ordinance and the amendments set forth herein are for and in the best interests of the health, safety and welfare of the City and its citizens.

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

Section 1. Incorporation of Recitals. The above and foregoing recitals and premises to this Ordinance are true and correct and are incorporated herein and made a part hereof for all purposes.

Section 2. Amendment. The Code of Ordinances of the Town of Addison, Texas (the "City") is hereby amended by amending certain sections and provisions of Chapter 18, Building and Building Regulations, thereof as set forth in Exhibit A attached hereto and incorporated herein for all purposes, and all other chapters, articles, sections, subsections, sentences, phrases and words of the said Code of Ordinances are not amended hereby.

Section 3. 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, and the amendments and changes made by this Ordinance, shall not affect any right, property or claim which was or is vested in the City, 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 affect 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, amended or changed; 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 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 and No/100 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. Severability. The provisions of this Ordinance are severable, and if any section or provision of this Ordinance 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 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 adopted herein without the invalid or unconstitutional parts and to this end the provisions of this Ordinance adopted herein shall remain in full force and effect.

Section 6. 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 22nd day of **March**, 2011.



Joe Chow, Mayor

ATTEST:

By: 

Lea Dunn, City Secretary

APPROVED AS TO FORM:

By: 

John Hill, City Attorney

**EXHIBIT A
TO ORDINANCE NO. 011-026**

1. Section 18-101 of the Code is amended to read as follows:

Sec. 18-101. Adopted.

The rules and regulations of the International Property Maintenance Code, 2009 Edition, a copy of which, authenticated by the signature of the mayor and the city secretary, and made a public record by ordinance, are hereby adopted as the rules and regulations to provide a just, equitable and practicable method to be cumulative with and in addition to, any other remedy provided by the International Building Code, 2009 Edition, or otherwise available at law, whereby buildings or health, morals, property, safety or welfare of the general public or their occupants may be required to be repaired. The International Property Maintenance Code, 2009 Edition, is hereby adopted, a copy of which is attached to the ordinance from which this section is derived and made a part hereof for all purposes.

2. Section 18-124 of the Code is amended to read as follows:

Sec. 18-124. Building/Fire Code Board of Appeals.

The International Property Maintenance Code is amended by amending Section 111 thereof in its entirety to read as follows:

SECTION 111
MEANS OF APPEAL

Section 111.1 Application for Appeal. Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the board of appeals, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

Section 111.2 Board of Appeals. The board of appeals, being denominated as the Building/Fire Code Board of Appeals, shall consist of the members of the board of adjustment appointed by the city council pursuant to Appendix A, Article XXIV of

the Code of Ordinances of the Town of Addison. The provisions applicable to the board of appeals as set forth and described in Section 113 of the International Building Code adopted by the town, including, without limitation, general provisions, limitations of power, powers of the board, and appeal process, shall be applicable to and govern appeals and the said board of appeals for purposes of this code.