

TOWN OF ADDISON, TEXAS

ORDINANCE NO. 011-030

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 X (FENCES), ARTICLE XI (SATELLITE EARTH STATIONS), ARTICLE XII (SWIMMING POOLS AND SPAS) AND ARTICLE XIII (SOLAR ENERGY SYSTEMS) THEREOF, INCLUDING: SECTIONS 18-614 (BUILDING/FIRE CODE BOARD OF APPEALS), 18-652 (BUILDING/FIRE CODE BOARD OF APPEALS), 18-725 (BUILDING /FIRE CODE BOARD OF APPEALS), AND 18-730 (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 SEERATE OFFENSE SHALL BE DEEMED 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

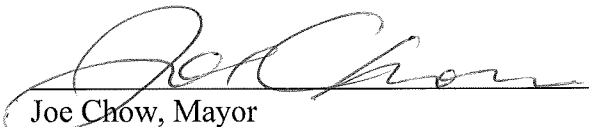
ordinances, and the amendments and changes made by this Ordinance, shall not affect any right, property or claim which was or is vested in the City, or any act done, or right accruing or accrued, or established, or any suit, action or proceeding had or commenced before the time when this Ordinance shall 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. 011-030**

Section 1. Amendment. The Code of Ordinances (the "Code") of the Town of Addison, Texas is hereby amended as follows:

1. Section 18-614 of the Code is amended in its entirety to read as follows:

Sec. 18-614. Building/Fire Code Board of Appeals.

In order to determine the suitability of alternate materials and methods of construction, and to provide for reasonable interpretation of and exceptions to, the provisions of this article, there shall be and is hereby created a board of appeals. The said 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, powers of the board, and appeal process, but save and except Section 113.2 of the said International Building Code, shall be applicable to and govern appeals and the said board of appeals for purposes of this article.

2. Section 18-653 of the Code is amended in its entirety to read as follows:

Sec. 18-653. Building/Fire Code Board of Appeals.

Any person aggrieved by the application of this article may appeal its effect to a board of appeals, being denominated as the Building/Fire Code Board of Appeals, which 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, powers of the board, and appeal process, but save and except Section 113.2 of the said International Building Code, shall be applicable to and govern appeals and the said board of appeals for purposes of this article.

Upon a clear and convincing showing by an appellant that the regulations set forth in this article either prohibit or unreasonably limit reception by the satellite earth station of satellite delivered signals, the board of appeals may grant an exception from the terms of this article and authorize the issuance of a building permit so as to avoid unnecessary hardship and so that the spirit of this article shall be observed and substantial justice done.

3. Section 18-725 of the Code is amended in its entirety to read as follows:

Sec. 18-725. Building/Fire Code Board of Appeals.

For purposes of this article, appeals shall be to the board of appeals, being denominated as the Building/Fire Code Board of Appeals, which 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 article.

4. Section 18-730 of the Code is amended in its entirety to read as follows:

Sec. 18-730. Building/Fire Code Board of Appeals.

Any person aggrieved by the application of this article may appeal its effect to a board of appeals, being denominated as the Building/Fire Code Board of Appeals, which 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, powers of the board, and appeal process, but save and except Section 113.2 of the said International Building Code, shall be applicable to and govern appeals and the said board of appeals for purposes of this article.

Upon a clear and convincing showing by an appellant that the regulations set forth in this article either prohibit or unreasonably limit the use of ground-mounted or roof-mounted solar energy systems, the board of appeals may grant an exception from the terms of this article and authorize the issuance of a building permit so as to avoid unnecessary hardship and so that the spirit of this article shall be observed and substantial justice done.