

ORDINANCE NO. 03142013-009

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MOULTON, TEXAS, CHAPTER 3, "BUILDING REGULATION," TO ADD ARTICLE 3.08; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR A REPEALER CLAUSE, PROVIDING FOR A SEVERABILITY CLAUSE, PROVIDING FOR AN EFFECTIVE DATE, AND PROVIDING FOR A PENALTY.

WHEREAS, the City Council of the City of Moulton seeks to promote the health, safety and general welfare of the citizens of the City, and the best interests of the City; and

WHEREAS, the rules and regulations of the City established by ordinance, governing building and rehabilitation codes in the corporate limits of the City of Moulton, Texas shall apply as provided for in the laws enacted by the State of Texas and included in the Local Government Code Chapter 214, Subchapter G, Section 214.15 et. seq.; and

WHEREAS, the City Council has previously enacted Chapter 3, entitled "Building Regulations," of the City's Code of Ordinances, regulating commercial and residential structures within the City limits; and

WHEREAS, the City Council desires to establish a development permit procedure associated with commercial development within the City limits to obtain information regarding the construction of commercial facilities, buildings and improvements within the City limits; and

WHEREAS, the City of Moulton, Texas desires to amend Chapter 3 "Building Regulation" to add Article 3.08.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOULTON, TEXAS.

SECTION 1. FINDINGS OF FACT

All of the above premises are hereby found to be true and correct legislative and factual findings of the City of Moulton and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

SECTION 2. AMENDMENTS TO CHAPTER 3 OF THE CODE OF ORDINANCES

Chapter 3 of the Code of Ordinances of the City of Moulton, Texas is hereby amended by adding Article 3.08 DEVELOPMENT PERMIT. Article 3.08 shall read as follows:

Section 3.08.001 Development Permit

(a) Any commercial development within the City limits of the City of Moulton, Texas shall require the owner of the property to submit a Commercial Development Permit Application to the City. "Commercial development" shall be broadly defined to encompass any development

efforts involving commercial property and shall include but shall not be limited to any new construction, renovations or other building involving commercial structures, buildings or other improvements of any kind.

(b) No inspections shall be performed or required, however copies of any third party inspections obtained by the owner or contractor shall be provided to the City as they are obtained and received by the owner or contractor.

(c) A \$25.00 development permit fee shall be paid with the submittal of the Commercial Development Permit Application. The following requirements shall be submitted with the development permit application:

- (1) A list of all contractors and sub-contractors along with a copy of any respective State of Texas required licenses, i.e. plumbing license, electrical license, mechanical license, elevator installer's license, etc.
- (2) Any floodplain requirement information such as an elevation certificate, LOMAs, LOMARs, etc.
- (3) Approved copies of any and all required county and/or state permits.
- (4) Estimated start of construction and completion date.
- (5) All contact information (including telephone numbers, addresses and email addresses) for all project owners, design staff, contractor and responsible field personnel that will be involved in the commercial development project.
- (6) Project utility requirements and estimated service connection requirements.
- (7) Infrastructure impacts information, such as possible traffic interruptions, use of fire hydrants, temporary power connections and any necessary use of emergency responders, etc.
- (8) Erosion control plans, and water detention or retention requirements associated with the commercial development project.
- (9) An appropriate street and/or highway traffic control plan associated with the commercial development project.

(d) Since the City of Moulton, Texas does not perform inspections, or conduct any enforcement related to permits, the City does not issue Certificates of Occupancy, unless a Texas licensed Architect or Engineer self certifies the structure by issuing a certification letter to the City of Moulton stating that all City, state and adopted building code requirements have been met, adhered to without variances, and have been inspected and approved by the architect, engineer. The letter shall be stamped, signed and sealed.

(e) Any owner, contractor or person found not to be in compliance with this Article may be fined in an amount not to exceed \$50 per week, retrospective to the date the owner, contractor or person failed to comply with the provisions contained herein.

SECTION 3. SEVERABILITY

If any provision, section, sentence, clause or phrase of this Ordinance, or the application of the same to any person or set of circumstances is for any reason held to be unconstitutional, void, invalid, or unenforceable, the validity of the remaining portions of this Ordinance or its application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council of the City of Moulton in adopting, and of the Mayor in approving this Ordinance, that no portion thereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any portion, provision or regulation.

SECTION 4. REPEALER

The provisions of this Ordinance shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein, provided, however, that all prior ordinances or parts of ordinances inconsistent or in conflict with any of the provisions of this Ordinance are hereby expressly repealed to the extent that such inconsistency is apparent. This Ordinance shall not be construed to require or allow any act which is prohibited by any other ordinance.

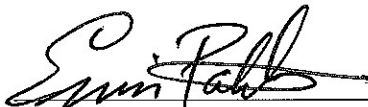
SECTION 5. EFFECTIVE DATE

This Ordinance shall take effect immediately from and after its passage and publication as may be required by law.


SECTION 6. NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed 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.

PASSED, ADOPTED AND APPROVED THIS 14th DAY OF MARCH 2013.


Ervin Patek, Mayor
City of Moulton, Texas

ATTEST:


Carllene Bradley, City Secretary
City of Moulton, Texas (SEAL)