

ORDINANCE NO. 114

AN ORDINANCE FOR SAFEGUARDING PERSONS AND PROPERTY AND PROMOTING THE WELFARE OF THE PUBLIC; ESTABLISHING THE REQUIREMENT FOR BUILDING AND MOVING PERMITS; ESTABLISHING CONDITIONS FOR ISSUING PERMITS; STIPULATING THE PERFORMANCE REQUIRED OF PERMIT HOLDERS; ESTABLISHING FEES AND PENALTIES; ESTABLISHING THE AUTHORITY TO CONDUCT INSPECTIONS; PROVIDING FOR THE MAINTENANCE OF RECORDS; and DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF WILLOW PARK, TEXAS:

Article 1

BUILDING AND MOVING PERMITS REQUIRED:

Section 101. That from and after the passage of this ordinance it shall be unlawful for any person, firm or corporation to commence the construction of any building or the construction of any alterations or repairs to any existing building when the estimated cost of such construction, alterations or repairs exceed Fifty (\$50.00) Dollars, within the Town of Willow Park, Texas, or to move any building into or within the corporate limits of the Town of Willow Park, Texas, to any destination within said corporate limits, without first having procured a permit authorizing such construction or moving from the Town Secretary of the Town of Willow Park, Texas.

Section 102. That any person, firm or corporation desiring to construct any building or to construct any alterations or repairs to any existing building when the estimated cost of such alterations or repairs exceed Fifty (\$50.00) Dollars, within the Town of Willow Park, Texas, Or to move any building into or within the corporate limits of the Tom of Willow Park, Texas, to any destination within said corporate limits, shall file an application with the Town Secretary, such application to contain plans and specifications and estimates of cost of the contemplated construction.

Section 103. That the permit issued by the Town Secretary of the Town of Willow Park, Texas, shall be posted in plain view at the site of construction during the entire period of construction or on the building being moved within the corporate Limits of the Town of Willow Park, Texas.

Article II

APPLICABILITY TO TRAILERS

Section 201. That for the purposes of this ordinance, the work "building" is defined to include, but is not limited to the inclusion thereof, mobile trailers intended for residential, commercial, industrial storage, or any other such use, while positioned for use anywhere within the corporate limits of the Town of Willow Park, Texas.

Article III

CONDITIONS FOR ISSUANCE OF PERMITS:

Section 301. That the Town Secretary shall not issue any permit authorizing the construction of any building or the construction of any alterations or repairs to any existing building when the estimated cost, of such alterations or repairs exceed Fifty- (\$50.00) Dollars, within the Town of Willow Park, Texas, or the moving of any building into or within the corporate limits of the Town of Willow Park, Texas, to any destination within said corporate limits, until authorized by a resolution duly entered in the minutes of the Town Commission of the Town of Willow Park, Texas.

Section 302. That no permit authorizing the construction of any building or the construction of any alterations or repairs to any existing building, when the estimated cost of such alterations or repairs exceed Fifty (\$50.00) Dollars, within the Town of Willow Park, Texas, or the moving of any building into or within the corporate limits of the Town of Willow Park, Texas, to any destination within said corporate limits, shall be issued until the application including the plans and specifications and estimates of cost provided for herein shall have been on file in the office of the Town Secretary of the Town of Willow Park, Texas, for five (5) full days.

Section 303. That the Town Commission shall, on or before Fifteen (15) days after the filing of any such application with the Town Secretary pass a resolution authorizing the granting of a permit or rejecting the application. Failure to pass a resolution authorizing the granting of the requested permit within the fifteen (15) days period provided for herein shall automatically constitute a rejection of the application.

Section 304. That no permit authorizing the construction of any building within the Town of Willow Park, Texas, except alteration or repair of existing building or the moving of any building into or within the corporate limits of the Town of Willow Park, Texas, to any destination within said corporate limits, shall be issued until the applicant has paid a fee to the Town Secretary, which fee shall be in the amount of one-tenth of one percent of the estimated cost of construction, but the fee shall not be less than Five (\$5.00) Dollars.

Article IV

PERFORMANCE REQUIRED OF PERMIT HOLDERS

Section 401. That any person, firm or corporation which has been granted a permit to construct any building or to construct any alterations or repairs to any existing building

when the estimated cost of such construction, alterations or repairs exceed Fifty (\$50.00) Dollars, within the Town of Willow Park, Texas, or to move any building into or within the corporate limits of the Town of Willow Park, Texas, to any destination within said corporate limits pursuant to and under the terms of this ordinance, shall prosecute such action in strict conformity with all applicable ordinances in effect within the Town of Willow Park, Texas, at the time of said construction or moving, and with the permit issued hereunder, and with the plans and specifications submitted and filed with the application for said permit. Upon being notified, in writing by the official designated by the Town of Willow Park, Texas, of a failure to prosecute such construction or moving in strict conformity with said requirements, any such person, firm or corporation shall have fifteen (15) days in which to make such building and construction or moving conform to said requirements. Failure to make such corrections shall constitute a violation under the terms of this ordinance.

Section 402. That any Building Permit may be voided for cause at any time after ninety (90) days from date of issue, at the discretion of the designated official of the Town of Willow Park, Texas, if in his judgment no significant portion of the work authorized under the Building Permit has been accomplished, or in the event actual progress toward completion of said authorized work appears to have ceased. In administering the provisions of this section, consider that its intent is to avoid the unnecessary continuation of hazardous conditions which frequently surround construction sites; the intent is not that of placing a burden on the person, firm or corporation involved in performing the work authorized under the Building Permit and intending in good faith to complete it in a manner not abnormal for the type construction involved.

Article V

AUTHORITY TO INSPECT:

Section 501. That the designated official of the Town of Willow Park, Texas, shall have the authority to enter any building or structure and to traverse such property as may be required to secure access to said building or structure, during reasonable hours and while in the actual performance of his duty, to inspect any construction, alteration, or repairs being performed or having been performed, or to inspect any building being moved or which is thought to have been moved, within the Town of Willow Park, Texas, for the purpose of determining whether the construction, alteration, repair or move is being or has been prosecuted in accordance with this ordinance and all other applicable ordinances of the Town of Willow Park, Texas.

Article VII

MAINTENANCE OF RECORDS:

Section 601. That the Town Secretary of the Town of Willow Park, Texas, shall maintain a record of all applications, permits and notices described within this ordinance, and shall furnish such information, if requested, as is contained therein to any person, firm, or

corporation, or their agent, having a proprietary, occupancy, or tenancy interest in the building, structure or premises concerned.

Article VII

VIOLATION AND PENALTIES:

Section 701. That any person who shall violate any of the provisions of this ordinance or who shall fail to comply therewith or with any of the requirements thereof, or who shall construct, alter, repair, or move any building, or who shall commence to construct, alter, repair, or move any building in violation of any detailed statement of plan submitted or approved thereunder, or of the permit issued, or of any requirement of this ordinance, shall for each and every violation or non-compliance be deemed guilty of a misdemeanor and shall be fined not more than One Hundred (\$100.00) Dollars, and each day such violation shall be permitted to exist shall constitute a separate offense. The owner of that building or premises or part thereof where anything in violation of this ordinance shall be placed or shall exist and any permit holder, architect, builder, contractor, agent or corporation employed in connection therewith who has assisted in the omission of any such violation, and any other person, firm, corporation, or agent thereof, which has committed or has contributed to the commission of any such violation shall each be guilty of a separate offense and upon conviction shall be subject, to the penalties herein provided.

Article VII

SEPARABILITY:

Section 801. That if any article, section, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Article IX

EFFECTIVE DATE:

Section 901. That the fact there now exist no regulations governing construction, alteration, repair or moving of buildings within the corporate limits of the Town of Willow Park, Texas, creates an urgency and emergency for the immediate preservation of the public peace, health, safety and general welfare, and requires that this ordinance shall take effect immediately from and after its passage.

PASSED AND APPROVED, this the 21st day of December, 1964.

J W Stevens

Mayor, Town of Willow Park, Texas

ATTEST:

Mrs. Mary Ann Boubel

Town Secretary