

ORDINANCE NO. 19-07-18-25

BOARD OF CONSTRUCTION APPEALS UPDATE

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CORINTH, TEXAS, AMENDING SECTION 150.36 "BOARD OF CONSTRUCTION APPEALS" OF CHAPTER 150 "BUILDING REGULATIONS" OF TITLE XV, "LAND USES" OF THE CODE OF ORDINANCES OF THE CITY OF CORINTH; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING FOR AN AMENDMENT; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Corinth, Texas is a home rule municipality located in Denton County, Texas created in accordance with the provisions of Chapter 9 of the Local Government Code and operating pursuant to its Charter and the laws of the state of Texas; and

WHEREAS, the City is authorized to adopt regulations for the peace and welfare of the City and the order and security of its residents; and

WHEREAS, the City Council finds that the appointment of citizens to boards and commissions of the City promotes involvement and pride within the Community; and

WHEREAS, the City Council of the City of Corinth finds that the City's Board of Construction Appeals would best be served by appointment of members of the community to serve on the board; and

WHEREAS, the City Council finds that the procedures set forth herein promote order and the safe construction and occupation of structures and such regulations reasonably promote the health, safety and welfare of the public.

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

SECTION 1
INCORPORATION OF PREMISES

The above and foregoing recitals are found to be true and correct and are incorporated into the body of this Ordinance for all purposes.

SECTION 2
AMENDMENTS

That section 150.36 "Board of Construction Appeals" of Chapter 150 "Building Regulations" of Title XV, "Land Usage" of the Code of Ordinances of the City of Corinth, Texas is hereby amended to be and read in its entirety as follows, and all other subparagraphs and subsections of Chapter 150 not specifically amended hereby shall remain in full force and effect without amendment:

§150.36 BOARD OF CONSTRUCTION APPEALS

(A) Board Creation and Membership.

1. Board Creation. There is hereby created a Board of Construction Appeals consisting of five (5) members.
 2. Board Member Appointment, Term, and Removal.
 - a. Each Board member shall be appointed by the Mayor and shall be subject to confirmation by the City Council.
 - b. Each Board member shall be appointed for a term of two (2) years and shall be removable for cause by the Mayor, subject to confirmation by the City Council, upon written charges and after a public hearing.
 3. Board Vacancies. Vacancies shall be filled for the remainder of the unexpired term of any member whose place becomes vacant for any cause, in the same manner as the original appointment was made.
 4. Board Quorum Requirement. All cases to be heard by the Board of Construction Appeals require a minimum number of three (3) members. The affirmative vote of a majority of the members of the Board qualified to vote shall be required for any action of the Board.
 5. Board's Alternate Membership.
 - a. The Mayor, subject to confirmation by the City Council, may appoint two (2) alternate members of the Board of Construction Appeals, who shall serve in the absence of one or more of the regular members.
 - b. The alternate members, when appointed, shall serve for the same period as the regular members, which is for a term of two (2) years, and any vacancy shall be filled in the same manner and they shall be subject to removal the same as the regular members.
- (B) The Director of Planning and Development, Building Official and City Secretary shall be ex officio, nonvoting members of the Board.
- (C) Any person, firm or corporation aggrieved by any interpretation or by any decision or ruling of the Director of Planning and Development or Building Official under the construction codes or building regulations adopted by the City shall have the right to make an appeal to the Board of Construction Appeals. The notice of appeal shall be in writing and filed within ninety (90) days of the date that such interpretation or decision is rendered. A fee of \$100 shall accompany such notice of appeal. Any interpretation, decision or ruling that is not timely appealed in accordance with this section shall become final.
- (D) Within a period of thirty (30) days from the date of filing of the appeal, the Board shall hear the appeal, together with the testimony of all parties concerned, and render a decision thereon within three (3) days thereafter.
- (E) In hearing such an appeal, the Board shall not have the power to waive or set aside the requirements of any of the construction codes, but shall have the power to interpret their provisions, and in case of alternate types of construction or material, shall determine whether or not such alternate type of construction or material is, in fact, equal to the standards of the construction codes, considering adequacy, stability, strength, sanitation and safety to the public health and welfare.
- (F) The action of the Board of Construction appeals may be appealed by the applicant, Director of Planning and Development, or Building Official to the City Council. The notice of appeal shall be in writing and filed within ninety (90) days of the Board's decision. A fee of \$100 shall accompany such notice of appeal. Any action of the Board that is not timely appealed in accordance with this section shall become final. The decision of the City Council shall be final.

SECTION 3
CUMULATIVE REPEALER

This Ordinance shall be cumulative of all other Ordinances of the City of Corinth and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance or where expressly repealed hereby. Ordinances or parts thereof in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance.

SECTION 4
SEVERABILITY

If any section, subsection, clause, phrase, or provision of this Ordinance, or the application thereof to any person or circumstance, shall to any extent be held by a court of competent jurisdiction to be invalid, void, or unconstitutional, the remaining sections, subsections, clauses, phrases, and provisions of this Ordinance, or the application thereof to any person or circumstance, shall remain in full force and effect and shall in no way be affected, impaired or invalidated.

SECTION 5
SAVINGS

All rights and remedies of the City of Corinth are expressly saved as to any and all violations of the provisions of Chapter 150 of the Code of Ordinances or any other ordinances affecting the regulation of buildings which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 6
PENALTY

Any person, firm or corporation who violates any provision of this Ordinance or the Code of Ordinances, as amended hereby, shall be subject to a fine not to exceed the sum of five hundred dollars (\$500.00) for each offense, and each and every day any such offense shall continue shall be deemed to constitute a separate offense, provided, however, that in all cases involving an intentional, knowing, reckless or criminally negligent violation of any provision of this ordinance or Code of Ordinances, as amended hereby, governing public health shall be subject to a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense, and each and every day any such offense shall continue shall be deemed to constitute a separate offense.

SECTION 7
PUBLICATION/EFFECTIVE DATE

This Ordinance shall take effect upon its publication as required by law. The City Secretary is directed to publish the caption and penalty of this Ordinance as required by the City Charter and state law.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF CORINTH,
TEXAS on this the 18 day of July 2019.**



APPROVED:

A handwritten signature in blue ink, appearing to read "Bill Heidemann", is written over a horizontal line.

Bill Heidemann, Mayor
City of Corinth, Texas

ATTEST:

A handwritten signature in blue ink, appearing to read "Kimberly Pence", is written over a horizontal line.

Kimberly Pence, City Secretary
City of Corinth, Texas

APPROVED AS TO FORM AND LEGALITY:

A handwritten signature in blue ink, appearing to read "Patricia A. Adams", is written over a horizontal line.

Patricia A. Adams, City Attorney