

Ordinance No. 109

ORDINANCE ENACTING CERTAIN PROVISIONS FOR THE HEALTH, SAFETY AND WELFARE OF CITY CITIZENS, AND REQUIRING THE CONSENT OF THE CITY TO THE CONSTRUCTION AND DEVELOPMENT OF CERTAIN FACILITIES WITHIN THE CITY'S JURISDICTION PURSUANT TO THE PRESERVATION OF THE HEALTH, SAFETY AND WELFARE OF ITS CITIZENS AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Payne Springs ("City") is a Type A municipality under the laws of the State of Texas; and

WHEREAS, the City is empowered to protect, promote, improve, and provide for the public health, safety, comfort, convenience, and general welfare of the present and future citizens of the City; and

WHEREAS, the City is empowered to ensure the safe, orderly, and healthful development and expansion of the City; and

WHEREAS, the City is empowered to conserve, develop, protect, and utilize natural resources, as appropriate and consistent with the public interest; and

WHEREAS, the City is empowered to prevent the overcrowding of land and avoid undue concentration or diffusion of population or land uses; and

WHEREAS, the City is empowered to protect and preserve places and areas of historical, cultural, or architectural importance and significance to the community; and

WHEREAS, the City is empowered to facilitate the adequate and efficient provision of transportation, water, wastewater, schools, parks, emergency and recreational facilities, and other public requirements; and

WHEREAS, the City is empowered to promote economic development through an efficient and practical means by which development can proceed in compliance with the provisions of applicable law; and

WHEREAS, the City is empowered to promote orderly and safe development within its territorial jurisdiction and within its extraterritorial jurisdiction; and

WHEREAS, the City is required to consent to the use or operation of certain utility facilities both within its territorial jurisdiction and within its extraterritorial jurisdiction; and

WHEREAS, the City finds that the enactment of this ordinance will be in furtherance of the above powers;

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PAYNE SPRINGS:

Section 1: The City Council of the City hereby incorporates the recitals set forth in the preamble hereof as if set forth in full in this place and further finds and determines that said recitals are true and correct, and that all conditions precedent to the valid passage of this Ordinance exist.

Section 2: The City hereby adopts the Uniform Housing Code published by the International Conference of Building Officials, the Uniform Building Code published by the International Conference of Building Officials, the National Uniform Electrical Code published by the National Fire Protection Association, the Uniform Mechanical Code published by the International Association of Plumbing and Mechanical Officials, and the Uniform Plumbing Code published by the International Association of Plumbing and Mechanical Officials.

Section 3: All construction and development, save as excepted under Section 4 below in the territorial and extraterritorial jurisdiction of the City shall be in compliance with the Codes adopted in Section 2 above.

Section 4: All construction and development relating to any enterprise or facility, other than a private single family residential development and improvements incident thereto, shall submit the plans therefor to the City for approval. Expressly included herein are single or multi-family housing development and construction as part of a development project, construction and development of utility facilities, construction and development of manufacturing, commercial or industrial facilities.

Section 5: No construction and development subject to Section 4 above shall begin construction and development, until an affirmative finding by the City finds that such enterprise or facility complies with the Codes adopted at Section 2 and that such enterprise or facility complies with the recitals adopted at Section 1 of this Ordinance, and until the City consents to such construction and development and issues a permit permitting such construction and development.

Section 6: The appropriate officers, employees, agents and representatives of the City are hereby directed to implement rules and procedures to implement the powers adopted by this Ordinance in furtherance of the health, safety, comfort, convenience, and general welfare of the present and future citizens of the City.

Section 7: A violation of this Ordinance shall be subject to civil enforcement action, including injunctive relief to cease the violation, as provided at V.T.C.A. Local Government Code §54.0012 et seq.

Section 8: Nothing in this Ordinance is intended, nor should it be construed, in the interpretation of this Ordinance or its application to violate statutes promulgated by the Texas legislature or any state or federal constitutional standards.

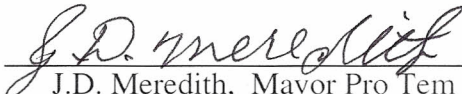
Section 9: If any provision, section, sentence, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void, invalid or for any reason unenforceable, the validity of the remaining portion of this Ordinance or 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 in adopting this Ordinance that

no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any other portion, provision or regulation.

Section 10: It is hereby officially found and determined that the holding of the meeting at which this Ordinance was passed was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by V.T.C.A. Government Code, Chapter 551, as amended.

Section 11: This Ordinance shall take effect on July 21, 1998, immediately upon adoption by the City Council.

ADOPTED this 21st day of July, 1998.



J.D. Meredith, Mayor Pro Tem

Attest:



Susan Barnett, City Secretary