# ORDINANCE

**AN ORDINANCE OF THE CITY OF BURLESON, TEXAS, AMENDING THE CITY'S CODE OF ORDIANCES BY AMENDING APPENDIX B ARTICLE I, ADMINISTRATION, SECTION 11-110 APPEALS TO THE BOARD OF ADJUSTMENT AND AMENDING CHAPTER 6, ANIMAL CARE AND CONTROL, SECTION 6-16 ANIMAL SHELTER ADVISORY COMMITTEE; FINDING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS OPEN TO THE PUBLIC AND THAT THE RECITALS ARE TRUE; CONTAINING A SEVERABILITY CLAUSE, A SAVINGS CLAUSE, A CUMULATIVE CLAUSE, AND EFFECTIVE DATE.**

**WHEREAS**, the City of Burleson, Texas is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

**WHEREAS,** the Burleson Code of Ordinances Appendix B Article I Administration Section 11 Board of Adjustment sets out the creation, procedure, appeals, powers and vote; and

**WHEREAS,** the City Council desires to amend Section 11-110 appeals to the board of adjustment by adding the members of the Board of Adjustment shall act as members of the Building Codes and Standards Board; and

**WHEREAS,** the Burleson Code of Ordinances Chapter 10 Article II Administration Division 3 Building Codes and Standards Board states the membership and duties; and

**WHEREAS,** there is a need to amend Chapter 10 Section 10-76 Appointment and terms and Section 10-77 Qualification of members to set forth the Board of Adjustment members to act as the Building Codes and Standards Board; and

**WHEREAS,** Chapter 6 Animal Care and Control, Section 6-16 created the Animal Shelter Advisory Committee pursuant to Texas Health and Safety Code § 823.005; and

**WHEREAS,** the Animal Shelter Advisory Committee number of members and terms of the members is stated in Section 6-16(c); and

**WHEREAS,** all members of the Committee hold terms in compliance Chapter 2, Article II, Section 2-31(e) limiting the terms to three consecutive three year terms; and

**WHEREAS,** the City Council desires the term limits do not apply to the Animal Shelter Advisory Committee, one representative from an animal welfare organization.

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

**Section 1.**

Appendix B, Article I Administration, Section 11 Board of Adjustment:

"**§ 11-110 Appeals to the board of adjustment .**

(a) Appeals to the board of adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the municipality affected by any decision of the administrative official as designated under section 13-100. Such appeal ~~shall~~ must be ~~taken~~ filed not later than the 20th day after the date of the decision is made ~~within ten business days as provided by the rules of the board~~, by filing with the officer from whom the appeal is taken and with the board of adjustment, a notice of appeal specifying the grounds for the appeal. The officer from whom the appeal is taken shall forthwith transmit to the board of adjustment all the papers constituting the record of the action appealed.

(b) The members of the Board of Adjustment shall also act as members of the Building Codes and Standards Board created in Chapter 10 Section 10-75 to accomplish purpose and perform functions established in Chapter 10, Article II, Division 3.

(~~b~~ c) An appeal stays all proceedings in furtherance of the action appealed unless the officer from whom the appeal is taken certifies to the board of adjustment that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril of life or property. In such a case, proceedings shall not be stayed, otherwise than by a restraining order which may be granted by the board of adjustment or by a court of record on application and on due cause shown.

(~~c~~ d) The board of adjustment shall fix a reasonable time for the hearing of an appeal, give public notice of the hearing as well as notify real property owners within 200 feet of the subject property. At the hearing, any party may appear in person or by agent or attorney. The board shall render a decision within a reasonable amount of time after the hearing

…"

**Section 2**

Chapter 10, Article II Administration, Division 3 Building Codes and Standards Board:

"**§ 10-76 Appointment and terms**

(a) **Membership.**

~~The board membership shall be in compliance with chapter 2, article II, section 2-31(e). The building official shall be an ex officio member of and shall act as secretary to the board, but shall have no vote on any matter before the board~~. The members of the Board of Adjustment as created in Appendix B Zoning Article I, Section 11-100 shall also serve as and be members of the Building Codes and Standards Board.

~~(b) **Terms.**~~

~~The terms of members shall be in compliance chapter 2, article II, section 2-31(d).~~

~~**§ 10-77. Qualifications of members. (Ord. No. B-721, § 1(5-15), 9-23-2004)**~~
~~It is the intent of the city council that the board members shall, by reason of diversity of their individual areas of expertise, constitute a board which is broadly representative of various fields of building construction and building standards.~~

~~(1) The board shall, at a minimum, consist of:~~

~~a. Two licensed electricians, at least one of which shall be a master electrician; and~~

~~b. Two licensed plumbers, at least one of which shall be a master plumber; and~~

~~c. One building contractor; and~~

~~d. One person holding a license or certification from the Texas Commission on Fire Protection; and~~

~~e. One licensed heat and air conditioning contractor.~~

~~(2) Members, except for the building official, may not be employees of the City of Burleson. Members will serve without compensation and must be:~~

~~a. Residents of the City; or~~

~~b. Own or be employed by a business located in the City; and~~

c. ~~Hold a license or registration under this chapter.~~

…"

**Section 3**

Chapter 6, Section 6-16 Animal shelter advisory committee:

"**§ Section 6-16 Animal Shelter Advisory Committee**

(c) Number of members; terms.

The committee shall be in compliance with chapter 2, article II, section 2-31(e) for number of members and each member shall serve terms in compliance with chapter 2, article II, section 2-31(d). Notwithstanding the above, term limits shall not apply to the committee seats reserved for the one licensed veterinarian, the one municipal official, one representative from an animal welfare organization, and the one person whose duties include the daily operation of an animal shelter.

…"

**Section 4.**

The City Council finds and determines that the meeting at which this ordinance is passed was open to the public as required by law and that public notice of the time, place and purpose of said meeting was duly given as required by the Texas Open Meetings Act.

**Section 5.**

The above and foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact. The City Council further finds and determines that the rules, regulations, terms, conditions, provisions and requirements of this ordinance are reasonable and necessary to protect the public health, safety and quality of life in the City.

**Section 6.**

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the city council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

**Section 7.**

Any complaint, notice, notice of violation, action, cause of action, hearing request, appeal, or claim which prior to the effective date of this Ordinance that has been initiated or arisen under or pursuant to any other ordinance(s) shall continue to be governed by the provision of that ordinance or ordinances, and for that purpose that ordinance or ordinances shall be deemed to remain and shall continue in full force and effect.

**Section 8.**

This ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the City of Burleson, Texas, as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event the conflicting provisions of such ordinances and such Code are hereby repealed.

**Section 9.**

This ordinance shall become effective immediately upon its passage and publication as required by law.

**AND IT IS SO ORDAINED.**

**PASSED AND APPROVED** by the City Council of the City of Burleson on this ___ day of _____, 2026.

**First Reading:** the _____ day of _____, 20_____.

**Final Reading:** the _____ day of _____, 20_____.

_____
Chris Fletcher, Mayor
City of Burleson, Texas

ATTEST:

_____
Amanda Campos, City Secretary

APPROVED AS TO FORM:

_____
E. Allen Taylor, Jr., City Attorney