

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS AMENDING THE CITY OF LEON VALLEY CODE OF ORDINANCES, AMENDING ORDINANCE CHAPTER 3 BUILDING REGULATIONS; ARTICLE 3.02 - TECHNICAL AND CONSTRUCTION CODES AND STANDARDS; SEC. 3.02.054 - PROPERTY MAINTENANCE CODE AND SEC. 3.02.055 - APPEALS AND VARIANCES TO TECHNICAL AND CONSTRUCTION CODES.; PROVIDING FOR REPEALER, SEVERABILITY; SAVINGS; NOTICE OF PUBLIC MEETING CLAUSES; PROVIDING A PENALTY AND AN EFFECTIVE DATE**

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**WHEREAS**, the City of Leon Valley, as a Home Rule Municipality, derives its powers from its Home Rule Charter and is limited in authority only by express provisions of the Texas Constitution and the State statutes; and

**WHEREAS**, City Council determines it is convenient to codify Article 3.02 - Technical and Construction Codes and Standards; Sec. 3.02.054 - Property Maintenance Code and Sec. 3.02.055 - Appeals and Variances to Technical and Construction Codes; and

**WHEREAS**, City Council determines in order to provide adequate public safety to the entire community substantive changes to Chapter 3 Building Regulations need to be made.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS THAT:**

**Section 1. AMENDMENT.** Code of Ordinances Sec. 3.02.054 - Property Maintenance Code and Sec. 3.02.055 - Appeals and Variances to Technical and Construction Codes is hereby revised by attachment hereto designated as Exhibit "A" and incorporated by reference herein for all purposes.

**Section 2. RECITALS.** The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of the Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

**SECTION 3. REPEALER CLAUSE.** The provisions of the 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or parts of ordinances inconsistent or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent that such inconsistency is apparent by any other ordinance.

**SECTION 4. SEVERABILITY CLAUSE.** If any provision, section, sentence, clause, or phrase of this ordinance or 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 in adopting, and the Mayor in approving this Ordinance, that no portion thereof or provisions

or regulation contained herein shall become inoperative or fall by reason of any unconstitutionally or invalidity of any portion, provision, or regulation.

**SECTION 5. SAVINGS CLAUSE.** The repeal of any ordinance or part of ordinances effectuated by the enactment of this ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the City under any section or provisions of any ordinances at the time of passage of this ordinance.

**SECTION 7. NOTICE OF MEETING CLAUSE.** 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.

**SECTION 8. PENALTY.** Any person who violates any provision of this ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined as provided in Chapter 1. General Provisions, Article 1.01 Code of Ordinances, Section 1.01.009 General penalty for violations of code: continuing violations of the City of Leon Valley Code, and/or applicable state law.

**SECTION 6. EFFECTIVE DATE.** This ordinance shall become effective on and after its passage, approval and the meeting of all publication requirements as provided by law.

**PASSED, ADOPTED, AND APPROVED** by the City Council of the City of Leon Valley, Texas on the 19<sup>th</sup> day of September, 2023.

**APPROVED**

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**CHRIS RILEY**  
MAYOR

**Attest:**

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**SAUNDRA PASSAILAIGUE**  
City Secretary

**Approved as to Form:**

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**NICOLE WARREN**  
City Attorney