

CITY OF WOODCREEK

ORDINANCE NO. 2024-01-10-02

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WOODCREEK, TEXAS, AMENDING THE CITY CODE OF ORDINANCES SECTIONS 151.07, 156.063, 156.064, 156.102 TO REMOVE MASONRY BUILDING REQUIREMENTS AND RELATED CHANGES; REPEALING ALL ORDINANCES TO THE EXTENT THEY ARE IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Woodcreek (“City”) is a Texas General Law Municipality operating under the laws of the State of Texas; and

WHEREAS, Texas House Bill 2439 in the 86th Legislature of the State of Texas modified the Chapter 3000 of the Government Code to generally prohibit cities from regulating building materials for construction, renovation, maintenance, or other alteration of a residential or commercial building; and

WHEREAS, the City’s Code of Ordinances Chapter 151 Building Regulations; Construction and Chapter 156 Zoning include requirements for a minimum amount of masonry construction for certain types of buildings and regulations related to wooden roofs in contradiction to House Bill 2439 and Texas Government Code Chapter 3000; and

WHEREAS, the City has complied with all conditions precedent necessary to take this action, has properly noticed and conducted all public hearing and public meetings pursuant to the Texas Local Government Code and Texas Government Code, as applicable; and

WHEREAS, the City Council of the City of Woodcreek, Texas finds that these amendments to the Code of Ordinances are necessary to be in compliance with state law.

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

Section 1. The foregoing recitals are found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes and findings of fact.

Section 2. The Building Ordinance and Zoning Ordinance of the City of Woodcreek, Texas are hereby amended as set forth on Exhibit A attached hereto.

Section 3. If any provision of this Ordinance is illegal, invalid, or unenforceable under present or future laws, the remainder of this Ordinance will not be affected and, in lieu of each illegal, invalid, or unenforceable provision, a provision as similar in terms to the illegal, invalid,

or unenforceable provision as is possible and is legal, valid, and enforceable will be added to this Ordinance.

Section 4. This Ordinance shall be cumulative of all provisions of ordinances of the City except where the provisions of the Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

Section 5. This Ordinance shall be construed and enforced in accordance with the laws of the state of Texas and the United States of America.

Section 6. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Texas Open Meetings Act, Chapter 551, Texas Government Code, as amended.

Section 7. This Ordinance shall be in full force and effect after its final passage and approval by the City Council, as duly attested by the Mayor and City Secretary, and any publication required by law.

PASSED AND APPROVED this _____ day of _____, 2023, by a vote of ____ ayes to ____ nays to ____ abstentions of the City Council of Woodcreek, Texas.

CITY OF WOODCREEK, TEXAS

By: _____
Jeff Rasco, Mayor

ATTEST:

Suzanne Mac Kenzie, City Secretary