

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF WOODCREEK, TEXAS AMENDING (1) § 151.03 TO ESTABLISH WHEN A PERMIT WILL NOT BE REQUIRED IF A BUILDING, STRUCTURE, OR ACCESSORY BUILDING IS MERELY BEING REPLACED OR REPAIRED; AND (2) § 151.08 TO ESTABLISH WHEN A PERMIT IS DEEMED APPROVED; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE.

WHEREAS, The City of Woodcreek desires to provide clarity as to when a building permit will and will not be required; and

WHEREAS, The City of Woodcreek desires to set a timeframe for the processing of building permits, including when a building permit will be deemed approved.

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

I. FINDING OF FACT

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

II. SEVERABILITY

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

III. CODIFICATION

The City Secretary is hereby authorized and directed to record and publish the language of this Ordinance, and any changes thereto, in the City's Code of Ordinances.

IV. EFFECTIVE DATE

This Ordinance shall be effective immediately upon its passage and the publication of caption of this ordinance.

V. PROPER NOTICE & MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was attended by a quorum of the City Council, 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, Texas Government Code, Chapter 551.

PASSED AND APPROVED this, the ____ day of _____ 2022, by a vote of ____ Ayes to ____ Nays to ____ Abstentions of the City Council of Woodcreek, Texas.

City of Woodcreek:

By: _____
Mayor Jeff Rasco

Attest:

By: _____
Linda Land, City Secretary

§ 151.03 - JURISDICTION.

(A) It shall be unlawful for any person or persons to erect, construct or alter any building, accessory building or structure in the City or cause the same to be done, unless the provisions of this subchapter are complied with and a building permit has been issued by the City prior to the start of any of the aforementioned activities.

(B) Any changes in building plans after the building permit is issued must be resubmitted for approval.

(C) No person shall be required to secure a permit if they are merely replacing and/or repairing a building, accessory building, or structure, and the replacing and/or repairing is of a like or similar kind and quality (i.e. (1) a shingle roof may be replaced with another roof of any kind without securing a permit, insofar as there is no structural change to the structure underlying the roof; (2) a fence may be replaced without a permit; (3) a pool may be replastered without a permit).

§ 151.08 - PROCESSING.

When a completed application is received, the City shall provide the applicant(s) written notice stating a completed application has been received by electronic mail and/or certified mail. The application shall be approved or denied within 45 calendar days following the day on which written notice of a completed application is sent to the applicant(s). If the 45th day falls on a weekend and/or holiday, then the date for approval or denial shall be the first business day immediately following the 45th day. If the application is approved, the City will issue a building permit to the applicant(s). If the application is denied, the applicant(s) will be notified in writing how the application is not in compliance with City ordinances. The building permit fee will not be refunded if the application is not approved. Plans may be resubmitted to the City for reconsideration for a fee in accordance with Chapter 35. If the City fails to approve or deny the completed application within 45 calendar days of the day on which the City provides the applicant(s) written notice stating a completed application has been received, then the application will be deemed approved, and the applicant(s) may proceed with completing all work provided for in the application as if a permit has been received.