

ORDINANCE NO. 622

AN ORDINANCE CREATING A BUILDING BOARD OF APPEALS FOR THE CITY OF SOUTHLAKE, TEXAS; PROVIDING FOR APPOINTMENT AND TERMS; PROVIDING FOR QUALIFICATIONS OF MEMBERS; ESTABLISHING DUTIES AND POWERS OF THE BOARD; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Southlake, 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 City of Southlake has adopted Ordinance No. 615 establishing regulations applicable to dangerous and substandard buildings; and

WHEREAS, the City of Southlake has also adopted the Uniform Building Code, Uniform Mechanical Code, Uniform Plumbing Code, Uniform Administrative Code and National Electrical Code; and

WHEREAS, the city council now desires to adopt this ordinance creating a Building Board of Appeals for the purpose of exercising jurisdiction over substandard buildings, and hearing and deciding appeals pursuant to the Uniform Building Code, Uniform Mechanical Code, Uniform Plumbing Code, Uniform Administrative Code and National Electrical Code.

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

**SECTION 1.
CREATION**

A Building Board of Appeals, referred to in this ordinance as "the Board," is hereby created to accomplish purposes and perform functions set forth in this ordinance.

**SECTION 2.
APPOINTMENT AND TERMS**

The Board shall be composed of five members to be appointed by the city council. In addition, the city council shall appoint two alternate members who shall serve in the absence of one or more regular members. Alternate members must meet the same qualifications as regular board members. An alternate member has voting privileges only when sitting in for an absent member. Regular members shall be appointed to places numbered 1 through 5 and alternate members shall be appointed to places numbered 6 and 7. Upon initial appointment pursuant to this ordinance, members in the odd numbered places shall be appointed to serve terms expiring October 1, 1995 and members appointed to the even numbered places shall serve terms expiring October 1, 1996. Thereafter, the terms of office of the members shall be two years beginning on October 1st of the year of appointment. The terms of the odd numbered places shall expire in the odd numbered years, and the terms of the even numbered places shall expire in the even numbered years. Board members may be appointed to succeed themselves. Vacancies shall be filled by the city council for the unexpired term. Newly appointed members shall be installed at the first regular board meeting after their appointment. 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. All members of the Board shall hold office at the pleasure of the city council.

**SECTION 3.
QUALIFICATIONS OF MEMBERS**

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. In making

appointments to the Board, the city council will give consideration to persons who are qualified by experience and training to pass on matters pertaining to building construction, mechanical design, plumbing systems or electrical systems, or who have practical experience in matters relating to building construction or value such as a mortgage banker or licensed real estate agent. Members, except for the building official, may not be employees of the City of Southlake.

SECTION 4. ORGANIZATION

The Board shall hold an organizational meeting in October of each year and shall elect a chairman and vice-chairman from among its members. The Board shall meet when required to carry out the duties established by this ordinance. The Board shall adopt its own rules and procedures and shall keep a record of its proceedings consistent with the provisions of this ordinance and the requirements of law. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating that fact, and shall keep records of its decisions and other official actions, all which shall be filed in the office of the city secretary and kept as public records.

SECTION 5. DUTIES AND POWERS

- (a) The Board is hereby charged with the duty and invested with the authority to:
 - (1) inspect property and premises at reasonable hours where required in the discharge of its responsibilities under the laws of the State of Texas and the city;
 - (2) hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of the technical provisions of the following codes adopted by the City of Southlake:

- (A) the Uniform Building Code;
 - (B) the Uniform Plumbing Code;
 - (C) the Uniform Mechanical Code;
 - (D) the National Electrical Code; and
 - (E) the Uniform Administrative Code;
- (3) enforce the provisions of Ordinance No. 615, the Substandard Building Ordinance, and carry out the functions established by that ordinance to abate substandard buildings.
- (b) The Board shall have no authority relative to interpretation of the administrative provisions of the codes listed in Subsection (a)(2) or the ordinance referenced in Subsection (a)(3) nor may the Board waive requirements of any of the codes listed in Subsection (a)(2) or the ordinance referenced in Subsection (a)(2).

**SECTION 6.
MEETINGS AND QUORUMS**

A quorum for the conduct of business shall consist of four members of the Board. Each member is entitled to one vote and action of the Board shall require a majority of those members present. The members of the Board shall regularly attend meetings of the Board and shall serve without compensation, except for reimbursement of authorized expenses attendant to the performance of their duties. The members shall comply with all time limits and public notice requirements and all meetings of the Board shall be held in compliance with the Texas Open Meetings Act.

**SECTION 7.
CUMULATIVE CLAUSE**

This ordinance shall be cumulative of all provisions of ordinances of the City of Southlake, Texas, except where the provisions of this ordinance are in direct conflict with

the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed. To the extent that the composition of the boards of appeals created by the various uniform codes referenced herein conflicts with this ordinance, the terms of this ordinance shall control.

**SECTION 8.
SEVERABILITY CLAUSE**

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 9.
EFFECTIVE DATE**

This ordinance shall be in full force and effect from and after its passage, and it is so ordained.

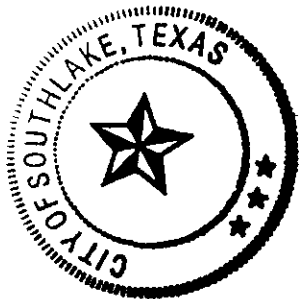
PASSED AND APPROVED ON FIRST READING ON THIS 16 DAY OF August, 1994.



[Signature]
MAYOR

ATTEST:
[Signature]
CITY SECRETARY

PASSED AND APPROVED ON SECOND READING ON THIS 6 DAY OF September, 1994.



[Signature]
MAYOR

ATTEST:
[Signature]
CITY SECRETARY

APPROVED AS TO FORM AND LEGALITY:

[Signature]
City Attorney