

ORDINANCE NO. 2005-11

AN ORDINANCE REPEALING ORDINANCE NO. 1999-3 AND REPLACING WITH A NEW ORDINANCE ENTITLED "BUILDING PERMIT ORDINANCE"; PROVIDING FOR REQUIREMENTS FOR THE ISSUANCE OF A BUILDING PERMIT; PROVIDING FOR A TIME PERIOD FOR APPROVAL OR DENIAL OF AN APPLICATION FOR A BUILDING PERMIT; PROVIDING FOR AN EXPIRATION DATE FOR A BUILDING PERMIT; PROVIDING FOR PENALTIES, PUBLICATION, AND AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of San Felipe, Texas finds that it is necessary to provide that building construction and installation of water wells and on-site septic systems within the City limits of the Town of San Felipe, Texas must comply with the requirements of the Federal program for flood insurance, TCEQ regulations and guidelines, and City ordinances; and

WHEREAS, the Town Council of the Town of San Felipe, Texas desires to implement these requirements and finds that to do so is in the best interests of the citizens of the Town of San Felipe, Texas.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SAN FELIPE, TEXAS:

The Town Council hereby adopts the following:

Building Permit Ordinance

Section 1. No person, firm, corporation, partnership, association, or any other legal entity shall construct or cause to be constructed any structure or improvement to any structure (including, but not limited to, any addition to any structure) without first obtaining a building permit from the Town Council of the Town of San Felipe, Texas.

Section 2. Any person, firm, corporation, partnership, association, or any other legal entity desiring to construct or cause to be constructed any structure or improvement to any structure (including, but not limited to, any addition to any structure) must first file a completed application for a building permit with the Town Secretary of the Town of San Felipe, Texas. An application shall not be considered filed with the Town until it is approved and dated as complete by the Building Permit Official.

Section 3. A building permit shall be issued by the Town Council of the Town of San Felipe, Texas, only after the Town Council has determined that the proposed building site is reasonably safe from flooding; or if flood hazard exists, any proposed new construction or improvement (including prefabricated, modular homes, industrialized housing and mobile homes) must:

- a) be designed (or modified) and anchored to prevent flotation, collapse, or lateral movement of the structure; slabs are required to be equal to or greater than the size of the home.
- b) All mobile homes moved into the City limits of the Town of San Felipe, Texas shall be provided with four inch (4) reinforced concrete slabs that are the same size or larger than the mobile home placed on said lot.
- c) use construction materials and utility equipment that are resistant to flood damage.
- d) All mobile homes shall have installed within thirty (30) days from the date said mobile home is moved on said lot, skirts of metal, brick, masonry, or plastic construction extending from the slab to the lower frame of said mobile home.
- e) use construction methods and practices that will minimize flood damage.

Section 4. An applicant for a building permit must include documentation from the ~~County~~ reflecting their application and approval for the placement of an on-site septic system, if applicable, before the Building Permit Official will consider their application for a building permit complete.

Section 5. Application documents for a building permit shall be reviewed to assure that: (a) all proposals for construction provide for methods to minimize flood damage, (b) all public utilities and facilities such as gas, electric, water, cable and telephone and private facilities such as on-site septic systems and well systems, are located and constructed to minimize or eliminate flood damage, and (c) adequate drainage is provided for so as to reduce exposure to flood hazards.

Section 6. All new or replacement water supply systems and/or on-site septic systems shall be designed to minimize or eliminate infiltration of flood waters into said systems and discharge from said systems into flood waters.

Section 7. Mobile homes manufactured more than fifteen years prior to the building permit request date are prohibited in the Town of San Felipe, Texas. Said prohibition does not affect manufactured mobile homes that are already permitted and installed within the City limits of the Town of San Felipe, Texas. Recreational vehicles intended for use as living quarters are prohibited.

Section 8. New construction permit fees will be as follows: \$250.00 for residential homes and \$500.00 for commercial construction.

Section 9. The Town Council of the Town of San Felipe, Texas shall act on an application for a building permit within forty-five (45) calendar days after the date that a

completed application is filed with the Town Secretary of the Town of San Felipe, Texas.


Section 10. Any building permit issued by the Town Council of the Town of San Felipe, Texas shall be effective for six (6) months. After the initial six (6) months, the Town Council of the Town of San Felipe, Texas may extend the effective term of any issued building permit for an additional two (2) months, provided that the Town Council determines that there is just cause for providing for that extension.

Section 11. Any person, firm, corporation, partnership, association, or any other legal entity that undertakes construction of a structure or substantial improvement of a structure (including, but not limited to, any addition to any structure) without first obtaining a building permit as provided for herein shall be guilty of a Class C misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$500.00. Each day of violation shall constitute a separate offense.

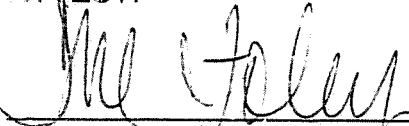
Section 12. All ordinances or part of ordinances in conflict herewith are hereby repealed. In the event any provision of this Ordinance be declared void or unconstitutional by a court of competent jurisdiction, such declaration shall not affect the remaining provisions of this Ordinance.

Section 13. This Ordinance shall take effect immediately from and after its passage and the publication of its caption, as the law in such cases provides.

PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF SAN FELIPE, TEXAS, this, the 15th day of September 2005.


Bobby Byars, Mayor
Town of San Felipe, Texas

ATTEST:


Sus Foley, Town Secretary
Town of San Felipe, Texas

APPROVED AS TO FORM:

Susan C. Rocha, City Attorney
Town of San Felipe, Texas