

Office of the City Manager

City of Richland Hills, Texas

Memorandum

To: Honorable Mayor Bill Agan and members of the Richland Hills City Council
From: Curtis E. Hawk, City Manager
Date: October 1, 2013
Subject: Amendment to Chapter 14, "Buildings and Building Regulation," Richland Hills Municipal Code (City Code of Ordinances).

City Council Action Requested:

Consider Ordinance No 1256-13, Amending Chapter 14, "Buildings and Building Regulation," Richland Hills Code of Ordinances.

Background Information:

Council will consider amending Chapter 10 of the Code of Ordinances elsewhere on the agenda for this evening. The amendments to Chapter 10 in Section 10-411 as proposed will create a five member building board of appeals appointed by the City Council to hear, consider and determine substandard building cases under Chapter 14 of the Code, and to hear, consider and determine appeals as set forth in all building codes adopted and amended by the city. Ordinance 1256-13 if approved by Council will amend Ch. 14 to repeal the provision dealing with the Uniform Code for the Abatement of Dangerous Buildings and changing all references to the "council" to the "building board of appeals."

Staff Contact:

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Attachment: Ordinance No. 1256-13

ORDINANCE NO. 1256-13

AN ORDINANCE OF THE CITY OF RICHLAND HILLS AMENDING CHAPTER 14 "BUILDINGS AND BUILDING REGULATION" OF THE RICHLAND HILLS MUNICIPAL CODE ("CITY CODE") BY AMENDING ARTICLE VIII "UNSAFE, SUBSTANDARD DANGEROUS BUILDINGS" TO REPEAL THE ADOPTION OF THE UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS AND TO PROVIDE FOR THE IMPLEMENTATION OF ARTICLE VIII THROUGH THE BUILDING BOARD OF APPEALS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Richland Hills 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the Richland Hills City Council has determined that the Uniform Code for the Abatement of Dangerous Buildings is no longer applicable in the State of Texas; and

WHEREAS, the Richland Hills City Council has further determined that the implementation of Article VIII of Chapter 14 of the Code should be done through the City's building board of appeals as established in Chapter 10 of the City Code; and

WHEREAS, the City Council finds that this ordinance is in the best interests of the citizens of the City of Richland Hills.

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

SECTION 1.

Section 14-321 of the Richland Hills City Code is hereby repealed in its entirety.

SECTION 2.

Section 14-323 of the City Code is hereby amended by deleting the term "Council" and its corresponding definition and by adding the following term and definition at the beginning of the list of terms:

Board means the building board of appeals.

SECTION 3.

Article VIII of Chapter 14 of the City Code shall be modified as follows:

Every reference to the term "council" in Sections 14-327 through 14-334 and in Section 14-336 shall be deleted and substituted with the term "building board of appeals."

SECTION 4. PROVISIONS CUMULATIVE

This ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the City of Richland Hills, Texas, as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event the conflicting provisions of such ordinances and such Code are hereby repealed.

SECTION 5. PROVISIONS SEVERABLE

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 6. EFFECTIVE DATE

This ordinance shall be in full force and effect from and after its passage and publication as required by law and it is so ordained.

PASSED AND APPROVED ON THIS _____ DAY OF _____,
2013.

THE HONORABLE BILL AGAN, MAYOR

ATTEST:

LINDA CANTU, CITY SECRETARY

EFFECTIVE DATE: _____

APPROVED AS TO FORM AND LEGALITY:

BETSY ELAM, CITY ATTORNEY