

ORDINANCE NO. 793-2016-39

AN ORDINANCE OF THE CITY OF WEATHERFORD, TEXAS, AMENDING TITLE IV BUILDINGS AND PROPERTY MAINTENANCE AND HISTORIC PRESERVATION AMENDING REQUIREMENTS FOR PERMITS CONCERNING “STORAGE SHEDS” REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; PROVIDING A SAVINGS CLAUSE; AND SETTING AN EFFECTIVE DATE.

WHEREAS, the City of Weatherford 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 Council has determined that it is in the best interest of the City of Weatherford to amend the Building and Property Maintenance Codes to clarify the regulations pertaining to permits concerning “storage sheds”; and

WHEREAS, the City of Weatherford, Texas has complied with all requirements of the Local Government Code, and all other laws dealing with notice, publication and procedural requirements for the adoption of these regulations.

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

Findings of Fact. The above and foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact. The City Council further finds and determines that the rules, regulations, terms, conditions, provisions and requirements of this ordinance are reasonable and necessary to protect the public health, safety and quality of life in the City.

SECTION 1. Title IV, Buildings and Property Maintenance and Historic Preservation, Chapter 2. – Building Construction Administrative Code is amended as follows:

Section 4-2-7 Permits

- (a) *Permit required.* It shall be unlawful for any person to erect, install, enlarge, alter, repair, remove, convert ~~or~~, move, demolish or change the occupancy of a building or structure or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, on any building, structure, or premises, whether publicly or privately owned, without securing a permit from the code official, except as otherwise provided in this article
- (b) *Work exempt from permit.* No permit will be required to execute any of the following work:
 - Building:*
 - (1) One-story uninhabitable detached accessory structures to a one or two family occupancy without electrical, mechanical and plumbing installed and used as tool or ~~and~~ storage sheds, playhouses and/or similar uses, provided the floor area does not exceed 200~~120~~ square feet (18.58 m2).

SECTION 2. The remainder of Section 4-2-7. remain unchanged.

Resolution of Conflicting Ordinances. In the event of a conflict or inconsistency between this ordinance and any other code or ordinance of the City, save and except the provisions of the Comprehensive Zoning Ordinance, the provisions of this ordinance shall control. Nothing adopted herein is intended to, in any way, nor shall any such provision be deemed to supersede or control over the provisions of the Comprehensive Zoning Ordinance.

Savings Clause. All rights and remedies of the City of Weatherford are expressly saved as to any and all provisions of any ordinance affecting fees of the City and to any and all violations of the provisions of any prior ordinance pertaining to boards, commissions and committees within the City which have accrued as of the effective date of this ordinance; and as to such accrued fees, collection activity, violations and any pending litigation, both civil and criminal, whether pending in court or not, under such prior ordinances, same shall not be affected by this ordinance but may be prosecuted and pursued until final disposition by the courts.

Effective Date. This ordinance shall take effect immediately from and after its passage and publication in accord with the provisions of the Texas Local Government Code.

Severability. It is the express intent of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable and, if any phrase, sentence, paragraph or section should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance as the same would have been enacted by the City Council without the incorporation in this ordinance of any such invalid phrase, clause, sentence, paragraph or section. If any provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision, and to this end the provisions of this ordinance are hereby declared to be severable.

Open Meetings. The City Council finds and determines that the meeting at which this ordinance is passed was open to the public as required by law and that public notice of the time, place and purpose of said meeting was duly given as required by the Texas Open Meetings Act.

**PASSED AND APPROVED BY A VOTE OF 4 AYES AND 0 NAYS
ON THE 26th DAY OF JULY, 2016.**

ATTEST:

THE CITY OF WEATHERFORD, TEXAS

Malinda Nowell, TRMC, City Secretary

Jeff Robinson, Mayor Pro Tem

APPROVED AS TO FORM:

Zellers & Zellers, City Attorney