

**ORDINANCE NO. 04-2023**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE AMENDING CHAPTER 8 “CONSTRUCTION REGULATIONS,” ARTICLE V. “ADVISORY BOARDS,” DIVISION 2 “BOARD OF BUILDING STANDARDS” AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND CALLING FOR A PUBLIC HEARING.**

**WHEREAS,** Division 2 establishes the membership requirements and authority of the Board of Building Standards; and

**WHEREAS,** there is a need to amend the board membership requirements and authority of the board in order to have membership that more accurately reflect the type of expertise required to make decisions and improve the efficiency of oversight within the board’s purview.

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

- PART 1:** That Chapter 8, Article V., Division 2 “Board of Building Standards” is hereby amended as set out in Exhibit A, attached and made a part of this ordinance for all purposes.
- PART 2:** That if the provisions of any section, subsection, paragraph, subdivision or clause of this ordinance shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not effect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this ordinance.
- PART 3:** That any person, firm, or corporation violating the provisions of this Ordinance shall be deemed to have committed a misdemeanor, and upon conviction thereof shall be fined in accordance with Chapter 1 (Section 1-9) of this Code.
- PART 4:** Each day such violation shall continue, or be permitted to continue, shall be deemed a separate offense. Said ordinance, being a penal ordinance, becomes effective thirty (30) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

**PASSED ON FIRST READING this 12<sup>th</sup> day of January, 2023.**

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 22nd day of January, 2023, the same being more than 24 hours prior to a public hearing being held in the Council Chamber of City Hall in Abilene, Texas, at 8:30 a.m. on the 26<sup>th</sup> day January, 2023, to permit the public to be heard. Said

Ordinance, being a penal ordinance, becomes effective thirty (30) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

**PASSED ON SECOND AND FINAL READING this 26<sup>th</sup> day of January, 2023.**

ATTEST:

  
\_\_\_\_\_  
DEPUTY CITY SECRETARY

  
\_\_\_\_\_  
MAYOR

APPROVED:

  
\_\_\_\_\_  
CITY ATTORNEY



## **EXHIBIT A**

### **DIVISION 2. - BOARD OF BUILDING STANDARDS**

#### **Sec. 8-361. - Established.**

There is hereby established a Board of Building Standards in and for the City.

#### **Sec. 8-362. - Composition.**

(a) The Board of Building Standards shall be composed of seven (7) members, each of whom shall be a resident of the City, and one ex officio member who shall have no voting privileges.

(b) The seven (7) voting members shall not be employees of the City and shall include the following:

(1) A registered architect who has had at least five (5) years experience in the construction of all types of buildings.

(2) A registered engineer who has had at least five (5) years experience in construction of all types of buildings.

(3) A master electrician who has had at least five (5) years experience in the construction of commercial and/or residential buildings.

(4) A licensed real estate broker who has had at least five (5) years experience in the appraisal of real estate.

(5) A building contractor who has had at least five (5) years experience in the construction of all types of buildings.

(6) A homebuilder who has had at least five (5) years experience in the construction of homes.

(7) A master plumber who has had at least five (5) years experience in the construction of commercial and/or residential buildings.

(c) The ex officio member, whose only function shall be to render advice to the regular members of the board, shall be the City Manager or his or her designee.

#### **Sec. 8-363. - Appointment.**

The members of the Board of Building Standards shall be appointed by the Mayor with the approval of the Council.

#### **Sec. 8-364. - Terms.**

The members of the Board of Building Standards shall be appointed by the Mayor with the approval of the Council with four (4) of the members appointed for a term of one (1) year and three (3) of the members appointed for a term of two (2) years. Each member of the board thereafter shall be appointed for a term of two (2) years.

#### **Sec. 8-365. - Removal.**

Any member of the Board of Building Standards who shall be absent from the regular monthly meeting of the board for three (3) consecutive times shall be removed from the board.

**Sec. 8-366. - Filling vacancies.**

Vacancies occurring in the membership of the Board of Building Standards shall be filled by appointment for the remainder of the unexpired term.

**Sec. 8-367. - Alternate members.**

The Mayor, with the approval of the Council, shall also appoint an alternate member for each of the seven (7) voting members of the Board of Building Standards which alternate shall serve in the absence of the designated voting member. Each alternate member shall meet the requirements for appointment that apply to the voting member for whom he or she shall be the alternate and shall be appointed for the same term as that voting member.

**Sec. 8-368. - Quorum.**

Four (4) voting members of the Board of Building Standards shall constitute a quorum, and the board shall act by a majority vote of those present. Notwithstanding the foregoing, when any person appeals any decision of the Building Official concerning Chapter 8, Article VI "Codes and Other Regulations," but excluding submissions of cases to the board for demolition or the imposition of civil penalties, the board may modify or reverse the decision of the building official only upon the concurring vote of five (5) or more members.

**Sec. 8-369. - Chairman.**

A Chairman shall be selected by the Board of Building Standards from its membership, who shall preside over its meetings, and have the same voting rights as other members. In the absence of the Chairman, the board shall select an acting Chairman to preside until the return of the regular Chairman.

**Sec. 8-370. - Meetings.**

The Board of Building Standards shall meet at least once a month at a day and time to be determined by the board and at the call of the Chairman. All meetings of the board shall be open to the public.

**Sec. 8-371. - Records.**

The Board of Building Standards shall keep minutes of its proceedings, showing the vote of each member upon each question or if absent or failing to vote indicating such fact, and shall also keep a record of its other official actions, all of which shall be public record.

**Sec. 8-372. - To hear appeals.**

The Board of Building Standards shall hear appeals from any person aggrieved by any decision of the Building Official concerning Chapter 8, Article VI "Codes and Other Regulations." All such appeals shall follow the requirements of Section 8-559. The Board shall also hear all cases, pursuant to Section 8-560, wherein the Building Official has determined that the repair or rehabilitation of a building, residential or nonresidential, is impractical and that such substandard building should be demolished, or the imposition of civil penalties.

**Sec. 8-373. - Existing remedies Limitation of Authority.**

The Board shall not have the authority to waive requirements of the adopted code or interpret the administration of this code. Nothing in this chapter shall be deemed to abolish or impair existing remedies nor constitute an exclusive remedy for the removal or demolition of any buildings which are deemed a nuisance.