

ORDINANCE NO. 56-2016

AN ORDINANCE AMENDING CHAPTER 8, ARTICLE III, DIVISION 4, "DEMOLITION OF BUILDINGS," AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND CALLING FOR A PUBLIC HEARING.

WHEREAS, when a permit is issued for the demolition of a house, building, or other structure, City Ordinance Section 8-151 requires that the floor slab, foundation, footings, sidewalks, fences and posts be removed; however, where demolition is performed totally by the owner, and a floor slab is flush with the ground, the board of building standards may allow the slab to remain; and,

WHEREAS, it is in the best interest of the public to grant the building official the authority to allow a slab on grade to remain; and,

WHEREAS, currently there is no definition for slab on grade; and,

WHEREAS, Section 8-372 allows the board of building standards to hear appeals from any person aggrieved by a decision of the building official, and therefore any decision of the building official pursuant to Section 8-151 could be appealed to the board of building standards;

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

PART 1: That Chapter 8, Article III, Division 4, "Demolition of Buildings," Sections 8-151 and 8-152 are hereby amended as set forth in Exhibit "A," attached hereto 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 offence. Said ordinance, being a penal ordinance, becomes effective ten (10)

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 8th day of September 2016.

A notice of 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 23rd day of October 2016, 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 27nd day of October, 2016, to permit the public to be heard.

PASSED ON SECOND AND FINAL READING this 27nd day of October, 2016.

ATTEST:


CITY SECRETARY


MAYOR

APPROVED:


CITY ATTORNEY

Sec. 8-151. Demolition permit conditions.

When a permit is issued for the demolition of a house, building or other structure, the permit holder shall do all of the following:

- (a) Remove all slabs, sidewalks, fences and posts, provided any slabs, sidewalks, fences or posts may remain, in either residential or non-residential zoning, upon approval of the board of building standards; and in non-residential zoning, any sidewalks or slab(s) on grade that are free and clear of, without limitation, construction debris, vertical concrete, pipe risers and anchor bolts, may remain only upon the request, prior to final inspection, of the property owner(s) to the Building Official and subsequent approval by the Building Official; and
- (b) Clear and remove all loose tree limbs, appliances and all other personalty, trash, weeds, tall grass and other debris; and
- (c) Fill in all holes or depressions remaining at the building site and level the area so as to facilitate future mowing maintenance; and
- (d) Mow the grass.

Sec. 8-152. Definitions

Slab on grade: A slab on grade is any slab that is poured onto earth materials that are in direct contact with the slab and which are used to support the slab. This process may be flat on the ground or foundation walls can be constructed to any engineered height and backfilled with sand to the bottom of the slab to be poured to support the slab.