

ORDINANCE NO. 2118

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HIGHLAND PARK, TEXAS, AMENDING CHAPTER 3 BUILDING REGULATIONS, ADOPTING ARTICLE 3.08.005 AMENDMENTS ADOPTING A NEW PENALTY PROVISIONS FOR BUILDING PERMIT EXTENSIONS IN THE TOWN OF HIGHLAND PARK, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING PENALTIES FOR VIOLATION OF THIS ORDINANCE; PROVIDING FOR INCORPORATION INTO THE CODE OF ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Highland Park, Texas (the "Town"), is a Home Rule municipality having full powers of self-government and may enact ordinances relative to its citizens' health, safety, and welfare that are not inconsistent with the Constitution and laws of the State; and

WHEREAS, § 214.211 et seq. of the Texas Local Government Code adopts the International Residential Code and authorizes the Town to make amendments to that code; and

WHEREAS, the Town has determined that it is a necessity to regulate the timeline allowed for the completion of major residential construction activities to safeguard the public; and

WHEREAS, the Town Council previously established a twenty-four-month period for the completion of major residential construction activities; and

WHEREAS, the purpose of the construction completion deadline is to protect Town neighborhoods from the disruption related to major residential construction projects, including but not limited to dust, noise, traffic, and disruption; and

WHEREAS, general contractors wishing to extend the deadline to complete their major residential construction activities face the possibility of a Stop Work Order being issued, which would halt all work on the site; and

WHEREAS, general contractors who fail to timely complete their major residential construction activities also face the issuance of citations which could yield daily fine amounts of up to \$2,000 per day; and

WHEREAS, the Town wishes to amend the Code of Ordinances to allow for the possible extension of the major residential construction activities deadline subject to and conditioned upon the prepayment of the associated penalties; and

WHEREAS, the Town Council finds and determines that the penalty fees established and authorized by this ordinance are not intended to exceed the amount reasonably necessary to provide the services and administer, inspect, monitor, and enforce the requirements for construction; and

WHEREAS, the Town Council finds and determines that the primary purpose of the penalty fees authorized hereunder is for regulation, to protect Town residents, and to motivate the timely completion of major residential construction activities; and

WHEREAS, the Town Council finds and determines that the primary purpose of the fees authorized hereunder is not to raise revenue; and

WHEREAS, the purpose of this ordinance is to reduce the negative impacts to residential neighborhoods from residential construction projects; and

WHEREAS, the purpose of this ordinance is to promote the public health, safety, and general welfare of the citizens of the Town of Highland Park.

WHEREAS, all constitutional, statutory, and legal prerequisites for the passage of this Ordinance have been met, including but not limited to the Open Meetings Act; and

WHEREAS, the Town Council has determined that it is in the best interest of the health, safety, and welfare of the public to adopt this Ordinance.

NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HIGHLAND PARK, TEXAS:

SECTION 1. That all matters stated hereinabove are found to be true and correct are incorporated herein by reference in their entirety.

SECTION 2. That, CHAPTER 3 BUILDING REGULATIONS, ARTICLE 3.08.005 AMENDMENTS SECTION 7, is hereby repealed.

SECTION 3. That, ARTICLE 3.08.005 AMENDMENTS, of the Code of Ordinances of the Town of Highland Park is hereby amended and replaced as follows:

“Sec. 3.08.005 Amendments

The following deletions, additions, and amendments to the International Residential Code contained herein are hereby approved and adopted:

R105.5.1.5 Extensions.

7. Prior to the issuance of an extension of a building permit for major residential construction activities:

A. If the date to which a building permit is extended is a date that is no more than ninety (90) days after the original expiration date of the permit, the owner shall pay to the Town a building permit extension penalty fee in an amount equal to two hundred fifty dollars per day (\$250/day). Building permit extensions shall be purchased in non-refundable increments no less than 15 days; or

B. If the date to which a building permit is extended is a date that is more than ninety (90) days after the original expiration date of the permit, the owner shall pay to the Town a building permit extension fee in an amount equal to five hundred

dollars per day (\$500/day). Building permit extensions shall be purchased in non-refundable increments no less than 15 days.”

SECTION 4. That, in addition to the penalty fees established herein, the penalty provisions of Chapter 1, Section 1.01.009 of the Code of Ordinances are applicable to this ordinance.

SECTION 5. That, if any section, subsection, sentence, clause or phrase of this ordinance shall for any reason be held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 6. That, this ordinance shall be deemed to be incorporated into the Code of Ordinances of the Town of Highland Park, Texas upon adoption.

SECTION 7. That, this ordinance shall become effective immediately. Permits obtained from this date forward shall adhere to the requirements established herein.

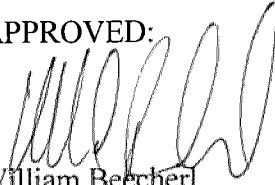
PASSED AND APPROVED by the Town Council of the Town of Highland Park, Texas, on this the 6th day of June 2023.

APPROVED AS TO FORM:



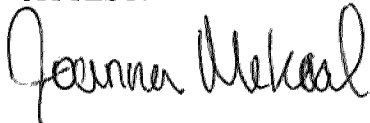
Matthew Boyle
Town Attorney

APPROVED:



William Beecher
Mayor

ATTEST:



Joanna Mekeal
Town Secretary