

## ORDINANCE NO. 2018-12

AN ORDINANCE OF THE PORT ARANSAS CITY COUNCIL AMENDING THE CODE OF ORDINANCES CHAPTER 5 "BUILDINGS AND BUILDING REGULATIONS", DIVISION 2 "STANDARDS" BY DELETING SECTION 5-52 IN ITS ENTIRETY AND ADDING NEW SECTIONS TO IDENTIFY THE TIME PERIOD FOR WHICH BUILDING REGULATIONS WILL BE SUSPENDED TO ALLOW FOR DEBRIS REMOVAL AND DISASTER HOUSING; PROVIDING FOR SEVERANCE, READING, PENALTY, AND EFFECTIVE DATE.

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

### SECTION 1. DELETION

That Chapter 5 "Buildings And Building Regulations", Division 2 "Standards" Section 5-52. – "Building Code Waiver" is deleted in its entirety to wit:

~~Sec. 5-52. – Building code waiver.~~

~~In the event of a hurricane disaster, the building inspector shall waive building codes for a period of up to one (1) year in order to allow lots to be cleaned and temporary housing to be placed on site during the rebuilding process.~~

### SECTION 2. ADDITION

That Chapter 5 "BUILDINGS AND BUILDING REGULATIONS", Division 2 "Standards" Section 5-52. – "Disaster Building Code Waiver", is hereby added to wit:

Sec. 5-52. – Disaster Building Code Waiver.

In the event of a declared man-made or natural disaster, the building official shall waive those ordinances and building codes for a period not to exceed eighteen (18) months from date of the declaration to allow debris removal and placement of temporary housing which includes accessory storage buildings, to be placed on site(s) during the rebuilding process. The Building official at the direction of City Manager may extend the disaster waiver period for an additional term not to exceed six (6) months.

For the purpose of this section "Temporary Housing" is defined as shelter deemed safe, sanitary and secure by the building official. On or before the conclusion of the disaster waiver period all properties and appurtenant structures modified or installed during this period must be compliant with all applicable codes and ordinances. Any properties and/or structures found non-compliant after the disaster waiver period including any approved extensions, will be subject to immediate enforcement measures and all occupancy and uses shall cease until all applicable code requirements have been met.

Placement of non-permanent buildings and structures deemed essential by the building official and belonging to a governmental entity or similar political subdivision shall be allowed to remain until such time as they are no longer deemed essential or serve a public purpose.

**Secs. 18-245—18-249. - Reserved.**

**SECTION 3. EFFECTIVE DATE.**

As provided by Article III, Section 12.C. and by Article XII, Section 2 of the Charter of the City of Port Aransas, this ordinance shall be effective upon adoption upon adoption on third and final reading and upon publication of the Ordinance Header in the City's official newspaper.

**SECTION 4. READING.**

As provided by Article III, Section 13 and Article III, Section 12.b. of the Charter of the City of Port Aransas, this ordinance or the caption of it shall be read at three city council meetings with at least one week elapsing between each reading.

**SECTION 5. SEVERANCE.**

If any part of this ordinance is invalid or void or is declared to be so, then said part shall be severed from the balance of this ordinance and said invalidity shall not affect the balance of this ordinance, the balance of the ordinance to be read as if said invalid or void portion thereof were not included.

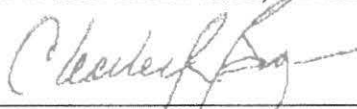
**SECTION 6. PENALTY FOR VIOLATION.**

Any person, firm, or corporation violating any of the terms and provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in accordance with Chapter 1, "General Provisions," Section 1-15, "General Penalty for Violations of Code; Continuing Violations" Port Aransas Code of Ordinances. Each such violation shall be deemed a separate offense and shall be punishable as such hereunder.


**PASSED, ORDAINED, APPROVED and ADOPTED 18<sup>th</sup> day of OCTOBER, 2018.**



**CITY OF PORT ARANSAS, TEXAS**

  
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Charles R. Bujan, Mayor

**ATTEST:**

  
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Francisca Nixon, Interim City Secretary

First Reading: August 16, 2018

Second Reading: September 20, 2018

Third Reading: October 18, 2018