

ORDINANCE NO. 2012-04

AN ORDINANCE OF THE CITY OF SIMONTON, TEXAS AMENDING ORDINANCE NO. 2011-13, BY DELETING SECTION 3 OF SUCH ORDINANCE AND SUBSTITUTING A NEW SECTION 3, PROVIDING ADDITIONAL REGULATIONS CONCERNING CERTIFICATE OF OCCUPANCY PERMITS AND UTILITY CONNECTIONS; PROVIDING ENFORCEMENT AND A PENALTY IN AN AMOUNT NOT TO EXCEED \$2000 FOR EACH DAY OF VIOLATION THEREOF; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF SIMONTON:

**Section 1.** Ordinance No. 2011-13 is hereby amended by deleting Section 3 of such Ordinance and substituting a new Section 3 to provide as follows:

**“Section 3. Required Construction Permit and Certificate of Occupancy**

(a) Prior to the commencement of any construction project within the City of Simonton, a permit shall be required and must be obtained from the City, under the following terms:

1. The City Council shall adopt a Permit Application and Permit Fee Schedule;
2. Any person seeking a permit must fill out a Permit Application and have such Application reviewed and approved by the City;
3. Any person seeking a permit must pay a fee in accordance with the Permit Fee Schedule;
4. A permit issued by the City shall have a term of twelve (12) months; and
5. The term of a permit may be extended one time for a period not to exceed six (6) months, without the applicant incurring additional fees, if the request is made prior to the expiration of such permit and substantial construction has commenced at the time of the request for extension.

(b) Prior to the occupancy of any residential or commercial building or structure within the City of Simonton, a certificate of occupancy shall be required and must be obtained from the City, under the following terms:

1. A Certificate of Occupancy shall be required prior to occupancy or habitation in any form for the following types of structures: New residential construction, newly installed mobile homes, new commercial structures, and new occupants or tenants of existing commercial structures;
2. A Certificate of Occupancy shall be provided only after the successful conclusion and completion of the final inspection by the City Building Code Official;
3. The City shall not allow permanent connection of utilities such as electric power, water, sewer or septic, natural gas, and/or liquid propane gas service to be made until the issuance of the Certificate of Occupancy;
4. Temporary power poles for permitted construction shall be allowed. As a safety consideration, if at any time during construction the temporary power pole is inspected and fails to comply with the Electric Code adopted by the City, the Building Code Official shall have full authority to require the power provider to suspend or remove service to the temporary power pole;
5. At the discretion of the Building Code Official, once all necessary HVAC, plumbing, and electrical inspections have been passed, but prior to the completion of construction, the Building Code Official may issue a "Temporary Certificate of Completion" to permit temporary connections of electric power to be made for the testing of circuits and other household systems. Such Temporary Certificate of Completion" shall remain for a period not to exceed ninety (90) days. After such period, the City will have the authority to require the disconnection of the electrical service unless a Certificate of Occupancy has been issued;
6. The City shall have the right to require the providers of all utilities including, but not limited to, electrical power, water, sewer, natural gas, and liquid propane gas, to withhold permanent connections until the issuance of either a Temporary Certificate of Completion or Permanent Certificate of Occupancy; and
7. The City has full authority to contact service providers to require the suspension or disconnection of utility services to the property

of any residential or commercial building or structure found to be in violation of this ordinance according to the procedures provided herein.”

**Section 2. Enforcement and Penalty for violation of the ordinance.**

- A. The Mayor or his/her designee shall have the authority to issue citations for any violation of this ordinance.
- B. Any person who shall violate any provision of this article or who shall fail to comply with any of the provisions thereof, or who shall build or alter any building in violation of any statement or plan submitted and approved hereunder, or who shall occupy or use any land or building without a certificate of occupancy or in a manner not authorized by a certificate of occupancy applicable to such land or building shall be guilty of a misdemeanor and shall, upon conviction, be punished by a fine of not less than \$100.00 or more than \$2,000.00, and each day such violation shall exist shall be a separate offense.
- C. The owner of any building or premises or part thereof, where anything in violation of this article shall be placed or shall exist, and any architect, builder, contractor, agent or person in connection therewith and who may have assisted in the commission of any such violation shall be guilty of a separate offense and, upon conviction thereof, shall be fined as provided in this section.
- D. In addition to the penalties hereinabove provided, any condition caused or permitted to exist in violation of any provisions of this ordinance shall be deemed a public nuisance and may be abated by the city as provided by law.
- E. The penalty for starting work prior to obtaining a valid permit, all fees will be doubled.
- F. The imposition of a fine under this ordinance shall not prevent the revocation, suspension or denial of any permit issued or granted by the City of Simonton, nor shall it be deemed to prevent impede or delay the rights of the city to proceed in any other court of competent jurisdiction to secure equitable relief, including but not limited to, injunctions or to file suits in the name of the city or as member of a class for damages or other relief as provided for by law.

**Section 3. Repealer**

All other ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

**Section 4. Severability**

In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional, and the City Council of the City of Simonton, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether be one or more parts.

**Section 5. Adoption of ordinances.**

This ordinance shall become effective upon its approval and passage.

**PASSED** by an affirmative vote of all members of the City Council this 17, of April, 2012.

**APPROVED:**

  
Mayor, Daniel McJunkin

**ATTEST:**

  
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S. Purcell, City Secretary