

ORDINANCE NO. 2015-18

AN ORDINANCE OF THE CITY OF SIMONTON, TEXAS AMENDING THE CITY'S BUILDING CODE TO REDUCE THE MASONRY REQUIREMENT FOR CERTAIN BUILDINGS; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2000 FOR EACH DAY OF VIOLATION THEREOF; REPEALING ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND MAKING OTHER PROVISIONS RELATED THERETO.

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WHEREAS, Section 214.216 of the Texas Local Government Code provides that a City may adopt local amendments to the Building Code; and

WHEREAS, the City Council desires to amend the façade requirements for certain buildings;

Now, therefore,

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

**Section 1.** Subsection (e) Construction, of subsection A. Height, of Section 4.07, Miscellaneous Regulations, of Section 4, **Building Code, as adopted by Ordinance No. 2015-17, is hereby amended to read as follows:**

**4.07 Miscellaneous Regulations ...**

*A. Height...*

(e). Construction. *No commercial building shall be erected within the City with 1) more than 10% of any façade facing any street, or 2) more than 50% of any other façade of the building, being constructed of non-masonry material.* The masonry exterior surface or veneer on all commercial buildings shall be masonry, fiber cement siding or concrete with masonry, concrete, wood, fiber cement or metal fascia and trim; provided, however, that exterior insulation finish system (EIFS) or other approved synthetic exterior stucco products may be used for exterior walls where no wood, wood by-products or wood compounds are used for sheathing or structural elements and a qualified third party inspection agency inspects and certifies in writing to the city that the installation performed according to the manufacturer's installation instructions. *Masonry* means that form of construction composed of stone, brick, concrete, hollow clay tile, decorative concrete block or tile, glass block or other similar building units or materials or a combination of these materials laid up unit by unit and set in mortar. For the purposes of this definition, true stucco is considered masonry. *Commercial building* means any building other than a single-family residence.

**Section 2:** Any person violating any provision of this Ordinance shall, upon conviction, be fined any sum not exceeding two thousand dollars (\$2,000.00) for each and every day that the

provisions of the Ordinance are violated, and each violation shall constitute a separate and distinct offense. Texas Local Government Code Chapter 54.

**Section 3:** The City Secretary shall publish notice of this Ordinance in accordance with the requirements of Texas Local Government Code Section 52.011, and this Ordinance shall take effect immediately, provided, however, that the penal provisions of this Ordinance shall take effect from and after the publication as provided in Section 52.011.

**Section 4.** 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 November 2015.

**APPROVED:**

  
Daniel McJunkin Mayor

**ATTEST:**

  
S. Elliott, City Secretary