

**ORDINANCE NO. 345**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOUTHMAYD, TEXAS, AMENDING ORDINANCE 278, THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SOUTHMAYD, TEXAS, BY ADDING SECTION 9.6, ENTITLED "ADDITIONAL RESTRICTIONS APPLICABLE TO SF-E DISTRICT"; BY ADDING SECTION 10.6, ENTITLED "ADDITIONAL RESTRICTIONS APPLICABLE TO SF-1 DISTRICT"; BY ADDING SECTION 11.6, ENTITLED "ADDITIONAL RESTRICTIONS APPLICABLE TO SF-2 DISTRICT"; BY ADDING SECTION 12.6, ENTITLED "ADDITIONAL RESTRICTIONS APPLICABLE TO TF DISTRICT"; BY ADDING SECTION 13.7, ENTITLED "ADDITIONAL RESTRICTIONS APPLICABLE TO TH DISTRICT"; BY ADDING SECTION 16.8, ENTITLED "ADDITIONAL RESTRICTIONS APPLICABLE TO MF DISTRICT"; BY ADDING SECTION 17.6, ENTITLED "ADDITIONAL RESTRICTIONS APPLICABLE TO C-1 DISTRICT"; BY ADDING SECTION 18.6, ENTITLED "ADDITIONAL RESTRICTIONS APPLICABLE TO C-2 DISTRICT"; BY ADDING SECTION 19.6, ENTITLED "ADDITIONAL RESTRICTIONS APPLICABLE TO C-3 DISTRICT"; BY ADDING SECTION 20.6, ENTITLED "ADDITIONAL RESTRICTIONS APPLICABLE TO M-1 DISTRICT"; AND BY ADDING SECTION 21.6, ENTITLED "ADDITIONAL RESTRICTIONS APPLICABLE TO M-2 DISTRICT" TO THE ZONING ORDINANCE OF THE CITY OF SOUTHMAYD, TEXAS; PROVIDING A REQUIREMENT FOR EACH LISTED DISTRICT THAT UNDERPINNING AND SKIRTING BE REQUIRED ON EVERY BUILDING CONSTRUCTED ON A PIER-AND-BEAM FOUNDATION THAT HAS NO PERIMETER FOUNDATION WALL; BY AMENDING SECTION 27.7, PROVIDING THAT CERTAIN SWIMMING POOLS BE COMPLETELY ENCLOSED BY A WALL OR FENCE NOT LESS THAN FOUR FEET IN HEIGHT, WITH ALL GATES BEING SELF-CLOSING, SELF-LATCHING, AND LOCKABLE; BY ADDING SECTIONS 30.3, 30.3.1, AND 30.3.2, ENTITLED "ADDITIONAL REQUIREMENTS," WHICH REQUIRE A PERMIT AND A \$10.00 PERMIT FEE FOR CERTAIN TEMPORARY STRUCTURES, AND REGULATE THE USE OF SHIPPING CONTAINERS AS STORAGE BUILDINGS; BY MOVING AND RENUMBERING THE EXISTING SECTION 38.11, ENTITLED "INSPECTION TAGS," TO SECTION 38.14; BY ADDING SECTIONS 38.8, 38.9, 38.11, 38.12, AND 38.13, PROVIDING FOR THE ADOPTION OF THE INTERNATIONAL PLUMBING CODE, THE INTERNATIONAL MECHANICAL CODE, THE INTERNATIONAL RESIDENTIAL CODE, THE INTERNATIONAL BUILDING CODE, AND THE INTERNATIONAL FIRE CODE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING A PENALTY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS,** after public notice and public hearing as required by law, the Planning and Zoning Commission of the City of Southmayd, Texas, has recommended the amendment of Ordinance 278, the Comprehensive Zoning Ordinance, through the addition of the requirement for Districts SF-E, SF-1, SF-2, TF, TH, MF, C-1, C-2, C-3, M-

1, AND M-2 that underpinning and skirting be required on every building constructed on a pier-and-beam foundation that has no perimeter foundation wall; and

**WHEREAS**, after public notice and public hearing as required by law, the Planning and Zoning Commission of the City of Southmayd, Texas, has recommended the amendment of Ordinance 278, the Comprehensive Zoning Ordinance, through the addition of the requirement that certain swimming pools be completely enclosed by a wall or fence not less than four feet in height, with all gates being self-closing, self-latching, and lockable; and

**WHEREAS**, after public notice and public hearing as required by law, the Planning and Zoning Commission of the City of Southmayd, Texas, has recommended the amendment of Ordinance 278, the Comprehensive Zoning Ordinance, through the addition of the requirement that a permit be obtained and a \$10.00 permit fee paid for certain temporary structures, and the provision that shipping containers and converted truck trailers are not allowed to be used as storage buildings except in areas that are zoned A, C-1, C-2, M-1, M-2, or SF-E; and

**WHEREAS**, after public notice and public hearing as required by law, the Planning and Zoning Commission of the City of Southmayd, Texas, has recommended the amendment of Ordinance 278, the Comprehensive Zoning Ordinance, through the adoption of the International Plumbing Code, the International Mechanical Code, the International Residential Code, the International Building Code, and the International Fire Code; and

**WHEREAS**, all legal requirements, conditions, and prerequisites have been complied with prior to this recommended amendment coming before the City Council of the City of Southmayd; and

**WHEREAS**, the City Council of the City of Southmayd, after notice and public hearing as required by law and, upon due deliberation and consideration of the recommendation of the Planning and Zoning Commission and of all testimony and information submitted during said public hearings, is of the opinion and finds that said amendments will not be detrimental to the public health, safety, or general welfare of the citizens of the City, and will promote the best and most orderly development of the property affected thereby, and as well the owners and occupants thereof, and the City generally.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOUTHMAYD, TEXAS:**

**Section 1. FINDINGS INCORPORATED**

That the findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

**Section 2. AMENDMENT TO THE COMPREHENSIVE ZONING ORDINANCE**

That Ordinance 278, the Comprehensive Zoning Ordinance of the City of Southmayd, Texas, is amended by adding Sections 9.6, 10.6, 11.6, 12.6, 13.7, 16.8, 17.6, 18.6, 19.6, 20.6, and 21.6, which shall read as follows:

“9.6 Additional Restrictions Applicable to SF-E District

Underpinning and skirting of like-quality material or better and like color is required and must be installed prior to occupancy on every building or structure constructed on a pier-and-beam foundation that has no perimeter foundation wall.

10.6 Additional Restrictions Applicable to SF-1 District

Underpinning and skirting of like-quality material or better and like color is required and must be installed prior to occupancy on every building or structure constructed on a pier-and-beam foundation that has no perimeter foundation wall.

11.6 Additional Restrictions Applicable to SF-2 District

Underpinning and skirting of like-quality material or better and like color is required and must be installed prior to occupancy on every building or structure constructed on a pier-and-beam foundation that has no perimeter foundation wall.

12.6 Additional Restrictions Applicable to TF District

Underpinning and skirting of like-quality material or better and like color is required and must be installed prior to occupancy on every building or structure constructed on a pier-and-beam foundation that has no perimeter foundation wall.

13.7 Additional Restrictions Applicable to TH District

Underpinning and skirting of like-quality material or better and like color is required and must be installed prior to occupancy on every building or structure constructed on a pier-and-beam foundation that has no perimeter foundation wall.

16.8 Additional Restrictions Applicable to MF District

Underpinning and skirting of like-quality material or better and like color is required and must be installed prior to occupancy on every building or structure constructed on a pier-and-beam foundation that has no perimeter foundation wall.

17.6 Additional Restrictions Applicable to C-1 District

Underpinning and skirting of like-quality material or better and like color is required and must be installed prior to occupancy on every building or structure constructed on a pier-and-beam foundation that has no perimeter foundation wall.

18.6 Additional Restrictions Applicable to C-2 District

Underpinning and skirting of like-quality material or better and like color is required and must be installed prior to occupancy on every building or structure constructed on a pier-and-beam foundation that has no perimeter foundation wall.

19.6 Additional Restrictions Applicable to C-3 District

Underpinning and skirting of like-quality material or better and like color is required and must be installed prior to occupancy on every building or structure constructed on a pier-and-beam foundation that has no perimeter foundation wall.

20.6 Additional Restrictions Applicable to M-1 District

Underpinning and skirting of like-quality material or better and like color is required and must be installed prior to occupancy on every building or structure constructed on a pier-and-beam foundation that has no perimeter foundation wall.

21.6 Additional Restrictions Applicable to M-2 District

Underpinning and skirting of like-quality material or better and like color is required and must be installed prior to occupancy on every building or structure constructed on a pier-and-beam foundation that has no perimeter foundation wall.”

**Section 3. AMENDMENT TO THE COMPREHENSIVE ZONING ORDINANCE**

That Ordinance 278, the Comprehensive Zoning Ordinance of the City of Southmayd, Texas, is amended by amending Section 27.7, which shall read as follows:

“27.7 Swimming Pools

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27.7.2 A swimming pool erected below ground, regardless of depth, or above ground, with a depth of 18 inches or greater, may be constructed and operated when:

\* \* \* \*

27.7.2.2 a wall or fence, not less than four feet in height, with self-closing and self-latching gates that are lockable at all entrances, completely encloses either the pool area or the surrounding yard area.”

**Section 4. AMENDMENT TO THE COMPREHENSIVE ZONING ORDINANCE**

That Ordinance 278, the Comprehensive Zoning Ordinance of the City of Southmayd, Texas, is amended by adding Sections 30.3, 30.3.1, and 30.3.2, which shall read as follows:

“30.3 Additional Requirements

30.3.1 Temporary Structures: Storage buildings that are built on skids, or are 120 square feet or less, require a permit, and the fee for such permit shall be \$10.00.

30.3.2 Shipping Containers: Shipping containers, or converted truck trailers, are not allowed for use as storage buildings within the City limits except in areas zoned A, C-1, C-2, M-1, M-2, or SF-E.”

**Section 5. AMENDMENT TO THE COMPREHENSIVE ZONING ORDINANCE**

That Ordinance 278, the Comprehensive Zoning Ordinance of the City of Southmayd, Texas, is amended by moving and renumbering the existing Section 38.11, entitled “Inspection Tags,” to Section 38.14.

**Section 6. AMENDMENT TO THE COMPREHENSIVE ZONING ORDINANCE**

That Ordinance 278, the Comprehensive Zoning Ordinance of the City of Southmayd, Texas, is amended by adding Sections 38.8, 38.9, 38.11, 38.12, and 38.13, which shall read as follows:

“38.8 International Plumbing Code Adopted

38.8.1 Adopted

The International Plumbing Code, 2009 Edition, is hereby adopted as the plumbing code for the City, and shall apply to the installation, alteration, repair, and replacement of plumbing systems, including equipment, appliances, fixtures, fittings, and appurtenances, and where connected to a water or sewage system within the corporate limits and extraterritorial jurisdiction of the City.

38.9 International Mechanical Code Adopted

38.9.1 Adopted

The International Mechanical Code, 2009 Edition, is hereby adopted as the mechanical code for the City and shall apply to the installation, alteration, repair, and replacement of mechanical systems, including ventilating, heating, cooling, air conditioning, refrigeration, incineration, and other energy-related systems, and including all equipment, appliances, fixtures, fittings, and appurtenances of those systems, within the corporate limits and extraterritorial jurisdiction of the City.

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38.11 International Residential Code Adopted

38.11.1 Adopted

The International Residential Code, 2009 Edition, is hereby adopted as the residential code for the City, and shall apply to the installation, alteration, repair, and replacement of residential structures within the corporate limits and extraterritorial jurisdiction of the City.

38.11.2 Contractor License and Bond

Each residential building contractor doing business in the City shall have a full-time person who has a current Contractor License, issued by the State of Texas, and must have a current valid surety bond in the amount of two thousand dollars (\$2000.00), or insurance required by the State of Texas.

38.11.3 Permit Issuance Restricted

Permits shall be issued only to a person holding a current Contractor License issued by the State of Texas.

38.11.4 Penalty

Any person who violates this section shall be punished as provided in Section 41 of this Ordinance.

38.12 International Building Code Adopted

38.12.1 Adopted

The International Building Code, 2009 Edition, is hereby adopted as the building code for the City, and shall apply to the installation, alteration, repair, and replacement of structures within the corporate limits and extraterritorial jurisdiction of the City.

38.12.2 Contractor License and Bond

Each building contractor doing business in the City shall have a full-time person who has a current Contractor License, issued by the State of Texas, and must have a current valid surety bond in the amount of two thousand dollars (\$2000.00), or insurance required by the State of Texas.

38.12.3 Permit Issuance Restricted

Permits shall be issued only to a person holding a current Contractor License issued by the State of Texas.

38.12.4 Penalty

Any person who violates this section shall be punished as provided in Section 41 of this Ordinance.

38.13 International Fire Code Adopted

38.13.1 Adopted

The International Fire Code, 2009 Edition, is hereby adopted as the fire code for the City, and shall apply to the installation, alteration, repair, and replacement of structures within the corporate limits and extraterritorial jurisdiction of the City.

38.13.2 Contractor License and Bond

Each contractor doing business in the City shall have a full-time person who has a current Contractor License, issued by the State of Texas, and must have a current valid surety bond in the amount of two thousand dollars (\$2000.00), or insurance required by the State of Texas.

38.13.3 Permit Issuance Restricted

Permits shall be issued only to a person holding a current Contractor License issued by the State of Texas.

38.13.4 Penalty

Any person who violates this section shall be punished as provided in Section 41 of this Ordinance.”

**Section 7. SEVERABILITY CLAUSE**

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation of this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

**Section 8. REPEALER CLAUSE**

Any provision of any prior ordinance of the City, whether codified or not codified, which is in conflict with any provision of this Ordinance, is hereby repealed to the extent of the conflict, but all other provisions of the ordinances of the City, whether codified or not codified, which are not in conflict with the provisions of this Ordinance shall remain in full force and effect.

**Section 9. PENALTY CLAUSE**

Any person, firm, or corporation violating any of the provisions or terms of this Ordinance shall be guilty of a misdemeanor and, upon conviction, shall be fined a sum not to exceed \$2,000.00 for each offense, and each and every violation or day such violation shall continue or exist shall be deemed a separate offense.

**Section 10. EFFECTIVE DATE**

This Ordinance shall become effective immediately upon its passage and publication as required by law.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Southmayd, Texas, on this the 14<sup>th</sup> day of August, 2012.

APPROVED:

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Tom Byler, Mayor

ATTEST:

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Lisa Stewart, City Secretary

APPROVED AS TO FORM:

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Mark Goldstucker, City Attorney