

City of Cottonwood Shores

ORDINANCE 9004

AN ORDINANCE OF THE CITY OF COTTONWOOD SHORES, TEXAS, DEFINING THE "CODE ENFORCEMENT OFFICIAL" POSITION AND DUTIES.

WHEREAS, Governments are charged with the responsibility to ensure the health and safety of its citizens;

WHEREAS, the City Council of the City of Cottonwood Shores of Burnet County, Texas (the "City") endeavors to discharge this responsibility effectively and fairly; and

WHEREAS, the City has implemented various services to support its efforts and those of the citizens of the City in this regard;

WHEREAS, the City has carefully considered all available alternatives:

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COTTONWOOD SHORES, TEXAS THAT THE CODE ENFORCEMENT OFFICIAL POSITION, IS HEREBY, DEFINED WITH THE FOLLOWING MANDATE AND PROCEDURES TO TAKE EFFECT UPON APPROVAL BY COUNCIL:

SECTION 1: The Code Enforcement Official reports to the City Administrator.

SECTION 2: The Code Enforcement Official shall ensure the day-to-day timely, fair and effective application of City Ordinances and all other Local, State and Federal Law to the extent not in conflict with established agencies of superior authority.

SECTION 3: Code violations observed by the Code Enforcement Official shall be made in writing, giving: Address, Section and Lot numbers, the names of owners and / or residents, the violation and if a warning or citation is being issued.

1. Complaints made by citizens shall be date stamped at the time of receipt by the City Clerk;
2. The City Clerk will send a correspondence (e-mail) of the complaint to the City Administrator and the City Secretary, sending the original to the Code Enforcement Official.
3. The Code Enforcement Official will then investigate the complaint.
4. In the event that the complaint is verified, the Code Enforcement Official shall document the violation(s) and in the event the violation(s) involve(s) vehicles, trailers or boats that are subject to registration with other State Agencies, shall copy the Police Department with the relevant complaint data for the determination by the Police Department as to whether the vehicle(s) in question fall into categories defined by State Law as either "abandoned" or "junk".
5. The Police Department shall then act on these determinations on its own volition as prescribed by State Law and shall copy the Code Official with all relevant actions taken including photos as needed.
6. The Code Enforcement Official shall document the violation with photos and direct a "Warning" letter to the property owner of record and to the resident (if different) requesting correction of the Violation within ten (10) working days from the date of the Warning. The

Code Enforcement Official shall copy all correspondence and photos to be forwarded to the Court Clerk. This warning will remain in effect for one year. Should the violator come into compliance with the warning in the allotted 10 days, but then falls out of compliance within one year, the original warning will stand and the Code Official will proceed to the next step in the process.

7. The Code Enforcement Official shall schedule a re-inspection of the violation site following ten (10) working days from the date of the Warning and document the site condition at that time with additional photos.
8. If the cause of the complaint has been eliminated, the Code Enforcement Official shall advise the Court Clerk and close the case file and place the documentation in the appropriate property file.
9. If the re-inspection confirms that the warning letter has remained unheeded, the Code Enforcement Official shall issue a citation, which shall be addressed to the property owner and the resident of the property (if different); by the following methods:
 - served upon him/her personally;
 - sent by USPS mail to the last known address of such person as shown on the records of the City; or
 - posted in a conspicuous place in or about the building affected by the notice; allowing an additional, but final, ten (10) working days for correction of the violation before violator will be required to appear before the Municipal Court Judge.
10. Once a Citation has been issued, the case file shall be handed over to the Clerk of the Court in support of Municipal Court requirements.
11. Any complaints confirmed by inspection involving unsafe and / or dangerous structures and / or structures apparently unfit for human habitation shall be directed to the City Inspector for the follow-up action called for and / or allowed for by applicable State Law.

SECTION 3: The City Council has, and specifically reserves the right to change, alter or amend any provision of this Ordinance at any time to better suit the needs of the City.

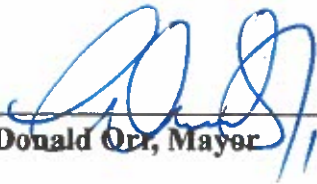
SECTION 4: The provisions of this Ordinance are severable, and if any provision or part of this Ordinance or the application thereof to any person or circumstance shall ever be held by any Court of Competent Jurisdiction to be invalid or Unconstitutional for any reason, the remainder of this Ordinance shall not be affected thereby.

Section 5: It is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Local Government Code.

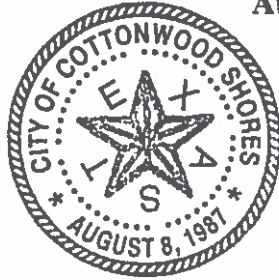
Section 6: This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law in such cases provides.

PASSED AND APPROVED BY THE CITY COUNCIL OF COTTONWOOD SHORES, TEXAS, THERE BEING A QUORUM PRESENT AT A MEETING ON THE 7TH DAY OF JANUARY, 2016 WITH 4 VOTES IN FAVOR, 0 VOTES AGAINST AND 0 ABSTENTIONS.

ORIGINAL


Donald Orr, Mayor

Attest:




Sheila C. Moore
City Administrator/City Secretary