

## ARTICLE 10

### ADMINISTRATION, ENFORCEMENT AND INTERPRETATION

Section 10-101. Responsibility of the Planning and Zoning Commission.

Building Inspector. Board of Adjustment and the Board of Alderpersons

(A) It shall be the responsibility of the Planning and Zoning Commission to hear all applications for zone changes and changes in the Zoning Ordinance, as prescribed by law and this Ordinance, and to recommend action to the Board of Alderpersons. The Planning and Zoning Commission has the authority to approve conditional uses under the provisions of Section 3-101.

(B) The Building Inspector is charged with the interpretation of and the enforcement of this Ordinance. Appeals from a decision of the Building Inspector shall be presented to the Building Inspector who shall forward such appeal with all pertinent information to the Board of Adjustment for hearing.

(C) The Board of Adjustment shall hear and decide all questions on appeal from decisions of the Building Inspector and all other questions as provided in Section 6-102, Powers and Duties of the Board of Adjustment.

(D) The Board of Alderpersons has sole responsibility for changes in the Zoning map and changes in the Zoning Ordinance. The Board of Alderpersons shall not hear complaints of or decide questions of interpretation or enforcement that are reserved for the Board of Adjustment.

(E) The Board of Alderpersons shall also have the responsibility of appointing the Planning and Zoning Commission and the Board of Adjustment.

Section 10-102. Administration and Enforcement

(A) The Town Building Inspector is designated to administer the enforcement of this Ordinance.

(B) The Building Inspector shall have the power to grant Building Permits and Certificates of Occupancy, and to make inspections of buildings and premises to carry out the duties of the enforcement of this Ordinance, subject to the special provisions where stipulated in this Ordinance.

(C) Every application for a Building Permit for construction, moving, alteration, or change in the

type of use or type of occupancy shall be accompanied by building plans and plots,

- (D) Drawn to scale, showing the following in sufficient detail to enable the Building Inspector
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to ascertain whether the proposed work or use is in compliance with the provisions of this Ordinance, the Building Code and other Town ordinances. All such material is required in duplicate form.

- (1) The actual shape, location and dimensions of the lot or building plot with sufficient information to locate the plot on the ground.
- (2) The shape, size and location of all buildings, or other structures, to be erected, altered or moved and of any other buildings, or other structures already on the plot.
- (3) The existing and intended use of the plot and all structures upon it.
- (4) Such information concerning the plot or adjoining lots or other matters as may be essential for determining whether the provisions of this Ordinance and other ordinances are being observed.

(D) An Authorization to Construct an On-Site Sewerage Facility from the Texas Natural Resource Conservation Commission, or the appropriate licensing authority, is required prior to the issuance of a Building Permit.

(E) If the proposed construction, moving, alteration, or use of the land as set forth in the application is in conformity with the provisions of this Ordinance, the Building Inspector may issue a Building Permit.

(F) Issuance of a Building Permit shall in no case be construed as waiving any provision of this Ordinance or any other Town ordinance.

(G) The Building Inspector under no circumstances is permitted to grant an exception to the actual meaning of any clause order or regulation contained in this Ordinance to any person making application to construct, move, alter or use either building structure or land.

(H) The Building Inspector under no circumstances is permitted to make changes in this Ordinance or to vary the terms of this Ordinance in carrying out his duties as Building Inspector.

(I) The Building Inspector shall issue a building permit when the imposed conditions of this Ordinance are complied with by the applicant regardless of the effect of such a permit on contracts, such as deed covenants, deed restrictions, or private agreements.

(J) If any application for such a Building Permit is not approved, the Building Inspector shall state in writing the cause for such disapproval.

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Section 10-103.

Building Permits

It shall be unlawful to begin the excavation for the construction, the moving, alteration or repair, except ordinary repair as defined in the Building Code, until the Building Inspector has issued for such work a Building Permit, in accordance with the requirements of the Building Code and which includes a certification of his determination that the proposed work conforms to the Zoning Ordinance. The issuance of Building Permits will be withheld on single lot developments unless first platted and approved as required by the Planning and Zoning Commission in accordance with the Comprehensive Subdivision Ordinance and any other applicable ordinances of the Town and laws of the State of Texas. The term "single lot" shall be as defined in Comprehensive Subdivision Ordinance. Whenever any work for which a permit is required by this ordinance has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued, The investigation fee shall be equal to the amount of the permit fee required by this ordinance. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this Ordinance nor from any penalty prescribed by law.

Section 10-104.

Certification of Occupancy

(A) No building or structure authorized by a Building Permit shall be occupied and no change in occupancy of a building, part of a building or land shall be made until after the Building Inspector shall have issued a Certificate of Occupancy therefor. The Certificate of Occupancy shall not only state the information as required under the Building Code, but shall also state the occupancy authorized is in compliance with the Zoning Ordinance. Occupancy other than that authorized in the Certificate of Occupancy shall be unlawful.

(B) Certificates of Occupancy and compliance shall be applied for coincidental with the application for building permit and shall be issued within ten (10) days after the erection or structural alteration of such building shall have been completed in conformity with the provisions of these regulations. A record of all

certificates shall be kept on file in the office of the Building Inspector and copies shall be furnished on request to any persons having a property or tenancy interest in the building affected.

(C) No permit for excavation for any building shall be issued before application has been made for a Certificate of Occupancy and compliance.

Section 10-105.

Violations

(A) If the Building Inspector shall find or if any person files with him a complaint in writing alleging that any of the provisions of this Ordinance are being violated, he shall

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immediately investigate and when necessary give written notice to the person responsible to cease such violations forthwith.

(B) Written notice may be delivered in person or by certified mail to the violator or to any person in charge of property where violation is occurring.

(C) if the violation which is the subject of the notice delivered by the Building Inspector is not remedied within 60 days of such notice, then action shall be brought against the party or parties in violation pursuant to Section 10-118 of this Ordinance.

Section 10-106.

Use Permits

(A) A Use Permit is a document authorizing the existence of a nonconforming use, a conditional use, or a variance as these terms are herein defined. The Issuance of a Use Permit may be prerequisite to the issuance of a Building Permit or Certificate of Occupancy but shall not alleviate the requirement for a Building Permit or Certificate of Occupancy where this requirement would otherwise exist.

(B) A Use Permit is required for all nonconforming uses, all conditional uses, and for all variances. A Use Permit may have a specified time limitation attached and may impose conditions other than those which are specifically set forth in this Ordinance.

Section 10-107.

Use Permits Approval Responsibility

(A) The Building Inspector shall issue Use Permits for all nonconforming uses at the time of enactment of this Ordinance and the Building Inspector may rescind a Use Permit for a nonconforming use upon abandonment of the use of the building or land as set out in

Article 8.

(B) The Planning and Zoning Commission shall have responsibility for review and recommendation and the Board of Alderpersons shall have approval authority for granting Use Permits for conditional uses.

(C) The Board of Adjustment may issue Use Permits for variances,

Section 10-108. Permits for Nonconforming Uses

In case of nonconforming uses in any district, at the time of enactment of this Ordinance, it shall be the duty of the Building Inspector to investigate and document the existing use, the size and type of structure or land use, and to issue a Use Permit in accordance with the conditions set out in Article 4. No application or filing fee is required.

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Section 10-109. Permits for Conditional Use

In cases which may require a Use Permit for a conditional use, the Building Inspector may issue a Use Permit if the conditional use has been recommended for approval by the Planning and Zoning Commission and approved by an amendatory ordinance of the Board of Alderpersons.

Section 10-110. Recording

One (1) copy of an approved Use Permit shall be delivered to the owner of the property, one (1) copy shall be filed in the office of the Building Inspector.

Section 10-111. Development

Following the issuance of a Use Permit the Building Inspector shall ensure that if the development is undertaken it is completed in compliance with said permit. However, if a Use Permit has not been used within six (6) months after the date granted, the permit is automatically canceled which fact shall be noted over the signature of the Building Inspector on the file copies of the permit and the owner shall be so notified in writing.

Section 10-112. Temporary Permits

The Building Inspector shall issue temporary permits for buildings to be constructed and used for storage incidental to construction of buildings on the property and for signs advertising a subdivision or tract of land or the lots thereon.

Section 10-113.

Time Limit on a Permit for a Variance

A building permit for a conditional use or for a use involving variance shall be void after six (6) months, from the date of issuance if no substantial construction has taken place.

Section 10-114.

Severability Clause

Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 10-115.

Penalty for Violation

Any person, firm or corporation violating any of the provisions or failing to comply with any of the requirements of this ordinance, or who builds or alters any building or structure in violation of any plan or statement submitted and approved as part of an amendatory ordinance, shall be

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deemed guilty of a misdemeanor and, upon conviction in the municipal court of the Town of Talty, Texas, shall be punishable by a fine not to exceed Two Thousand Dollars (\$2,000) for each offense, and each day such violation shall be permitted to exist shall constitute a separate offense. The owner of any building or premises or part thereof where anything in violation of this ordinance shall be placed or shall exist shall be guilty of a separate offense and upon conviction thereof shall be fined as herein provided.

Section 10-116.

Liability for Damages

This Ordinance shall not be construed to hold the Town of Talty or its authorized representatives responsible for any damage to persons or property by reason of the inspection or re-inspection authorized herein or failure to inspect or re-inspect or by reason of issuing a building permit as herein provided.

Section 10-117.

Reveal of Conflicting Ordinances or Orders

Ordinances or parts of ordinances in conflict with this Ordinance, or inconsistent with the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

## Section 10-118. Effective Date

This Ordinance shall become effective ten (10) days after the date of approval and publication.