

AN ORDINANCE OF THE CITY OF WEST, TEXAS, AMENDING SECTION 3.01.001 OF ARTICLE 3.1, IN CHAPTER 3 "BUILDING REGULATIONS," OF THE CODE OF ORDINANCES; REQUIRING PERMITS FOR THE DEMOLITION OF DWELLINGS AND OTHER STRUCTURES IN REPOSE TO WIDESPREAD DAMAGE CAUSED BY THE WEST FERTILIZER COMPANY EXPLOSION; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; PROVIDING A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING FOR INCLUSION IN THE CODE; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, on the 18<sup>th</sup> day of April 2013 pursuant to Government Code Chapter 418 (the Texas Disaster Act of 1975) declared a Local State of Disaster following the pending the widespread and severe damage, injury, and loss of life and property, resulting from the West Fertilizer Company explosion; and

WHEREAS, the President of the United States, the Governor of the State of Texas, and the County of McClennan, Texas, declared a Declaration of Disaster in response to the occurrence of widespread and severe damage resulting from the West Fertilizer Company explosion in the City of West, Texas; and

WHEREAS, the Mayor of the City of West, pursuant to the Texas Disaster Act of 1975, extended the Declaration of a Local State of Disaster due to the catastrophic damage to the City, including but not limited to infrastructure including loss of utilities; housing, debris creating hazardous situations and health related hazards throughout the city; and

WHEREAS, on May 10, 2013 the City Council continued the Declaration of a Local State of Disaster for 30 days due to the catastrophic damage created by the West Fertilizer Company explosion; and

WHEREAS, due to widespread residential and commercial property damage necessitating repairs, rehabilitation, demolition, and removal of debris, the City has an urgent need to ensure that dangerous dwellings, structures, and debris are demolished and removed in a safe, sanitary, and orderly fashion in order to prevent further damage to persons and property, including capital improvements, infrastructure, utilities, and streets; and

WHEREAS, the City Council finds that it is in the public interest to protect public health, safety, property, and the general welfare of the public to adopt these regulations in response to widespread damage caused by the West Fertilizer Company explosion.

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

SECTION 1. The findings and recitations set out in the preamble to this Ordinance are found to be true and correct and they are hereby adopted by the City Council and made a part hereof for all purposes.

SECTION 2. That Section 3.01.001 of Article 3.1, in Chapter 3 “Building Regulations,” of the Code of Ordinances of the City of West, Texas, is amended as follows (additions, ~~deletions~~):

**Sec. 3.01.001 Building and Demolition permits**

- (a) Required; fee. It shall be unlawful for any person to construct, demolish, or structurally alter any building or the remains of any building within the city limits without obtaining a permit therefor from the city secretary, ~~except where the total cost of such construction or alteration does not exceed \$250.00~~. Application for such building permit shall be made upon a form furnished by the city. The permit fee for the issuance of the building permit shall be \$25.00.
- (b) Safe Demolition. For purposes of this section, all demolition work must be conducted in a safe and sanitary manner in order to prevent injury to persons and damage to capital improvements, infrastructure, utilities, and streets.
- (c) Penalty. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in accordance with section 1.01.009 of this code.

SECTION 3. The City Council hereby authorizes the City Secretary and/or Director of Public Works, to issue permits for the construction, demolition, or alteration of any building or the remains of any building, as well as develop and enter into contracts to ensure that all work is done in an a safe and workmanlike manner, subject to appropriate conditions and safeguards that are consistent with the general purposes and intent of this Ordinance and in accordance with any applicable rules contained in this Ordinance, the City of West Code of Ordinances, and state law.

SECTION 4. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph, or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clause, sentences, paragraphs, and sections of this Ordinance.

SECTION 5. Penalty; Continuing Violation; Enforcement: A violation of this Ordinance is punishable by a fine not exceeding Five Hundred Dollars and No Cents and a culpable mental state is not required to prove any such violation. The City Attorney is authorized to seek other relief as appropriate in civil court.

SECTION 6. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 7. That nothing in this ordinance shall be constructed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or prior ordinance; nor shall any legal right or remedy of any character be lost, impaired, or affected by this ordinance.

SECTION 8. That it is the intention of the City Council and is hereby ordained that the provisions of this ordinance shall become and be a part of the Code of Ordinances, and that sections of this ordinance may be renumbered or relettered to accomplish such intention.

SECTION 9. The meeting in which this Ordinance was adopted was open to the public, and public notice of time, place, and purpose of the meeting was given as required by the Texas Open Meetings Act, Texas Gov't Code Chapter 551.

SECTION 10. Because this Ordinance adopts a penalty, a caption that summarizes the purpose of the ordinance and the penalty for violating the ordinance shall be published in every issue of the official newspaper for two days or one issue of the newspaper if the official newspaper is a weekly paper.

SECTION 11. This Ordinance shall be and become effective from and after its adoption and publication in accordance with state law.

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

I, \_\_\_\_\_, Secretary of the City Council of the City of West, do hereby certify that the foregoing is a true and correct copy of an Ordinance adopted by the City Council of the City of West at its meeting held on the \_\_\_\_\_ day of May, 2013, as the same appears in records of this office.

IN TESTIMONY WHEREOF, I subscribe my name hereto officially under the corporate seal of the City of West this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
City Secretary