

ORDINANCE NO. 2001-07-01

AN ORDINANCE OF THE VILLAGE OF POINT VENTURE, TEXAS, ADOPTING THE 1994 EDITION OF THE UNIFORM FIRE CODE; PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; A PURPOSE; DEFINITIONS; EXCEPTIONS; AN EFFECTIVE DATE; ENFORCEMENT CLAUSE INCLUDING INJUNCTIVE RELIEF AND A FINE NOT TO EXCEED \$500; SEVERABILITY; AND PROPER NOTICE AND A MEETING

WHEREAS the Village Council seeks to promote the health, safety and general welfare of the community by preventing death, injuries and property damage within the Village limits; and

WHEREAS the Village Council finds that it is in the public interest to regulate the construction and maintenance of buildings in the jurisdiction of the Village in order to lessen the danger of fire breaking out; and

WHEREAS the Village Council finds that regulations for fire lanes and fire hydrants, for automatic sprinkler systems and fire alarm systems, fire safety and environmental safety for hazardous materials storage and use and general fire safety requirements are necessary to ensure that the Village citizens and property are not exposed to unnecessary danger of fire; and

WHEREAS pursuant to Texas Local Government Code Chapter 51 the Village Council has the general authority to adopt and publish an ordinance or police regulation that is for the good government, peace or order of the municipality and is necessary or proper for the carrying out a power granted by law to the municipality; and

WHEREAS the Village Council is of the opinion that the 1994 Edition of the Uniform Fire Code should be adopted as the Fire Code for the Village of Point Venture and that regulations and penalties should be established thereunder.

NOW THEREFORE, be it ordained by the Village Council of the Village of Point Venture, County of Travis, State of Texas:

I. FINDINGS OF FACT

All of the above premises are hereby found to be true and correct legislative and factual findings of the Village of Point Venture and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

II. PURPOSE

This Ordinance is adopted so that the Village Council may promote the public health, safety, morals and general welfare within the Village through the adoption of fire safety regulations. By adoption of a Fire Code, the Village Council seeks to prevent bodily injury, death, and property damage within the Village

limits.

III. DEFINITIONS

Words and phrases used in this ordinance shall have the meanings set forth in this section. For the convenience of the reader, these defined words and phrases may be underlined, but the absence of such indications does not imply a different meaning. Words and phrases which are not defined in this ordinance but are defined in other ordinances of the Village of Point Venture shall be given the meanings set forth in those ordinances. Other words and phrases shall be given their common, ordinary meaning unless the context clearly requires otherwise. Headings and captions are for reference purposes only, and shall not be used in the interpretation of this ordinance.

- (1) "Village" means the duly incorporated municipality of the Village of Point Venture, Travis County, Texas.
- (2) "Village limits" means the municipal boundaries of the Village of Point Venture.
- (3) "Jurisdiction" means the corporate limits of the Village of Point Venture.

IV. VIOLATION OF FIRE CODE

It shall be unlawful for any person to violate any provision of the Village Fire Code.

V. EXCEPTIONS

Section IV of this ordinance shall not apply to:

1. To persons who have applied in writing to the Village Council for exception to a specific provision of the Fire Code for a specific time and such exception having been granted by a majority vote of the Village Council. Such exception shall be limited to that event specifically applied for and does not exempt the person from complying with all other provisions of the Fire Code.

VI. EFFECTIVE DATE

This ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

VII. ENFORCEMENT

A. Civil and Criminal Penalties

The Village shall have the power to administer and enforce the provisions of this Ordinance as may be required by governing law. The Village also grants to the Fire Chief of the Lago Vista Fire Department the power to enforce the provisions of this Ordinance. Any person violating any provision of this Ordinance is subject to suit for injunctive relief as well as prosecution for criminal violations. Any violation of this Ordinance is hereby declared to be a nuisance.

B. Criminal Prosecution

Any person violating any provision of this Ordinance shall, upon conviction, be fined a sum not exceeding \$500.00. Each day that a provision of this Ordinance is violated shall constitute a separate offense. An offense under this Ordinance is a misdemeanor.

C. Civil Remedies

Nothing in this Ordinance shall be construed as a waiver of the Village's right to bring a civil action to enforce the provisions of this Ordinance and to seek remedies as allowed by law, including, but not limited to the following:

1. injunctive relief to prevent specific conduct that violates the Ordinance or to require specific conduct that is necessary for compliance with the Ordinance; and
2. a civil penalty up to \$500.00 a day when it is shown that the defendant was actually notified of the provisions of the Ordinance and after receiving notice committed acts in violation of the Ordinance or failed to take action necessary for compliance with the Ordinance; and
3. other available relief.

VIII. SEVERABILITY

It is hereby declared to be the intention of the Village Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance be 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 or sections of this ordinance, and the remainder of this ordinance shall be enforced as written.

IX. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this ordinance was 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 Government Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED AND APPROVED this 2nd day of July, 2001, by a _____ to _____ vote of the Village Council of the Village of Point Venture, Texas.

VILLAGE OF POINT VENTURE

BY: _____
TERRY HICKMAN, Mayor

ATTEST:

Charlotte Banasik, Village Secretary

APPROVED AS TO FORM:

Alan J. Bojorquez, Village Attorney

Attachments Upon Passage:

- meeting agenda
- meeting minutes
- publisher's affidavit (if required)
- other: _____