

**Village of Point Venture**

**ORDINANCE NO. 2004-11-01**

**AN ORDINANCE OF THE VILLAGE OF POINT VENTURE, TEXAS, PROVIDING THAT BUILDING OR OTHER PERMITS ISSUED TO PERSONS FOR THE CONSTRUCTION OF A STRUCTURE OR OTHER PROJECT, FOR WHICH A PERMIT IS REQUIRED BY ORDINANCE OF THE VILLAGE, SHALL EXPIRE IF CONSTRUCTION IS NOT COMMENCED WITHIN NINETY DAYS OF ISSUANCE OF THE PERMIT OR IS NOT COMPLETED WITHIN ONE YEAR FROM THE DATE OF PERMIT ISSUANCE OR IF CONSTRUCTION IS INTERRUPTED FOR NINETY CONSECUTIVE DAYS; PROVIDING FOR ENFORCEMENT, PENALTIES, AND REVOCATION OF PERMITS FOR NON-COMPLIANCE, A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE**

**WHEREAS**, under state law a General Law Municipality has exclusive control over the streets and alleys of the municipality, including the authority to regulate and improve a street; and

**WHEREAS**, construction projects within the Village of Point Venture that involve the movement of trucks and other heavy equipment through the Village often cause damage and need for repair or restoration of streets, utility lines, curbs, sidewalks, and other infrastructure of the Village; and

**WHEREAS**, the Village Council of the Village of Point Venture believes that it is in the best interests of the Village to require contractors, builders, and others who must apply for building permits for projects in the Village to provide financial assurance to cover the costs of repairs and restoration resulting from those projects;

**NOW THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF POINT VENTURE, TEXAS THAT:**

The following are adopted as an Ordinance of the Village of Point Venture, Texas:

**Definitions:**

“Commencement of Construction” means the beginning of genuine, physical acts necessary to accomplish the construction authorized by a permit issued by the Village, and which includes excavation, laying of forms, leveling, raising of walls, and similar acts, and which clearly evidence an intent on the part of the permittee to continue such construction after commencement.

“Completion of Construction” shall mean completion of all major acts of construction and may be evidenced by issuance of a Certificate of Occupancy. However, completion of construction shall not be determined to have occurred if the only remaining acts of construction required before occupancy involve only final interior design such as painting of trim, installation of appliances, or completion of acts required as a result of the final inspection report for the project, providing that, in the opinion of the Building Official, such final acts of interior design and completion of acts required by the final inspection report and being conducted and accomplished in a reasonable manner and period of time.

“Construction” means the construction, re-construction, remodeling, excavation, razing, demolition, or similar work for which a building or other permit is required by ordinance(s) of the Village.

“Permit” means a building permit or other type of permit that authorizes the construction of a project pursuant to an ordinance of the Village.

“Project” means a building, house, garage, structure, basement, swimming pool or other type of edifice for which a permit from the Village is required under one or more ordinances of the Village.

“Village” means the Village of Point Venture, Texas.

- (1) Any permit issued by the Village after the effective date of this Ordinance shall expire and be of no further force unless commencement of construction has been accomplished within ninety (days) after the date of issuance of the permit.
- (2) Following commencement of construction, any permit issued by the Village after the effective date of this Ordinance shall expire and be of no further force and effect unless completion of construction has been accomplished within one year after the date of issuance of the permit unless the Village Building Official has issued an extension of the permit.
- (3) Following commencement of construction and prior to completion of construction, any permit issued by the Village after the effective date of this Ordinance shall expire and be of no further force and effect if construction ceases for a period of ninety (90) consecutive days unless the Village Building Official has issued an extension of the permit.
- (4) If a permittee disagrees with the Building Official about whether commencement of construction, completion of construction, or interruption of construction for ninety (90) consecutive days has occurred, he or she may appeal the matter to the Building Commission, which shall schedule a hearing on the matter within a reasonable time, not to exceed thirty (30) days. The Commission shall not be required to post or publish notice in addition to that

normally posted for a meeting of the Commission. The Building Official or other inspector shall not sit as a member of the Commission or have a vote at the hearing, but the permittee and the Building Official may present testimony, evidence, and witnesses at the hearing, after which the Commission shall either affirm to decision of the Building Official, overrule the decision of the Building Official, or modify the decision of the Building Official. The decision of the Commission shall be final.

- (5) No construction on a project for which a permit has expired under the terms of this Ordinance may be conducted or continued unless a new permit is applied for and issued by the Village for that project.
- (6) It shall be the responsibility of the permittee to ensure that the deadlines for commencement and completion of construction, as well as the continuation of construction after commencement, are met. Neither the Village, Village Building Official, Village Building Commission or other agent, employee, or representative of the Village shall be required to notify a permittee that a deadline for commencement, continuation, or completion of construction is about to expire.
- (7) A copy of this Ordinance shall be provided to each permittee at the time the permit is issued.
- (8) No oversight of any Village official, employee or representative shall excuse a violation of this Ordinance.
- (9) The invalidity of any part or provision of this Ordinance shall not invalidate other parts or provisions thereof.
- (10) The Village Building Commission is responsible for the enforcement of this Ordinance.
- (11) Any person violating any provision of this Ordinance shall, upon conviction, be fined a sum not exceeding five hundred dollars (\$500) Each day that a provision of this Ordinance is violated shall constitute a separate offense. An offense under this Ordinance is a misdemeanor. 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:
  - (a) injunctive relief to prevent specific conduct that violates the Ordinance or to require specific conduct that is necessary for compliance with the Ordinance;
  - (b) a civil penalty up to one hundred dollars (\$100) 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

(c) other available relief.

(12) All requirements and penalties of this Ordinance shall become effective upon adoption of this Ordinance and publication in the official newspaper.

**Adopted this the \_\_\_\_ day of October, 2004**

\_\_\_\_\_  
**William Ratfield, Mayor**

**Attest:** \_\_\_\_\_  
**Jeanine Oglesby, City Secretary**