

ORDINANCE NO. 2004 – 12-03

**AN ORDINANCE OF THE VILLAGE OF POINT VENTURE,
TEXAS ESTABLISHING A BUILDING COMMISSION AND
PROVIDING FOR THE DUTIES, APPOINTMENT, TERMS,
MEETINGS, OFFICERS, AND REMOVAL OF COMMISSION
MEMBERS; APPEALS TO THE VILLAGE COUNCIL;
SEVERABILITY; AND EFFECTIVE DATE**

WHEREAS the Village Council of the Village of point Venture seeks to provide for the proper construction and expansion of building facilities within the Village through the use and enforcement of uniform building, electrical, plumbing, mechanical, energy conservation, and fire codes; and

WHEREAS pursuant to Texas Local Government Code Chapter 214, the Village Council is expressly authorized to adopt certain codes and enact local amendments and establish procedures for the administration and enforcement of such codes; and

WHEREAS the Village Council finds it to be in the best interest of the public safety, health and welfare to establish a Building Commission to advise the Village Council and assist with the administration and enforcement of the Village’s uniform construction codes; and

WHEREAS the Village Council finds it to be in the best interest of the public safety, health and welfare to establish a Building Commission for the Village of Point Venture; and

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

Section 1. Findings of Fact

That the foregoing recitals are incorporated into this Ordinance by reference as finding of fact as if set forth herein at length.

Section 2. Purpose

The purpose of this Ordinance is to provide for the orderly and safe development, within the Village’s corporate boundaries (i.e., “city limits”). This Ordinance is adopted so that the Building Commission (hereafter, the “Commission”) may advise and assist the Village Council so to promote the public health, safety

morals and general welfare, and protect the public interest and preserve the safety of Village Residents and guests.

Section 3. Duties of the Commission

A. Advisory Duties

The Commission shall recommend building codes, electrical codes, plumbing codes, mechanical codes, energy conservation codes, and other development standards and regulations for consideration by the Village Council. The Commission shall also recommend amendments as needed. It shall hold public hearing, conduct work sessions, and make recommendations to the Village Council regarding planning, construction issues, and land development matters. As directed by the Village Council, the Commission shall also assist with the administration and enforcement of the construction codes adopted by the Village Council.

B. Permitting Functions

The Commission will review applications for building permits and other permits designated by the Village Council. The Commission will confer with applicants regarding the Village's permitting procedures and regulations. The Commission will approve or deny all applications for building permits.

C. Variances

The Commission may grant variances for those regulations over which the Commission has express authority. Variances may only be granted following a public meeting and in instances where the Commission makes written findings regarding the following:

- (1) the variance is not contrary to the public interest; and
- (2) due to special conditions, a literal enforcement of the regulation would result in an unnecessary hardship; and
- (3) the spirit of the ordinance is observed and substantial justice is done.

Financial hardship alone does not necessarily qualify as undue hardship for purposes of granting a variance.

D. Building Official

The Chairperson of the Commission shall serve as the Building Official for the Village of Point Venture. The Village Council may appoint another person to serve as Building Official if for any reason the Chairperson is unable or unwilling to serve.

Section 4. Membership of the Commission

The Commission shall be an independent advisory Commission to the Village Council, and shall be comprised exclusively of citizen volunteer members

appointed by the Council. The Commission shall be comprised of five (5) registered voters who are residents of the Village of Point Venture. To the extent reasonably possible, members are required to have experience or education in the area of construction or land development.

Section 5. Appointment of Commissioners

The initial Commission and all Commissioners thereafter shall be appointed by majority vote of the Council. If a vacancy occurs on the Commission, the Village Council may appoint a person to fill the unexpired term.

Section 6. Term of Commissioners

At the first regular meeting, all Commissioners shall either agree among themselves, or draw lots to determine which three (3) members shall serve an initial term of one (1) year. Thereafter, all terms shall be two (2) years commencing and ending on a date specified by the Council. In the event the Council fails to re-appoint a Commissioner to a new term and that Commissioner holds over and continues to serve in the same position, the acts of that Commissioner shall be presumed valid as the acts of an Officer de Facto. If such a Commissioner continues to holdover for ninety (90) days without action of the Council to re-appoint or replace the Commissioner, such a Commissioner shall be considered to be an Officer de Jure for the remainder of the applicable term as though re-appointed by the Council.

Section 7. Removal of Commissioners

The Village Council may by majority vote remove a Commissioner for lack of confidence, incompetence, corruption, misconduct, or malfeasance. Any Commissioner who misses three (3) consecutive regular meetings within a twelve (12) month time period or one-third (1/3/) of all regular meetings shall be deemed to have automatically vacated his/her position on the Commission. This section shall not apply to a Commissioner who applied for and received an excused absence from the Commission Chairperson prior to the meetings(s) at issue. Any Commissioner who no longer resides within the Village, is deemed to have automatically vacated the position on the Commission.

Section 8. Commission Officers

From among its members the Commission shall elect its officer, those being the Chairperson, Vice-Chairperson, and Secretary. Officers shall be elected for terms of one (1) year. The Commission Chairperson shall preside over at all meetings and may vote. If the Chairperson fails or refuses to act, the Vice-Chairperson shall perform the duties of the Chairperson. If the Chairperson and Vice-Chairperson are absent, any Commissioner may be appointed by the Commission to preside over the meeting.

Section 9. Commission Meetings

The Commission shall conduct regular meetings once a week at a time and place determined by resolution adopted by the Commission. The initial meeting of the Commission shall be called by the Village Council. Special meetings may be called by the Commission Chairperson or upon application of two Commissioners. A majority of the Commission shall constitute a quorum. Meetings may be cancelled or rescheduled by the Chairperson or by majority vote of the Commission. The Commission may determine the rules of its proceedings. The Commission must comply with the Texas Open Meetings Act.

Section 10. Appeals

Decisions of the Commission may be appealed in writing to the Village Council. All such appeals must be submitted in writing to the Village Secretary no later than ten (10) business days following the Commission's action.

Section 11. 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.

Section 12. Effective Date

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

PASSES AND APPROVED this 6th day of December, 2004, by the Village Council of the Village of Point Venture, Texas.