

ORDINANCE NO. 2019-12

AN ORDINANCE OF THE CITY OF OVILLA, TEXAS, AMENDING CHAPTER 3, ARTICLE 3.05, SECTIONS 3.05.009 OF THE CODE OF ORDINANCES OF THE CITY OF OVILLA; AMENDING THE AUTHORITY FOR APPEALS REGARDING FENCE INSPECTIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERANCE CLAUSE; PROVIDING FOR INCORPORATION INTO THE OVILLA CODE OF ORDINANCES; PROVIDING FOR IMMEDIATE EFFECT; AND PROVIDING FOR PUBLICATION.

WHEREAS, the current City of Ovilla Code of Ordinances adopted 1989 Code, Chapter 3, Section 9.09 establish the City Council as the authority to settle appeals of decisions made by the building inspector regarding fences in the City of Ovilla; and

WHEREAS, the City Council has researched and deliberated the current appeal process regarding fence inspections of the City of Ovilla; and

WHEREAS, based on the deliberations the City Council desires to make changes to the appeal authority regarding fence inspections within the City of Ovilla;

WHEREAS, the City Council finds it necessary to amend the City's Code of Ordinances regarding fence inspection appeals.

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

**SECTION 1. AMENDMENT OF ARTICLE 3.06, OF THE CODE OF ORDINANCES OF THE CITY OF OVILLA, TEXAS**

Article 3.05, Section 3.05.009 of the Code of Ordinances of the City of Ovilla, Texas, is hereby amended to read:

Upon completion of the installation of the fence, the building inspector shall be called for the purpose of making an inspection. A certificate of acceptance will be issued for compliance with this article or a rejection slip will be issued for defects in construction materials or procedure. Once a certificate of acceptance is received, the fence shall be maintained to comply with the requirements of this article at all times. Any appeal from a decision of the building inspector under the terms of this article shall be made to the Board of Adjustments.

**SECTION 2. SAVINGS CLAUSE**

In the event that any other Ordinance of the City of Ovilla, Texas, heretofore enacted is found to conflict with the provisions of the Ordinance, this Ordinance shall prevail.

**SECTION 3. SEVERANCE CLAUSE**

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or competent jurisdiction, such shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

**SECTION 4. INCORPORATION INTO THE CODE OF ORDINANCES**

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The provisions of this ordinance shall be included and incorporated in the City of Ovilla Code of Ordinances and shall be appropriately renumbered, if necessary, to conform to the uniform numbering system of the Code.

SECTION 5. EFFECTIVE DATE

Because of the nature of the interests and safeguards sought to be protected by this Ordinance and in the interest of the citizens of the City of Ovilla, Texas, this Ordinance shall take effect immediately upon approval and publication, as required by law.

SECTION 6. PUBLICATION

The City Secretary is hereby authorized and directed to cause publication of the descriptive caption and penalty clause hereof as an alternative method of publication provided by law.

PASSED, ADOPTED and APPROVED by the City Council of Ovilla, Texas, on this the 10th day of June 2019.



Richard Dormier, Mayor

ATTEST:

Pamela Woodall, City Secretary

APPROVED AS TO FORM:

Ron G. MacFarlane, Jr., City Attorney