

ORDINANCE NO. 2016-09

**AN ORDINANCE OF THE CITY OF UVALDE, TEXAS
APPROVING, ADOPTING AND AMENDING TITLE 15
15.28 OF THE UVALDE MUNICIPAL CODE FOR BUILDINGS
AND CONSTRUCTION.**

WHEREAS, it is necessary to provide for proper due process in the city's efforts to enforce its codes for building and construction; and

WHEREAS, the City Council finds this ordinance to be in the best interests of the citizens of Uvalde; therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF UVALDE, TEXAS THAT:

Section 1. Adoption of Findings of Fact. The findings and recitations set out in 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 as findings of fact.

Section 2. Amendment of Title 15 Buildings and Construction:

15.90.010 Administrative Warrant:

The code enforcement officer, fire marshal or building official may apply to the Municipal Court Judge of Uvalde, Texas for an administrative search warrant to be issued to discover violations of this title as authorized by Article 18 of the Texas Code of Criminal Procedure (Search Warrant). The search warrant may be issued only upon an affidavit stating probable cause.

Section 3. Conflicting Ordinances. All ordinances or parts thereof conflicting or inconsistent with the provisions of this Ordinance as adopted herein, are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between this Ordinance and any other code or ordinance of the City, the terms and provisions of this Ordinance shall govern.

Section 4. Savings Clause. All rights and remedies of the City of Uvalde are expressly saved as to any and all violations of the provisions of any ordinances affecting zoning within the City which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

Section 5. Effective Date. This Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Tex. Loc. Gov't. Code and the City Charter.

Section 6. Severability. 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, 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, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation of this Ordinance of any such invalid phrase, clause, sentence, paragraph or section. If any provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision, and to this end the provisions of this Ordinance are declared to be severable.

Section 7. Open Meetings. It is hereby officially found and determined that the meeting at which this Ordinance is 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.


PASSED AND APPROVED on the 28 day of June, 2016.

ATTEST:



Sorayda Sanchez, City Secretary

CITY OF UVALDE, TEXAS



Don McLaughlin, Mayor