

ORDINANCE NO. 99-13

AN ORDINANCE AMENDING THE CITY OF COMMERCE CODE OF ORDINANCES REGARDING REQUIREMENT OF A SURVEYOR'S AFFIDAVIT OR CERTIFICATE, AND STAKING AND STRINGING OF BUILDING SETBACK LINES, FOR THE ISSUANCE OF A BUILDING PERMIT; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith.

BE IT ORDAINED BY THE CITY OF COMMERCE, TEXAS:

WHEREAS, building have been constructed that encroach on utility and drainage easements which cause unnecessary difficulty and expense to the City and the public utilities that use the easements; and

WHEREAS, buildings and additions to buildings have been constructed within the setback area required by city ordinance and subdivision regulations; and

WHEREAS, these problems can be lessened, and in most cases, avoided by the requirement that a Registered State Land or Public Surveyor certify that the proposed improvements are constructed without encroachment on or into rights-of-way, easements, or building setback areas and that the surveyor stake and string the building setback lines on the construction site; and

WHEREAS, the Planning and Zoning Commission held a meeting on April 27, 1999, a copy of the minutes are attached and marked Exhibit "A" recommending the City of Commerce Code of Ordinances be amended by requiring a surveyor's affidavit or certificate, and staking and stringing of building setback lines of the issuance of a building permit; and

WHEREAS, after careful consideration by the City Council it has been determined that it is in the best interest of the City of Commerce that the City of Commerce Code of Ordinances be amended by requiring a surveyor's affidavit or certificate, and staking and stringing of building setback lines of the issuance of a building permit;

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

SECTION 1. That the Code of Ordinances, City of Commerce, Texas, is hereby amended by adding a subsection, to be numbered 104.1, which said subsection reads as follows:

Section 22-32. Amendments to Standard Building Code.

The Building Code adopted in Section 22-31 is amended as hereinafter set out:

- (i) Section 104.2.5, Survey Requirement, is hereby added, which section shall read as follows:

A Registered State Land or Public Surveyor shall ensure compliance with minimum building setback requirements. A surveyor's certification or affidavit shall be required for all building permits, and staking and stringing of building setback lines on lots shall be required.

SECTION 2. A person who violates this Ordinance is guilty of a separate offense for each day or part of day the violation is committed, continues, or permitted. Each offense, upon conviction, is punishable by a fine not to exceed \$500.00.

SECTION 3. If any section, sub-section, word, sentence, or phrase of this Ordinance is declared to be invalid, it shall not affect the validity of this Ordinance.

SECTION 4. All Ordinances and parts of Ordinances inconsistent with or in conflict with the provisions of this Ordinance shall be and the same are hereby expressly repealed.

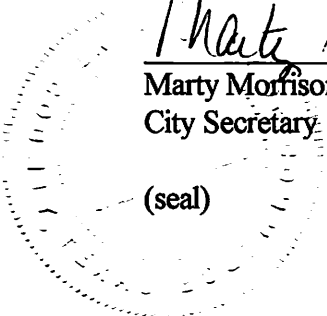
SECTION 5. This Ordinance shall take effect and be in force from and after its passage and approval.

PASSED AND APPROVED on **FIRST READING** at a regular meeting of the City Council of the City of Commerce, Texas, on this the 18th day of May, 1999.

PASSED AND APPROVED on **SECOND READING** at a regular meeting of the City Council of the City of Commerce, Texas, on this the 1st day of June 1999.

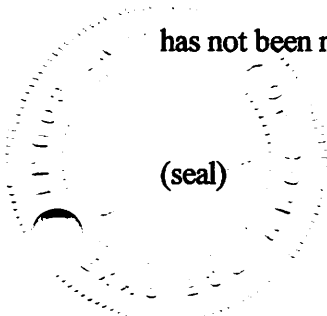
ATTEST:

CITY OF COMMERCE, TEXAS

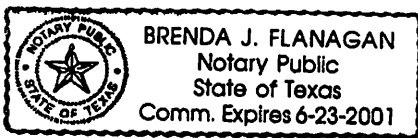

Marty Morrison
Marty Morrison
City Secretary

John R. Sands
John R. Sands
Mayor

I, Marty Morrison, City Secretary of the City of Commerce, Texas, do hereby certify that the above is a true and correct copy of an Ordinance of the City of Commerce, Texas, and that the same has not been repealed and is in full force and effect.


Marty Morrison
Marty Morrison, City Secretary
City of Commerce, Texas

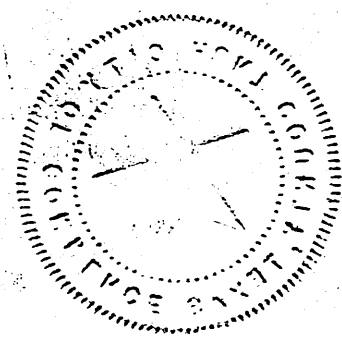
Sworn to and subscribed before me, on this the 2nd day of June, 1999, to certify which witness my hand and seal of office.

(seal) 

Brenda J. Flanagan
Notary Public
State of Texas

COPIES OF THE REPORT

TO THE BOARD OF DIRECTORS
AND TO THE STOCKHOLDERS

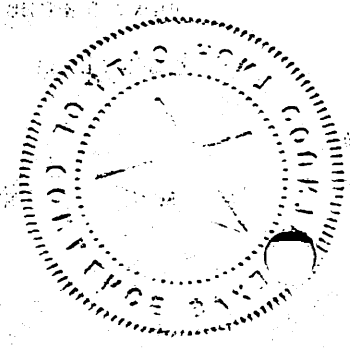


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