

ORDINANCE NO. 012-2023

**AN ORDINANCE OF THE TOWN OF BUFFALO GAP, TEXAS,
ESTABLISHING A PROCEDURE FOR THE ACQUISITION OF
BUILDING PERMITS; AUTHORIZING THE PLANNING AND ZONING
COMMISSION TO ISSUE PERMITS; PROVIDING REPEALER AND
SEVERABILITY CLAUSES; PROVIDING AN OPEN MEETINGS
CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the Town of Buffalo Gap, Texas (the "Town") is a general-law municipality, with the power to adopt and enforce the provisions set forth herein, as authorized in Texas Local Government Code Titles 7 and 12; and

WHEREAS, the Town Council finds that the regulations and processes regarding new construction contained in this Ordinance serve to promote the managed growth of the Town and are in the best interest of the citizens of the Town;

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE
TOWN OF BUFFALO GAP, TEXAS:**

I. Enactment. The following provisions are hereby enacted as the "Building Permit Ordinance" of the Town of Buffalo Gap, Texas.

Section 1: Definitions.

- (a) *Building* includes, but is not limited to, any fence, awning, canopy, shed, garage, house, tent, trailer, or other structure whatsoever within the Town.
- (b) *Commission* means the Planning and Zoning Commission of the Town of Buffalo Gap.
- (c) *Person* means any person, firm, corporation, partnership, association, or any other legal entity.
- (d) *Town* means the Town of Buffalo Gap, Texas.

Section 2: Building and Residential Code Adopted.

- (a) Non-Residential Code. The International Building Code is hereby adopted as the Building Code of the Town, along with any subsequent amendments and editions that may be established, and shall apply to all non-residential buildings and structures within the Town.
- (b) Residential Code. The International Residential Code is hereby adopted as the Residential Building Code of the Town, along with any subsequent amendments and editions that may be established, and shall apply to all residential buildings and structures within the Town.

Section 3: Permit Required.

- (a) Permit Required. No person shall construct, alter, repair, add on to, renovate, remodel or structurally alter, install, move, or demolish any structure within the Town without first obtaining a permit for the same from the Commission.
- (b) Application; Fee. The building permit application shall be available upon request at Town Hall. A nonrefundable fee of \$50.00 shall be submitted with all building permit applications.
- (c) Documents Required. A person shall submit blueprints or other acceptable documents showing the planned construction, alteration, repair, addition, renovation, remodeling or structural alteration, or installation with the building permit application. A person may also be required to submit additional documents deemed necessary by the Commission to establish that the work will be consistent with the Town Zoning Ordinance or any other applicable ordinances or rules.
- (d) Connection to Town Utilities Required. During the permit application process, the person proposing to undertake new construction of or substantial alteration or repair to a structure within the Town must also satisfy the Commission that the new or repaired structure is connected to Town water and sewer services. If the new or repaired structure is not connected to Town water and sewer services, the person must provide the Commission with evidence that the person has agreed, in writing, to pay the Town's cost of the connection of water and sewer services to the property.
- (e) Denial of Permit. The Commission shall deny an application and refuse to issue a building permit under this Section if a person fails to provide sufficient documentation or proof under subsection (c) or (d), above, or if the Commission finds that the planned work does not comply with the Zoning Ordinance or other applicable ordinances, laws, or rules.
- (f) Stop Work Order. Where construction or work on structures in the Town is being done in violation of the provisions of this Ordinance, the Commission may order the work be stopped by notice in writing, posted in a conspicuous location at the site of construction, or delivered by certified mail to the person(s) performing such construction or work, if known.
- (g) Violation and Penalty. A person who fails to obtain a permit, as required by this section, shall be guilty of a misdemeanor and fined not more than \$500.00 per violation. Each day a person is in violation of this section is a separate offense.

Section 4: Proof of Compliance and Certificate of Occupancy.

- (a) Inspections and Proof Thereof. It shall be the duty of any person that undertakes the construction, alteration, repair, addition, renovation, remodel, structural alteration, or installation of a structure within the Town to obtain inspections at appropriate times during such process(es) from a building inspector or contractor licensed by the State of Texas and hired by the person undertaking the work, and receive from him or her a certificate that the construction has been performed in compliance with the International Building Code or International Residential Code, as applicable. Said certificate(s) must be submitted to the Commission upon completion of the work.

(b) Certificate of Occupancy Required. No structure, whether residential or commercial, shall be occupied or otherwise used for its intended purpose until the Commission finds that there is sufficient proof that the structure conforms to the applicable Code and issues a Certificate of Occupancy.


II. Repeal. All ordinances or ordinance provisions in conflict with the provisions of this Ordinance shall be, and the same are hereby repealed, and all other provisions not in conflict with the provisions of this Ordinance shall remain in full force and effect.

III. Severability. Should any section or part of this Ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstances for any reasons thereof ineffective or inapplicable, such unconstitutionality, illegality, or ineffectiveness or such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof, but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this ordinance are declared to be severable.

IV. Effective Date. This Ordinance shall take effect and be in full force and effect from and after the date of its passage and publication as may be required by law.

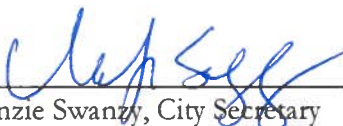
V. Open Meetings. It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551, Texas Local Government Code.

PASSED AND ADOPTED by the Town Council of the Town of Buffalo Gap, Texas, on this the 14th day of December 2023.



David L. Perry, Mayor

ATTEST:



Mackenzie Swanzey, City Secretary