

**ORDINANCE # 225**

**AN ORDINANCE OF THE CITY OF BEVIL OAKS, TEXAS AMENDING ORDINANCE 211 AND REGULATING THE DEVELOPMENT OF COMMERCIAL PROPERTIES WITHIN THE CITY LIMITS OF THE CITY OF BEVIL OAKS, JEFFERSON COUNTY, TEXAS AND PROVIDING A PENALTY FOR VIOLATIONS.**

**WHEREAS**, the City Council of the City of Bevil Oaks finds that it is beneficial to the growth of the City of Bevil Oaks to encourage and permit the development of commercial properties within the city limits of the City of Bevil Oaks, Texas;

**WHEREAS**, the City Council of the City of Bevil Oaks finds that the health, welfare and safety of the citizens of the City of Bevil Oaks, Texas, requires the City Council place certain restrictions upon commercial buildings and operations within the City.

**WHEREAS**, the City Council of the City of Bevil Oaks has investigated and determined that it would be advantageous and beneficial to the citizens of the City to amend Ordinance 211 as set forth below.

**NOW THEREFORE:**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEVIL OAKS, TEXAS:**

**Section 1.**

- Buildings housing the business must be a permanent structure built in accordance with Ordinance No. 210, City of Bevil Oaks, entitled International Building Code Ordinance.
  - ▶ A building permit, containing construction documents in accordance with Section 106 of International Building Code, must be obtained from the City of Bevil Oaks. A building permit fee, applicable at the time of application, is required by the City to obtain the permit;
  - ▶ All work must be performed by licensed, bonded and insured contractors;
  - ▶ Inspections prior to and during construction must be in compliance with Section 109 of the International Building Code;
  - ▶ Inspections must be made by a State Certified Inspector in accordance with qualifications stated in Appendix A. 101.3;
  - ▶ Cost of Inspections are the expense of the property owner/builder;
  - ▶ Prior to occupying the building, a copy of all inspections must be furnished to the City of Bevil Oaks and a Certificate of Occupancy, in accordance with Section 110 of the International Building Code, must be issued by the City.

- All improvements on commercial property must meet FEMA requirements as stated in Flood Damage Prevention Ordinance 207; and reiterated in International Building Code Ordinance 210.
- A mobile/manufactured home or travel trailer is prohibited for commercial use unless it is located within an established mobile home/manufactured home park in accordance with Ordinance 191;
- Any business providing food, drink, public restrooms or medical facilities must be inspected on a regular basis by the Jefferson County Health Department and publicly display proof of acceptable rating;
- Any State regulated/licensed business must provide proof of State certifications or license prior to opening and continue to maintain current status of the license or certification for the duration of the business operation. (ie, beauty shop, insurance agent, car dealership, real estate agent, tattoo parlor, etc.)

**Section 2. (Amendment to Section 2 of Ordinance No. 211 adopting the penalty provision below)**

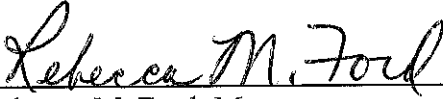
- It shall be unlawful for any person to construct or operate a business within the city limits of the City of Bevil Oaks in deed restricted sections of the City;
- **PENALTY PROVISION:** Any person, firm, corporation or business entity that violates this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined a sum not exceeding two thousand dollars (\$2,000.00) if the violation relates to the public health and sanitation, otherwise the fine shall be a sum not exceeding five hundred dollars (\$500.00). Each continuing day's violation shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude the City of Bevil Oaks from filing suit to enjoin the violation. The City of Bevil Oaks retains all legal rights and remedies available to it pursuant to local, state and federal law.


**Section 3.**

- **SEVERABILITY OF PARTS OF ORDINANCE.** If any section, subsection, sentence, clause or phrase of this Ordinance, or the application of the same to a particular set of persons or circumstances, should for any reason be held to be invalid, such invalidity shall in no way affect the remaining portion of this Ordinance and to such end the various portions and provisions of this Ordinance are declared to be severable.

**PASSED AND APPROVED AND EFFECTIVE FROM this 19<sup>th</sup> day of  
January, 2010.**

**ATTEST:**

  
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Rebecca M. Ford, Mayor  
City of Bevil Oaks, Texas

  
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Michelle Nelson, City Secretary  
City of Bevil Oaks