

ORDINANCE NO. 212C

AN ORDINANCE TO AMEND ORDINANCE 212B (BUILDING CODE)
CLARIFYING REQUIREMENTS FOR DRIVEWAYS, AND REQUIREMENTS FOR
DRAINAGE PLANS

WHEREAS; IT IS IN THE INTEREST OF PUBLIC HEALTH, SAFETY AND WELFARE TO REGULATE, CLASSIFY, CONTROL AND PERMIT THE CONSTRUCTION, ALTERATION OR REPAIR OF ANY BUILDING OR STRUCTURE WITHIN THE CORPORATE LIMITS OF THE TOWN OF ENCHANTED OAKS, AND

NOW THEREFORE; BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ENCHANTED OAKS AS FOLLOWS:

Contents

Section 1 - Title, Purpose, Scope.....	2
Section 2 - Definitions	2
Section 3 - General	3
Section 4 - Zoning Ordinance.....	3
Section 5 - Permits.....	4
Section 6 - Contractors and Subcontractors.....	5
Section 7 - International Residential Code	5
Section 8 - Foundations	6
Section 9 - Additions to Primary Residence.....	6
Section 10 - Accessory Structures.....	6
Section 11 - Propane Tanks	7
Section 12 - Storm Shelters	7
Section 13 - Driveways.....	8
Section 13B - Improved Parking Areas	Error! Bookmark not defined.
Section 14 - Pools.....	8
Section 15 - Manufactured and Modular Housing	9
Section 18 - Construction Site	10
Section 21 - Certificate of Occupancy	12
Section 22 - Flood Damage Prevention Ordinance No. 78a.....	12
Section 23 - Enforcement and Inspection	12
Section 24 - Board of Adjustments.....	13
Section 25 - Notice to Owner	14
Section 26 - Notification Procedure	14
Section 27 - Penalty.....	15
Section 28 - Injunctive Relief.....	15
Section 29 - Severance Clause.....	15

Section 1 - Title, Purpose, Scope

- (a) **Title.** That this ordinance shall be known as the "Building Code" of the Town of Enchanted Oaks and shall be referred to herein as "the Building Code."
- (b) **Purpose.** The purpose of this Building Code is to provide minimum standards and regulations to help safeguard and preserve life or limb, property, and public welfare by regulating the design and construction of all structures, buildings, and properties within the city.
- (c) **Scope.** This Building Code shall apply to all zoning districts, land, properties, structures, and buildings within the city, including all vacant, occupied, residential, nonresidential, improved or unimproved land, properties, structures, and buildings.
- (d) **Other ordinances.** If other ordinances of the city conflict with this Building Code and the standards and regulations established herein, the stricter standard (or regulation) shall prevail. That ordinance known as the Zoning Ordinance shall be the companion ordinance.
- (e) **Intent.** It is the intent of this Building Code to regulate and control and protect the integrity of principal residences and structures, as herein set forth. It is not intended that this code be interpreted or enforced to require the city to intervene in matters which are primarily personal or private in nature and which may appropriately be resolved between or among private interests without material danger to the public health, safety, or welfare.

Section 2 - Definitions

- (a) Definitions shall be the same as contained within the Zoning Ordinance. Where terms are not defined, they shall have their ordinary accepted meaning within the context with which they are used. The following terms are defined and shall apply to all sections of this Building Code unless defined elsewhere within:
 - 1.**Building Official.** The building official of the Town of Enchanted Oaks as provided for in the Zoning Ordinance.
 - 2.**Contractor.** A person, firm or corporation that is hired to construct, erect, alter, repair or demolish any structure or to perform other work that is covered by the Building Code.
 - 3.**Driveway.** A surfaced access extending from the street to a garage, carport or portico and intended for use by vehicles.
 - 4.**Owner.** The person, firm or corporation that owns the Lot and or residence or structure within the Town of Enchanted Oaks.

5.Zoning Ordinance. That certain ordinance approved by the Town Council of the Town of Enchanted Oaks known as the Zoning Ordinance as amended from time to time.

Section 3 - General

- (a) This Building Code is hereby declared to be remedial and shall be construed to secure the beneficial interests and purposes thereof, which are public safety, health, and general welfare, through structural strength, stability, sanitation, adequate light and ventilation and safety to life and property from fire and other hazards incident to the construction, alteration, repair, removal, demolition, use and occupancy of buildings, structures or premises.
- (b) Quality control of material and workmanship is not within the purview of this Building Code or Building Official except as it relates to the purposes stated herein.
- (c) The permitting and inspection of any building or plan by any jurisdiction, under the requirements of the Building Code shall not be construed in any court as a warranty of the physical condition of such building or the adequacy of such plan. No jurisdiction nor any employee thereof shall be liable in tort for damages for any defect or hazardous or illegal condition or inadequacy in such building or plan, nor for any failure of any component of such building which may occur subsequent to the inspection or permitting.
- (d) The provisions of this Building Code shall not be held to deprive any Federal or State agency, or any applicable governing body having jurisdiction, or of any remedy than existing for the enforcement of its orders, nor shall it deprive an individual or corporation of its legal rights as provided by law.

Section 4 - Zoning Ordinance

- (a) The Zoning Ordinance and its amendments establish among other things:
 - a. Use Regulations-such as type and number of structures, accessory structures, etc.
 - b. Dimensional Requirement Regulations- such as set-backs, build lines, building heights, size of livable floor space, etc.
 - c. Special Regulations-such as number of stories, exterior materials, fence height, etc.
 - d. All requirements as established by the Zoning Ordinance shall be adhered to in the placement of any structure on any lot.

Section 5 - Permits

- (a) The Owner, person, firm or corporation shall not erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish any building or structure in the Town of Enchanted Oaks, including driveways, without first obtaining a building permit for such from the Building Official.
- (b) The Owner, person, firm or corporation shall not cut down and remove any trees from unimproved lots without first obtaining a permit for the residence or structure to be built on the lot. The trees projected to be removed shall be marked with a red tape prior to making a permit application. Removal of trees that are not approved for removal shall be a violation of the building permit. This does not preclude the cutting out of dead or diseased trees or the thinning out of trees to promote growth or clearing underbrush.
- (c) The various fees for issuance of a permit shall be set by resolution of the Town Council of Enchanted Oaks.
- (d) Failure to complete the construction within the time allowed by the Zoning Ordinance or the time allowed on the permit shall result in a fine which shall be 1/6th of the original permit fee (but not less than \$100) per month starting thirty days after the expiration of the time allowed. The permit shall expire ninety days from the start of the period for which fines are due. A new permit may be required including fees.
- (e) A copy of the building permit shall be made available at the construction site during the entire time of construction, alteration, repair, demolition or for whatever the permit is issued.
- (f) Temporary structures. A permit shall be required for any temporary structure such as dumpsters, storage pods, construction sheds, construction fences, canopies, etc.
- (g) Exemptions from Permitting. The following are exempt from permitting:
 - a. Replacement or repair of roofs with like materials
 - b. Interior remodeling or repairing where no structural load bearing wall is removed, or no plumbing or electrical changes are made, and no square footage added.
 - c. Repair or replacement of existing decks with no square footage added.
 - d. Repair or replacement of existing driveways provided no changes to culverts or drainage patterns.
 - e. Exterior repairing of siding or masonry
 - f. Painting and other routine maintenance
 - g. Repair or maintenance of fences
 - h. Repair or maintenance of accessory structures
 - i. Other construction or repair as approved by the Building Official

Section 6 - Contractors and Subcontractors

- (a) Electrical, plumbing and mechanical subcontractors shall be State certified and registered.
- (b) The Owner shall be responsible for all matters concerning the performance of its Contactor (s) and subcontractors.
- (c) Subcontractors shall be deemed to be under the Contractors authority and control and Contractor shall be responsible for all matters concerning the performance of its subcontractors.

Section 7 - International Residential Code

- (a) The latest edition of the International Residential Code will be used. Any matters in the International Residential Code that are contrary to the ordinances of the Town of Enchanted Oaks, said ordinances of the Town of Enchanted Oaks shall prevail.
- (b) Any requirements not covered by this Building Code necessary for the strength or integrity of a proposed building or structure shall be determined by the Building Official.
- (c) Plumbing.
 - a. All fresh water supply lines in the concrete foundation or in inaccessible areas of a pier and beam foundation shall be copper tubing and shall not have soldered joints of any kind.
 - b. All PVC pipe shall be schedule 40 or better. All new construction must have sewage tied into East Cedar Creek Water District. No septic systems will be allowed.
 - c. East Cedar Creek Water District will require backflow valves in certain circumstances such as sprinkler systems utilizing ECCWD water. Backflow valves must be inspected by a certified person annually.
- (d) Electrical.
 - a. Aluminum wiring shall be prohibited beyond the service entry panel to the structure.
 - b. Buried electrical lead in lines shall be buried at least twenty- four inches deep.
 - c. Exceptions to the International Residential Code - There shall be no GFCI required for refrigerators, freezers or garage door openers.
- (e) Attic access. Attic spaces with a height of over twenty-four inches measured at the roof peak shall be provided with an interior access opening that is not less than twenty-two inches by thirty-six inches with a lid or stairs that can be readily accessible.

Section 8 - Foundations

- (a) Foundations shall be designed by a Texas certified Professional Structural Engineer for the soil conditions of the building site.
- (b) A Grading and Drainage Plan is required, reflecting (a) Finish floor elevation in relation to edge of road and (b) Key elevations and flow arrows around the site demonstrating proposed drainage pattern. At the discretion of the Building Official, City reserves the right to require Grading and Drainage Plan from a licensed professional engineer.
- (c) For additions, if the existing foundation design is working properly it may be continued for the addition without the requirement of a Professional Structural Engineer if approved by the Building Official.
- (d) All foundations, including patios, accessory buildings and garages, must be approved by the Building Official.
- (e) Foundations must comply with the current National Flood Insurance Program (NFIP) Technical Bulletins including Technical Bulletin 1, Requirements for Foundation Walls and Wall of Enclosures and Technical Bulletin 5, Free-of-Obstruction Requirements.
- (f) Prior to pouring of concrete for foundations, the Building Official must approve the drainage plan.

Section 9 - Additions to Primary Residence

- (a) Additions to primary residence for the purpose of living space must be connected with an all- weather environmentally controlled (heated and cooled) hallway or room.
- (b) Additions to the primary residence must be esthetically integrated into the original design
- (c) When remodeling, adding on, or reconstruction is planned on an existing building and more than 50% of the existing structure is replaced, the building shall be considered new construction.
- (d) Garages (not living space) may be attached to the primary residence by breezeway as long as the roof of the garage, the breezeway and the primary residence are aesthetically integrated to appear as one structure.

Section 10 - Accessory Structures.

- (a) The Zoning Ordinance sets the location and maximum size of an accessory building.

- (b) Prefabricated wood (no metal or plastic) accessory building may be permitted if less than 240 sq feet with composite shingle or metal R panel quality gable roof (no flat roofs). Must be painted or stained to an acceptable color.
- (c) Accessory buildings over 240 sq feet must be on site constructed.
- (d) Accessory buildings may not be connected to the primary residence with a breezeway.
- (e) Additions to the accessory building must be fully integrated with a common wall, common roof line and roofing material.

Section 11 - Propane Tanks

- (a) The installation of propane tanks and other such systems shall require an approved building permit for the construction and installation of said system.
- (b) All systems shall meet applicable State and Federal regulations and be installed by a State licensed installer.
- (c) Where conflict exists between State or Federal regulations and this ordinance, the State or Federal regulation shall take precedence.
- (d) New horizontal propane tank installations shall be 250 gallons or less and be buried at least 10 feet from the rear or side of the residence and comply with all codes including NFPA 58.
- (e) New Vertical propane tanks up to 120 gallons shall be installed within 5 feet of the rear or side of the residence and comply with all codes including NFPA 58.
- (f) All aboveground propane tanks shall be shielded from street view by an approved enclosure.

Section 12 - Storm Shelters

- (a) Exterior below grade
 - a. A plan for a storm shelter design meeting FEMA guidelines shall be submitted with the application for building permit.
 - b. A storm shelter shall not be used for habitation.
 - c. A storm shelter shall not have any utilities installed except for electricity for lights and sump pump if installed.
 - d. The storm shelter shall not protrude more than one foot above grade.
 - e. A storm shelter shall be to the rear and on and within the build line of the same lot as of the primary residence only.
 - f. The storm shelter shall be landscaped as not to be objectionable to neighbors.
- (b) Interior

- a. A plan for a principal residential interior storm shelter design that meets FEMA guidelines shall be submitted with the application for building permit.

Section 13 - Driveways

- (a) Driveways must have a culvert provided by resident, that meets approval of Building Official, in the Town right of way accessing the public street.
- (b) The Building Official may waive the requirement for a culvert in certain circumstances.
- (c) Driveways must not divert or block street water drainage.
- (d) All driveways must be approved by the Building Official.
- (e) A Grading and Drainage Plan is required, reflecting (a) Finish floor elevation in relation to edge of road and (b) Key elevations and flow arrows around the site demonstrating proposed drainage pattern. At the discretion of the Building Official, City reserves the right to require Grading and Drainage Plan from a licensed professional engineer.

Section 14 - Pools

- (a) A “pool” is any structure intended for recreational bathing that contains water over 24 inches deep. This includes inground, aboveground, and on-ground swimming pools, hot tubs and spas.
- (b) A “barrier” is a fence, a wall, a building wall, or a combination thereof which surrounds the pool and obstructs access to the pool.
- (c) The following, incorporated herein, is based on the guidelines developed by the U.S. Consumer Product Safety Commission for pools to restrict or minimize access by children less than 5 years old.
 - a. The top of the barrier should be at least 48 inches above the grade measures on the side of the barrier which faces away from the pool.
 - b. The maximum vertical clearance between grade and the bottom of the barrier shall be no more than 4 inches measured on the side of the barrier which faces away from the pool.
 - c. Where the top of the pool structure is above grade, the barrier may be at grade or mounted on the top of the pool structure. When mounted on the top of the pool structure, the vertical clearance between the top of the pool structure and the bottom of the barrier shall be no more than 4 inches.
 - d. Solid barriers shall not have protrusions that could serve as toe holds for children to climb over the solid barrier.

- e. When the distance between the horizontal members of the barrier is more than 45 inches, the distance between the vertical members shall not be greater than 4 inches.
- f. Decorative openings or chain link mesh openings shall not be greater than 1 ¾ inches.
- g. Pedestrian gates shall open out from the pool and shall have a self-closing and self-latching device. The release mechanism shall not be less than 3 inches from the top of gate and shall not have an opening greater than ½ inch within 18 inches of the release mechanism.
- h. If doors from any building are used to directly access the pool, they shall be self-closing and self-latching or shall have alarms producing a distinct sound of at least 85 dBA at 10 feet if opened unless deactivated for no more than 15 seconds by touchpad located at least 54 inches from the door threshold.
- i. Where the aboveground pool structure is used as the barrier accessed by a ladder or steps, the ladder or steps shall be removed whenever the pool is unattended by an adult.
- j. A power pool cover may be used as a barrier as long as it meets ASTM 1346-91 as amended.
- k. It is recommended that you contact your insurance agent as to the safeguards required by them.

Section 15 - Manufactured and Modular Housing

- (a) Manufactured housing must be a new (not used) purchase from a registered Texas dealer built to meet HUD standards and International Residential Code standards and must have the red certification label on all sections.
- (b) Manufactured housing must only be placed in districts zoned for manufactured housing.
- (c) Mobile Homes as identified by the Manufactured Housing Standards Act do not qualify as manufactured housing and are not permitted within the Town of Enchanted Oaks or its Extra Territorial Jurisdiction.
- (d) Manufactured housing must be manufactured and installed such as to qualify for an FHA 30-year mortgage.
- (e) Modular housing must be certified Texas IHB (Industrial Housing and Buildings) under the most current law and all sections must have an IHB decal.
- (f) Manufactured and Modular Housing must be installed on a permanent engineered foundation.
- (g) Skirting must be masonry, either brick, stone or concrete.

- (h) Must meet all ordinances, codes, standards and requirements of the Town of Enchanted Oaks.
- (i) Must aesthetically fit into existing neighborhood architecture.

Section 16- Utility Easements

- (a) Permanent structures shall not be constructed in a manner that will obstruct or interfere with the utility easements that were granted by the developer of Enchanted Oaks or by the Town of Enchanted Oaks to said utility.
- (b) No permanent structure shall be permitted on a utility easement without first obtaining written release of the utility easements.

Section 17 - Tarrant Regional Water District

- (a) Tarrant Regional Water District has authority and jurisdiction for all matters below the 325-foot elevation line on lakefront lots.

Section 18 - Construction Site

- (a) Each contractor and property owner shall be responsible for a construction site so that building materials and debris will be contained on the site of construction. A temporary container is required on the construction site (not on public ROW) to contain the litter generated from construction or construction workers. When the trash container is full, the trash shall be disposed of immediately.
- (b) Damaged roads, litter or other debris including dirt and mud deposited as a result of normal construction, remodeling, or landscaping process upon any public place or private premises, shall be repaired and/or removed by the contractor and/or property owner.
- (c) A portable toilet shall be furnished on the construction site (not on ROW) for the duration of the construction process unless and until on site plumbing is operational.
- (d) Contractor and/or Owner shall maintain a safe work-site subject to all such regulations and requirements by those having jurisdiction over such.
- (e) Fires started at construction sites to burn trees, brush, stumps or other similar materials must have a person in attendance at all times and also have the means to extinguish the fire. The size of the fire cannot exceed the existing limits set by ordinance.

Section 19 - Use of Public Property

- (a) A permit must be obtained from the Building Official to move any structure or oversized load on public streets.
- (b) A permit must be obtained from the Building Official prior to any digging, trenching or cutting, or use or closure of any public street or ROW.
- (c) Contractor shall not alter or otherwise interfere with the drainage pattern in the public ROW without approval from the Building Official.

Section 20 - Unsafe Buildings and Structures

- (a) If any building or structure is found to be unsafe, unfit for habitation, a hazard, a menace, unsightly or a nuisance to the general health, safety and welfare of the citizens of Enchanted Oaks, the Building Official shall revoke the Certificate of Occupancy and require the owner of such building or structure to either remove the building or structure to modify and repair it to meet the Building Code. All unsafe buildings are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with this Building Code.
- (b) Burned structure. Whenever any building or structure in the city is partially burned, the Owner or person in control shall, after completion of investigation by the fire marshal, erect a temporary safety fence within 48 hours and within thirty (30) days remove from the premises all refuse, debris, charred and partially burned lumber and material (a permit is required). If such building or structure shall be burned to such an extent that it is rendered incapable of being repaired, the owner or person in control shall, within sixty (60) days, demolish and remove the entire structure (a permit is required). If the building or structure is to be repaired work shall begin within sixty (60) days (a permit shall be required).
- (c) Vacant buildings. Every vacant dwelling, house, building or other similar structure within the corporate limits of the city shall comply with the following requirements:
 - a. All exterior doors and windows shall be kept in sound working condition and free of broken glass.
 - b. All exterior doors shall be equipped with a workable lock or locking device and shall be kept securely locked during the period of time said building is vacant.
 - c. A latch, lock or other means shall secure all windows so as to prevent easy entry into said structure by children, vagrants or other unauthorized persons.

- d. All exterior walls and roof shall be kept in good repair and free of holes, cracks, defective materials and structural deterioration so as to keep such building from becoming a breeding place for rodents, roaches and disease carrying insects.
 - e. The exterior of said building and the premises thereon shall be kept free of any accumulation of paper, hay, moss or other flammable or combustible rubbish or waste material of sufficient quantity to constitute a danger to said building or any other building or premises in case such waste material should become ignited.
 - f. The exterior of the premises shall be kept free of any accumulation of trash, garbage, rubbish or any waste material of such quantity as to constitute an unsanitary condition.
 - g. Fences shall be maintained in good repair and gates closed at all times.
- (d) Remedy. Failure of Owner to demolish and remove any building or structure as required above shall result in the Town of Enchanted Oaks taking all necessary actions to affect the removal of said building or structure at the sole cost of the Owner including junctive relief.

Section 21 - Certificate of Occupancy

- (a). A residence may not be occupied without a Certificate of Occupancy.
- (b). Water, sewer and electrical must be connected to the respective utility company and must be operational before a Certificate of Occupancy can be granted by the Building Official.
- (c). All sanitary facilities (water, sewer and electrical) must be operational in order to maintain a current Certificate of Occupancy.
- (d) A Certificate of Occupancy may be revoked by the Building Official for violation of (c) above.
- (e). All permit fees, fines and costs to repair damages to public property must be paid before a Certificate of Occupancy can be approved.
- (f). All residences must have the street address clearly visible from the street in letters not less than 3-inches tall for emergency services.

Section 22 - Flood Damage Prevention Ordinance No. 78a

- (a) All construction must comply with Ordinance No. 78a as amended.

Section 23 - Enforcement and Inspection

- (a) Building Official -The enforcement authority for the provisions of this Ordinance and Building Code shall be the Building Official established in the Zoning Ordinance.

- (b) Entry- Whenever it is necessary to make an inspection to enforce this Building Code, or whenever the enforcement authority has reasonable cause to believe that there exists upon any property a condition or violation which is unsafe, dangerous or hazardous or detrimental to the public interest, the enforcement authority may enter upon such property at all reasonable times to inspect the same; provided that if such structure or property is occupied, the enforcement authority shall first present proper credentials and request entry, and if such entry is refused, the enforcement authority shall have recourse to every remedy provided by law to secure entry.
- (c) Stop Work Order-The Building Official shall have the authority to enforce any and all provisions of this Building Code and may at his discretion require all work to be stopped until such construction meets the standards of this Building Code.
- (d) Misrepresentation of Application-the Building Official may revoke a permit or approval, issued under the provisions of this Building Code, in case there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.
- (e) Primary Inspections
 - a. Plumbing pre-foundation
 - b. foundation design
 - c. rough out electrical, plumbing, mechanical
 - d. final electrical, plumbing, mechanical
 - e. Certificate of Occupancy

Section 24 - Board of Adjustments

- (a) The Board of Adjustments established under Ordinance 60, Article 10, Section C -Board of Adjustments shall have jurisdiction of appeals under this Ordinance.
- (b) Appeal - Whenever the Building Official shall reject, or revoke a building permit, or refuse to approve the mode or manner of construction proposed to be followed or disapprove of the materials to be used in the installation or alteration of a building or structure, or when it is claimed that the provisions of this Building Code do not apply, or that any equally good or more desirable form of installation can be employed in any specific regulations thereunder have been misconstrued or incorrectly interpreted, the owner of such building or structure, or his duly authorized agent, may appeal the decision of the Building Official to the Board of Adjustment. Forms can be obtained from Town Hall.

- (c) Action - The Board of Adjustment shall, in every case, reach a decision without unreasonable or unnecessary delay. Each decision of the Board of Adjustment shall also include the reasons for the decision. If a decision of the Board of Adjustment reverses or modifies a revocation, refusal, order, or disallowance of the Building Official, or varies the application of any provision of the Building code, the Building Official shall immediately take action in accordance with such decision.
- (d) Variances – The Board of Adjustment , with at least 5 members present, shall act by recorded vote in which four members must concur, and when so appealed to and after a hearing, may vary the application of any provision of this Building Code to any particular case when, in its opinion, the enforcement thereof would do manifest injustice, and would be contrary to the spirit and purpose of this Building Code or public interest, or when the interpretation of the Building Official should be modified or reversed. The Board of Adjustment will not render a variance that is in conflict with the provisions of this Ordinance. It may recommend to the Town Council that it amend this Ordinance for just reason.
- (e) Decisions are final: Every decision of the Board of Adjustment shall be final, subject however to such remedy as any aggrieved party might have at law or in equity.

Section 25 - Notice to Owner

- (a) If any Owner is found not to be in compliance with this Ordinance or the rulings by the Building Official of the Town of Enchanted Oaks then that Owner shall be notified in writing by the non-compliance and given ten (10) days from the receipt of said notice to comply or agree in writing to be in compliance within a reasonable amount of time or file for an appeal to the Board of Adjustments. Failure to comply, appeal or to get a building permit prior to construction shall result in a notice of violation.

Section 26 - Notification Procedure

- (a) The notice provided for herein shall be personally served on the Owner to whom it is directed or shall be given by certified letter addressed to such Owner at his last known post office address. In the event notice cannot be made by the aforementioned processes then such notice shall be given by regular mail or in a publication of at least one (1) time in a newspaper of general circulation published within the area and the date of receipt of said notice shall be the date of publication.

Section 27 - Penalty

(a) Any person violating any of the provisions of this Ordinance shall be deemed guilty of a Class C Misdemeanor and upon conviction in the municipal court shall be subject to the maximum fine allowed by law for each misdemeanor plus court costs, but not less than \$100 per day and each day such violation continues it shall constitute a separate misdemeanor.

Section 28 - Injunctive Relief

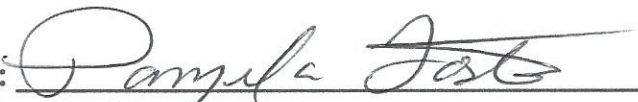
(a) In addition to and cumulative of all penalties, the Town of Enchanted Oaks shall have the right to seek injunctive relief for any and all violations of this Building Code.

Section 29 - Severance Clause

(a) Each and every section and sub-section of this ordinance has been considered separately and passed on by the governing body of Town of Enchanted Oaks, Texas. In the event any section or sub-section of this ordinance should be held invalid or unconstitutional through judicial action, the remainder of the ordinance shall not be invalidated and shall remain in effect.

WHEREAS, THIS ORDINANCE SHALL BE EFFECTIVE TWO DAYS FROM THE DATE APPROVED BELOW AND SHALL CANCEL AND SUPERCEDE ORDINANCE 212B: PASSED AND APPROVED THIS 13th DAY OF October 2020

/s/ 
Natalie Onate, Mayor

Attest: 
/s/ Pamela Foster
Town Secretary

(Approved CM 13102020)