

ORDINANCE NO. 3-2003

Consolidated Building and Standards Codes Ordinance

AN ORDINANCE OF THE CITY OF HILLCREST VILLAGE, TEXAS REPLACING PRIOR ORDINANCE 3-99 IN ITS ENTIRETY; ADOPTING THE 2003 EDITION OF THE INTERNATIONAL RESIDENTIAL BUILDING CODE, THE 2002 EDITION OF THE NATIONAL ELECTRIC CODE, THE 2003 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE, THE 2000 EDITION OF THE INTERNATIONAL ENERGY CONSERVATION CODE AND THE 2003 EDITION OF THE INTERNATIONAL FIRE CODE; SETTING FORTH RULES AND REGULATIONS TO IMPROVE PUBLIC SAFETY BY REGULATING BUILDING, ELECTRICAL, PLUMBING, ENERGY, MAINTENANCE, FIRE, AND SWIMMING POOLS CODES; ESTABLISHING REGULATIONS RELATING TO THE TYPES OF SEWER AND WATER DISCHARGES; ESTABLISHING DUTIES AND POWERS OF THE CITY BUILDING INSPECTOR; PROVIDING FOR ISSUANCE OF PERMITS AND COLLECTION OF FEES FOR SERVICES THEREFORE; FOR THE PENALTY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED by the Board of Aldermen of the City of Hillcrest Village, Texas that the following shall be known as the Consolidated Building and Associated Standards Codes Ordinance.

Section I. Standard Building Codes For Construction

1. No residences or houses designed for human occupancy shall be erected within the corporate limits unless constructed in accordance with the minimum standards established by this ordinance.
2. Certain portions of the Federal Housing Administration minimum property standards for one and two units, published by the Federal Housing Administration are hereby adopted and incorporated herein by reference as the Building Code of the City of Hillcrest Village, and are promulgated and ordained as fully and to the same extent as if set out herein verbatim, and all residences erected within the City Limits shall be constructed in accordance with such standards and specification; those portions of the said FHA minimum property standards for one and two units which are hereby adopted by reference as follows:
 - A. INTERNATIONAL RESIDENTIAL BUILDING CODE – 2003 EDITION OR LATEST EDITION

- B. NATIONAL ELECTRICAL CODE – 2002 EDITION OR LATEST EDITION
- C. INTERNATIONAL PROPERTY MAINTENANCE CODE – 2003 EDITION OR LATEST EDITION
- D. INTERNATIONAL ENERGY CONSERVATION CODE – 2000 EDITION OR LATEST EDITION
- E. INTERNATIONAL FIRE CODE – 2003 EDITION OR LATEST EDITION

BE IT ORDAINED that within said Codes when reference is made to the duties of certain officials named therein that designated official of the City of Hillcrest Village, Texas, who has duties corresponding to those of the named official in said Code shall be deemed to be the responsible official insofar as enforcing the provisions of said Code are concerned.

Section II. Roofing Requirements

1. WHEREAS, it is the desire and intention of the Board of Aldermen of the City of Hillcrest Village, Texas, to adopt certain portions of the building code relating to construction, replacement or repair of roofs in order to conform with the Windstorm Insurance and fire protection requirements, now, therefore,
2. BE IT ORDAINED by the Board of Aldermen of the City of Hillcrest Village, Texas:
 - A. That a minimum of ½ inch (15/32”) decking shall be attached on 16” on-centers for new roofing or repair of existing structures. This includes wood carports, storage buildings and garages.
 - B. That a minimum of 5/8 inch (19/32”) decking shall be attached on 24” on-centers for new construction or add-ons. This includes new wood carports, storage buildings and garages.
 - C. When re-roofing a wood shingle or shake roof, a minimum of ½ inch plywood or OSB (Oriented Strand Board) decking shall be attached to the existing lathe.
 - D. Roof decking shall be APA (American Plywood Association) or TECO (TECO Products and Testing Company) rated sheathing or properly graded wood boards laid to form a solid wood deck.
 - Board checking shall have a minimum nominal thickness of 1 inch. Board checking shall be nailed with two 8D galvanized nails at each support. Board end joints shall occur over the center of rafters. Sheathing panel end

joints shall occur over the center of rafters. End joints of adjacent courses shall be staggered. Roof sheathing panels shall be oriented with their long dimensions across the rafters. There shall be a 1/8 inch space maintained between the panels. Panel roof decking shall be nailed with galvanized 8D nails 6 inches O.C. along the edges of the panel and 12 inches O.C. along all interior supports. Fasteners shall not be overdriven.

- E. That 30 pound felt shall be used for new or re-roofing jobs.
- F. That shingles shall be applied to the deck with six (6) 1¼” to 1½” corrosion resistant roofing nails per shingle. Roofing nails shall be 11 or 12 gauge nails with large heads (3/8” to 7/16” in diameter).
- G. When re-roofing over a composition shingle roof, a maximum of one layer of composition shingles may be applied over a single layer of existing composition shingles.
- H. All existing shingles shall be removed if there are two or more layers of shingles already present.
- I. That one layer of 30 pound felt shall be applied over the existing shingle roof.
- J. Shingles rated by Underwriters Laboratories as being “wind resistant” shall be used when re-roofing over an existing roof.
- K. There shall be six corrosion resistant roofing nails used per shingle.
- L. Nails shall have sufficient length to penetrate into roof deck lumber a minimum of ¾” or completely through the plywood roof deck.
- M. The following materials shall be prohibited from being used when roofing or re-roofing is done.
 - The use of wood shingles.
 - The use of metal roofing like corrugated iron, V crimp or metallic sheeting.
 - The use of staples to attach shingles or decking.
 - The use of particle board, masonite, or chip board shall not be used for decking.

Section III. **Electrical Requirements**

1. WHEREAS, it is the desire and intention of the Board of Aldermen of the City of Hillcrest Village, Texas, to adopt certain portions of the building code relating to utilities and television cable so as to minimize damage to persons, homes and to protect the utilities and television cable; now, therefore,

2. BE IT ORDAINED by the Board of Aldermen of the City of Hillcrest Village, Texas, that:
- A. All underground utilities and television cable must be encased in a rigid or PVC carrier. That all underground utilities and television cable must run in the easement until they come in line with the house meter, then make a 90 degree turn going directly to the house meter.
 - B. All interior electrical wiring must be a minimum of 12-gauge copper only.
 - C. Aluminum wiring is prohibited, except as aerial cable used by electrical power companies with franchise agreements with the City of Hillcrest Village to operate within the City.
 - D. No person shall engage in the business of contractor for, installing, altering, or repairing any electrical work within the City of Hillcrest Village, Texas which is regulated by this ordinance unless said person shall hold a valid, unexpired Master or Journeyman's license.
 - E. Before applicants for licenses as Master or Journeyman electricians in the City of Hillcrest Village, Texas shall be issued by the permit department, said applicants shall pay to the City of Hillcrest Village, Texas a license fee in the sum specified below:
 - Master Electrician = \$37.50
 - Journeyman Electrician = \$25.00
 - F. No license shall be issued for more than one year; the holder of such license may renew such license from year to year upon application. All licenses shall expire one year from the date of issuance, unless otherwise revoked. License shall be renewed before January first each year thereafter, upon payment of such fees as are herein specified.
 - G. Electrical contractors to fill out application for electrical wiring permit form, as provided by the City of Hillcrest Village.

Section IV. Plumbing, Sewer Lines Requirements

1. WHEREAS, it is the desire and intention of the Board of Aldermen of the City of Hillcrest Village, Texas, to adopt certain portions of the plumbing code relating to sewer lines; now, therefore,
2. BE IT ORDAINED by the City Council of the City of Hillcrest Village, Texas, that:
- A. All sewer lines on and lines considered to be connected to must be secure and prevent any water, gas, sewage, or any other material that might be within the

lines from escaping therefrom or any substance of whatever nature that is outside the lines from infiltration or entering the lines.

- B. It is the property owner's financial responsibility to prove the integrity of his or her house sewer line from the house to the sewer tap by a State of Texas licensed plumber before it becomes necessary for the City of Hillcrest Village to perform work on the City sewer main line.
- C. A minimum of schedule 40 PVC pipe shall be used for all new or repairs to private underground sewer lines.
- D. No party, owner or person shall permit, cause or engage in introducing or dumping any substance of whatever nature into the City sewage system other than household sewage from a home or building permanently attached to the real estate. Any violation of this ordinance shall be punishable by a fine in an amount not exceeding \$200.00 for each event or occurrence.
- E. All private sewer systems whether new, modified, enlarged or replaced must be permitted and inspected by the Brazoria County Health Officer. Plans must be reviewed by City building inspector and City utilities operator.
- F. The City shall have the right to inspect any sewer lines by smoke injection, or any other method acceptable to the City Council. Upon a determination by the City Council, Building Inspector or the City Utility Operator that water, gas, sewage, or any other material that might be within the lines is escaping therefrom or infiltrating therein, the City shall notify the owner of the property which the sewer line is on or buried under of such condition. The owner must correct said private drain, sink or privy to fill up, clean, drain, alter, relay or improve said drain, sink, privy or sewer line within thirty days of this notice.

Section V. **Plumbing, Water Lines Requirements**

- 1. WHEREAS, it is the desire of the City of Hillcrest Village, Texas, to adopt certain portions of the plumbing code relating to the use of water lines as it relates to meter boxes housing the water meters on private property within the corporate limits of said City.
- 2. BE IT ORDAINED by the City Council of the City of Hillcrest Village, Texas, that:
 - A. All meter boxes housing the water meters must be kept free from overgrown grass, brambles, brush and dirt.
 - B. All plumbing construction allowed in the City of Hillcrest Village, Texas will be in accordance with the International Residential Building Code – current edition.

- C. No person shall engage in the business of contractor for, installing, altering, or repairing any plumbing within the City of Hillcrest Village, Texas which is regulated by this ordinance unless said person shall hold a valid, unexpired Master or Journeyman's license.
- D. Ensuring compliance with the 290 regulations of the TNRCC for Prevention of Cross Connections will require plumbing inspection by a State of Texas Licensed Inspector from either the City Water and Sewer Operations Company or the Building Inspections Office. Fee is one hour rate for Sewer Operations Company contract, or as set by resolution for fees.
- E. A minimum of schedule 40 PVC pipe shall be used for all new repairs to private underground water lines.
- F. Plumbing contractor to fill out plumbing application permit form as provided by the City of Hillcrest Village.

Section VI. Building Inspector

The City Council of the City of Hillcrest Village, Texas shall appoint a building inspector.

- 1. The person appointed as an inspector shall have at least five (5) years experience as a building inspector, builder, engineer, architect, or as a superintendant foreman or mechanic in charge of construction.
- 2. Deputy – The Council shall designate a deputy, who shall, in the absence or disability of the building inspector, exercise all the powers of the building inspector.
- 3. Right of Entry – The building inspector shall enforce the provisions of this code and he, or the deputy, may enter any building or premise within the City to perform any duty imposed upon him by this code.
- 4. Stop Work Orders – The building inspector shall have the authority to issue a stop work order on any building or structure that is being constructed contrary to the provisions of this code or in a dangerous or unsafe manner, and such work shall be immediately stopped. This notice shall be in writing and shall be given to the owner, his agent, or to the person doing the work. The stop order shall describe the portions of this code being violated and the conditions under which work may be resumed.
- 5. Revocation of Permits – The building inspector may revoke a permit issued under the provisions of this code, in case there has been any false statements or misrepresentations as to a material fact in the application on which the permit was based.
- 6. Records - The building inspector shall keep a record of all construction and such

records shall be open to public inspection.

7. Liability – The building inspector or deputy charged with the enforcement of this code, acting in behalf of the City in the discharge of their duties, shall not be held liable personally and is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required in or resulting from the discharge of his duties.
8. Salary – The City Council of the City of Hillcrest Village shall be responsible for setting compensation of the building inspector.

Section VII. Building Permits

Building Permits shall be issued by the City, prior to the beginning of any on-site construction, and the fees shall be set by the City of Hillcrest Village Council by way of fee resolutions. Resolutions will be updated as required.

1. Fees:
See resolution for fee schedule.
2. Where work for which a permit is required by this Code is started or proceeded with prior to obtaining said permit, the fees herein specified shall be doubled and with the possibility of being fined \$200.00/day per each violation, but the payment of such double fee and/or fine shall not relieve any persons from fully complying with the requirements of this Code in the execution of the work, nor from any other penalties prescribed herein.
3. The permit valuation shall be based upon the total cost of the proposed construction. Only the cost of the lot shall be excluded.
4. Moving of Building or Structures
For moving of any building or structure into or out of the City of Hillcrest Village, Texas, City Council must be contacted prior to moving any older non-conforming building or structure onto an existing subdivision lot. This fee includes the moving of small storage type structures from one location in the City to another location within the City and refers to persons and/or corporations that move houses and other structures from one city to another for a living. The fee shall be \$75.00.
5. Plan-checking Fees
When the valuation of the proposed construction exceeds \$1,000,000.00, a construction plan is required to be submitted and a plan-checking fee shall be paid to the City of Hillcrest Village at the time of submitting plans and specifications for checking. Said plan-checking fee shall be equal to one half of the building permit fee as set forth in the fee resolution. This plan-checking fee is in addition to the building permit fee.

6. Tap Fees

Building fees shall also include an additional charge for water and sewer tap fees. This charge shall be per fee resolution per tap depending upon the actual reimbursable cost incurred by the City of Hillcrest Village for connection to either the City sanitary sewer system or for connection to the City water system. These fees are for the normal case where water and sewer lines already exist in the adjacent easement; otherwise, Council will have to determine costs to extend lines to the property. These tap fees shall be payable at the time the building permit fee is payable.

7. Demolition of Building or Structures

For the demolition of any building or structure, a permit fee shall be paid to the City of Hillcrest Village per fee resolution.

8. Building permits shall be required and shall be issued by the City prior to the beginning of any of the following construction or repairs:

- A. New construction, including houses, garages, storage, recreational, or any other permanent or semi-permanent structures
- B. Additions or modifications of existing structures or portable buildings
- C. Repairs to water and sewer lines on private property
- D. Re-roofing
- E. Fencing of any and all approved types
- F. Electrical changes
- G. If there is a question, contact the City.

9. Note that all construction or repairs authorized by a building permit must be completed within one year from the date of issue of the permit. After that time, another building permit shall be required for completion of the work or demolition and removal of any unfinished construction shall be required at owner's expense.

10. All fees associated with building permits must be paid in full before a final inspection for occupancy.

Section VIII. Building Limitation

- 1. Not more than one single family residence or dwelling shall be erected or constructed on any one residential lot as platted for the subdivision in which said residence is erected.
- 2. The exterior construction of all homes must have a minimum of 75% brick veneer

construction on the first floor. Any other product must be approved by the City of Hillcrest Village Council.

3. New construction plans to be reviewed by the City of Hillcrest Village Council.

Section IX. Set Back Line

The front of all homes must face the 35 foot building set back lines, as shown on the final plot plan approved by a vote of the Board of Aldermen of the City of Hillcrest Village, Texas.

The definition of set back line stating the following:

1. The thirty-five foot set back line as established in a subdivision plat, only establishes the minimum distance that above ground construction shall begin. The distance is measured from the property line. If, in fact, the construction of existing homes is such that a different set back line was established, it shall be the responsibility of the building inspector and the City Council to ensure that the intent of the ordinance is not violated, i.e., a single house may not be offset to the street side of the lot so as to be an obstruction to the neighboring houses.
2. The set back line refers to the minimum distance from the property line that any above ground construction or structures that obstruct the view to/from adjacent homes shall exist. This includes, but is not limited to, fences, decorative walls, carports, campers, boats, recreational vehicles, or any other large vehicle or structure. Once a house is constructed, the effective set back line for that lot is established as the front edge of the structure. However, for lots with angled or curved (cul de sacs) property lines, the City Council shall approve the set back line for construction of buildings, fences, decorative walls, or any other structures to ensure that the adjacent property owner's rights are not violated.

Section X. Swimming Pools, Fences and/or Enclosures

1. WHEREAS, it is the desire of the City of Hillcrest Village, Texas to adopt certain portions of the swimming pool code relating to design, construction or installation, repair or alteration, maintenance and use of swimming pools on public or private property within the corporate limits of said City and relating to the public safety, health and general welfare.
2. BE IT ORDAINED by the City Council of the City of Hillcrest Village, Texas, that:
 - A. This ordinance and the term "pool" shall include all pools used for swimming, wading, or bathing, all spas, hot tubs, whirlpools, Jacuzzi's, portable pools, or any other permanent fixture used for the above purpose and shall include any constructed or prefabricated pool used for swimming or bathing eighteen

inches or more in depth; any prefabricated pool which may be erected at the point of intended use and which may be subsequently disassembled and re-erected at a new location; and any constructed or prefabricated pool eighteen inches or less in depth.

- B. All pools covered under this ordinance will be maintained and kept clean at all times. Failure to do so could result in maintenance/cleaning being ordered by the City Council at the owner's expense.
- C. A building inspector fee as set by fee resolution schedule shall be paid in addition to the City of Hillcrest Village at the time the building permit is issued.
- D. No pools covered under this ordinance shall be tied into the sanitary sewer system of the City of Hillcrest Village, Texas.
- E. A solid, non-see-through wood or combination wood and brick enclosure beginning at ground level and extending up a minimum of five feet (5'), with a locking gate to prevent accidental entry by unsuspecting persons, shall be constructed around all pools covered by this ordinance and shall be maintained in good condition at all times. The intent and construction of these fences is to ensure the safety of children and unsuspecting adults and to deter and protect against accidental drowning.
- F. All fences constructed or shrubbery planted on City easements will be at the property owner's risk. That is, when the City requires access to the easement to perform maintenance/installation work for City services, the City retains the right to remove fences and shrubs placed on public easements, as necessary, and repair or replacement is at the property owner's expense.

Section XI. Flood Insurance

1. WHEREAS, it is the desire of the City of Hillcrest Village, Texas to review all building permit applications for new construction, substantial improvements or major repairs within the flood plain area having special flood hazards to assure that the proposed construction:
 - A. Is protected against flood damage,
 - B. Is designed and anchored to prevent flotation, collapse, or lateral movement of the structure,
 - C. Uses construction materials and utility equipment that are resistant to flood damage, and
 - D. Uses construction methods and practices that will minimize flood damage.

2. BE IT ORDAINED by the City of Hillcrest Village, Texas, the City will require new construction or substantial improvements of residential and non-residential structure within the area of special flood hazards to have the lowest floor (including basement) elevated to or above the level of the 100-year flood.

Section XII. Maintenance, Removal and Demolition of Buildings or Structures Within The Village

1. WHEREAS, it is the desire of the City of Hillcrest Village, Texas to adopt certain portions of the building code relating to maintenance, removal, and demolition of buildings or structures that are in need of repair or dangerous.
2. BE IT ORDAINED by the City Council of the City of Hillcrest Village, Texas, that:
 - A. This ordinance and the term “building” shall include all buildings used for single family residences, unattached garages, storage buildings, and any other structure, whether it be attached or unattached to the residence (e.g., patio covers, sun rooms, etc).
 - B. All buildings and the appurtenances thereto be maintained properly and in accordance with the provisions of the current International Property Maintenance Code or subsequent edition or revision thereto at all times. Failure to do so could result in an order that would require the repairing or vacation and relocation of occupants and securing, removing or demolishing being ordered by the City Council.
 - C. Before the City may order a building to be repaired, vacated, secured, removed or demolished, the City Building Inspector must certify that the building or any structure on the property is inadequately being maintained, is not in compliance with the minimum standards set out in the International Property Maintenance Code – current edition or subsequent edition or revision thereto, or is substandard or unfit for human habitation and that the building is a hazard to the public health, safety and welfare.
 - D. Upon certification by the City Building Inspector, 30 days notice be given to the owner of the building that a public hearing will be held to determine whether the building complies with the standards set out in the ordinance. The notice to the property owner shall be by certified mail and contain an identification, which is not required to be a legal description, of the building and the property on which it is located, a description of the violation of the ordinance that is present at the building, and a statement that the City of Hillcrest Village will issue fines, vacate, secure, remove or demolish the building or relocate the occupants of the building if the ordered action is not begun within 30 days.

- E. As an alternative to the procedures described above, the City shall make a diligent effort to discover each mortgagee and lien holder of a dangerous building for conducting the public hearing described above. The City of Hillcrest Village shall give them notice of, and an opportunity to comment at the hearing. An order issued by the City under this section shall give the owner 30 days to begin repairing or vacating, securing, removing, demolishing and relocating the occupants of the building. Any mortgages or lien holders shall have an additional 15 days to start repairing or removing, securing, vacating and relocating current occupants or demolishing the building in the event the property owners cannot do so. Under this section, the City of Hillcrest Village is not obligated to furnish any notice to a mortgagee or lien holder other than a copy of the order, in the event the owner fails to take ordered action.
- F. If the building is not repaired, vacated, secured, removed or demolished, or the occupants are not relocated within the allotted time, the City of Hillcrest Village may repair, vacate, secure, remove or demolish the building or relocate the occupants at its own expense. If the City of Hillcrest Village incurs these expenses, then the City may assess the expenses and have a lien against the property on which the building was located, unless it is a homestead as protected by the Texas Constitution. The lien may be extinguished if the property owner or other person having an interest in the legal title to the property reimburses the City for the expenses. Such liens shall arise and attach to the property at the time the notice of the lien is recorded and indexed in the Office of the County Clerk, Brazoria County, Texas. The notice must contain the name and address of the owner, if that information can be determined with a reasonable effort, a legal description of the property on which the building was located, the amount of the expenses incurred by the City and the balance due. Such lien is a privileged lien subordinate only to tax liens and all previously recorded bonafide mortgage liens attached to the real property to which the City's lien attaches.

Section XIII. **Ordinance Enforcement and Provision for Variances**

1. BE IT ORDAINED by the City Council of the City of Hillcrest Village, Texas, that whenever violations of this ordinance exist, the City shall provide notice to the owner of such lot or premises to remedy the condition and to come into compliance within thirty days. Such notice shall be in writing and shall be served on the owner in person or mailed to him/her at their last known address by certified mail. In the event personal delivery cannot be made and the owner's address is not known, such notice shall be given by publication in a newspaper published in the City, at least twice within ten (10) consecutive days.

Some circumstances may require an extension of time to come into full compliance. Should this be the case, the property owner must request a hearing before the City Council to request an extension of time to comply.

A misdemeanor citation will be issued at a fine of up to \$200.00 per day, if at the end of the thirty-day compliance period one of the following has not occurred:

- (a) the correction has been made,
- (b) a concentrated effort is in progress to correct the condition, or
- (c) a hearing request before the City Council has been received.

Each continuing day of violation is a separate offense and punishable by a citation being issued each and every day of continued violation until the violation is corrected and compliance with the ordinances has occurred.

2. BE IT FURTHER ORDAINED by the City Council of the City of Hillcrest Village, Texas that in the event the owner of any lot or premises fails to remedy any condition in violation of this ordinance as described in the above paragraph, the City shall do whatever is necessary to remedy the condition, or cause the same to be done, and shall charge the expense incurred and any fines to the owner of such lot or premises. And such expense and fines shall be assessed against the real estate upon which the work was done. The doing of such work and the charging and assessing of the expenses thereof against the owner shall not relieve the owner or occupant of any prosecution for violation of the above paragraph. The City shall be entitled to collect for administrative and legal expenses in carrying out the terms of this ordinance in addition to the actual fees paid by the City for correction of the ordinance violation(s). The Mayor or City Clerk shall file a statement of expenses incurred, giving amounts of such expenses and the date on which work was done, with the county clerk. To secure repayment of City expenditures, the City shall have a privileged lien on such lot or real estate upon which the work was done and/or ordinance enforcement expenses were incurred. In accordance with the provisions of Article 4436, Revised Civil Statutes of Texas, which lien shall be second only to tax liens and liens for street improvements. The amount of such expenses shall bear ten percent (10%) interest from the date such statement is filed. For any such expenditures and interest, a suit may be instituted and recovery and foreclosure of such lien may be had in the name of the City and the statement of expenses so made, or a certified copy thereof, shall be prima facie proof of the amount expended for such work.
3. BE IT FURTHER ORDAINED by the City Council of the City of Hillcrest Village, Texas that residents have an appeal process to the enforcement of this ordinance, that is, they may submit written petition of appeal to the City of Hillcrest Village City Council for a hearing at a regularly scheduled council meeting. This includes petition of appeal for interpretation of ordinances by the City Building Inspector or other City official. The City of Hillcrest Village City Council, when so petitioned to and after a hearing, may vary the application of any provision of this ordinance 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 ordinance or the technical codes of public interest, and also finds all of the following:

- (a) That special conditions and circumstances exist which are peculiar to the building, structure, or resident's lot involved and which are not applicable to others;
- (b) That the special conditions and circumstances do not result from the action or inaction of the applicant;
- (c) That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other buildings, structures, or residential lots;
- (d) That the variance granted is the minimum variance that will make possible the reasonable use of the building, structure or residential lot;
- (e) That the grant of the variance will be in harmony with the general intent and purpose of this code and will not be detrimental to the public health, safety and general welfare.

Note that any petition of appeal approved by the City of Hillcrest Village City Council shall require 75% approval of Council Members at the meeting, shall be documented and signed by Council Members, and shall be recorded by the City Clerk and maintained with the set of City of Hillcrest Village Ordinances. A signed copy shall be provided to the resident making the petition of appeal for maintaining their files.

4. BE IT FURTHER ORDAINED by the City Council of the City of Hillcrest Village, Texas that in the event any section, paragraph, subdivision, clause, phrase, provision, sentence or part of this ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by any court of competent jurisdiction, it shall not affect, impair, nor invalidate this ordinance as a whole or any part or provision hereof other than the part so declared to be invalid or unconstitutional; and the Aldermen of the City of Hillcrest Village, Texas declare that it would have passed each and every part the same notwithstanding the omission of any such part so declared to be invalid or unconstitutional, or whether there be one or more parts.

THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON PASSAGE BY THE BOARD OF ALDERMEN OF HILLCREST VILLAGE, TEXAS.

PASSED AND APPROVED this THE 8th day of May 2003.

CITY OF HILLCREST VILLAGE, TEXAS

Alderman Jim Hawkins

Alderman Terrell Franzen

Alderman Ken Theriot

Alderman Paul Patterson

Alderman Johnny Villareal

Claron Salter-Clark - Mayor

Attest:

Stacey Zills – City Clerk