

**CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2022-14**

AN ORDINANCE AMENDING CHAPTER 26 “BUILDINGS AND BUILDING REGULATIONS”, ARTICLE IX “BUILDING BOARD OF ADJUSTMENT AND APPEALS” OF THE CODE OF ORDINANCES, CITY OF KERRVILLE, TEXAS; BY DECREASING THE MEMBERSHIP OF REGULAR MEMBERS AND AMENDING THE MEMBERSHIP QUALIFICATIONS FOR THE BOARD; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; ESTABLISHING AN EFFECTIVE DATE; AND PROVIDING OTHER MATTERS RELATED TO THE SUBJECT

WHEREAS, City Council previously created a single, multi-trade board known as the Building Board of Adjustment and Appeals (“Board”), as found within Chapter 26, Article IX, of the City’s Code of Ordinances; and

WHEREAS, City Council created the Board to hear appeals, grant variances, and to recommend amendments to and the adoption of standardized building codes to be considered for adoption by Council; and

WHEREAS, in an effort to address inefficiencies with respect to the appointment of members and the operation of the Board, City staff recommends amending Chapter 26 to reduce the number of regular members on the Board and by revising the qualifications for the Board to provide greater flexibility in making Board appointments; and

WHEREAS, City Council finds it to be in the public interest to amend Chapter 26, Article IX in the manner and for the reasons provided above;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KERRVILLE, KERR COUNTY, TEXAS:

SECTION ONE. Chapter 26 “Buildings and Building Regulations”, Article IX “Building Board of Adjustment and Appeals” of the Code of Ordinances of the City is amended by amending Section 26-250, subsection (b) in its entirety and replacing it with new language indicated by blue, underline (addition) as follows:

“Sec. 26-250. Building Board of Adjustment and Appeals.

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(b) *Membership.* The Board shall consist of five regular members and two alternate members appointed by City Council. A minimum of four of the regular members should be experienced in at least one of the following areas: architect or engineer; electrical contracting; building construction; mechanical

contracting (HVAC); plumbing contracting; fire protection; or a real estate professional.”

SECTION TWO. Chapter 26 “Buildings and Building Regulations”, Article IX “Building Board of Adjustment and Appeals” of the Code of Ordinances of the City is amended by amending Section 26-250, subsection (c) with deleted language indicated by red, strikeout (~~deleted~~) and new language indicated by blue, underline (addition) as follows:

“Sec. 26-250. Building Board of Adjustment and Appeals.

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(c) *Alternates.* In an effort to obtain a quorum, increase efficiency, or for other reasons, the City Council ~~may shall~~ appoint two ~~or more~~ alternate members to the board. Each alternate member shall meet any one of the qualification provisions applicable to regular members. An alternate member shall serve only in the absence of one or more regular members when requested to do so by the chief building official so that all cases considered by the board are heard by a minimum of at least four members. Alternate members may only participate in meetings if called to act and shall then act as a regular member for the entire meeting. Even where not called upon to act as a regular member, alternate members shall attend all meetings and are subject to the attendance requirements applicable to the board.”

SECTION THREE. The City Secretary is authorized and directed to submit this Ordinance to the publisher of the City’s Code of Ordinances and the publisher is authorized to amend said Code to reflect the amendments adopted herein and to correct typographical errors and to index, format, and number and letter paragraphs to the existing Code, as appropriate.

SECTION FOUR. The provisions of this Ordinance are to be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent with or in conflict with any of the provisions of this Ordinance are hereby expressly repealed to the extent of any such inconsistency or conflict.

SECTION FIVE. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this Ordinance. City Council hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

SECTION SIX. This Ordinance shall become effective immediately upon approval.

PASSED AND APPROVED ON FIRST READING, this the 08 day of MARCH, A.D., 2022.

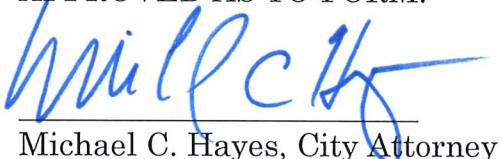
PASSED AND APPROVED ON SECOND AND FINAL READING, this the 22 day of March, A.D., 2022.



Bill Blackburn

Bill Blackburn, Mayor

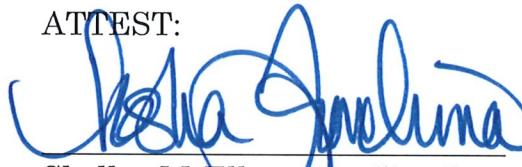
APPROVED AS TO FORM:



Michael C. Hayes

Michael C. Hayes, City Attorney

ATTEST:



Shelley McElhannon

Shelley McElhannon, City Secretary

KESIA FRANCHINA, DEPUTY CITY SECRETARY