

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 7 “BUILDINGS”, ARTICLE IV “MINIMUM BUILDING STANDARDS CODE”, OF THE CODE OF THE CITY OF FORT WORTH, TEXAS (2015), AS AMENDED, TO AMEND CHAPTER 7, ARTICLE IV, DIVISION 4, SECTION 7-100 “PROCEEDINGS BEFORE THE COMMISSION”, TO REVISE THE COMMISSION’S QUORUM AND VOTING REQUIREMENTS, PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL PRIOR ORDINANCES AND REPEAL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, in 2016 the voters in Fort Worth approved an amendment to the City Charter to increase the number of City Council Districts from nine to eleven, with such increase becoming effective with the canvassing of the May 2023 general election for Mayor and City Councilmembers; and

WHEREAS, on or about August 8, 2023, the Code of the City of Fort Worth was amended to increase the number of members of each board and commission that is constituted on a by-district basis from nine to eleven; and

WHEREAS, in Chapter 2 “Administration,” Article III “Boards and Commissions,” of the Code of the City of Fort Worth”, the Building Standards Commission is constituted on a by-district basis containing eleven members each; and

WHEREAS, it is advisable to amend Chapter 7 “Buildings”, Article IV “Minimum Building Standards Code”, Division 4 “Administrative and Civil Remedies”, Section 7-100 “Proceedings Before the Commission” of the City of Fort Worth Code of Ordinances to amend the quorum and voting requirement for the commission;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS AS FOLLOWS:

SECTION 1.

That the Code of the City of Fort Worth, Texas (2015), as amended, is hereby further amended by amending Chapter 7 “Buildings”, Article IV “Minimum Building Standards Code”, Division 4 “Administrative and Civil Remedies”, Section 7-100 “Proceedings Before the Commission” to revise the commission’s quorum and voting requirements, to read as follows:

§ 7-100 PROCEEDINGS BEFORE THE COMMISSION.

(a) All cases to be heard by the commission shall be heard by a quorum of not less than ~~five~~ six members. No decision by the commission shall be deemed rendered unless concurred in by a majority of those members in attendance, but by no less than a minimum of ~~four~~ five members.

(b) The commission shall select a chairperson who shall act as presiding officer during the

hearing of all cases.

(c) All owners, mortgagees and lienholders of the property shall be given an opportunity to present evidence at the hearing. Interested parties shall also be given an opportunity to present evidence. In a hearing to determine whether a building, property or structure is substandard, the owner, mortgagee or lienholder of the building or structure has the burden of proof to demonstrate the scope of work that may be required to bring the building or structure into compliance with this article and the time it will reasonably take to perform the work.

(d) The commission shall establish rules of procedure for the conduct of hearings, but such rules shall be consistent with this article and applicable state law.

(e) Meetings of the commission shall be held at the call of the director and at other times as determined by the commission. All meetings of the commission shall be open to the public. The chairperson, or in the chairperson's absence the acting chairperson, may administer oaths and compel the attendance of witnesses.

(f) The director shall appoint an appropriate municipal official from the code compliance department to act as secretary for the commission. The secretary shall prepare and be the custodian of minutes for all commission proceedings showing the vote of each member on each question or the fact that a member is absent or fails to vote. The secretary shall keep records of the commission's examinations and other official duties.

(g) The director may appoint an appropriate municipal official from the code compliance department, to present all cases and evidence before the commission.

SECTION 2.

This ordinance shall be cumulative of all provisions of ordinances of the Code of the City of Fort Worth, Texas, (2015), as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event conflicting provisions of such ordinances and such Code are hereby repealed.

SECTION 3.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and, if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 4.

All other provisions of the Code of the City of Fort Worth, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 5.

This ordinance shall take effect upon adoption, and it is so ordained.

APPROVED AS TO FORM AND LEGALITY:

ATTEST:

Christopher K. Austria
Assistant City Attorney

Jannette S. Goodall
City Secretary

Date: _____

ADOPTED: _____

EFFECTIVE: _____