

ORDINANCE NO. 563

AN ORDINANCE OF THE CITY OF CIBOLO ESTABLISHING REQUIREMENTS FOR THE LIMITS, DISTANCES, AND PLACEMENT OF AUXILIARY STRUCTURES AND OTHER OBJECTS ON RESIDENTIAL OR COMMERCIAL PROPERTY. PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND (\$2,000.00) DOLLARS PER OFFENSE PER DAY FOR EACH VIOLATION EACH DAY BEING A SEPARATE OFFENSE.

WHEREAS; The City of Cibolo seeks to protect the citizens and their property from the possible hazards of fire exposure; and

WHEREAS; The City of Cibolo wants to prevent the possible blocking from view of the fire hydrants; and

WHEREAS; The City of Cibolo wants to prevent the possible blocking of access to the fire hydrants; and

WHEREAS; the City of Cibolo wants to prevent the possible endangerment to pedestrians and the public; and

WHEREAS; the City of Cibolo wants to prevent the possible damage to private property; and

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CIBOLO TEXAS COUNTY OF GUADALUPE:

SECTION I DEFINITIONS – The following words, terms, and phrases when used in this Ordinance, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning.

Attractive Nuisance – That which draws or attracts attention, crowds, or gatherings that may pose a hazard to motorists or the public.

Auxiliary Structures – Any building, garage, carport, shed, barn, framework, gazebo, deck, patio, porch, or greenhouse. That which is built or constructed, that which is intended for supporting or sheltering any use. Excluding the primary dwelling or business.

Easements – A grant of interest in land entitling a person, city, state, utility company, corporation, or firm to use land possessed by another. Whether that is an expressed easement or an implied easement.

Objects – Any poles, columns, stands, canopies, awnings, dividers, recreational devices, including among others, display of wares or merchandise and sidewalk signs.

Permit – A written document or certificate issued by the Building Inspection Official permitting the construction, alteration, or repair.

Portable Structure – Transportable, movable, not attached to the ground.

Temporary Structure – Short time, brief, momentary, makeshift, substitute, for the time being, overnight, changeable, unfixd.

SECTION II ENFORCEMENT OF ARTICLE – The Code Enforcement Officers are hereby authorized and directed to enforce all the provisions of this Ordinance. For the purpose of enforcing the provisions thereof, the Code Enforcement Officers and the duly authorized representatives in the Building Inspection Department may enter any building, structure, or premises during reasonable hours to perform any duty imposed upon them by this Ordinance. Further, the Code Enforcement Officers and their representatives in the Building Inspection Department shall have the power of a Police Officer for the purpose of enforcing this Ordinance.

SECTION III BUILDING PERMIT REQUIRED – No person, homeowner, contractor, or company, shall erect, construct, enlarge, alter, repair, improve, remove, place, convert, or demolish any building or structure (as described in this Ordinance) in the City, or cause the same to be done without first obtaining a permit therefore from the Building Inspection Officials. The issuance of the permit shall be controlled by the building, plumbing, electrical, mechanical, or zoning codes as adopted by the City Ordinances.

SECTION IV DISTANCE REQUIREMENTS – No other structure or auxiliary structure shall be permitted to be built, constructed, erected or placed within ten (10') feet of another structure, and not within five (5') feet of a property line or fence. No auxiliary structures shall be permitted to be placed in or on an easement. A structure may be allowed to be placed against a fence only if a minimum twenty (20') foot street, alleyway, or public dedicated drainage easement exists on the other side of the fence.

SECTION V HAZARDS – The Code Enforcement Officers shall have the authority if necessary to require any pre-existing auxiliary building to be brought into compliance, moved, or removed if deemed a hazard that poses a fire, health, or safety risk; whether or not a proper permit was obtained for that structure previously.

SECTION VI RIGHT-OF-WAYS – No placement of objects or that, which is, deemed an attractive nuisance, whether they are permanent or temporary shall encroach the public right-of-ways, or the city easements.

SECTION VII PENALTIES FOR VIOLATIONS – Any person, homeowner, contractor, or company violating any of the provisions of this Ordinance or failing to observe any of the provisions hereof, upon conviction shall be deemed guilty of a misdemeanor, and shall be fined not more than two thousand (\$2,000.00) dollars, per violation, per day, and each violation shall be a separate offence, and each day the violation exists shall constitute a separate offence.

SECTION VIII SAVINGS CLAUSE – That the terms and provisions of this Ordinance shall be deemed to be severable and that if the validity of any section, subsection, sentence, clause, or phrase, of this Ordinance should be declared to be invalid, the same shall not affect the validity of any other section, subsection, sentence, clause, phrase of this Ordinance.

PASSED AND APPROVED THIS 23rd DAY OF July, 2002



Charles Ruppert
Mayor

ATTEST



Yvonne Griffin
City Secretary