

200 OLD ANNETTA ROAD, ALEDO, TEXAS 76008

DEMOLITION PERMIT APPLICATION

DATE: _____
OWNER'S NAME: _____
Mailing Address: _____ City: _____ State: _____
Zip: _____ Phone: _____ Email: _____

PHYSICAL ADDRESS: _____, ALEDO, TX
ZONING DISTRICT: _____ (If DB, must have P&Z and City Council approval)
LEGAL DESCRIPTION: LOT/TRACT: _____ BLOCK: _____ SECTION: _____
ADDITION: _____

CONTRACTOR: _____
ADDRESS: _____ CITY: _____ STATE: _____

REASON FOR DEMO: _____
PROJECTED COST: \$ _____

DESCRIBE PROVISIONS FOR PROPER ABANDONMENT OF ALL UTILITIES AS REQUIRED BY BUILDING
CODES AND BY THE DEMOLITION ORDINANCE:

ATTACH LIABILITY INSURANCE

NOTICE

I hereby certify that I have read and examined this application and know the same to be true and correct and that all provisions of the city ordinance and state laws will be complied with. The granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulation construction or the performance of construction. I am the owner of the above property or his duly authorized agent. Permission is hereby granted to enter premises and make all necessary inspections.

Signature Contractor/Owner

Date

**CITY OF ALEDO, TEXAS
ORDINANCE NO. B – 2008 - 04**

AN ORDINANCE OF THE CITY OF ALEDO, TEXAS, AMENDING CHAPTER 10, ARTICLE VII, DEMOLITION OF BUILDINGS, OF THE ALEDO MUNICIPAL CODE; CONTAINING DEFINITIONS; REQUIRING DEMOLITION PERMITS; REQUIRING THE SECURING OF DEMOLITION SITES; REQUIRING LIABILITY INSURANCE; ESTABLISHING ADDITIONAL REQUIREMENTS CONCERNING PERMITS FOR DEMOLITION OR MOVING OF HISTORIC STRUCTURES IN THE DOWNTOWN BUSINESS DISTRICT; REQUIRING THE PAYMENT OF PERMIT FEES; PROVIDING FOR PERMIT REVOCATIONS; AUTHORIZING THE BUILDING OFFICIAL TO STOP CERTAIN DEMOLITIONS; REQUIRING COMPLETION OF DEMOLITION WORK; PROVIDING FOR EXPIRATION OF DEMOLITION PERMITS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN PAMPHLET FORM; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Aledo, Texas is a Type A general-law municipality located in Parker County, created in accordance with the provisions of Chapter 6 of the Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the demolition of buildings and structures within the City may be necessary from time to time; and

WHEREAS, the regulation, management and control of demolition of buildings and structures within the City is essential to the public health, safety and welfare of the citizens of the City of Aledo and

WHEREAS, the City of Aledo also desires to establish certain requirements concerning the demolition or removal of historic structures in the Downtown Business District.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALEDO, TEXAS:

SECTION 1.

That Chapter 10, Article VII, Demolition of Buildings, of the Code of Ordinances of the City of Aledo, Texas, is hereby amended to read as follows:

ARTICLE VII. DEMOLITION OF BUILDINGS

Division 1. Generally

Sec. 10-294. Definitions.

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

BD, Downtown Business District means the DB, Downtown Business District established in accordance with Section 21 of the Zoning Ordinance.

Building Official means the person designated by the City Council to enforce this Article.

Demolish means the razing, tearing down, or removal of all or part of a building; the removal of the outer facing of a building but leaving a skeleton or structural frame; or the removal of an upper story or stories of a building.

Historic Structure means a building or structure more than fifty (50) years old or one which has been designated as an historic landmark by the State of Texas.

Sec. 10-195—10-215. Reserved.

Division 2. Demolition Permit

Sec. 10-216. Required.

No person shall demolish or remove a building, or part thereof, without first having obtained a permit for such demolition or removal from the Building Official.

Sec. 10-217. Application.

To obtain a demolition permit the applicant shall first file an application in writing on a form furnished by the City. Such application shall set forth a statement of the facts necessary to fully describe the building, its use, its legal description, and address. Provisions shall be made by the applicant for the proper abandonment of all utilities as required by this Code before a demolition permit may be issued.

Sec. 10-218. Advisory note; safety requirements.

All demolition work should be performed in conformance with "Safety Requirements for Demolition," ANSI A10.6-1990 as published by American National Standards Institute, Inc. and the International Building Code as adopted and amended by the City from time to time.

Sec. 10-219. Securing the demolition site.

All demolition sites shall be secured at all times during the demolition process.

Sec. 10-220. Liability insurance.

(a) Whenever any building which is to be demolished has been used, or is being used, for any occupancy group except detached one or two-family occupancies, the person applying for the demolition permit shall, as a part of the application, be required to:

(1) At all times maintain public liability insurance coverage for all claims arising out of all work in the City done by or under the supervision of the demolition contractor under the provisions of this Article. Such insurance shall be in the form of a commercial or comprehensive general liability policy, with a minimum combined single limit of \$500,000.00 aggregate for any one occurrence on any job for which a permit is required under this Article, provided the City shall be named an additional insured thereunder.

(2) At all times keep on file with the City a current certificate of insurance signed by a qualified agent of an insurance company licensed to do business in the State of Texas evidencing the existence of valid and effective policies of insurance naming the City as an additional insured for the coverage required by subsection (a)(1) of this section, the limits of each policy, the policy number, the name of the insurer, the effective date and expiration date of each policy, the deductibles or self-insurance retainers of each policy, and a copy of an endorsement placed on each policy requiring thirty (30) days notice by mail to the Building Official before the insurer may cancel the policy for any reason, and upon request of the Building Official or the City Attorney, a copy of any endorsements placed on such policies or the declarations page of such policies. Any termination, reduction, or lapse of such insurance shall automatically terminate the privilege of the demolition contractor to be issued permits under the provisions of this Code, unless other insurance meeting the requirements of this section is provided and in full force and effect at the time of such termination or cancellation.

(b) Where the Building Official determines that the proposed demolition of a building involves a greater risk than normal, the Building Official may require a certificate evidencing liability coverage in excess of the minimum sum stated above.

Sec. 10-221. Additional requirements for permits to demolish or move historic structures in the DB, Downtown Business District.

(a) The Building Official shall not issue a permit to demolish or move an historic structure in the DB, Downtown Business District, unless the permit application has been reviewed by the Planning and Zoning Commission and approved by the City Council as provided below.

(b) When the City receives an application for a permit to demolish or move an historic structure in the DB, Downtown Business District, the Building Official shall refer the permit to the Planning and Zoning Commission. The Planning and Zoning Commission shall review the application at a regularly scheduled meeting, at which time an opportunity will be provided for the applicant to be heard. After the review meeting, the Planning and Zoning Commission shall make a recommendation to the City Council as to whether the demolition/moving permit should be approved, denied, or approved with modifications. If the historic structure is in such condition that it cannot be economically brought into compliance with the codes and ordinances of the City, the Planning and Zoning Commission shall recommend to the City Council that the Council approve issuance of the demolition permit. If the Planning and Zoning Commission does not act on an application within thirty (30) days from the date the application is received, it shall be considered that the Commission has recommended approval of the application and the application shall be forwarded to the City Council.

(c) The City Council shall review the application for a demolition permit at a regularly scheduled meeting, at which an opportunity will be provided for the applicant to be heard. If the historic structure is in such condition that it cannot economically be brought into compliance with the codes and ordinance of the City, the Council may approve issuance of the permit. If the historic structure is capable of being economically brought into compliance with the codes and ordinances of the City, but the owner still desires to demolish or move the structure, the owner shall be required to demonstrate an economic hardship in accordance with paragraph (d) below before the City Council shall approve the issuance of a demolition permit.

(d) After receiving written notification from the City Council of denial of a permit for demolition of an historic structure in the DB, Downtown Business District, the applicant may commence the hardship process. No demolition permit shall be issued unless the City Council finds that an economic hardship exists. When a claim of economic hardship application is made due to the effect of this Section, the applicant must prove that:

(1) The structure is incapable of earning a reasonable economic return, regardless of whether that return represents the most profitable return possible;

(2) The structure cannot be adapted for any other use, whether by the current owner or by a purchaser, which would result in a reasonable economic return; and

(3) Efforts to find a purchaser interested in acquiring the property and preserving it have failed.

(4) As part of the economic hardship process under paragraph d, the applicant shall consult in good faith with local preservation groups and interested parties in a diligent effort to seek an alternative that will result in preservation of the structure. The City Council shall consider the hardship application at a regularly

scheduled meeting at which an opportunity will be provided for the applicant to speak. The City Council shall make a decision concerning the applicant's request for issuance of a demolition permit based on economic hardship within ninety (90) days following the City Council's initial denial of the demolition permit. The decision of the City Council shall be in writing and a copy shall be sent to the applicant by certified mail. The decision of the City Council shall state the reason for granting or denying the hardship application. If the City Council does not make a decision within such ninety (90) day period concerning issuance of a demolition permit on a hardship basis, the Council shall be deemed to have approved the application and a permit shall be issued by the Building Official.

Sec. 10.222. Fees; authority of Building Official; permit revocation.

(a) A fee for each demolition permit shall be paid to the City in the amount which is established in the City schedule of fees.

(b) The Building Official shall have the authority to stop the demolition or removal of any building or structure or part thereof, when the same is being done in a reckless or careless manner, or in violation of the provisions of this Article or any other ordinances of the City. When such work is stopped by order of the Building Official, it shall not be resumed without approval of the Building Official.

(c) A demolition permit may be revoked by the Building Official at any time upon a violation of the terms thereof, or upon a violation of any provision of this chapter or any other ordinance of the City.

(d) The applicant shall pay for any street use permit required during the demolition.

Sec. 10-223. Completion of demolition work.

All demolition work, including the removal of the foundation, must be completed within sixty (60) days from the date of issuance of the demolition permit. Upon completion of the demolition work, the applicant shall clean the premises of all debris, request an inspection of the premises, and then fill all excavations and grade the area with top soil or other material approved by the Building Official.

Sec. 10-224. Utilities.

All water and sanitary sewer services shall be disconnected and sealed in accordance with the appropriate City ordinances and said disconnects shall be inspected and approved by the Public Works and Utilities Department.

Sec. 10-224. Expiration.

All demolition permits shall expire after thirty (30) days from issuance. The Building Official may allow an extension of thirty (30) days due to extenuating circumstances.

Sec. 10-225. Violation; penalty.

Where work for which a permit is required by this Article is commenced prior to obtaining said permit, the fees specified in the City Fee Schedule shall be doubled. The payment of such double fee shall not relieve any person from fully complying with the requirements of this Article in the execution of the work or from any other penalties prescribed herein.

SECTION 2.

This ordinance shall be cumulative of all provisions of ordinances except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances 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.

In addition to the provisions found in Section 5, above, any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for each offense, unless otherwise specified. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 5.

All rights and remedies of the City of Aledo are expressly saved as to any and all violations of the provisions of any other ordinances affecting the demolition of any

building or other structures which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 6.

The City Secretary of the City of Aledo is hereby authorized to publish this ordinance in book or pamphlet form for general distribution among the public, and the operative provisions of this ordinance as so published shall be admissible in evidence in all courts without further proof than the production thereof.

SECTION 7.

The City Secretary of the City of Aledo is hereby directed to engross and enroll this ordinance by copying the caption, penalty clause, publication clause and effective date clause in the minutes of the City Council and by filing the ordinance in the ordinance records of the City.


SECTION 8.

The City Secretary of the City of Aledo is hereby directed to publish in the official newspaper of the City of Aledo, the caption, penalty clause, and effective date clause one (1) day as authorized by Section 52 of the Local Government Code.

SECTION 9.

This ordinance shall be in full force and effect after its passage and publication as provided by law and it is as ordained.

PASSED AND APPROVED ON THIS 18th DAY OF SEPTEMBER, 2008.


MAYOR

ATTEST:


CITY SECRETARY