ORDINANCE NO. 2009-O-105

AN ORDINANCE OF THE VILLAGE OF VOLENTE, TEXAS, AMENDING ORDINANCE NO. 2007-O-77 SO AS TO ADD FEES INCURRED IN FIRE CONSULTATION AND INSPECTION AND ATTORNEY CONSULTATION AND REVIEW; AND PROVIDING FOR SEVERABILITY, EFFECTIVE DATE AND OPEN MEETINGS CLAUSES

WHEREAS, the charging and collecting of fees from applicants for approval of permits and other authorizations required under the ordinances of the Village of Volente ("Village") is necessary to eliminate the cost to the citizens of the Village to pay for the review, inspection and approval of applications submitted to the Village and will protect the public health and welfare of the citizens of the Village;

WHEREAS, the Village Council finds that recapturing the following professional fees from applicants for permits and approvals are necessary and appropriate because they will be incurred in the reviewing, inspecting and approving applications filed with the Village;

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF VOLENTE, TEXAS, THAT THE FOLLOWING AMENDMENTS TO ORDINANCE NO. 2007-O-77 ARE HEREBY ENACTED:

Addition of new Sec. 27.109: Fire Consultation and Inspections

Subdivision Plan
Site Plan
Certificate of Occupancy/Fire Final Initial and Follow-up
Certificate of Occupancy/Fire Final Multiple Visits
Engineering Services/Inspectors Other then Plan Review
Annual Hazardous Material Permit
    Based on Quantity of Material
Mass Gathering > 2,500 people
Tent (Temporary Structure) Permit
Fire Works Display
Fire Works Display Engine Standby as required
Fire Works Display Inspector(s) as required
Annual Fire Works Retail Stand
Pryotechnics/Fireworks per event
Theatrical Performance w/open flame

Addition of new Sec. 27.110: Consultation and Attorney Review

Subdivisions
PDD
Site Plans

2. **Construction:** The terms and provisions of this Ordinance shall not be construed in a manner to conflict with *the Texas Local Government Code, the Texas Water Code and the Texas Health & Safety Code,* and if any term or provision of this article shall appear to conflict with any term, provision or condition of these codes, such article term or provision shall be read, interpreted and construed in a manner consistent with and not in conflict with such Chapter, and, if possible, in a manner to give effect to both. The standard and accepted rules of statutory construction shall govern in construing the terms and provisions of this article.

3. **Amendment and Repeal:** All ordinances or parts thereof conflicting or inconsistent with the provisions of this article as adopted and amended herein, are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between this article and any other code or ordinance of the village, the terms and provisions of this article shall govern.

4. **Severability:** If any provision of this article or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this article are declared to be severable.

5. **Effective Date:** This article shall take effect immediately from and after its passage and publication of its enacting ordinance in accordance with the provisions of *Chapter 52 of the Texas Local Government Code.*

6. **Open Meetings:** It is hereby officially found and determined that the meeting at which the enacting ordinance of this article is passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, *Chapter 551 of the Texas Government Code.*

PASSED AND APPROVED on the 18th day of August, 2009.

JAN YENAWINE, MAYOR OF THE
VILLAGE OF VOLENTE

ATTEST:

JENNIFER ZUFELT, CITY SECRETARY