

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING CHAPTER 155 OF THE MANSFIELD CODE OF ORDINANCES BY AMENDING THE REGULATIONS IN SECTION 155.069(F), “PROCEDURE TO AUTHORIZE ERECTION, CONSTRUCTION, RECONSTRUCTION, ALTERATIONS OF STRUCTURES IN A HISTORIC LANDMARK OVERLAY DISTRICT OR SITE” TO CREATE A NEW DIVISION (5) RELATED TO EMERGENCY REPAIRS OF DAMAGE TO HISTORIC LANDMARKS; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Planning and Zoning Commission and the governing body of the City of Mansfield, Texas, in compliance with the laws of the State of Texas with reference to the amendment of Chapter 155 the Code of Ordinances of the City of Mansfield, Texas, “Zoning”, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing opportunity to all property owners generally and to all interested citizens, the governing body of the City is of the opinion and finds that the Code of Ordinances should be amended.

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

SECTION 1.

That Section 155.069(F) of the Mansfield Code of Ordinances is hereby amended by creating a new division (5) to read as follows:

“(5) Emergency repairs.

(a) If a historic landmark is unexpectedly damaged and the Building Official or their designee and the Historic Preservation Officer determine after an inspection that additional deterioration is likely to occur without immediate repair, the Historic Preservation Officer may authorize the property owner, or agent on behalf of the property owner, to take temporary measures to stabilize and protect the structure.

(b) In such cases, the property owner, or agent on behalf of the property owner, shall apply for a Certificate of Approval within fourteen (14) calendar days of completion of the emergency corrective measures.

(c) The Historic Landmark Commission shall act upon the application for a Certificate of Approval within thirty (30) days of receiving the application. A public hearing with notification required under Section 155.069(F)(2) shall not be required for emergency repairs.

(d) The corrective measures authorized under this division shall not permanently alter the architectural features of the historic landmark. Permanent alterations made to a historic

landmark without first receiving a Certificate of Approval shall be a violation of Section 155.069(O) of the Mansfield Code of Ordinances.”

SECTION 2.

That all ordinances of the City in conflict with the provisions of this ordinance be, and the same are hereby, repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 3.

Should any paragraph, sentence, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional, and shall not affect the validity of the Zoning Ordinance as a whole.

SECTION 4.

Any person, firm or corporation violating any of the provisions of this ordinance or the Zoning Ordinance, as amended hereby, shall be deemed guilty of a misdemeanor and, upon conviction in the Municipal Court of the City of Mansfield, Texas, shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense, and each and every day any such violation shall continue shall be deemed to constitute a separate offense.

SECTION 5.

This ordinance shall take effect immediately from and after its passage on first and final reading and the publication of the caption, as the law and charter in such cases provide.

DULY PASSED ON THE FIRST AND FINAL READING BY THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, THIS 11TH DAY OF DECEMBER, 2023.

Michael Evans, Mayor

ATTEST:

Susana Marin, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Bradley Anderle, City Attorney