

**ORDINANCE NO. 2016- 03-08B**

**AN ORDINANCE OF THE VILLAGE OF SURFSIDE BEACH, TEXAS, ADDING A NEW SUBSECTION 20-52(3.1) OF ARTICLE III OF CHAPTER 20; PROVIDING RULES AND REGULATIONS FOR BELOW BFE HOME SURROUNDS; PROVIDING A PENALTY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

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**WHEREAS**, the City Council of the Village of Surfside Beach, Texas ("Village"), is continually reviewing the Code of Ordinances; and

**WHEREAS**, the City Council desires to amend the rules and regulations for enclosures; and

**WHEREAS**, the City Council finds that such new rules and regulations provide for the health, safety, and general welfare of the public namely by reducing flooding potential and flooding damage;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE VILLAGE OF SURFSIDE BEACH, TEXAS:**

**Section 1.** The facts and recitations contained in the preamble of this ordinance are true and correct and incorporated herein for all purposes.

**Section 2.** That Subsection 20-52(3) Article III of Chapter 20 of the Code of Ordinances of the Village of Surfside Beach, Texas, is hereby deleted and a new Subsection 20-52(3) of Article III of Chapter 20 of the Code of Ordinances of the Village of Surfside Beach, Texas, is added to provide as follows:

**"Chapter 20 - FLOOD DAMAGE PREVENTION**

. . . .

**Sec. 20-52. - Specific standards.**

(3.1) Screening. The area below the lowest floor shall only be used for building access, storage, and parking of vehicles. Such area may be surrounded with breakaway insect screens, open lattice or other (see 3.2). The material used to fabricate the lattice should be no thicker than ½ inch, and the finished sheet should have an opening ratio of at least 40 percent. Plastic lattice is acceptable provided it meets these recommendations.


(3.2) Other screening. Areas below elevated building may also be surrounded by plastic or wood shutters, slanted slats, or louvers provided that they permit the automatic entry and exit of floodwaters and are removable during flooding. The material used for the slats must be no thicker than 1 inch, and must have an opening ratio of at least 40 percent.

**Section 3. Penalty.** Any person who violates or causes, allows, or permits another to violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) or, in the case of a violation of a provision of this Ordinance that governs fire safety, zoning, or public health and sanitation, including dumping of refuse, a fine of not more than Two Thousand Dollars (\$2,000.00). Each occurrence of any such violation of this Ordinance shall constitute a separate offense. Each day on which any such violation of this Ordinance occurs shall constitute a separate offense.

**Section 4. Severability.** In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the Village of Surfside Beach, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

**Section 5. Effective date.** This Ordinance shall become effective immediately, and the penalty shall become enforceable when published as required by law.

PASSED, APPROVED, AND ADOPTED this, the 12<sup>th</sup> day of April, 2016.

  
Larry Davison, Mayor

ATTEST:

  
Amanda Davenport, City Secretary

