

ORDINANCE NO. 2022-10

AN ORDINANCE OF THE CITY OF IOWA COLONY, TEXAS, PROHIBITING BUILDING PERMITS OF ANY NATURE UNDER ANY TYPE OF BUILDING CODE OR CONSTRUCTION CODE DURING ANY DEFAULT OR BREACH UNDER ANY DEVELOPMENT REGULATION OR AGREEMENT; WITH RELATED PROVISIONS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF IOWA COLONY, TEXAS:

1. Definitions

- a. “Development Regulation”** herein shall mean any of the following, of any nature and by any name: the Zoning Ordinance; Subdivision Ordinance; Unified Development Code; Fee Ordinance; Design Criteria Manual; Building Permit Ordinance; development agreement; utility agreement; strategic partnership agreement; planned unit development; subdivision plat; development plat; this ordinance; any ordinance establishing or amending any of the foregoing; and any amendment of any of the foregoing.
- b. “Building Permit Ordinance”** herein shall mean any of the following codes and any ordinance adopting or amending any of the following: the International Building Code; International Electrical Code; International Fuel Gas Code; International Mechanical Code; International Residential Building Code; International Swimming Pool/Spa Code International Fire Code; International Plumbing Code; International Property Maintenance Code; International Energy Conservation Code; any other building code of any nature of the City of Iowa Colony; and this ordinance; and any amendment of any of the foregoing.
- c. “Building Permit”** herein shall mean any permit of any nature for improvement, construction, or modification of any real property, structure, or equipment under any Development Regulation.
- d. “Default,” “Breach,” and “Violation”** herein shall each mean any act, omission, event, or condition that fails to comply with any provision of any Development Regulation, or that would fail to comply with any provision of any Development Regulation after the passage of time, the giving of notice, or the occurrence of alternate dispute resolution procedures.

2. Prohibition of Building Permits During Default

No Building Permit of any nature shall be issued to any person for any portion of any real property subject to a Development Regulation, while a Default, Breach, or Violation by any person exists under that Development Regulation, regardless whether the Default, Breach, or Violation affects the particular portion of the real property for which a Building Permit is sought.

3. Application to City Limits and Extraterritorial Jurisdiction

- a.** This ordinance applies throughout the city limits of the City of Iowa Colony.

- b. This ordinance applies in the extraterritorial jurisdiction of the City of Iowa Colony to the extent allowed by law or any agreement.

4. Exception for Certain Pre-Existing Agreements

This ordinance shall not apply to property subject to any of the following, of any nature and by any title:

- a. a development agreement utility agreement, strategic partnership agreement, planned unit development, subdivision plat, or development plat;
- b. that is made before the effective date of this ordinance;
- c. that does not provide that it is subject to future amendments of development ordinances; and
- d. that is not amended after the effective date of this ordinance upon terms to which the City has the right to agree or not. Any such discretionary amendment shall constitute consent by all parties to the development agreement, planned unit development, subdivision plat, or development plat for the property thereunder to be subject to this ordinance, regardless whether so stated in the amendment.

5. Other Ordinances

- a. In the event of any conflict of terms within this ordinance or between this ordinance and any other source, the more restrictive provision shall govern and control.
- b. Except as specifically provided herein, all other ordinances and portions of ordinances of the City shall remain in full force and effect.

6. Enforcement

- a. The City shall have the right to enforce this ordinance and the Codes hereby adopted by injunction and by other actions in a civil court and/or by any and all remedies from any and all sources.
- b. All rights and remedies of the City provided in this ordinance shall be cumulative of all other rights and remedies provided herein, by other ordinances, or by any applicable law. Furthermore, the exercise of one right or remedy by the City shall not be construed as an election of remedies and shall not impair any other right or remedy of the City. The City may exercise any right or remedy herein either alone or together with any other right or remedy under this ordinance, any other ordinance, or any applicable law. Without limiting the generality of the foregoing, pursuing or receiving any civil remedy for any violation of this ordinance shall not preclude the pursuit or receipt of any criminal penalty for any violation hereof.

7. Nonwaiver

The failure or omission of the City, upon one or more occasions, to enforce any right, obligation, or remedy under this Ordinance or any other source shall never be construed as a waiver of the

City's right to strictly enforce such right, obligation, or remedy, and the City may resume such strict enforcement without advance notice.

8. Nonwaiver of Immunity

Nothing in this Ordinance or in any other source shall ever be construed as a full or partial waiver of governmental immunity, official immunity, or any other immunity of the City or its officers, agents, employees, or representatives.

9. Nonliability

Neither the City, nor its officers, employees, agents, or representatives shall be liable to any person, other than the City, for any act, omission, or condition in any way concerning this ordinance or the subject matter hereof.

10. Severability

In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance 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 City of Iowa Colony Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

11. Effective Date

This ordinance shall take effect as of the date of its passage, approval, and adoption.

PASSED AND APPROVED ON THE FIRST READING ON JUNE 27, 2022.

PASSED, APPROVED, AND ADOPTED ON THE SECOND READING ON JULY 18, 2022.

CITY OF IOWA COLONY, TEXAS

By: 
MICHAEL BYRUM-BRATSEN,
MAYOR

ATTEST:


KAYLEEN ROSSER,
CITY SECRETARY



