

CITY OF LOWRY CROSSING, TEXAS

ORDINANCE NO. 226

AN ORDINANCE OF THE CITY OF LOWRY CROSSING, TEXAS AMENDING ORDINANCE NO. 35 REGARDING THE POSITION OF BUILDING OFFICIAL BY MAKING CHANGES TO REFLECT THAT THE BUILDING OFFICIAL MAY BE EITHER AN EMPLOYEE OR AN INDEPENDENT CONTRACTOR; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Ordinance No. 35 of the City of Lowry Crossing, Texas (the “City”) provides for the position and sets forth the duties of the Building Official of the City, with some portions thereof including language relating to employment of the Building Official, and the City Council desires by this Ordinance to clarify that the Building Official of the City may be either an employee or independent contractor.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOWRY CROSSING, TEXAS:

Section 1. Amendment. Ordinance No. 35 of the City of Lowry Crossing, Texas (the “City”) is amended by amending various provisions thereof to reflect that the Building Official of the City may be either an employee of the City or an independent contractor, as follows:

A. Section 1 of Ordinance No. 35 is amended to read as follows:

SECTION 1. That a position of Building Official be established.

B. Section 4 of Ordinance No. 35 is amended to read as follows:

SECTION 4. That the compensation for this position shall be as defined by a majority vote of the Board of Aldermen at the time such position is filled, and as may be changed from time-to-time by majority vote.

C. The attachment to Ordinance No. 35 entitled “Job Description Lowry Crossing Building Official” is amended in part by amending the opening paragraph, subsection 13) and subsection 16) of Section V thereof to read as follows:

V SPECIFIC JOB REQUIREMENTS: The Building Official shall be responsible for the oversight, administration, accomplishment, enforcement, and reporting of all business of the Building Department. (Until such time as the Building Department shall be expanded to include persons other than the Building Official, the terms Building Department and Building Official may be used interchangeably in the following text.) Duties shall include, but not necessarily be limited to the following:

13) TITLE TO PROPERTY: All materials and supplies procured at City expense shall be the property of the City of Lowry Crossing, and shall be surrendered to the city upon discontinuance of the services of the Building Official to the City.

16) STANDARDS OF CONDUCT: The Building Official is expected to maintain an image of the highest ethical standards when dealing with the public. Specific areas which might cause misunderstandings include: a) No construction work should be repaired, dismantled, or otherwise altered in any way by any inspector. b) Vehicles used for official city business, and clothing worn during conduct of city business shall not bear the name of any commercial enterprise. c) Not only can there be no conflict of interest (See Section 102.2 of the Housing Code), there should be no appearance of a conflict of interest.

Section 2. Savings. This Ordinance shall be cumulative of all other ordinances of the City and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of those ordinances are in direct conflict with the provisions of this Ordinance.

Section 3. Severability. The provisions of this Ordinance are severable, and if any section or provision of this Ordinance or the application of any section or provision to any person, firm, corporation, entity, situation or circumstance is for any reason adjudged invalid or held unconstitutional by a court of competent jurisdiction, the same shall not affect the validity of any other section or provision of this Ordinance or the application of any other section or provision to any other person, firm, corporation, entity, situation or circumstance, and the City Council declares that it would have adopted the valid portions of this Ordinance adopted herein without the invalid or unconstitutional parts and to this end the provisions of this Ordinance adopted herein shall remain in full force and effect.

Section 4. Effective Date. This Ordinance shall become effective from and after its passage and approval.

PASSED AND APPROVED by the City Council of the City of Lowry Crossing, Texas this _____ day of _____, 2011.

Derek Stephens, Mayor

ATTEST:

By: _____
Janis Cable, City Secretary