

RESOLUTION NO. 2025-04-001

A RESOLUTION OF THE TOWN OF PINE ISLAND, TEXAS, CREATING THE POSITIONS OF CODE ENFORCEMENT OFFICIAL AND BUILDING OFFICIAL FOR THE TOWN OF PINE ISLAND, AND ESTABLISHING THE DUTIES OF SAID POSITION; PROVIDING REPEALING, SEVERABILITY, AND SAVINGS CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Pine Island (hereinafter referred to as “Town”) is a General Law Municipality created pursuant to Chapter 8 of the Texas Local Government Code; and

WHEREAS, pursuant to Section 217.022 of the Texas Local Government Code, the governing body of the Town of Pine Island (the “Town Council”) shall prevent, to the extent practicable, any nuisance within the limits of the Town and shall have each nuisance removed at the expense of the person who is responsible for the nuisance or who owns the property on which the nuisance exists; and

WHEREAS, pursuant to Sections 51.001 and 51.032 of the Texas Local Government Code, the Town Council has adopted and published ordinances, rules, and police regulations that are for the good government, peace, and order of the City, and for the trade and commerce of the City, that are necessary and proper for carrying out powers granted by law to the City, which are not inconsistent with state law; and

WHEREAS, pursuant to Texas Local Government Code Chapter 214 and Chapter 54, the Town Council has adopted minimum building standards in the Town to provide for the public good and public safety; and

WHEREAS, in accordance with Sections 54.001 and 54.002 and Chapter 214 of the Texas Local Government, the Town Council may enforce each rule, ordinance, or police regulation of the Town and may punish a violation of a rule, ordinance, or police regulation with a prescribed fine for the violation of a Town ordinance; and

WHEREAS, the Town Council finds and determines that it is necessary and in the best interest, safety, and welfare of the community to create, appoint a code compliance official in order to enforce the ordinances related to health and safety on behalf of the City.

NOW, THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PINE ISLAND, TEXAS, THAT:

Section 1. Findings. The foregoing recitals are hereby found to be true and correct and are fully incorporated into the body of this Resolution, and are determined to be the legislative findings of the Town Council.

Section 2. Creation of Office, Appointment and Duties. The position of Code Enforcement Official and Building Official for the Town of Pine Island is hereby created for the

purpose of enforcing the City's Code of Ordinances. One person may be appointed by Town Council to both roles.

The duties of the Code Enforcement Official shall be to initiate, coordinate, oversee and administer, as appropriate, inspections, giving of notices, posting of properties, and other duties as determined from time to time by the Town Council.

The duties of the Building Official shall be to initiate, coordinate, oversee and administer, as appropriate, inspections, giving of notices, posting of properties, and other duties as determined from time to time by the Town Council related to the minimum building standards ordinance adopted by the Town Council.

The appointed Code Enforcement Official and Building Official shall have all powers and authority under state law and Town ordinances to inspect, investigate, determine violations, and seek enforcement measures for violations of Town Ordinances, including but not limited to the following powers: inspection and investigation of potential violations, providing legal notices of violations and compliance procedures; tracking and reporting alleged violations to Town Council, and authorizing and all further civil enforcement of Town Ordinances by referral to Town Council, civil suit or referral for criminal enforcement by the appropriate authority as authorized by law.

The duties and authority of the Code Enforcement Official and Building Official created by this ordinance shall not abrogate any concurrent authority in other Town officials or employees to administer and enforce the provisions of any of the City's ordinances, if such ordinances already grant such powers in any such officials or employees. Such officials or employees, by way of example, but not limitation, are the police, animal control officer, or building official.

The Code Enforcement Official shall be appointed by motion or resolution of the Town Council, and such Official shall serve at the pleasure of the Town Council. All replacements of the Code Enforcement Official shall be by majority motion or resolution of the Town Council.

Section 3. **Severability.** If any provision, section, subsection, sentence, clause or the application of same to any person or set of circumstances for any reason is held to be unconstitutional, void or invalid or for any reason unenforceable, the validity of the remaining portions of this Resolution or the application thereby shall remain in effect, it being the intent of the Town Council of the Town of Pine Island, Texas, in adopting this Resolution, that no portion thereof or provision contained herein shall become inoperative or fail by any reasons of unconstitutionality of any portion or provision.

Section 4. **Savings/Repealing Clause.** All provisions of any resolution in conflict with this Resolution are hereby repealed to the extent they are in conflict. Any remaining portions of said resolutions shall remain in full force and effect.

Section 5. **Open Meetings.** It is officially found, determined and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time,

place and subject matter of the public business to be considered at such meeting, including this Resolution was given, all as required by Chapter 551, as amended, Texas Government Code.

Section 6. Effective Date. This Resolution shall be effective immediately upon its adoption.

PASSED AND APPROVED on this 18 day of April, 2025.

THE TOWN OF PINE ISLAND

By: Steve Nagy, Mayor

Steve Nagy, Mayor

ATTEST:

Sheri A. Ordner

Sheri Ordner, City Secretary