

ORDINANCE NO. 2002-1**ASBESTOS SURVEY**

**AN ORDINANCE OF THE CITY OF BEASLEY, TEXAS REQUIRING AN ASBESTOS SURVEY PRIOR TO ISSUANCE OF PERMIT FOR RENOVATION OR DEMOLITION OF COMMERCIAL AND PUBLIC BUILDINGS; PROVIDING FOR PENALTY FOR VIOLATION; AND PROVIDING SEVERABILITY.**

WHEREAS, the City of Beasley and the Beasley City Council deem the unknown presence of asbestos in the renovation or demolition of commercial buildings a significant risk to human health and,

WHEREAS, the unknown presence of asbestos in buildings used, occupied, leased or sold by or to the City of Beasley may pose a significant risk to health of City employees and residents.

**NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEASLEY, TEXAS, that :**

**Section 1.** The following words, terms and phrases, EXCEPT WHERE THE CONTEXT CLEARLY INDICATES A DIFFERENT MEANING, are defined for purposes of this Ordinance as follows:

- A. **ASBESTOS SURVEY** shall mean an inspection of a building or facility to determine the location, quantity, and condition of asbestos containing material therein by taking samples for analysis or by visual inspection.
- B. **RESIDENTIAL BUILDING** shall mean a structure primarily used or capable of being used for human habitation.
- C. **COMMERCIAL BUILDING** shall mean all other buildings which are not defined herein as Residential Buildings.
- D. **DEMOLITION** shall mean operations in which load-bearing structural members of a building are wrecked and removed.
- E. **RENOVATION** shall mean additions to or alterations of the interior surfaces of a building for purposes of restoration by removal, repairing, and rebuilding.
- F. **PERSON** shall mean any individual, partnership, company, association, trust, foundation, governmental subdivision or agency, or any other entity recognized by law as the subject of rights and duties whether operated for profit or not for profit.

**Section 2.** Prior to issuance of a permit to any person for the renovation or demolition of any commercial building within the city limits of the City of Beasley an asbestos survey shall be conducted.

**Section 3.** An asbestos survey shall not be required prior to the issuance of a permit for the renovation or demolition of a residential building unless the renovation or demolition involves more than two contiguous residential building sites which are part of a commercial or public project such as an urban renewal project, a highway construction project, a project to develop a shopping center or mall, the construction of an industrial facility or other large private development.

**Section 4.** The Building Inspector of the City of Beasley shall cause to be performed an asbestos survey on both residential buildings and commercial buildings under either of the following events, to wit: (1) prior to the sale or lease of any such building by the City of Beasley to any person, and (2) prior to the sale or lease of any building by any person to the City of Beasley.

**Section 5.** An asbestos survey shall not be required under Sections 2, 3, or 4 if the residential building, commercial building or building to be sold or leased has been previously surveyed and satisfactory evidence of such survey is provided to or in the possession of the Building Inspector.

**Section 6.** An asbestos survey required herein shall be conducted by an asbestos inspector licensed by the State of Texas. The cost of the asbestos survey under Sections 2 and 3 shall be borne by the person seeking the permit. The cost of the asbestos survey under Section 4 shall be borne by the Seller or Lessor.

**Section 7.** Any person who shall fail to have performed an asbestos survey as defined herein under the circumstances when required herein under Sections 2 and 3 shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than One Thousand Dollars (\$1,000.00).

**Section 8.** If any person, paragraph, subdivision, clause, phrase or provision of this Ordinance shall be finally adjudged invalid or held unconstitutional, the same shall not effect the validity of this ordinance as a whole or any part or provisions thereof, other than the part so decided to be invalid or unconstitutional.

**Section 9.** This Ordinance shall take effect February 19, 2002 after it's passage and approval as required by law.

PASSED AND APPROVED this the 19th day of February, 2002.



ATTEST:

*A. B. Michael*  
City Secretary

*Francis Smith*  
Francis Smith, Mayor  
City of Beasley

Ret.

City of Beasley  
P.O. Box 122  
Beasley, TX 77417

FILED AND RECORDED  
OFFICIAL PUBLIC RECORDS

*Dianne Wilson*

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DIANNE WILSON, COUNTY CLERK  
FORT BEND COUNTY, TEXAS