

ORDINANCE NO. 190702-2

AN ORDINANCE OF THE CITY OF CHINA GROVE, TEXAS, ADOPTING THE 2018 EDITIONS OF THE *INTERNATIONAL BUILDING CODE*, *INTERNATIONAL RESIDENTIAL CODE*, *INTERNATIONAL FIRE CODE*, *INTERNATIONAL MECHANICAL CODE*, AND *INTERNATIONAL PLUMBING CODE*; AND THE 2017 EDITION OF THE *NATIONAL ELECTRIC CODE*; REGULATING AND GOVERNING THE CONSTRUCTION, ALTERATION, ENLARGEMENT, REMODELING AND REPAIR OF BUILDINGS; PROVIDED FOR LOCAL AMENDMENTS TO SAID CODES; REPEALING ALL ORDINANCES AND REGULATIONS IN CONFLICT AND THAT THIS ORDINANCE IS CUMULATIVE OF ALL OTHER ORDINANCES OF THE CITY NOT IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; AND PROVIDING FOR PENALTY OF UP TO \$500.00 FOR VIOLATION OF THIS ORDINANCE.

WHEREAS, the City of China Grove is a General Law Type A Municipality located in Bexar County, Texas, created in accordance with provisions of the Texas Local Government Code and operating pursuant to all applicable laws and enabling legislation of the State of Texas; and

WHEREAS, Chapter 54.001 of the Texas Local Government Code provides the general authority for the City of China Grove to enforce each rule, ordinance, or police regulation of the City of China Grove and to punish a violation of a rule, ordinance, or police regulation; and

WHEREAS, Chapter 214.212 of the Texas Local Government Code provides the general authority for the City of China Grove to adopt the *International Residential Code* to apply to the construction, alteration, remodeling, enlargement or repair of residential buildings, except for the installation and maintenance of electrical wiring and related components; and

WHEREAS, Chapter 214.214 of the Texas Local Government Code provides the general authority for the City of China Grove to adopt the *National Electrical Code* to apply to the construction, alteration, remodeling, enlargement or repair of all residential and commercial buildings; and

WHEREAS, Chapter 214.216 of the Texas Local Government Code provides the general authority for the City of China Grove to adopt the *International Building Code* to apply to the construction, alteration, remodeling, enlargement or repair of commercial buildings; and

Whereas, Chapter 419, Subchapter Z, of the Government Code, contemplates municipalities shall adopt a model fire code to govern the construction, alteration, remodeling, enlargement or repair of commercial buildings; and

Whereas, pursuant to Section 1301.255 of the Texas Occupations Code the *International Plumbing Code* is adopted as the model plumbing code for the state to govern the construction, alteration, remodeling, enlargement or repair of commercial buildings; and

Mechanical Code is adopted as the model mechanical code for the state to govern the construction, alteration, remodeling, enlargement or repair of residential and commercial buildings; and

WHEREAS, the aforementioned sections of the Texas Local Government Code authorizes the City to adopt local amendments to the aforementioned model codes;

WHEREAS, City Council, by adopting the aforementioned model codes seeks to protect the health, safety, and welfare of the citizens of the City of China Grove from the perils of substandard construction practices; and

NOW THEREFORE THE CITY COUNCIL OF THE CITY OF CHINA GROVE DOES HEREBY AMEND THE CITY'S CODE OF ORDINANCES AS FOLLOWS:

Section 1. 2018 International Building Code Adopted.

The *2018 International Building Code* is adopted to apply to the construction, alteration, remodeling, enlargement or repair of commercial buildings subject to the local amendments that follow:

- a) *International Building Code Appendix B (entitled "Appeals Board") is amended to read as follows:*

APPENDIX B – BOARD OF APPEALS

SECTION B101 GENERAL

B101.1 Application.

The application for appeal shall be filed on a form obtained from the building official within 20 days after the notice was served.

B101.2 Membership of board.

The members of Board of Adjustment, as appointed by City Council pursuant to the authority of Texas Local Government Code Section 211.008, shall serve as the Board of Appeals.

The building official shall be an ex officio member of said board but shall have no vote on any matter before the board.

B101.2.1 Alternate members.

Alternate members of Board of Adjustment, as appointed by City Council pursuant to the authority of Texas Local Government Code Section 211.008, shall serve as alternate members of the Board of Appeals.

B101.2.2 Qualifications. This section is intentionally deleted.

B101.2.3 Rules and procedures.

The board shall follow the same rules and procedures that is followed by Board of Adjustment in deciding appeals of administrative decisions under Chapter 211 of the Texas Local Government Code and is authorized to establish such other policies and procedures reasonably necessary to carry out its duties as the Board of Appeals.

B101.2.4 Chairperson.

The chairperson of the Board of Adjustment shall serve as the chairperson of the Board of Appeals.

B101.2.5 Disqualification of member.

A member shall not hear an appeal in which that member has a personal, professional or financial interest.

B101.2.6 Secretary.

The City Administrator shall designate a qualified clerk to serve as secretary to the Board of Appeals. The secretary shall file a detailed record of all proceedings in the office of the City Administrator.

B101.2.7 Compensation of members.

Members shall receive no compensation for service on the Board of Appeals.

B101.3 Notice of meetings.

The Board of Appeals shall meet upon notice from the chairperson, within 10 days of the filing of an appeal or at stated periodic meetings. Notice of the meeting to the public must comply with the requirements of the Texas Open Meetings Act.

B101.3.1 Open hearing.

All hearings before the Board of Appeals shall be open to the public and the conduct of meetings must comply with the Texas Open Meetings Act. The appellant, the appellant's representative, the building official and any person whose interests are affected shall be given an opportunity to be heard.

B101.3.2 Procedure.

The Board of Appeals shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

B101.3.3 Postponed hearing.

When all members of the Board members are not present to hear an

appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

B101.4 Board decision.

The concurring vote of 75% of the members of the Board is necessary to reverse and order, requirement, decision or determination of the building official.

B101.4.1 Resolution.

The decision of the board shall be by resolution. Certified copies shall be furnished to the appellant and to the building official. The form of the resolution shall be in substantial compliance with Exhibit "A" attached hereto.

B101.4.2 Administration.

The building official shall take immediate action in accordance with the decision of the board.

Section 2. 2018 International Residential Code Adopted.

The *2018 International Building Code* is adopted to apply to the construction, alteration, remodeling, enlargement or repair of residential buildings, except for the installation and maintenance of electrical wiring and related components subject to the local amendments that follow:

None.

Section 3. 2017 National Electrical Code Adopted.

The *2017 National Electrical Code* is adopted to apply to the construction, alteration, remodeling, enlargement or repair of all residential and commercial buildings subject to the local amendments that follow:

None.

Section 4. 2018 International Fire Code Adopted.

The *2018 International Fire Code* is adopted as the municipal fire code subject to the local amendments that follow:

None.

Section 5. 2018 International Plumbing Code Adopted.

The *2018 International Plumbing Code* is adopted to apply to the construction, alteration,

remodeling, enlargement or repair of commercial buildings subject to the local amendments that follow:

None.

Section 6. 2018 International Mechanical Code Adopted.

The *2018 International Mechanical Code* is adopted to apply to the construction, alteration, remodeling, enlargement or repair of commercial buildings subject to the local amendments that follow:

None.

Section 7. Cumulative.

This ordinance shall be cumulative of all provisions of the City of China Grove, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinances, in which event this ordinance shall apply; and the provision in conflict with the provisions of this Ordinance are hereby repealed, but only to extent of such conflict.

Section 8. Severability

If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 9. Continuation of Existing Regulations.

Nothing in this ordinance or in the Residential Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 7 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 10. Model codes incorporation and availability.

The model codes adopted hereby are expressly adopted herein as if fully set forth herein; and the City Administrator is hereby authorized and directed to maintain at least one copy of each model code in the records of the City and to make such model codes available for public inspection during normal business hours of City Hall.

Section 11. Publication.

The City Administrator is hereby authorized and directed to publish Exhibit "A" attached hereto in the City's official newspaper in the manner prescribed by Texas Local Government Code

Section 52.011.

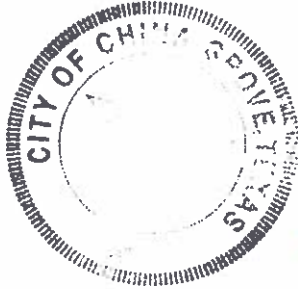
Section 12. Enforcement.

Pursuant to Texas Local Government Code Section 54.001 (b) a violation of any provision of this Ordinance shall be punished by a fine not to exceed \$500.00; provided that each day a violation occurs shall constitute a separate violation. Cumulative to the criminal prosecution prescribed herein, the City may avail itself to such civil or administrative remedies available under law or equity.

Section 13. Effective date.

This Ordinance shall take effect immediately from and after its passage and the publication of the caption as the law in such cases provides.

DULY PASSED by the City Council of the City of China Grove, Texas, on this 2nd day of July, 2019.



APPROVED:

Mary Ann Hajek

Mary Ann Hajek, Mayor

ATTEST:

Susan Conaway

Susan Conaway, City Administrator

APPROVED AS TO FORM:

D. A. P. A.

CITY ATTORNEY

EXHIBIT A

PUBLIC NOTICE

ON THE **2nd DAY OF JULY, 2019**, THE CITY COUNCIL OF THE CITY OF CHINA GROVE, TEXAS, APPROVED **ORDINANCE NO. 190702-2** ADOPTING THE 2018 EDITIONS OF THE *INTERNATIONAL BUILDING CODE, INTERNATIONAL RESIDENTIAL CODE, INTERNATIONAL FIRE CODE, INTERNATIONAL MECHANICAL CODE, AND INTERNATIONAL PLUMBING CODE*; AND THE 2017 EDITION OF THE *NATIONAL ELECTRIC CODE*; REGULATING AND GOVERNING THE CONSTRUCTION, ALTERATION, REPLACEMENT AND REPAIR OF BUILDINGS; PROVIDED FOR LOCAL AMENDMENTS TO SAID CODES; REPEALING ALL ORDINANCES AND REGULATIONS IN CONFLICT AND THAT THIS ORDINANCE IS CUMULATIVE OF ALL OTHER ORDINANCES OF THE CITY NOT IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; AND PROVIDING FOR PENALTY OF UP TO \$500.00 FOR VIOLATION OF THIS ORDINANCE. COPIES OF THE ENTIRE ORDINANCE AND THE CODES ADOPTED THEREBY ARE AVAILABLE FOR INSPECTION AT CITY HALL DURING NORMAL BUSINESS HOURS.