

## **ORDINANCE #2016-01-21B**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS, REPEALING THE FOLLOWING SECTIONS OF THE CITY OF OVERTON CODE OF ORDINANCES; CHAPTER 90, SECTION 90.01 BUILDING CODE; CHAPTER 90, SECTION 90.10 NATIONAL ELECTRIC CODE, CHAPTER 72, SECTION 72.20 FIRE PREVENTION, CHAPTER 90, SECTION 90.60 FUEL AND GAS, CHAPTER 90, SECTION 90.50 MECHANICAL, CHAPTER 90, SECTION 90.40 PLUMBING CODES; UPDATING AND ADOPTING VARIOUS STANDARD CODES AS LISTED HEREIN RELATING TO THE CONSTRUCTION AND INSPECTION ACTIVITIES OF THE CITY OF OVERTON, TEXAS, AND ENFORCEMENT OF BUILDING PROVISIONS AS PROVIDED IN SAID CODES; CONTAINING A SEVERABILITY CLAUSE, PROVIDING FOR A PENALTY OF UP TO \$2,000.00 (AS DEFINED IN APPENDIX B "SCHEDULE OF FINES" OF THE OVERTON CODE OF ORDINANCES) FOR VIOLATION OF THIS ORDINANCE AND PROVIDING FOR PUBLICATION AND FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Overton, Texas finds and determines that the adoption of Standard Codes to facilitate proper inspection activities by the City of Overton, Texas, relating to construction and to maintenance of buildings within said City of Overton, Texas is necessary to protect the health, safety and general welfare of the City's residents, workers and visitors; and

**WHEREAS**, in order to address the air quality problems currently faced by large portions of the state, including Northeast Texas, the 2001 Texas Legislature passed Senate Bill 5; and,

**WHEREAS**, in order to decrease confusion and delays in the construction process caused by the adoption of widely differing construction codes by cities throughout the state, the 2001 Texas Legislature adopted Senate Bill 365; and,

**WHEREAS**, one of the requirements of Senate Bill 365 is that municipalities adopt the International Residential Code as said code existed on May 1, 2001; and,

**WHEREAS**, the 2005 Texas Legislature enacted Senate Bill 1458 requiring all municipalities in the state of Texas to adopt the 2003 International Building Code as the building code for commercial buildings before January 1, 2006; and,

**WHEREAS**, the City of Overton has been currently operating under the following adopted codes since the adoption of the current City of Overton Code of Ordinances on July 18, 2002 and re-adopted by Ordinance No. 2014-07-29A on July 29, 2014 as the building codes for commercial and residential buildings within said city: the 1997 Edition of the Standard Building Code, 1997 Edition of the Standard Electrical Code, 1970 Edition of the Fire Prevention Code, 1997 Edition of the Standard Gas Code, 1997 Edition of the Standard Mechanical Code, 1997 Edition of the Standard Plumbing Code; and,

**WHEREAS**, the aforesaid bills authorize Texas cities to establish administrative and enforcement procedures for the aforesaid codes and to establishing procedures for adopting local amendments to said

codes; and,

**WHEREAS**, the Overton City Council wishes to continue to follow the same administrative and enforcement procedures for the aforesaid codes as the City has heretofore followed for its previous codes; and,

**WHEREAS**, the Overton City Council wishes to reserve the right to adopt future additions, amendments and updates to said codes; and,

**WHEREAS**, the City Council finds and determines that it is administratively advantageous for city government and economically desirable for the construction industry to have in place a single family of codes that are consistent one with the other; and,

**WHEREAS**, as a result of the passage of time and the updating and standardizing of the various construction codes by the International Code Council, the standard construction codes currently used by the City of Overton are no longer the best codes for regulating construction standards; and,

**WHEREAS**, the City Council finds and determines that certain amendments to the aforesaid International Code are necessary in order to better protect the public health, safety and welfare and to make said codes consistent with local custom and conditions; and,

**WHEREAS**, as a result of all of the foregoing, the City Council finds and determines that the adoption of the family of construction codes recently promulgated by the International Code Council is in the best interest of the citizens of the City of Overton, Texas; and,

**WHEREAS**, it is the desire of the City Council of the City of Overton, Texas to update and adopt in all respects, the various Standard Codes relating to building, electrical, fire prevention, fuel gas, mechanical and plumbing; and

**WHEREAS**, based on state law, including without limitation the statutes above mentioned, Chapters 54 and 214 of the Texas Local Government Code, and the status of Overton as a General Law Type A city, the City of Overton has the authority to regulate the standards of construction within the city and to adopt and amend the aforesaid family of construction codes promulgated by the International Code Council;

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

**SECTION 1:** That the following documents, one (1) copy of each which are on file in the office of the City Secretary of the City of Overton, and that the following Codes, together with existing amendments and amendments hereinafter, are incorporated by reference and are hereby adopted by reference as though they were copied herein fully:

- **2012 International Building Code** shall be adopted in its entirety as published; including the following appendices: Appendix C (Use and occupancy of Group “U” occupancies), Appendix D (Fire District), Appendix E (Additional Accessibility Requirements), “G” (Flood Resistant Construction).
- **2012 International Residential Code** shall be adopted with the omission of Section 313 in its entirety. The City also adopts the following appendices of the 2012 International Residential Code: Appendix A (Gas Pipe sizing requirements), Appendix

B (Vent pipe sizing), Appendix C (Exhaust vent pipe terminal locations and sizing) and Appendix D (Swimming Pools).

- **2012 International Fire Code** shall be adopted in its entirety as published; including the following appendices: Appendix B (Fire Flow Requirements), Appendix C (Fire Hydrant locations and spacing), Appendix D (Fire apparatus roads) and Appendix J (Building location and address location).
- **2012 International Plumbing Code** shall be adopted in its entirety as published; including Appendix E.
- **2012 International Fuel and Gas Code** shall be adopted in its entirety as published including Appendix A.
- **2012 International Mechanical Code** shall be adopted in its entirety as published.
- **2011 National Electric Code NFPA 70** shall be adopted in its entirety as published with the following exception:
  - Section 210.12 (A) of the code is hereby amended by adding a new Exception No. 4, said new exception to read as follows:
    - Exception No. 4: One 120v, 20 amp circuit, protected by a conventional heat activated overcurrent protection device, serving a single receptacle dedicated to a cold storage appliance, may be installed."
- **2009 International Energy Conservation Code** shall be adopted in its entirety as published.

**SECTION 2:** That any matters in said Codes which are contrary to existing ordinances of the City of Overton, Texas shall prevail and that any such ordinances that now exist are hereby repealed and, to that extent, any existing Ordinances to the contrary are hereby repealed in that respect only.

**SECTION 3:** That all permit fees contained in Ordinance 2014-07-29B, and as last amended by Ordinance 2015-09-17D, shall continue in full force and effect after the effective date hereof, and such fees are incorporated herein and made a part hereof, for all purposes; provided, however, such ordinances shall remain in full force and effect.

**SECTION 4:** That within said Codes, when reference is made to the duties of a certain official named, the Building Official (or the City Manager designee) of the City of Overton, Texas, who has duties corresponding to those of the named official in said Code, shall be deemed to be the responsible official insofar as enforcing the provisions of said Code are concerned.

**SECTION 5:** That any person who shall violate any of the provisions of this ordinance shall be fined up to \$2,000.00 as defined in Appendix B "Schedule of Fines" of the Overton Code of Ordinances.

**SECTION 6:** That should any section, clause or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this ordinance or any other ordinance of the City of Overton, Texas as a whole or any part thereof, other than the part so declared to be valid.

**SECTION 7:** The City Secretary is hereby authorized and directed to cause the publication of the

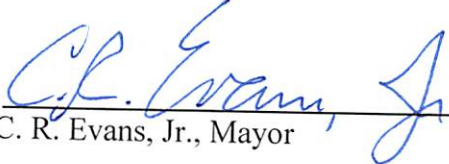
descriptive caption and penalty clauses of this Ordinance as an alternative method of publication provided by law.

**SECTION 8:** That this ordinance shall take effect and be in force beginning **February 1, 2016**.

**PRESENTED ON FIRST READING ON THIS THE 17<sup>TH</sup> DAY OF DECEMBER 2015.**

**PRESENTED ON SECOND READING AND APPROVED ON THIS THE 21<sup>ST</sup> DAY OF JANUARY, 2016, AT A REGULAR COUNCIL MEETING OF THE CITY OF OVERTON BY A VOTE OF 3 AYES, 0 NAYS, AND 0 ABSTENTIONS.**

**CITY OF OVERTON**

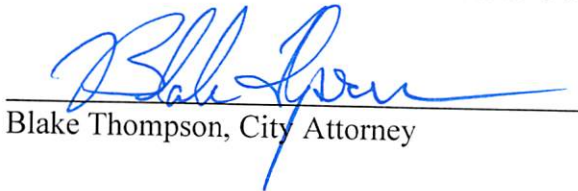
  
C. R. Evans, Jr., Mayor

**ATTEST:**

  
Rachel Gafford, City Secretary



**APPROVED AS TO CONTENT AND FORM:**

  
Blake Thompson, City Attorney