

ORDINANCE NO. 2020-010

AN ORDINANCE OF THE CITY OF TODD MISSION, TEXAS RELATING TO THE CONSTRUCTION, ALTERATION, REMODELING, ENLARGEMENT AND REPAIRS OF RESIDENTIAL STRUCTURES; ADOPTING THE INTERNATIONAL RESIDENTIAL CODE AS THE RESIDENTIAL STRUCTURE CODE WITHIN THE CITY OF TODD MISSION; PROVIDING FOR A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 FOR EACH VIOLATION THEREOF, WITH EACH DAY CONSTITUTING A SEPARATE VIOLATION; AND PROVIDING FOR SEVERABILITY.

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**WHEREAS**, the City has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City pursuant to Texas Local Government Code Section 51.001; and

**WHEREAS**, Texas Local Government Code Chapter 214 Subchapter G provides that the International Residential Code, as it existed on May 1, 2012 is the municipal residential and rehabilitation code in the State of Texas; and

**WHEREAS**, the City determines that the International Residential Code may be enforced by city employees or independent contractors; and

**WHEREAS**, the City finds that the regulations contained herein are in the best interest of the health, safety and welfare of its citizens; now, therefore

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TODD MISSION, TEXAS:**

**Section 1.** The facts and matters set forth in the preamble to this ordinance are hereby found to be true and correct.

**Section 2.** The following code of ordinance provisions are hereby adopted, to read and provide as follows:

## INTERNATIONAL RESIDENTIAL CODE

### **I. Definitions.**

Unless otherwise expressly defined, words and terms used in this ordinance shall have the meanings provided by the International Residential Code. The following words, terms and phrases shall be defined as follows:

- A. "*Code official*" means the city inspector, fire marshal, residential official, mechanical inspector, plumbing inspector, or any other designee of the appointing authority of the City or a deputy of such designee.
- B. "*Commercial*" means a residential for the use or occupation of people for:
  - (1) a public purpose or economic gain; or
  - (2) a residence if the residential is a multifamily residence that is not defined as residential by this section.
- C. "*Connected*" means attached by any means, regardless of the presence of fire walls, fire separations, or other barriers, or closer to another residential or structure than is required by the City.
- D. "*International Residential Code*" means the International Residential Code for One and Two-Family Dwellings promulgated by the International Code Council.
- E. "*Owner*" means any person, corporation, partnership, or other entity holding legal or equitable title to the property at issue according to public deed and/or tax records, and shall include: a) any person in actual possession of the property; b) any person paying for utility service to the property; c) a lender who has changed the locks on the mortgaged property and for at least ten (10) days after the changing of the locks the owner has not requested entrance to the mortgaged property; d) a lender whose residential mortgagee is more than ninety (90) days delinquent on their residential mortgage loan; and d) a lender who files suit for judgment of foreclosure and sale if the property is vacated by the mortgagee.
- F. "*Premises*" shall mean the entire portion of real property under the same owner or owners, including all improvements on the property, including

but not limited to fences, pipes, utilities, underground and aboveground plumbing and drainage systems, structures, residences, and trees.

G. "*Residential*" means having the character of a detached one-family or two-family dwelling or a multiple single-family dwelling that is not more than three stories high with separate means of egress, including the accessory structures of the dwelling, and that does not have the character of a facility used for the accommodation of transient guests or a structure in which medical, rehabilitative, or assisted living services are provided in connection with the occupancy of the structure.

## **II. Adoption of codes and standards.**

There are adopted by the City for the purpose of establishing rules and regulations for: the construction, maintenance and reconstruction of new and existing residences minimum standards for all residential structures within the corporate limits of the city, pursuant to Chapters 214 and 54 of the Texas Local Government Code, the following code:

The International Residential Code, as it existed on May 1, 2012.

## **III. Dangerous Structures.**

The city of Todd Mission hereby adopts Subchapter A of Chapter 214 of the Texas Local Government Code, including section 214.001, to regulate dangerous structures within the city. The City reserves the right to use the enforcement mechanisms provided for in Chapter 54 of the Texas Local Government Code as well as the enforcement mechanisms provided for in Chapter 214 of the Texas Local Government Code to enforce rules and regulations enacted and or operating pursuant to this ordinance.

## **IV. Restriction on code officials.**

A code official or deputy code official connected with the City shall not have a financial interest in the furnishing of labor, material or appliances for the

construction, alteration, demolition, repair or maintenance of a residence, or in the making of plans or of specifications, unless he is the owner of such residence. Such officer or employee shall not engage in any work which is inconsistent with his duties or with the interests of the City.

**V. Application and conformity with other codes.**

If there is a conflict between any section of this ordinance and a section of any code adopted by this ordinance or any other City ordinance, the most restrictive section shall apply.

**VI. Penalty and unlawful acts.**

Any person, firm, corporation, or organization violating the terms of this Ordinance shall, upon conviction, be guilty of a misdemeanor and fined in an amount not to exceed \$2,000.00 per offense. Each day that any violations of, or failure to comply with, this article is committed or permitted to continue shall constitute a separate and distinct offense under this section. This penalty shall be in addition to all other remedies available at law or equity.

**VII. Appeals.**

The Board of appeals shall be the City Council. Any person aggrieved by any interpretation or decision by the Code Official or fire marshal under this code, or when it is claimed that the provisions of this code in question do not apply or that an equally good or more desirable form, method or material can be employed in any specific case, or when it is claimed that the true intent and meaning of a code or any of the regulations in this code have been misconstrued or wrongly interpreted shall appeal to the City Council. Notice of appeal shall be in writing and filed within ten days after the decision is rendered by the Code Official.

**VIII. Effective date.**

This ordinance shall be effective immediately, except where a later date is expressly provided, upon adoption and publication of this ordinance or a caption that summarizes the purpose of this ordinance and the penalty for violating this

ordinance in every issue of the official newspaper for two days, or one issue of the newspaper if the official newspaper is a weekly paper, in accordance with Section 52.011 of the Texas Local Government Code.

**IX. Severability.**

In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part of provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Todd Mission, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

**Section 3.** In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Todd Mission, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

PASSED and ADOPTED this \_\_\_\_\_ of \_\_\_\_\_, 2020.

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George Coulam  
Mayor

ATTEST:

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Julie Lunsford  
City Secretary