

ORDINANCE NO. 2020-011

AN ORDINANCE OF THE CITY OF TODD MISSION, TEXAS RELATING TO CONSTRUCTION, ALTERATION, REMODELING, ENLARGEMENT AND REPAIRS OF COMMERCIAL BUILDINGS; ADOPTING THE NATIONAL ELECTRICAL CODE AND INTERNATIONAL BUILDING CODE AS BUILDING AND REHABILITATION CODES WITHIN THE CITY OF TODD MISSION; REQUIRING AN ANNUAL BUSINESS REGISTRATION FEE; 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.

* * * * *

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 National Electric Code, as it existed on May 1, 2011, and the International Building Code, as it existed on May 1, 2012, are adopted as municipal building and rehabilitation codes in the State of Texas; and

WHEREAS, the City determines that the municipal building and rehabilitation codes may be enforce 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 it 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:

“BUILDING AND REHABILITATION CODES

I. Definitions.

Unless otherwise expressly defined, words and terms used in this ordinance shall have the meanings provided by the International Building Code or any other code adopted in Section 2. The following words, terms and phrases shall be defined as follows:

- A. “*Code official*” means the city inspector, fire marshal, building 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 building for the use or occupation of people for:
 - (1) a public purpose or economic gain; or
 - (2) a residence if the building 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 building or structure than is required by the City.
- D. “*International Building Code*” means the International Building Code promulgated by the International Code Council.
- E. “*International Residential Code*” means the International Residential Code for One- and Two-Family Dwellings promulgated by the International Code Council.
- F. “*National Electrical Code*” means the electrical code published by the National Fire Protection Association.
- G. “*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.

- H. "*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, buildings, and trees.
- I. "*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 buildings; the installation, maintenance or repair of all plumbing, mechanical, fire prevention, fuel gas, and electrical systems; fixture piping, appliances and equipment in the city; and minimum standards for all structures within the corporate limits of the city, pursuant to Chapters 214 and 54 of the Texas Local Government Code, the following codes:

- A. the National Electrical Code, as it existed on May 1, 2011; and
- B. the International Building Code, as it existed on May 1, 2012.

III. Annual Registration required.

It is unlawful for any person to operate a business within the city of Todd Mission without filing a business registration form and paying an annual registration fee in the amount of \$125.00.

- (a) Registration forms must be filed with the city secretary and accompanied with the annual registration.
- (b) Registrations are not assignable or transferable and are valid for one year.
- (c) A completed annual registration form must be submitted to the city secretary for each business operating within the city.

(d) A completed renewal form must be submitted to the city secretary for each business at least 30 days prior to the expiration of the annual registration period.

(e) A completed application for a new owner registrant must be submitted to the city within 30 days of any change in ownership of a registered business.

IV. Annual Inspection of Registered Business

A Upon filing of an business registration form, the city will inspect the business premises and ensure that the business premises are not a public nuisance or substandard and that the unit meets all health and safety requirements of the city.

B A code official may enter the business premises for an inspection at a reasonable time after:

(1) The business registration form is filed with the city secretary; or

(2) The code official obtains the consent of the business registrant; or

(3) The code official obtains a warrant from a court to inspect the business premises.

V. 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 building, or in the making of plans or of specifications, unless he is the owner of such building. Such officer or employee shall not engage in any work which is inconsistent with his duties or with the interests of the City.

VI. 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.

VII. 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.

A. It shall be unlawful for any person to:

- (1) Display or cause or permit to be displayed or to have in one's possession any instrument purporting to be any license for the doing of any plumbing or mechanical work, knowing such instrument to be fictitious or to have been canceled.
- (2) Lend or knowingly permit the use of any license for the doing of any plumbing or mechanical work when such license has not been lawfully issued to the person so displaying the license.
- (3) Display or to represent as one's own any license for the doing of any plumbing or mechanical work when such license has not been lawfully issued to the person so displaying the license.
- (4) Use a false or fictitious name or address in any application for any permit provided for in this article or any renewal or duplicate of such permit, or knowingly make a false statement or knowingly conceal a material fact or otherwise commit fraud in making any such application.
- (5) Perform any character of plumbing, gas or mechanical work for which a license is required without the license required or while such license is suspended or canceled.
- (6) Interfere with the plumbing and mechanical inspector or his assistants in the discharge of his duties or to in any manner prevent him from carrying out the provisions of this article.
- (7) Deviate from approved plans, specifications or layouts without the prior written approval of the code official.
- (8) Make connection from a source of water, gas or electrical energy to any plumbing, gas or mechanical piping, devices or equipment on an installation for which a permit is required until it has been approved by the code official authorizing such connection and the use of such plumbing, gas or mechanical piping or equipment.
- (9) Change or alter plumbing, gas or mechanical piping fixtures, or equipment in or on any building.
- (10) Do work for which a license is required by the state without such license or without the required supervision, direction and control.

- (11) For any water or gas utility operating in the city to furnish service to any new building, tent or structure of any kind, nature or description without first obtaining clearance from the plumbing and mechanical inspector, stating that such plumbing, gas or mechanical work is approved and a permit has been issued for the use of water or gas. Whenever any gas service is disconnected for six months to any building structure for any cause whatsoever (excepting nonpayment of bill), a gas inspection shall be necessary before each building or structure can be reconnected. On all commercial buildings which are vacated, the gas supply agency shall lock the meter until the plumbing and mechanical inspector shall inspect the building and issue a clearance by permit number.
- (12) For any unauthorized person to disconnect any service, except in case of emergency from the utility.
- (13) For any person, as owner, agent lessee, renter or otherwise, to violate, disobey or refuse to comply with the provisions of this ordinance; and it shall be unlawful for any person to occupy or maintain any building or structure in which the plumbing, gas or mechanical work, fixtures or appliances are in violation of this ordinance.

VIII. Appeals.

The Board of appeals shall be the City Council for all codes adopted by this ordinance. Any person aggrieved by any interpretation or decision by the Code Official or fire marshal under any of the adopted codes, or when it is claimed that the provisions of the 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 a 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.

IX. 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.

George Coulam
Mayor

ATTEST:

Julie Lunsford
City Secretary