

ORDINANCE _____

AN ORDINANCE OF THE CITY OF KEMPNER, TEXAS, AMENDING ORDINANCE NUMBER 2002-02-12-001, SECTION 2, TO RATIFY AND CONFIRM THE ADOPTION OF THE 2000 EDITION OF THE INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO- FAMILY DWELLINGS; ADOPTING THE 2003 EDITION OF THE INTERNATIONAL BUILDING CODE; ADOPTING THE 1999 EDITION OF THE NATIONAL ELECTRICAL CODE; ESTABLISHING A PENALTY; PROVIDING AN EFFECTIVE DATE, SAVINGS, AND OPEN MEETINGS CLAUSES; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the 77th Texas Legislature adopted Senate Bill No. 365 making the International Residential Code for One- and Two- Family Dwellings the standard residential building code for the state;

WHEREAS, the City of Kempner, Texas (the “City”) adopted the International Residential Code for One- and Two- Family Dwellings in Ordinance No. 2002-02-12-001 and wishes to ratify and confirm the adoption of the 2000 edition of said code and make appropriate amendments to said code;

WHEREAS, the 79th Texas Legislature adopted Senate Bill No. 1458, making the 2003 edition of the International Business Code the standard municipal commercial building code for the state and the 1999 edition of the National Electrical Code the standard municipal electrical construction code for the state; and

WHEREAS, the City of Kempner desires to adopt the 2003 edition of the International Building Code and the 1999 edition of the National Electrical Code as the building and electrical construction codes of the City, and

WHEREAS, City Council finds that the public health, safety and welfare will be served by adopting said codes;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KEMPNER, TEXAS, THAT:

Section 1. Finding. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the city Council and made a part hereof for all purposes as findings of fact. The City Council hereby further finds and determines that the rules, regulations, terms, conditions, provisions and requirements of this ordinance are reasonable and necessary to protect the public health, safety and quality of life.

Section 2. Amendment of Section 2, Ordinance No. 2002-02-12-001. Section 2, Ordinance No. 2002-02-12-001 is hereby amended in its entirety to read as follows:

Section 2. Adoption of International Residential Code for One- and Two-Family Dwellings, 2000 Edition.

(a) The adoption of that certain document, one copy of which is on file in the office of the city secretary, being marked and designated as the "International Residential Code for One- and Two-Family Dwellings," 2000 edition, including all Appendix Chapters, published by the International Code Council, as the residential building code of the city regulating and controlling the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of one- and two-family dwellings; multiple single-family dwellings not more than three stories high with separate means of egress, including the accessory structures of the dwelling; and townhouses in the City; providing for the issuance of permits and collection of fees is hereby ratified, confirmed, and readopted; and each and all of the regulations, provisions, conditions and terms of such "International Residential Code for One- and Two-Family Dwellings," 2000 edition, published by the International Code Council, on file in the office of the city secretary are hereby referred to, adopted and made a part of this section as if fully set out in this ordinance.

(b) Amendments. The International International Residential Code for One- and Two-Family Dwellings, 2000 edition, is hereby amended as follows:

- (1) Each reference to "Jurisdiction" or location for insertion of name of jurisdiction shall mean the City of Kempner, Texas.
- (2) Table R301.2(1) shall include the following design criteria:
 - (1) Ground Snow Load
 - (2) Wind – 80 mph
 - (3) Seismic Design – B
 - (4) Subject to Drainage from:
 - (A) Weathering – Negligible
 - (B) Frost Line 6"
 - (C) Termite – Heavy
 - (D) Decay – Moderate
 - (E) Winter Design Temp. – 10 degrees Fahrenheit
 - (F) Flood Hazards – Reference Current FEMA Maps

Section 3. Adoption of International Building Code, 2003 Edition. (a) That certain document, one copy of which is on file in the office of the city secretary, being marked and designated as the "International Building Code," 2003 edition, including all Appendix Chapters, published by the International Code Council, is hereby adopted as the building code of the city establishing the minimum regulations governing the conditions and maintenance of all commercial property, buildings and structures and all property, buildings, and structures not otherwise regulated by the International Residential Code for One- and Two- Family Dwellings; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the

demolition of such structures, to the extent that such regulations do not conflict with any ordinance of the City adopted pursuant to Subchapter A, Chapter 214, Texas Local Government Code; and each and all of the regulations, provisions, conditions and terms of such "International Building Code," 2003 edition, published by the International Code Council, on file in the office of the city secretary are hereby referred to, adopted and made a part of this section as if fully set out in this ordinance.

(b) Amendments. The International Building Code is hereby amended as follows:

- (1) Each Reference to "Jurisdiction" or location for insertion of name of jurisdiction shall mean the City of Kempner, Texas.
- (2) Section 103.6 Applicable fees shall be charged as provided by the City Council from time to time.

Section 4. Adoption of the National Electrical Code, 1999 Edition. (a) There is hereby adopted by the City for the purpose of establishing rules and regulations for the construction, alteration, removal and maintenance of electric wiring and apparatus, including permits and penalties, that certain electrical code known as the National Electrical Code of the National Fire Protection Association, being particularly the 1999 edition of the National Electrical Code and the whole thereof, save and except such portions as are hereafter deleted, modified or amended, of which no less than one copy has been and now is filed in the office of the City Secretary. Such code is hereby adopted and incorporated as fully as if set out at length in this section, and the provisions of such code shall be controlling in the construction, alteration, maintenance or removal of all electric wiring and apparatus within the corporate limits of the City.

(b) Amendments. The National Electrical Code is amended as follows:

- (1) Each Reference to "Jurisdiction" or location for insertion of name of jurisdiction shall mean the City of Kempner, Texas.
- (2) Section 404.2. Applicable fees shall be charged as provided by the City Council from time to time.

Section 5. Penalty. Any person who shall violate any of the provisions of this Ordinance, or shall fail to comply therewith, or with any of the requirements thereof, within the City limits shall be deemed guilty of an offense and shall be liable for a fine not to exceed the sum of two thousand dollars (\$2000.00). Each day the violation exists shall constitute a separate offense. Such penalty shall be in addition to all the other remedies provided herein

Section 6. Savings. All rights and remedies of the City of Kempner are expressly saved as to any and all violations of the provisions of any ordinances affecting building construction, building codes, or permit issuance within the City which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

Section 7. Amendment of Ordinances. Section 2, Ordinance No. 2002-02-12-001 is hereby amended as provided in this Ordinance. All portions of ordinances in conflict herewith are hereby amended to the extent of conflict with this ordinance. In the event of a conflict or inconsistency between this ordinance and any other code or ordinance of the City, the terms and provisions of this ordinance shall govern.

Section 8. Effective Date. This Ordinance shall be in force and effect from and after its passage on the date shown below.

Section 9. Open Meetings. It is hereby found and determined that the meeting at which this ordinance was passed was open to the public as required by law, and that the date, time and location of said meeting was posted as required by law.

PASSED AND APPROVED on this ___ day of _____, 2005

Attest:

THE CITY OF KEMPNER, TEXAS

Frances Spinney, City Secretary

Gene Isenhour, Mayor