

**TOWN OF HICKORY CREEK, TEXAS
ORDINANCE NO. 2016- 08-749**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HICKORY CREEK, TEXAS AMENDING THE CODE OF ORDINANCES OF THE TOWN OF HICKORY CREEK, TEXAS, CHAPTER 3, BUILDING REGULATIONS, BY ADOPTING (A) THE 2015 INTERNATIONAL BUILDING CODE AS PUBLISHED BY THE INTERNATIONAL CODE COUNCIL WITH LOCAL AMENDMENTS; (B) THE 2015 INTERNATIONAL RESIDENTIAL CODE AS PUBLISHED BY THE INTERNATIONAL CODE COUNCIL WITH LOCAL AMENDMENTS; (C) THE 2015 INTERNATIONAL PLUMBING CODE AS PUBLISHED BY THE INTERNATIONAL CODE COUNCIL WITH LOCAL AMENDMENTS; (D) THE 2015 INTERNATIONAL MECHANICAL CODE AS PUBLISHED BY THE INTERNATIONAL CODE COUNCIL WITH LOCAL AMENDMENTS; (E) THE 2015 INTERNATIONAL FIRE CODE AS PUBLISHED BY THE NATIONAL FIRE PROTECTION ASSOCIATION WITH LOCAL AMENDMENTS; (F) THE 2014 NATIONAL ELECTRICAL CODE AS PUBLISHED BY THE NATIONAL FIRE PROTECTION ASSOCIATION WITH LOCAL AMENDMENTS; AND, (G) THE 2015 INTERNATIONAL ENERGY CONSERVATION CODE AS PUBLISHED BY THE INTERNATIONAL CODE COUNCIL WITH LOCAL AMENDMENTS; (H) THE 2015 INTERNATIONAL FUEL GAS CODE AS PUBLISHED BY THE INTERNATIONAL CODE COUNCIL WITH LOCAL AMENDMENTS; (I) THE 2015 INTERNATIONAL PROPERTY MAINTENANCE CODE AS PUBLISHED BY THE INTERNATIONAL CODE COUNCIL WITH LOCAL AMENDMENTS; PROVIDING THE TOWN BUILDING OFFICIAL THE AUTHORITY AND POWER TO ENFORCE PROVISIONS OF CODES; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING FOR SAVINGS; PROVIDING A PENALTY NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED EACH DAY DURING OR ON WHICH A VIOLATION OCCURS OR CONTINUES AND INCLUDING PROVISIONS FOR THE AUTHORIZATION TO SEEK INJUNCTIVE RELIEF TO ENJOIN VIOLATIONS; PROVIDING A PUBLICATION CLAUSE; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Hickory Creek, Texas, is a Type A General Law Municipality located in Denton County, Texas, created in accordance with provisions of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the Town of Hickory Creek, Texas is a general law municipality empowered under the Texas Local Government Code, Section 51.001, to adopt an ordinance or rule that is for the good government of the Town; and

WHEREAS, the Texas Local Government Code, Chapter 214, was amended by Senate Bill No. 365, an act of the 77th Texas Legislature, by adding Subchapter G, which provided for the adoption of the International Residential Code as a municipal residential building code in the State of Texas; and

WHEREAS, the North Central Texas Council of Governments (NCTCOG) has adopted the International Residential Code, 2015 Edition, with specific amendments; and

WHEREAS, the Texas Local Government Code, Chapter 214, authorizes a municipality to adopt procedures for the administration and enforcement of the International Residential Code; and

WHEREAS, the Texas Association of Builders (TAB), Texas Municipal League (TML), Texas Society of Architects, Texas Apartment Association, and the National Home Builders Association, as well as members of the Insurance Industry, are all in full support of the International Residential Code; and

WHEREAS, the NCTCOG along with the International Conference of Building Officials, Southern Building Code Congress International, Inc., and Building Officials and Code Administrators International, Inc., has recommended that all municipalities in the State of Texas adopt standardize model construction codes in an effort to simplify the construction process, advance the safety of building systems, promote common code interpretation, facilitate the mobility of contractors, and reduce training and construction costs; and

WHEREAS, the Town of Hickory Creek Building Official has reviewed the International Building Code, 2015 Edition; the International Residential Code, 2015 Edition; the International Plumbing Code, 2015 Edition; the International Mechanical Code, 2015 Edition; the International Fire Code, 2015 Edition; the National Electrical Code, 2014 Edition; the International Energy Conservation Code, 2015 Edition; the International Fuel Gas Code, 2015 Edition; the International Property Maintenance Code, 2015 Edition, and all local amendments thereto, and finds that it is in the best interest of the Town of Hickory Creek to adopt said Codes and amendments; and

WHEREAS, the Town Council does hereby find and determine that the adoption of this Ordinance is in the best interest of the public health, safety, morals and general welfare of the Town to adopt the construction and related codes as set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HICKORY CREEK, TEXAS:

SECTION 1
INCORPORATION CLAUSE

That all of the above premises are true and correct and are hereby incorporated in the body of this Ordinance as if fully set forth herein.

SECTION 2
AUTHORITY OF BUILDING OFFICIAL

That the Code of Ordinances, Town of Hickory Creek, Texas, Chapter 3: Building Regulations, Article 3.02: Technical and Construction Standards, Section 3.02.001 is hereby amended to read as follows: "The Town Building Official shall have the authority and power to enforce all provisions of the International Codes as adopted in 3.02.002."

SECTION 3
INTERNATIONAL CODES ADOPTED

That the Code of Ordinances, Town of Hickory Creek, Texas, Chapter 3: Building Regulations, Article 3.02: Technical and Construction Standards, Section 3.02.002 International Codes Adopted is hereby adopted to read as follows: "The town council does hereby adopt all provisions of the International Building Code, 2015 Edition, the International Residential Code, 2015 Edition; the International Plumbing Code, 2015 Edition; the International Mechanical Code, 2015 Edition; the International Fire Code, 2015 Edition; the National Electrical Code, 2014 Edition; the International Energy Conservation Code, 2015 Edition; the International Fuel Gas Code, 2015 Edition; and the International Property Maintenance Code, 2015 Edition with the local amendments to the codes as provided in Exhibits (A), (B), (C), (D), (E), (F), (G), (H), and (I), attached hereto and incorporated herein by reference.

SECTION 4
CUMULATIVE REPEALER CLAUSE

That this Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance; provided however, that the previous sections adopting the 2009 uniform codes and local amendments are hereby repealed and replaced with those aforementioned sections which adopt the 2014 and 2015 uniform codes and local amendments. Ordinances or parts thereof in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided however, that any complaint, action, claim or lawsuit which has been initiated or has arisen under or pursuant to the 2009 uniform codes of the Code of Ordinances on the date of adoption of this Ordinance shall continue to be governed by the provisions of such Article and for that purpose shall remain in full force and effect.

SECTION 5
SEVERABILITY CLAUSE

If any section, article, paragraph, sentence, clause, phrase or work in this Ordinance, or application thereof to any person or circumstance, is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of the Ordinance, and the Town Council hereby declares it would have passed such remaining portions of the Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 6
SAVINGS CLAUSE

All rights and remedies of the Town of Hickory Creek, Texas, are expressly saved as to any and all violations of the provisions of any other Ordinances of the Town affecting building, mechanical, plumbing, electrical and housing codes, which have secured 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
PENALTY CLAUSE

It shall be unlawful for any person to violate any provision of this Ordinance, and any person violating or failing to comply with any provision hereof shall be fined, upon conviction, in an amount not more than Two Thousand Dollars (\$2,000.00), and a separate offense shall be deemed committed each day during or on which a violation occurs or continues.

If the governing body of the Town of Hickory Creek determines that a violation of this Ordinance has occurred, the Town of Hickory Creek may bring suit in district court to enjoin the person, firm, partnership, corporation, or association from engaging in the prohibited activity.

SECTION 8
PUBLICATION CLAUSE

The Town Secretary of the Town of Hickory Creek is hereby directed to publish, the Caption, Penalty Clause and Effective Date of this Ordinance as required by Section 52.011 of the Texas Local Government Code.

SECTION 9
ENGROSSMENT AND ENROLLMENT CLAUSE

The Town Secretary of the Town of Hickory Creek is hereby directed to engross and enroll this Ordinance by copying the exact Caption, Penalty and Effective Date in the minutes of the Town Council and by filing this Ordinance in the ordinance records of the Town.

SECTION 10
EFFECTIVE DATE CLAUSE

That this Ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect from the date of passage and publication in the official newspaper.

IT IS SO ORDAINED.

PASSED AND APPROVED by the Town Council of the Town of Hickory Creek, Texas, this the 16th day of August 2016.

Lynn C. Clark, Mayor
Town of Hickory Creek, Texas

ATTEST:

Kristi Rogers, Town Secretary
Town of Hickory Creek, Texas

APPROVED AS TO FORM:

Town Attorney
Town of Hickory Creek, Texas