

**ORDINANCE NO. 2015-03**

**AN ORDINANCE OF THE CITY OF RIESEL ADOPTING THE 2012 EDITION OF THE INTERNATIONAL RESIDENTIAL CODE WITH EXCEPTIONS; MAKING VIOLATION AN OFFENSE (MISDEMEANOR) PUNISHABLE BY A FINE NOT TO EXCEED \$2,000; MAKING EACH DAY OF VIOLATION A SEPARATE OFFENSE; PROVIDING FOR ENFORCEMENT BY CIVIL ACTION FOR CIVIL PENALTIES NOT EXCEEDING \$1,000 PER DAY, INJUNCTION, AND/OR COMPELLED DEMOLITION OR REPAIR OR AUTHORIZATION TO REMOVE OR ABATE AND TO RECOVER COSTS OF THE SAME, ALL IN ACCORDANCE WITH SUBCHAPTER B OF CHAPTER 54 OF THE TEXAS LOCAL GOVERNMENT CODE WHICH IS INCORPORATED BY REFERENCE; REPEALING ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH WITH CAVEAT; PROVIDING A SAVINGS CLAUSE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW;**

WHEREAS, it is important for the City to establish a uniform set of regulations for the construction, moving, or demolition of structures within the City and a means of enforcing such regulations,

WHEREAS, such regulations are necessary and proper to protect and preserve the health, safety and welfare of the public,

WHEREAS, Section 214.212 of the Texas Local Government Code makes the International Residential Code (2001) the municipal residential building code in this state and allows for cities to adopt amended versions of the International Residential Code. Local amendments and establishment of administration procedures are also provided for in the statute;

WHEREAS, the City Council of the City of Riesel, Texas, finds that the adoption of this Ordinance is in the best interest of the City and its residents.

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

**Section 1.** That a certain document, one (1) copy of which is on file in the office of the City Secretary of the City of Riesel, being marked and designated as the International Residential Code, 2012 Edition, as published by the International Code Council, be and is hereby adopted as the Residential Building Code of the City of Riesel, Texas and referred to hereinafter as "Residential Code."

**Section 2.** Violation of the Residential Code or any provision thereof or any provision of this Ordinance is an offense (misdemeanor) punishable by a fine not to exceed \$2,000. Each day of violation shall be a separate offense.

In addition, the City may institute a civil action to enforce this ordinance and the Residential Code adopted herein in accordance with Subchapter B, Chapter 54 of the Texas Local Government Code, which is incorporated herein, including seeking civil penalties not to exceed \$1,000 per day, injunctive relief, demolition or repair orders, authorizations to repair or remove, and recovery of costs.

The foregoing enforcement remedies are in addition to any enforcement options or procedures provided in the Residential Code, other City ordinance, or state law.

**Section 3. Notice of Work.** The City will not initially require building permits or scheduled inspections as it is without adequate staff and resources to do so. This ordinance may be amended in the future to provide for such permits and inspections. **However, a person intending to construct, enlarge, move, or demolish a structure within the City must file a Notice of Work with the City Secretary which provides the following information before beginning such activities:**

- a) A legal description of the real property involved;
- b) (For construction of new structure or enlargement of existing structure)-A location map of the property showing where the structure will be located on the property, its size, and its distance from boundary lines and other structures; and a set of building plans;
- c) A description of the work to be done and identification of the persons or companies that will be performing the work; and
- d) Separate identification of any electrical and/or plumbing work that will be done, identification of persons who will be performing such work, and whether those persons hold state licenses.

**Section 4. Inspection.** The City retains the right to inspect work at any time for the purpose of determining whether there has been a violation of this ordinance.

**Section 5.** That ordinances or parts of ordinances in conflict herewith are hereby repealed as they specifically relate to regulating residential construction, but nothing in the Residential Code or this Ordinance shall repeal any portion of an Ordinance not specifically addressing adoption of a building code.

**Section 6.** That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City of Riesel hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

**Section 7.** That nothing in this ordinance or in the Residential Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under

any act or ordinance hereby repealed as cited in this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

**Section 8.** That the City Secretary is hereby ordered and directed to cause this ordinance to be published in the official newspaper.

**Section 9.** 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 thirty days (30) from and after publication.

**Section 10.** That it is hereby officially found and determined that the meeting at which this ordinance is passed is open to the public as required by law and that public notice of the time, place, and purpose of said meeting was given as required.

**PASSED AND APPROVED** this 10<sup>th</sup> day of March, 2015.

  
Mayor  
City of Riesel, Texas

  
City Secretary

