ORDINANCE NO. 2010-O- 114

AN ORDINANCE OF THE VILLAGE OF VOLENTE, TEXAS, ADOPTING THE 2009 EDITION OF THE INTERNATIONAL BUILDING CODE; ADOPTING THE 2009 EDITION OF THE INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO- FAMILY DWELLINGS; ADOPTING THE 2009 EDITION OF THE INTERNATIONAL PLUMBING CODE; ADOPTING THE 2009 EDITION OF THE INTERNATIONAL MECHANICAL CODE; ADOPTING THE 2009 EDITION OF THE INTERNATIONAL FUEL GAS CODE; ADOPTING THE 2009 EDITION OF THE INTERNATIONAL ENERGY CONSERVATION CODE; ADOPTING THE 2009 EDITION OF THE INTERNATIONAL EXISTING BUILDING CODE; ADOPTING THE 2009 EDITION OF THE INTERNATIONAL FIRE CODE WITH ADDENDUMS; ADOPTING THE 2009 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE; ADOPTING THE 2008 EDITION OF THE NATIONAL ELECTRICAL CODE; ESTABLISHING PENALTY AND ENFORCEMENT PROVISIONS; PROVIDING AN EFFECTIVE DATE, SAVINGS, AND OPEN MEETINGS CLAUSES; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the public health, safety and welfare, require the adoption and enforcement of codes governing the issuance of permits for, inspection and completion of construction, plumbing, electrical work, and buildings within the Village of Volente, Texas; and

WHEREAS, the Village Council finds the public health, safety and welfare will be served by updating certain codes, some of which were heretofore adopted by the Village in earlier versions of such codes;

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF VOLENTE, TEXAS, THAT:

Section 1. <u>Adoption of Findings of Fact</u>.

The foregoing recitals are hereby found to be true and correct and are hereby adopted by the Village Council and made a part hereof for all purposes as findings of fact. The Village 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. <u>Adoption of the International Building Code, 2009 edition</u>

The International Building Code, 2009 edition, and all revisions thereof, published by the International Code Council and referred to as the "International Building Code", is hereby adopted and incorporated as fully as if set out at length in this article, and the provisions of such code shall be controlling on all premises, including but not limited to all buildings thereon, within the corporate limits of the city.

Section 3. <u>Adoption of the International Residential Code for One- and Two-Family Dwellings, 2009 edition</u>

The International Residential Code for One- and Two-Family Dwellings, 2009 edition, including all appendix chapters, published by the International Code Council, is hereby adopted as the residential building code of the Village 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 and townhouses in the Village, and providing for the issuance of permits and collection of fees, and each and all of the regulations, provisions, conditions and terms of such International Residential Code for One- and Two-Family Dwellings, 2009 edition, published by the International Code Council are adopted and made a part of the Village of Volente Code of Ordinances as if fully set out in this article.

Section 4. <u>Adoption of the International Energy Conservation Code, 2009 edition.</u>

The International Energy Conservation Code, 2009 edition, published by the International Code Council, is hereby adopted as the energy code of the Village for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of the building envelope, mechanical, lighting and power systems of the Village and providing for the issuance of permits and collection of fees therefor, and each and all of the regulations, provisions, conditions and terms of such International Energy Conservation Code, 2009 edition, published by the International Code Council, are hereby referred to, adopted and made a part of this section as if fully set out in this article.

Section 5. <u>Adoption of the International Plumbing Code, 2009 edition</u>

The International Plumbing Code, 2009 edition, and all revisions thereof, published by the International Code Council, and referred to as the "International Plumbing Code," is hereby adopted and incorporated as fully as if set out at length in this article, and the provisions of such code shall be controlling on all premises, including but not limited to all buildings thereon, within the corporate limits of the Village.

Section 6. <u>Adoption of the International Mechanical Code, 2009 edition</u>

The International Mechanical Code, 2009 edition, and all revisions thereof, published by the International Code Council, and referred to as the "International Mechanical Code," is hereby adopted and incorporated as fully as if set out at length in this article, and the provisions of such code shall be controlling on all premises, including but not limited to all buildings thereon, within the corporate limits of the Village.

Section 7. <u>Adoption of the National Electrical Code, 2008 edition</u>

The National Electrical Code, 2008 edition, and all revisions thereof, published by the National Fire Protection Association, and referred to as the "electrical code," is hereby adopted and incorporated as fully as if set out at length in this article, and the provisions of such code shall be controlling on all premises, including but not limited to all buildings thereon, within the corporate limits of the Village.

Section 8. <u>Adoption of the International Fuel Gas Code, 2009 edition</u>

The International Fuel Gas Code, 2009 edition, and all revisions thereof, published by the International Code Council, and referred to as the "International Fuel Gas Code," is hereby adopted and incorporated as fully as if set out at length in this article, and the provisions of such code shall be controlling on all premises, including but not limited to all buildings thereon, within the corporate limits of the Village. The provisions of this code shall apply to the installation of undiluted liquefied petroleum gases (butane and propane).

Section 9. <u>Adoption of the International Fire Code, 2009 edition with its addendums</u>

The International Fire Code, 2009 edition, and all revisions thereof, together with its addendums, published by the International Conference of Building Officials, and referred to as the "International Fire Code," is hereby adopted and incorporated as fully as if set out at length in this article, and the provisions of such code shall be controlling on all premises, including but not limited to all buildings thereon, within the corporate limits of the Village.

Section 10. <u>Adoption of the International Existing Building Code, 2009 edition</u>

The International Existing Building Code, 2009 edition, and all revisions thereof, published by the International Conference of Building Officials, and referred to as the "International Existing Building Code," is hereby adopted and incorporated as fully as if set out at length in this article, and the provisions of such code shall be controlling on all premises, including but not limited to all buildings thereon, within the corporate limits of the Village.

Section 11. <u>Adoption of the 2009 International Property Maintenance Code</u>

The 2009 International Property Maintenance Code is hereby adopted and incorporated as fully as if set out at length in this article, and the provisions of such code shall be controlling on all premises, including but not limited to all buildings thereon, within the corporate limits of the Village.

Section 12. 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 Village limits shall be deemed guilty of an offense and shall be liable for a fine not to exceed the sum of two thousand dollars ($2,000.00). Each day the violation exists shall constitute a separate offense. Such penalty shall be in addition to all the other remedies provided herein or in the Code.

Section 13. Savings Clause.

All rights and remedies of the Village of Village are expressly saved as to any and all violations of the provisions of any ordinances of the Village governing building or construction 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 14. Effective Date.

This ordinance shall be in full force and effect from and after its publication as provided in the Local Government Code.

Section 15. Severability.

That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Village Council 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 16. Open Meetings.

It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapt. 551, Tex. Gov't. Code.*

PASSED AND APPROVED this the 16th day of February, 2010.

ATTEST:

Jenifer Zufelt, Village Secretary

VILLAGE OF VILLAGE, TEXAS

Jan Yenawine, Mayor