City of Pattison
P.O. Box 223
Pattison, TX 77466

ORDINANCE 157

AN ORDINANCE OF THE CITY OF PATTISON, TEXAS; ADOPTING WITH AMENDMENTS BUILDING AND TECHNICAL CODES; PROVIDING FOR A PENALTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL; AND PROVIDING AN EFFECTIVE DATE.

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WHEREAS, the City Council of the City of Pattison, Texas, ("City") desires to adopt regulations for the health, safety, and general welfare of the City; and

WHEREAS, to achieve that end, the City Council desires to adopt building and technical codes; and

WHEREAS, the City Council finds that adopting the building and technical codes will promote the health, safety, and general welfare of the City;

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

Section 1. That the facts found in the preamble of this Ordinance are true and correct and incorporated herein for all purposes.

Section 2. (a) The City adopts the following building and technical codes as though they were fully incorporated in this Ordinance with the amendments as set for in Subsection (b) below:

(1) The International Residential Code for One- and Two- Family Dwellings, 2021 Edition, published by the International Code Council.

(2) The International Building Code, 2021 Edition, published by the International Code Council.

(3) The International Plumbing Code, 2021 Edition, published by the International Code Council.

(4) The International Fuel Gas Code, 2021 Edition, published by the International Code Council.

(5) The International Mechanical Code, 2021 Edition, published by the International Code Council.

(6) The International Fire Code, 2021 Edition, published by the International Code Council.

(7) The National Electric Code, 2020 Edition, published by National Fire Protection Association.

(8) The International Energy Conservation Code, 2021 Edition, published by the International Code Council.

(9) The International Existing Building Code, 2021 Edition, published by the International Code Council.

(10) The International Property Maintenance Code, 2021 Edition, published by the International Code Council.

(11) The International Swimming Pool and Spa Code, 2021 Edition, published by the International Code Council.

(b) Amendments to Codes.

(1) The International Residential Code, International Building Code, International Plumbing Code, International Fuel Gas Code, International Mechanical Code, International Existing Building Code, International Property Maintenance Code, and International Swimming Pool and Spa Code shall be amended to read as follows:

- Section 103 is deleted and a new Section 103 is added to read as follows:

103 Building or code official. Whenever a reference in this code is made to the building official or code official, such term may include a city employee or independent contractor engaged by the city as well as any city designated deputy building or code official. If the city has no building official or code official or the building official or code official is unwilling or unable to perform the duties as set forth this code or any city code, then the Mayor may perform such duties or delegate same.

(2) International Fire Code, Section 103.1 is amended to read as follows:
The City may appoint a fire official, enter into an interlocal agreement with another political subdivision for use of a fire official, or engage an independent contractor.

(3) The International Residential Code (Section 104.6), International Building Code (Section 104.6), International Plumbing Code (Section 104.4), International Fuel Gas Code (Section 104.4), International

Mechanical Code (Section 104.4), International Fire Code (Section 104.3), International Existing Building Code (Section 104.6), International Property Maintenance Code (105.3), and International Swimming Pool and Spa Code (Section 104.6) shall be amended to read as follows:

Right of entry is amended to read as follows: Where it is necessary to make an inspection to enforce the provisions of this code, or where the building official, code official, or fire marshal has reasonable cause to believe that there exists in a structure or upon a premises a condition that is contrary to or in violation of this code that makes the structure or premises unsafe, dangerous or hazardous, the such official shall attempt to gain entry to a structure or premises by consent of the owner. If the owner does not consent to entry, such official may seek an inspection warrant from the City's Municipal Court. Nothing herein shall limit the Building Official from gaining entry to a structure or premises as allowed by law.

(4) The International Building Code (Section 105.1.1), International Plumbing Code (Section 106.1.1), International Fuel Gas Code (Section 106.1.1), International Mechanical Code (Section 106.1.1), International Fire Code (Section 105.1.6), National Electrical Code (Annex H, Section 80.19), and International Existing Building Code (Section 105.1.1) are deleted.

(5) The International Building Code (Section 105.1.2), International Plumbing Code (Section 106.1.2), International Fuel Gas Code (Section 106.1.2), International Mechanical Code (Section 106.1.2), International Fire Code (Section 105.1.6.1), and International Existing Building Code (Section 105.1.2) are deleted.

(6) The International Plumbing Code (Section 109.5), International Fuel Gas Code (Section 109.6), International Mechanical Code (109.6), and International Swimming Pool and Spa Code (Section 108.6) shall read as stated in the 2021 International Residential Code, Section 108.5.

(7) The International Plumbing Code (Sections 115.4), International Fuel Gas Code (Section 115.4), International Mechanical Code (Section 115.4), National Electrical Code (Annex H, Section 80.23(B)(3)), and International Swimming Pool and Spa Code (Section 113.4) shall read as stated in the 2021 International Residential Code, Section 113.4.

(8) The City adopts Annex H of the National Electrical Code with amendments contained herein.

(9) International Residential Code (Section 112), International Building Code (Section 113), International Plumbing Code (Section 113 and 114), International Fuel Gas Code (Section 113 and Section 114), International Mechanical Code (Section 113 and Section 114), International Fire Code (Section 111), National Electrical Code (Annex H, Section 80.15), International Energy Conservation Code (Sections C110 and R 110), International Existing Building Code (Section 112), International Property Maintenance Code (Section 107 and Section 108), and International Swimming Pool and Spa Code (Section 111 and Section 112) are deleted a new sections added as follows:

Appeal rights. The duly elected and constituted members of the City of Pattison, Texas, City Council are hereby named and constitute the Board of Appeals. The term of office of each such member shall run concurrently with the term of office to which he or she was elected as a member of city council.

Voting. The Mayor shall serve as the chairman of the board and may vote on any item before the board. The presence of any four members, including the Mayor Chairman, shall constitute a quorum for the transaction of business.

Procedures. Any person or entity aggrieved by a decision of the building official, code official, fire marshal, or other city official may appeal such decision to the Board of Appeals by filing a written appeal with the City Secretary of the City of Pattison, Texas. The City Secretary shall set a public hearing on the matter no later than the fifteenth (15th) day after the date the appeal is filed with the City. The board shall allow each side to present evidence and witnesses and present their sides within a reasonable time. The board shall issue a ruling no later than the tenth (10th) day after the date of the hearing.

Hearing required. Before filing suit in a court of competent jurisdiction, the person or entity aggrieved as provided for in this Section shall first follow the appeal process before filing any suit.

Limitations on authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally

good or better form of construction is proposed. The board shall have no authority to waive requirements of this code."

Section 3. *Penalty.* Any person who violates or causes, allows, or permits another to violate any provision of this ordinance, rule, or police regulation of the city shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine or penalty not to exceed five hundred dollars ($500.00). If such rule, ordinance, or police regulation governs fire safety, or public health and sanitation, other than the dumping of refuse, the fine or penalty shall not exceed two thousand dollars ($2,000.00). If such rule, ordinance, or police regulation governs the dumping of refuse, the fine or penalty shall not exceed four thousand dollars ($4,000.00). Each occurrence of any violation of this ordinance, rule, or police regulation shall constitute a separate offense. Each day on which any such violation of this ordinance, rule, or police regulation occurs shall constitute a separate offense.

Section 4. *Severability.* In the event any clause, phrase, provision, sentence or part of this Ordinance or the application of the same to any person or circumstances 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 than the part declared to be invalid or unconstitutional; and the City Council of the City of Pattison, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 5. *Repeal.* All ordinances or parts thereof in conflict with this Ordinance are repealed to the extent of such conflict.

Section 6. *Effective date.* This Ordinance shall become effective immediate and enforceable when published as required by law.

PASSED, APPROVED, and ADOPTED this the 21st day of July 2022.

Joe Garcia, Mayor

ATTEST:

Lorene Hartfiel, City Secretary