

ORDINANCE NO. 128

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF CUT AND SHOOT, TEXAS, TO ADOPT VARIOUS BUILDING, MECHANICAL AND PLUMBING CODES FOR RESIDENTIAL AND COMMERCIAL BUILDINGS AND STRUCTURES IN THE CITY, INCLUDING FIRE, PLUMBING, FUEL GAS, ELECTRIC, MECHANICAL, ENERGY CONSERVATION, PROPERTY MAINTENANCE, SWIMMING POOLS AND SPAS, EXISTING BUILDINGS, AND PERFORMANCE CODES, INCLUDING APPENDIXES, THE INTERNATIONAL PLUMBING CODE, AND THE NATIONAL ELECTRIC CODE; EXCEPTING FROM THE ENFORCEMENT OF SUCH CODES ANY EXISTING RESIDENTIAL STRUCTURES IN THE CITY; DESIGNATING A CITY BUILDING OFFICIAL; PROVIDING FOR INSPECTION ACTIVITIES BY THE BUILDING OFFICIAL; PROVIDING FOR PERMITS AND FEES; PROVIDING PENALTIES NOT TO EXCEED A \$500 FINE FOR ANY VIOLATION THEREOF; REPEALING CITY ORDINANCE NO. 127 AND ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING A SAVINGS CLAUSE; PROVIDING A TEXAS OPEN MEETINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE OF SEPTEMBER 1, 2020 AFTER PUBLICATION.

WHEREAS, it is the desire of the City Council of the City of Cut and Shoot, Texas, to adopt, in all respects, certain codes published by the International Code Council, relating to all applicable building, mechanical and plumbing codes for both commercial and new residential structures; and

WHEREAS, the City Council approved City Ordinance No. 127, dated July 9, 2020, by which the International Building Codes and National Electric Code were adopted; and

WHEREAS, the adoption of these **2018 Editions of the International Code Series** as published by the International Code Council, as herein amended, is done to facilitate proper inspection activities by the City of Cut and Shoot, Montgomery County, Texas, relating to construction and to maintenance of all buildings and structures within the corporate limits of said City of Cut and Shoot, Texas, and relating to public safety, health, and general welfare; and

WHEREAS, the International Residential Code[®], International Plumbing Code[®] and International Performance Code[®] requires the adoption of each specific appendix in order for them to be enforceable; and

WHEREAS, the City Council believes it is important that all such appendixes be adopted, including Appendix Q of the International Residential Code[®], entitled "Tiny Houses;" and

WHEREAS, the adoption of the **2020 Edition of the National Electric Code[®]** as published by the National Fire Protection Association (NFPA), as herein amended, is done to facilitate proper inspection activities by the City of Cut and Shoot, Montgomery County, Texas,

relating to electrical installation of all buildings and structures within the corporate limits of said City of Cut and Shoot, Texas, and relating to public safety, health, and general welfare; and

WHEREAS, the City Council finds that it is in the best interest of its citizens that such building codes should not be enforced for existing residential structures in the City but only for new residential construction and for existing and new commercial construction:

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CUT AND SHOOT, TEXAS, THAT:

SECTION I. INTERNATIONAL BUILDING CODES ADOPTED

Subject to the exceptions for existing residential structures found in Section III below, the following International Code Council Editions including Appendix Chapters ("the Codes") are hereby adopted by reference as though they were copied herein fully:

2018 International Residential Code® (for 1 & 2 Family Dwellings only) and Appendixes

- A: Sizing and Capacities of Gas Piping,
- B: Sizing of Venting Systems Serving Appliances,
- C: Exit Terminal of Mechanical Draft and Direct-Vent Venting Systems,
- D: Recommended Procedures for Safety Inspection of an Existing Appliance Installation,
- E: Manufactured Housing Used as Dwellings,
- G: Piping Standards for Various Applications,
- H: Patio Covers,
- I: Private Sewerage Disposal,
- J: Existing Building and Structures,
- N: Venting Methods,
- O: Automatic Vehicular Gates,
- P: Sizing of Water Piping Systems and
- Q: Tiny Houses.

2018 International Building Code® (for all other residential and commercial construction)

2018 International Fire Code®

2018 International Mechanical Code®

2018 International Plumbing Code® and Appendixes

- C: Structural Safety,
- E: Sizing of Water Piping Systems

2018 International Fuel Gas Code®

2018 International Energy Conservation Code®

2018 International Swimming Pool & Spa Code®
2018 International Property Maintenance Code®
2018 International Existing Building Code®
2018 International Performance Code® and Appendixes

- A: Risk Factors of Use and Occupancy Classifications,
- B: Worksheet for Assigning Specific Structures,
- C: Individually Substantiated Design Method,
- D: Qualification of Characteristics for Design and Review, and
- E: Use of Computer Models

SECTION II. NATIONAL ELECTRIC CODE® ADOPTED

The 2020 Edition of the NFPA 70® National Electric Code® is hereby adopted by reference as though it were copied herein fully.

SECTION III. EXISTING RESIDENTIAL STRUCTURES EXCEPTED

The International Building Codes and National Electric Code adopted herein shall not apply to existing residential construction in the City of Cut and Shoot as of the effective date of this Ordinance. Specifically, they shall not apply to any improvements or additions to existing residential structures, to include the replacement of existing mechanical, plumbing and electrical facilities in existing residential structures.

SECTION IV. BUILDING OFFICIAL

When reference is made to the duties of a certain official named within said Codes, that designated official of the City of Cut and Shoot, Montgomery County, Texas, who has duties corresponding to those of the named official in the Codes shall be deemed the **Building Official** or his/her designee. The Building Official shall periodically review amendments to the International Codes and other building codes and may recommend adoption of such amendments to the City Council. The Building Official may also recommend other local amendments to the International Codes and National Electric Code. Local amendments to these Codes shall be adopted by ordinance and shall control over any conflicting provisions of these Codes.

SECTION V. BUILDING CODE PROCEDURES AND INSTRUCTIONS

The City Council hereby authorizes the Building Official to implement Building Permit procedures and instructions for construction of all buildings and structures in the City of Cut and Shoot which are consistent with the Codes and this Ordinance.

SECTION VI. PERMIT APPLICATION FORMS AND FEES

The City Council hereby authorizes the Building Official and City Secretary to issue permits and collect reasonable fees for all buildings and structures, electrical, mechanical, and plumbing which are consistent with the Codes and this Ordinance.

SECTION VII. CRIMINAL PENALTIES

- A. A person, firm or corporation violating any provision of this Ordinance shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than \$500 for each act of violation, and each day of violation shall be considered a separate violation.
- B. In addition to proceeding under authority of this Ordinance, the City is entitled to pursue all other criminal and civil remedies to which it is entitled under authority of statutes or ordinances against a person continuing to violate this Ordinance.

SECTION VIII. REPEALING CLAUSE

City Ordinance No. 127 dated July 9, 2020 is hereby repealed and replaced. Any matters in said Codes and Appendixes which are contrary to existing Ordinances and Codes of the City of Cut and Shoot, Texas shall prevail; and all other Ordinances in conflict are hereby repealed to the extent of any conflict.

SECTION X. SEVERABILITY

If any section, subsection, sentence, clause, provision, or part of this Ordinance shall be held invalid for any reason, the remainder of this Ordinance shall not be affected thereby but shall remain in full force and effect.

SECTION XI. TEXAS OPEN MEETINGS ACT

It is hereby officially found and determined that the meeting at which this Ordinance was considered 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, Chapter 551, of the Texas Government Code.

SECTION XII. EFFECTIVE DATE

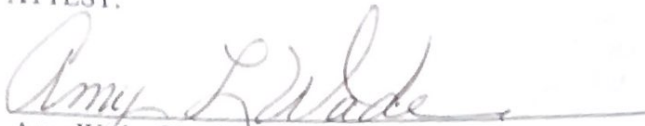
This Ordinance shall be effective on September 1, 2020 after its publication as provided by law.

PASSED AND APPROVED by the City Council of the City of Cut and Shoot, Texas, on the 10th day of September, 2020.

THE CITY OF CUT AND SHOOT, TEXAS


Nyla Dalhaus, Mayor

ATTEST:


Amy Wade, City Secretary

ORDINANCE NO. 128-A

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF CUT AND SHOOT, TEXAS, TO ADOPT VARIOUS BUILDING, MECHANICAL AND PLUMBING CODES RELATED TO ALL INTERNATIONAL CODES FOR RESIDENTIAL AND COMMERCIAL BUILDINGS AND STRUCTURES IN THE CITY, INCLUDING FIRE, PLUMBING, FUEL GAS, ELECTRIC, MECHANICAL, ENERGY CONSERVATION, PROPERTY MAINTENANCE, SWIMMING POOLS AND SPAS, EXISTING BUILDINGS, AND PERFORMANCE CODES, INCLUDING APPENDIXES, THE INTERNATIONAL PLUMBING CODE, AND THE NATIONAL ELECTRIC CODE; DESIGNATING A CITY BUILDING OFFICIAL; PROVIDING FOR INSPECTION ACTIVITIES BY THE BUILDING OFFICIAL; PROVIDING FOR PERMITS AND FEES; PROVIDING PENALTIES NOT TO EXCEED A \$500 FINE FOR ANY VIOLATION THEREOF; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING A SAVINGS CLAUSE; PROVIDING A TEXAS OPEN MEETINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE AFTER PUBLICATION AS PROVIDED BY LAW.

WHEREAS, it is the desire of the City Council of the City of Cut and Shoot, Texas, to adopt, in all respects, certain codes published by the International Code Council, relating to all applicable building, mechanical and plumbing codes for both commercial and residential structures; and

WHEREAS, the adoption of these 2018 International Code Series as published by the International Code Council, as herein amended, is done to facilitate proper inspection activities by the City of Cut and Shoot, Montgomery County, Texas, relating to construction and to maintenance of all buildings and structures within the corporate limits of said City of Cut and Shoot, Texas, and relating to public safety, health, and general welfare; and

WHEREAS, the International Residential Code and International Performance Code requires the adoption of each of their appendixes in order for them to be enforceable; and

WHEREAS, the City Council believes it is important that all such appendixes be adopted, including Appendix Q of the International Residential Code, entitled "Tiny Houses;" and

WHEREAS, the adoption of the current edition of the National Electric Code as published by the National Fire Protection Association (NFPA), as herein amended, is done to facilitate proper inspection activities by the City of Cut and Shoot, Montgomery County, Texas, relating to electrical installation of all buildings and structures within the corporate limits of said City of Cut and Shoot, Texas, and relating to public safety, health, and general welfare; and

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CUT AND SHOOT, TEXAS, THAT:

SECTION I. INTERNATIONAL BUILDING CODES ADOPTED

The following International Code Council Editions including Appendix Chapters ("the Codes") are hereby adopted by reference as though they were copied herein fully:

2018 International Residential Code® (for 1 & 2 Family Dwellings only) and Appendixes

A: Sizing and Capacities of Gas Piping,

B: Sizing of Venting Systems Serving Appliances,

C: Exit Terminal of Mechanical Draft and Direct-Vent Venting Systems,

D: Recommended Procedures for Safety Inspection of an Existing Appliance Installation,

E: Manufactured Housing Used as Dwellings,

G: Piping Standards for Various Applications,

H: Patio Covers

J: Existing Building and Structures,

N: Venting Methods,

O: Automatic Vehicular Gates,

P: Sizing of Water Piping Systems and

Q: Tiny Houses.

2018 International Building Code® (for all other residential and commercial construction)

2018 International Fire Code®

2018 International Mechanical Code®

2018 International Plumbing Code® and Appendixes

C: Structural Safety,

E: Sizing of Water Piping Systems

2018 International Fuel Gas Code®

2018 International Energy Conservation Code®

2018 International Swimming Pool & Spa Code®

2018 International Property Maintenance Code®

2018 International Existing Building Code®

2018 International Performance Code® and Appendixes

A: Risk Factors of Use and Occupancy Classifications,

B: Worksheet for Assigning Specific Structures,

C: Individually Substantiated Design Method,

D: Qualification of Characteristics for Design and Review, and

E: Use of Computer Models

SECTION II. NATIONAL ELECTRIC CODE ADOPTED

The 2017 Edition of the NFPA 70® National Electric Code® is hereby adopted by reference as though it were copied herein fully.

SECTION III. BUILDING OFFICIAL

When reference is made to the duties of a certain official named within said Codes, that designated official of the City of Cut and Shoot, Montgomery County, Texas, who has duties corresponding to those of the named official in the Codes shall be deemed the *Building Official* or his/her designee. The Building Official shall periodically review amendments to the International Codes and other building codes and may recommend adoption of such amendments to the City Council. The Building Official may also recommend other local amendments to the International Codes and National Electric Code. Local amendments to these Codes shall be adopted by ordinance and shall control over any conflicting provisions of these Codes.

SECTION IV. BUILDING CODE PROCEDURES AND INSTRUCTIONS

The City Council hereby authorizes the Building Official to implement Building Permit procedures and instructions for construction of all buildings and structures in the City of Cut and Shoot which are consistent with the Codes and this Ordinance.

SECTION IV. PERMIT APPLICATION FORMS AND FEES

The City Council hereby authorizes the Building Official and City Secretary to issue permits and collect reasonable fees for all buildings and structures, electrical, mechanical, and plumbing which are consistent with the Codes and this Ordinance.

SECTION V. CRIMINAL PENALTIES

- A. A person, firm or corporation violating any provision of this Ordinance shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than \$500 for each act of violation, and each day of violation shall be considered a separate violation.
- B. In addition to proceeding under authority of this Ordinance, the City is entitled to pursue all other criminal and civil remedies to which it is entitled under authority of statutes or ordinances against a person continuing to violate this Ordinance.

SECTION VI. REPEALING CLAUSE

Any matters in said Codes and Appendixes which are contrary to existing Ordinances and Codes of the City of Cut and Shoot, Texas shall prevail; and all other Ordinances in conflict are hereby repealed to the extent of any conflict.

SECTION VI. SEVERABILITY

If any section, subsection, sentence, clause, provision or part of this Ordinance shall be held invalid for any reason, the remainder of this Ordinance shall not be affected thereby but shall remain in full force and effect.

SECTION V. TEXAS OPEN MEETINGS ACT

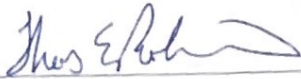
It is hereby officially found and determined that the meeting at which this Ordinance was considered was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551, of the Texas Government Code.

SECTION VI. EFFECTIVE DATE

This Ordinance shall take effect and be in force from and after its publication as provided by law.

PASSED AND APPROVED by the City Council of the City of Cut and Shoot, Texas, on the
9 day of JULY, 2020.

THE CITY OF CUT AND SHOOT, TEXAS



Tom Robinson, Mayor Pro-Tem

ATTEST:


Amy Wade, City Secretary