

**ORDINANCE NO. 2002-11-01**

**AN ORDINANCE OF THE VILLAGE OF POINT VENTURE, TEXAS, ADOPTING THE INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, THE INTERNATIONAL BUILDING CODE, THE NATIONAL ELECTRICAL CODE, THE INTERNATIONAL PLUMBING CODE, THE INTERNATIONAL MECHANICAL CODE, THE INTERNATIONAL ENERGY CONSERVATION CODE 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 THE INTERNATIONAL FUEL GAS CODE; PROVIDING FOR REVISIONS TO CODE; ISSUANCE OF PERMITS AND COLLECTION OF FEES; ENFORCEMENT, INCLUDING FINES AND PENALTIES NOT TO EXCEED \$500; A REPEALER; SEVERABILITY; AND PROPER NOTICE AND MEETING.**

**WHEREAS**, the Village Council of the Village of Point Venture seeks to provide for the safe and orderly development of property within its corporate limits and extraterritorial jurisdiction; and

**WHEREAS**, the Village Council finds that poorly constructed buildings constitute a threat to the public health, safety and general welfare; and

**WHEREAS**, the Village Council finds it to be in the best interest of the public to provide for the uniform regulation of the construction, design, repair, and maintenance of residential buildings within the Village; and

**WHEREAS**, pursuant to Texas Local Government Code Chapter 214 the Village Council is expressly authorized to establish procedures to adopt certain building codes, establish local amendments to such codes, and provide for the administration and enforcement of the codes.

**NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF POINT VENTURE, TEXAS:**

**I. SHORT TITLE**

This Ordinance shall be known and cited as the “Building Code Ordinance.” Within this document it shall also be referred to as “this Ordinance”.

## **II. RESIDENTIAL BUILDING CODE**

The Village hereby adopts a certain document, one copy of which is on file in the office of the Village Secretary, being marked and designated as the “International Residential Code for One- and Two- Family Dwellings,” published by the International Code Council, Inc., as may be amended. Such document, as may be amended, is hereby adopted as the “Residential Building Code” of the Village for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to and use or maintenance of one- and two-family dwellings and townhouses not more than three stories in height in the Village, and providing for the issuance of permits and collection of fees therefore; and each and all regulations, provisions, conditions and terms of such International Residential Code, which is adopted and made a part hereof as if fully set out in this Ordinance. The Residential Building Code shall also include the certain Appendix Chapters as may be designated by the Village Council.

## **III. COMMERCIAL BUILDING CODE**

The Village hereby adopts a certain document, a copy of which are on file in the office of the Village Secretary, being marked and designated as the “International Building Code,” published by the International Code Council, Inc., as may be amended. Such document, as may be amended, is hereby adopted as the “Commercial Building Code” of the Village for control of building and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said Commercial Building Code, which is adopted and made a part hereof as if fully set out in this Ordinance. The Commercial Building Code shall also include the certain Appendix Chapters as may be designated by the Village Council.

## **IV. NATIONAL ELECTRICAL CODE**

The Village of Point Venture (“Village”) hereby adopts a certain document, one copy of which is on file in the office of the Village Secretary, being marked and designated as the “The National Electrical Code,” as may be amended. Such document, as may be amended, is hereby adopted as the “Electrical Code” of the Village, and as such shall apply to all residential electrical construction applications. The Village Council may establish procedures for the administration and enforcement of the Electrical Code, and may adopt local amendments to the National Electrical Code.

## **V. INTERNATIONAL PLUMBING CODE**

The Village hereby adopts a certain document, one copy of which is on file in the office of the Village Secretary, being marked and designated as “The International Plumbing Code,” published by the International Association of Plumbing and Mechanical Officials, as may be amended. Such document, as may be amended, is hereby adopted as the “Plumbing Code” of the Village, and as such shall apply to all plumbing construction applications. The Village Council may establish procedures for the administration and enforcement of the Plumbing Code, and may adopt local amendments to the International Plumbing Code.

## **VI. INTERNATIONAL MECHANICAL CODE**

The Village hereby adopts a certain document, one copy of which is on file in the office of the Village Secretary, being marked and designated as the “The International Mechanical Code,” as developed by the International Code Council, as may be amended. Such document, as may be amended, is hereby adopted as the “Mechanical Code” of the Village, and as such shall apply to all mechanical construction applications. The Village Council may establish procedures for the administration and enforcement of the Mechanical Code, and may adopt local amendments to the International Mechanical Code.

## **VII. INTERNATIONAL ENERGY CONSERVATION CODE**

The Village hereby adopts a certain document, one copy of which is on file in the office of the Village Secretary, being marked and designated as the “The International Energy Conservation Code.” Such document, as may be amended, is hereby adopted as the “Energy Conservation Code” of the Village, and as such shall apply to all residential and commercial construction applications. The Village Council may establish procedures for the administration and enforcement of the Energy Conservation Code, and may adopt local amendments to the International Energy Conservation.

## **VIII. INTERNATIONAL FUEL GAS CODE**

The Village hereby adopts a certain document, one copy of which is on file in the office of the Village Secretary, being marked and designated as “The International Fuel Gas Code.” Such document, as may be amended, is hereby adopted as the “Fuel Gas Code” of the Village, and as such shall apply to all residential and commercial construction applications. The Village Council may establish procedures for the administration and enforcement of the Fuel Gas Code, and may adopt local amendments to the International Fuel Gas Code.

## **IX. ENFORCEMENT**

### **A. Civil and Criminal Penalties**

The Village shall have the power to administer and enforce the provisions of this Ordinance and the codes adopted by this Ordinance as may be required by governing law. Any person violating any provision of this Ordinance or the codes herein adopted is subject to suit for injunctive relief as well as prosecution for criminal violations. Any violation of this Ordinance is hereby declared to be a nuisance.

### **B. Criminal Prosecution**

Any person violating any provision of this Ordinance or the codes herein adopted shall, upon conviction, be fined a sum not exceeding \$500.00. Each day that a provision of this Ordinance is violated shall constitute a separate offense. An offense under this Ordinance is a misdemeanor.

**C. Civil Remedies**

Nothing in this Ordinance shall be construed as a waiver of the Village’s right to bring a civil action to enforce the provisions of this Ordinance and the codes herein adopted, and to seek remedies as allowed by law, including, but not limited to the following:

- (1) injunctive relief to prevent specific conduct that violates the Ordinance or to require specific conduct that is necessary for compliance with the Ordinance; and
- (2) a civil penalty up to \$100.00 a day when it is shown that the defendant was actually notified of the provisions of the Ordinance and after receiving notice committed acts in violation of the Ordinance or failed to take action necessary for compliance with the Ordinance; and
- (3) other available relief.

**X. REPEALER**

All Ordinances or parts of Ordinances in force when the provisions of this Ordinance become effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed only to the extent of any such conflict.

**XI. SEVERABILITY**

It is hereby declared to be the intention of the Village Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance be severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance, and the remainder of this Ordinance shall be enforced as written.

**XII. PROPER NOTICE AND MEETING**

It is hereby officially found and determined that the meeting at which this Ordinance was 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, Chapter 551 of the Texas Government Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

**PASSED AND APPROVED** this 4<sup>th</sup> day of November 2002, by a \_\_\_\_\_ (ayes) to \_\_\_\_\_ (nays) to \_\_\_\_\_ (abstentions) vote of the Village Council of the Village of Point Venture, Texas.

**VILLAGE OF POINT VENTURE**

BY: \_\_\_\_\_  
TERRY HICKMAN, Mayor

**ATTEST:**

\_\_\_\_\_  
CHARLOTTE BANASIK, Village Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
ALAN J. BOJORQUEZ, Village Attorney