

CITY OF LOWRY CROSSING, TEXAS

ORDINANCE NO. 203

AN ORDINANCE OF THE CITY OF LOWRY CROSSING, TEXAS, ADOPTING THE 2006 EDITION OF THE INTERNATIONAL BUILDING CODE; PROVIDING THAT A VIOLATION OF THIS ORDINANCE IS UNLAWFUL AND AN OFFENSE, AND THAT ANY PERSON OR ENTITY CONVICTED OF SUCH VIOLATION SHALL BE FINED IN AN AMOUNT NOT TO EXCEED THE SUM OF \$500.00 FOR EACH OFFENSE, EXCEPT THAT WHERE A DIFFERENT PENALTY IS ESTABLISHED BY STATE LAW THE PENALTY IS AS SO ESTABLISHED, AND FOR A VIOLATION OF A PROVISION HEREOF THAT GOVERNS FIRE SAFETY, ZONING, OR PUBLIC HEALTH AND SANITATION THE PENALTY SHALL NOT EXCEED \$2,000.00 FOR EACH OFFENSE, AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED EACH DAY DURING OR ON WHICH A VIOLATION OCCURS OR CONTINUES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE (AND SPECIFICALLY REPEALING ORDINANCE NO. 168 OF THE CITY); AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOWRY CROSSING, TEXAS:

Section 1. Adoption of Code. That the 2006 Edition of the International Building Code, as published by the International Code Council, is hereby adopted, subject to certain exceptions and amendments contained herein, and designated as the Building Code for the City of Lowry Crossing, Texas (the “City”), and is made a part hereof, as amended and pursuant to the provisions contained herein. A copy of said Code and this Ordinance shall be kept on file in the Office of the City Secretary.

Section 2. Specific Amendments or Exception to the provision of the International Building Code.

A. For purposes of carrying out the provisions of the Building Code, the City Council shall act as the Board of Appeals and any reference in the Code to the “Board of Appeals,” shall mean the City Council of the City of Lowry Crossing, Texas.

B. Where, in any specific case, the general sections of the Building Code and the more specific sections of another code or ordinance of the City (including, but not limited to such ordinances as the City Subdivision Ordinance, the City Zoning Ordinance and the City Fence Ordinance) specify different materials, methods of construction, or other requirements the specific requirements shall be applicable, without affecting the validity of the remaining provisions of the Building Code dealing with the same subject.

Section 3. Violations and Penalties. It shall be unlawful and an offense hereof for any person or entity to violate or fail to comply with any provision of this Ordinance (and including, without limitation, any portion or provision of the 2006 Edition of the International

Building Code adopted hereby), and any person or entity violating or failing to comply with any provision of this Ordinance shall be fined, upon conviction, in an amount not to exceed \$500.00 for each such offense, except, however, where a different penalty has been established by State law for such offense, the penalty shall be that fixed by State law, and for any such offense which is a violation of any provision of law that governs fire safety, zoning, or public health and sanitation, including dumping of refuse, the penalty shall be a fine not to exceed \$2,000.00 for each such offense, and a separate offense shall be deemed committed each day during or on which a violation or failure to comply occurs or continues.

Section 4. Repealer Clause. Except as otherwise provided herein, all parts of ordinances of the City in conflict with the provisions of this ordinance are hereby repealed. That Ordinance No. 168 that adopted the 2003 Edition of the Uniform Building Code is specifically repealed. Provided, however, that nothing in this Ordinance (and including, without limitation, the 2006 Edition of the International Building Code adopted hereby) shall affect or impair any complaint, proceeding, suit, prosecution or offense had, commenced, or accrued before such repeal shall take effect, and for such purposes such ordinances (including, without limitation, Ordinance No. 168) or parts thereof shall be deemed to remain and continue in full force and effect.

Section 5. Severability Clause. It is hereby declared to be the intention of the City Council of the City of Lowry Crossing that the terms and conditions of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance or application thereof to any person or circumstance should be declared unconstitutional or invalid by the valid judgment or decree of any court of competent jurisdiction such unconstitutionality or invalidity shall not affect any of the other phrases, clauses, sentences, paragraphs, or sections of this Ordinance.

Section 6. Savings Clause. All rights and remedies of the City of Lowry Crossing are expressly saved as to any and all violations of the provisions of any ordinances affecting the regulation and control of the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of a building, facility or improvement or of the building envelope within the City 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 shall be governed by and may be prosecuted until final disposition by the courts under the prior law and the provisions of the ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for such purpose.

Section 7. Effective Date. This Ordinance shall be in full force and effect from and after its date of passage and publication as provided by law.

DULY ADOPTED by the City Council of the City of Lowry Crossing, Texas on the 3rd of February, 2009.

APPROVED:

Greg Piatt, Mayor

ATTEST:

Janis Cable, Interim City Secretary

APPROVED AS TO FORM:

John Hill, City Attorney

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