

# CITY OF LOWRY CROSSING, TEXAS

## ORDINANCE NO. 244

**AN ORDINANCE OF THE CITY OF LOWRY CROSSING, TEXAS, ADOPTING THE 2009 EDITION OF THE INTERNATIONAL ENERGY 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 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 2009 Edition of the International Energy Code, as published by the International Code Council, is hereby adopted, subject to certain exceptions and amendments contained herein, and designated as the Energy 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 Energy Code.** Where, in any specific case, the general sections of the Energy Code and the more specific sections of another code or ordinance of the City 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 Energy 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 2009 Edition of the International Energy Code adopted hereby), and any person or entity violating 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.

**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.** An offense committed before the effective date of this Ordinance is governed by 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 3<sup>rd</sup> of January, 2012.

APPROVED:

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Derek Stephens, Mayor

ATTEST:

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Janis Cable, City Secretary