

ORDINANCE NO. 19- 08

AN ORDINANCE OF THE CITY OF COMMERCE, TEXAS, AMENDING CHAPTER 22 "BUILDINGS AND BUILDING REGULATIONS" ARTICLE VII.5 "ENERGY CODE" OF THE CODE OF ORDINANCES OF THE CITY OF COMMERCE, TEXAS; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Commerce, Texas ("City Council") previously adopted the 2012 Edition of the International Energy Conservation Code by Ordinance No. 13-23 on November 19, 2013; and

WHEREAS, from time to time, the update of such standards is warranted because of improvements in materials, technology and techniques and/or as required by law; and

WHEREAS, the City Council finds that the enactment and enforcement of such standards are in the best interest of the City of Commerce, Texas and its citizens and that such enactment and enforcement further the health, safety and welfare of the citizens; and

WHEREAS, the City Council has investigated and determined that it is in the best interest of the City of Commerce, Texas to amend Chapter 22 "Buildings and Building Regulations" Article VII.5 "Energy Code" of the Commerce Code of Ordinances by adopting the 2015 Edition of the International Energy Conservation Code in its entirety.

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

SECTION 1: Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2: Amendments. Amending Chapter 22, "Buildings and Building Regulations", Article VII.5, "Energy Code", Section 22-216 "Adopted" of the Code of Ordinances to adopt the 2015 International Energy Conservation Code, in its entirety, and shall read entirely as follows (with additions being reflected as underscored and the removals being reflected as strike-through):

Sec. 22-216. – Adopted.

The 2015 International Energy Conservation Code adopted in this section and the whole thereof, is hereby adopted to the same extent as if set out at length in this article, and the provisions thereof shall be controlling in the use, maintenance and occupancy of all dwellings, dwelling units and structures within the city. Once copy of the code is and shall remain on file in the office of the city secretary.

SECTION 3: Savings/Repealing Clause. This Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances or parts thereof in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to

the extent that they are inconsistent with this Ordinance. Provided however, that any complaint, action, claim or lawsuit which has been initiated or has arisen under or pursuant to such Ordinance on the date of adoption of this Ordinance shall continue to be governed by the provisions of that Ordinance and for that purpose the Ordinance shall remain in full force and effect.

SECTION 4: Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City Council of the City of Commerce hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences clauses and phrases be declared unconstitutional or invalid.

SECTION 5: Penalty. A violation of this ordinance is an offense punishable in according with Section 1-14 (General penalty for violations of code; continuing violations) of the Commerce Code of Ordinances.

Section 6: Open Meeting. That it is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required by law, and that public notice of the time, place, and purpose of said meeting was given all as required by Section 551.041, Texas Government Code.

SECTION 7: Effective Date. This Ordinance shall become effective upon its passage and publication as required by law.

PASSED AND APPROVED on the first reading, this the 18th day of June, 2019.

PASSED AND APPROVED on the second reading, this the 16th day of July, 2019.

ATTEST:

CITY OF COMMERCE, TEXAS



Molly Jacobsen, City Secretary



Wyman Williams, Mayor

(seal)

APPROVED AS TO FORM:



Charles Anderson, City Attorney

I, Molly Jacobsen, City Secretary of the City of Commerce, Texas, do hereby certify that the above is a true and correct copy of an Ordinance, and that the same has not been repealed and is in full force and effect.

(seal)

A handwritten signature in cursive script, appearing to read "molly jacobsen", written over a horizontal line.

Molly Jacobsen, City Secretary

City of Commerce, Texas