

ORDINANCE 2023 – 02 - 02

AN ORDINANCE OF THE CITY OF COMMERCE, TEXAS AMENDING SECTION 22-31 OF THE CODE OF ORDINANCES, CITY OF COMMERCE, TEXAS; TO ADOPT THE 2018 EDITION OF THE *INTERNATIONAL BUILDING CODE*, THE 2017 NATIONAL ELECTRIC CODE, THE 2018 INTERNATIONAL FIRE CODE; THE 2018 INTERNATIONAL FUEL GAS CODE; THE 2018 INTERNATIONAL PROPERTY MAINTENANCE CODE; THE 2018 INTERNATIONAL PLUMBING CODE; THE 2018 INTERNATIONAL PRIVATE SEWAGE DISPOSAL CODE; THE 2018 INTERNATIONAL SWIMMING POOL & SPA CODE; THE 2017 NATIONAL ELECTRIC CODE; THE 2018 INTERNATIONAL RESIDENTIAL CODE; THE 2018 INTERNATIONAL MECHANICAL CODE; THE 2018 INTERNATIONAL ENERGY CONSERVATION CODE; THE 2018 WILD-URBAN INTERFACE CODE; THE 2018 INTERNATIONAL GREEN CONSTRUCTION CODE; THE 2018 CODE COUNCIL PERFORMANCE CODE FOR BUILDINGS AND FACILITIES; THE 2018 INTERNATIONAL ZONING CODE; AND THE 2018 NORTH TEXAS COUNCIL OF CENTRAL GOVERNMENTS (NCTCOG) AMENDMENTS- OPTION B; PROVIDING FOR AN AMENDMENT; PROVIDING FOR A SAVINGS/REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED FIVE HUNDRED DOLLARS (\$500) FOR EACH VIOLATION THEREOF; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the State of Texas adopted standard building codes and promotes uniform standards be adopted by cities across the state; and

WHEREAS, the present City ordinance regulating the construction and alteration of buildings, installation and alteration of electric wiring, and installation and alteration of plumbing need to be updated to conform to building standards adopted by the state; and

WHEREAS, the adoption of the amended Code of Ordinances is required for public safety, health and general welfare; and,

WHEREAS, City Staff and the City Council of the City of Commerce, Texas believe it to be in the best interest of citizens and developers in Commerce to operate under these updated codes as opposed to the prior 2012 adopted codes the City currently operates under; and,

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

SECTION 1. AMENDMENT.

Section 22-31 entitled “Adopted” of the Code of Ordinances of the City of Commerce is hereby replaced and a new Section 22-31 entitled “Adopted” to read as follows:

Section 22-31 Codes Adopted

There is hereby adopted by the City of Commerce City Council, for the purpose of establishing rules and regulations for the construction, alteration, movement, enlargement, replacement, repair, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures and their accessory structures the following codes, in accordance with the State of Texas Statutes, said codes are referenced as though they were copied herein fully:

- **2018 International Building Code – IBC**
- **2018 International Fire Code - IFC**
- **2018 International Fuel Gas Code – IFGC**
- **2018 International Property Maintenance Code – IPMC**
- **2018 International Plumbing Code – IPC**
- **2018 International Private Sewage Disposal Code – IPSDC**
- **2018 International Swimming Pool & Spa Code - ISPSC**
- **2017 National Electric Code - NEC**
- **2018 International Residential Code – IRC**
- **2018 International Mechanical Code – IMC**
- **2018 International Energy Conservation Code- IECC**
- **2018 International Wild-Urban Interface Code**
- **2018 International Green Construction Code**
- **2018 Code Council Performance Code for Buildings & Facilities**
- **2018 International Zoning Code**
- **2018 North Central Texas Council of Governments (NCTCOG) Amendments to the above Codes, Option B.**

SECTION 2. PENALTIES.

Any person, firm, or corporation found guilty of violating any of the provisions of this Ordinance shall be subject to a fine not to exceed five hundred dollars (\$500.00), together with the costs of such prosecution. Each day during which a violation continues shall be considered a separate offense.

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 CLAUSE. 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. EFFECTIVE DATE. Following publication of this Ordinance in a newspaper having general circulation in the City of Commerce, Texas prior to its effective date, the Ordinance shall be in full force and effect upon passage at its second reading.

PASSED AND APPROVED on the first reading at a regular meeting of the City Council of the City of Commerce, Texas on this the 21st day of February 2023.

PASSED AND APPROVED on the second reading at a regular meeting of the City Council of the City of Commerce, Texas on this the 21st day of March 2023.

ATTEST:

CITY OF COMMERCE:


Molly Jacobsen, City Secretary


Teddy Reel, Mayor

(seal)

**APPROVED BY COMMUNITY
DEVELOPMENT:**


Jon Harper, Asst. Director of Community
Development

APPROVED BY CITY MANAGER:


Howdy Lisenbee, City Manager

Approved as to Form:


Charles Anderson, City Attorney