

**ORDINANCE NO. 1396-2023**

**AN ORDINANCE OF THE CITY OF RIVER OAKS, TEXAS AMENDING CHAPTER 3 "BUILDING REGULATIONS", SPECIFICALLY UNDER SECTION 3.02.001 "ADOPTED" OF THE RIVER OAKS CODE OF ORDINANCES (2020) AS AMENDED; REPEALING THE 2015 INTERNATIONAL BUILDING CODE AS PREVIOUSLY ADOPTED ON JANUARY 28, 2020; ADOPTING THE 2018 EDITION OF THE INTERNATIONAL BUILDING CODE (IBC); AMENDING SECTION 3.02.002 "AMENDED" OF THE RIVER OAKS CODE OF ORDINANCES(2020) REPEALING THE FORMER AMENDMENTS THEREBY ADOPTING LOCAL AMENDMENTS TO THE 2018 IBC ATTACHED HERETO AS "EXHIBIT A"; AMENDING SECTION 3.02.003 "AVAILABILITY" OF THE RIVER OAKS CODE OF ORDINANCES (2020) PROVIDING THAT THE MATERIAL CONTAINED IN EXHIBIT "A" OF THIS ORDINANCE ALTHOUGH FULLY ADOPTED AND INCORPORATED BY REFERENCE, SHALL NOT BE INCLUDED IN THE FORMAL MUNICIPAL CODIFICATION OF ORDINANCES; REPEALING THE FORMER ORDINANCE 1263-2020 AS ADOPTED ON JANUARY 28, 2020 THAT ADOPTED THE 2015 INTERNATIONAL BUILDING CODE; AMENDING SECTION 3.02.004 "MODIFICATIONS"; AMENDING SECTION 3.02.005 "PENALTY FOR VIOLATION"; PROVIDING FOR RECORDING OF THE BUILDING CODE AS A PUBLIC RECORD; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of River Oaks is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

**WHEREAS**, the International Building Code was created to serve as a complete, comprehensive code regulating the construction of building systems using prescriptive and performance-related provisions founded on broad based principles that make possible the use of new materials and new building designs; and

**WHEREAS**, the North Central Texas Council of Governments (NCTCOG) has reviewed the 2018 International model building codes and made recommendations to amend the 2018 International Codes as written that are more comparable to construction standards within this region; and

**WHEREAS**, the NCTCOG has actively promoted the standardization of model codes since 1967 to simplify the construction process, advance the safety of building systems, promote common code interpretation, facilitate the mobility of contractors and reduce training and construction costs; and

**WHEREAS**, NCTCOG's Regional Codes Coordinating Committee (RCCC) did recommend that local jurisdictions throughout the North Texas Region adopt the 2018 International Building Code (IBC) along with its respective amendments as their model building code; and

**WHEREAS**, the City Staff has also reviewed the available codes and has recommended that the 2018 Edition of the International Building Code inclusive with the City's local amendments reflecting the unique needs of the City of River Oaks be incorporated together with the RCCC's respective amendments deleting those RCCC respective amendments that are in direct conflict with city code; and

**WHEREAS**, the City Council of the City of River Oaks, Texas, desires to provide a mechanism by which local modifications reflecting the unique needs of the City of River Oaks may be made when deemed appropriate; and

**WHEREAS**, the City Council of the City of River Oaks, Texas, has determined that these local amendments are in the public interest and therefore deems it advisable to amend the 2018 Edition of the International Building Code to incorporate both the respective amendments from the RCCC and local amendments from City Staff in a single document titled "Recommended Amendments to the 2018 International Building Code" collectively being the model building code for the City; and

**WHEREAS**, the City Council of the City of River Oaks, Texas, has concluded that the 2018 IBC along with its local amendments attached herein to this Ordinance as Exhibit "A" most fully meets the needs of the City of River Oaks, Texas.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIVER OAKS, TEXAS:**

**SECTION 1.**

With the adoption of this Ordinance Section 3.02.001 "Adopted" is hereby amended to now read as follows:

**Section 3.02.001 Adopted.** "The International Building Code, 2018 edition, as revised, (including all appendix chapters of said code), published by the International Code Council is hereby adopted as the municipal building code of the city for the purpose of protecting the health, safety and welfare of the citizens of the city. This building code is fully incorporated by reference as though copied into this article in its entirety. The material contained in the International Building Code, although fully adopted and incorporated by reference in this article, shall not be included in the formal municipal codification of ordinances but shall be maintained as a public record in the office of the city secretary. (Ordinance 1396-2023, sec. 1, adopted 11/28/2023)"

**SECTION 2.**

With the adoption of this Ordinance Section 3.02.002 "Amended" is hereby amended to now read as follows:

**Section 3.02.002 Amended.** "The International Building Code, 2015 edition, as adopted herein is hereby amended to meet the unique building systems within the city, as shown in exhibit "A" attached to Ordinance 1263-2020. (Ordinance 1263-2020, sec. 2, adopted 1/28/2020)"

**SECTION 3.**

With the adoption of this Ordinance Section 3.02.003 "Availability" is hereby amended to now read as follows:

**Section 3.02.003 "Availability".** "The material contained in Exhibit "A" to Ordinance 1396-2023, although fully adopted and incorporated by reference, shall not be included in the formal municipal codification of ordinances. The material contained in Exhibit "A" shall instead be maintained as a public record in the office of the City Secretary. This exhibit will be available for public inspection and copying during regular business hours. The purpose of maintaining these records separate and apart from the municipal codification is to avoid the inclusion of detailed technical construction materials, subject to frequent change, which would unreasonably lengthen the code."

**SECTION 4.**

With the adoption of this Ordinance Section 3.02.004 "Modifications" is hereby amended to now read as follows:

**Sec. 3.02.004 Modifications.** "The city may from time to time determine that additional local modifications to the codes adopted herein are necessary and appropriate to meet the unique building needs of the city. To effectuate modifications, the city council may enact individual ordinances amending this division fully setting forth the change to be made in the specific code. Such subsequent amendments shall be consolidated as an exhibit to Ordinance 1396-2023 and shall be maintained as a public record in the office of the city secretary. (Ordinance 1396-2023, sec. 4, adopted 11/28/2023)"

## SECTION 5.

With the adoption of this Ordinance Section 3.02.005 "Penalty for Violation" is hereby amended to now read as follows:

**"Sec. 3.02.005 Penalty for violation.** Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this division shall be fined as provided in section 1.01.009 of this code. Each day that a violation is permitted to exist shall constitute a separate offense. (Ordinance 1396-2023, sec. 5, adopted 11/28/2023)."

## SECTION 6.

This ordinance shall be cumulative of all provisions of ordinances, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event the conflicting provisions of such ordinances are hereby repealed. **The former Ordinance 1263-2020 as adopted on January 28, 2020 that adopted the 2015 International Building Code is hereby repealed and the 2018 International Building Code including its local amendments is hereby adopted as the official building code of the city.**

## SECTION 7.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance are 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, phrase, clauses, sentences, paragraphs or sections of this Ordinance since the same would have been enacted by the City Council without incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

## SECTION 8.

Whenever in this code or in any ordinance of the city an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in such code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefor, the violation of any such provision of this code or any such ordinance shall be punished by a fine of not exceeding five hundred dollars (\$500.00). However, a fine or penalty for the violation of a rule, ordinance or police regulation that governs fire safety, zoning or public health and sanitation other than dumping of refuse may not exceed two thousand dollars (\$2,000.00); a fine or penalty for the violation of a rule, ordinance, or police regulation that governs the dumping of refuse may not exceed four thousand dollars (\$4,000.00). Each day that a violation is permitted to exist shall constitute a separate offense.

## SECTION 9.

All rights and remedies of the City of River Oaks, Texas, are expressly saved as to any and all violations of the provisions of the ordinances of the City of River Oaks 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 may be prosecuted until final disposition by the courts.

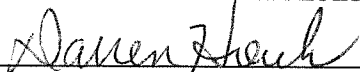
## SECTION 10.

The City Secretary is directed to publish in the official newspaper of the City, the caption, penalty clause, savings clause, publication clause and effective date clause of this ordinance one time as authorized by Chapter 5, Section 5.02(c) of the Charter of the City of River Oaks.

**SECTION 11.**

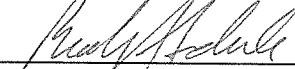
This Ordinance shall be in full force and effect from and after its passage and publication as provided by law, and it is so ordained.

**PASSED AND APPROVED THIS THE 28th DAY OF NOVEMBER 2023.**

  
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DARREN HOUK  
MAYOR

ATTEST:  
  
\_\_\_\_\_  
PAULA LUCK  
CITY SECRETARY

APPROVED AS TO FORM AND LEGALITY:

  
\_\_\_\_\_  
CITY ATTORNEY

ADOPTED: 11-28-2023

EFFECTIVE: DECEMBER 1, 2023