

ORDINANCE NO. 1397-2023

AN ORDINANCE OF THE CITY OF RIVER OAKS, TEXAS AMENDING CHAPTER 3 "BUILDING REGULATIONS", DIVISION 2 "RESIDENTIAL CODE" SPECIFICALLY UNDER SECTION 3.03.031 "ADOPTED" OF THE RIVER OAKS CODE OF ORDINANCES (2020) AS AMENDED THEREBY REPEALING THE 2015 INTERNATIONAL RESIDENTIAL CODE (IRC) AS PREVIOUSLY ADOPTED ON JANUARY 28, 2020 THEREBY ADOPTING THE 2018 EDITION OF THE INTERNATIONAL RESIDENTIAL CODE (IRC); AMENDING SECTION 3.03.032 "AMENDMENTS" OF THE RIVER OAKS CODE OF ORDINANCES (2020) REPEALING THE FORMER AMENDMENTS ADOPTED ON JANUARY 28, 2020 THEREBY ADOPTING LOCAL AMENDMENTS TO THE 2018 IRC ATTACHED HERETO AS "EXHIBIT A"; AMENDING SECTION 3.03.033 "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 1264-2020 AS ADOPTED ON JANUARY 28, 2020 THAT ADOPTED THE 2015 INTERNATIONAL RESIDENTIAL CODE; 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 Residential Code was created to serve as a complete, comprehensive code regulating the construction of single-family houses, two-family houses and buildings consisting of three or more townhouse units; and

WHEREAS, the Texas Legislature in 2001 adopted Senate Bill 365 that adopted the International Residential Code as the standard residential construction code for Texas Cities beginning January 1, 2002; and

WHEREAS, the NCTCOG has actively promoted the standardization of model codes since 1967 in an effort 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 Residential Code along with its respective amendments as their model construction code for one and two family dwellings; and

WHEREAS, the City Staff has also reviewed the available codes and has recommended that the 2018 Edition of the International Residential 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 Residential 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 Residential Code" collectively being the construction standards for the City; and

WHEREAS, the City Council of the City of River Oaks, Texas, has concluded that the 2018 IRC 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 3.03.031 "Adopted" is hereby amended to now read as follows:

Section 3.03.031 Adopted. "The 2018 edition of the International Residential Code is hereby adopted as the official residential one and two family building code of the city. This residential code is fully incorporated by reference as though copied into this division in its entirety. The material contained in the International Residential Code 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. 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 2.

With the adoption of this Ordinance Section 3.03.032 "Amendment" is hereby amended to now read as follows:

"Section 3.03.032 Amendment. The 2018 edition of the International Residential Code, as adopted herein is hereby amended as shown on "Exhibit A" attached to Ordinance 1397-2023."

SECTION 3.

With the adoption of this Ordinance Section 3.03.033 "Availability" is hereby amended to now read as follows:

"Section 3.03.033 "Availability". The material contained in Exhibit "A" to Ordinance 1397-2023, 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.

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 1264-2020 as adopted on January 28, 2020 that adopted the 2015 International Residential Code is hereby repealed and the 2018 International Residential Code including its local amendments is hereby adopted as the official residential construction code of the city.**

SECTION 5.

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 6.

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 7.

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.

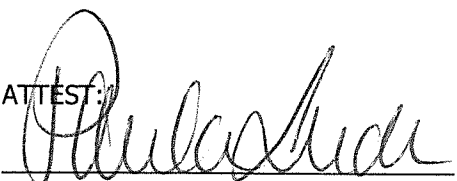
SECTION 8.

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.

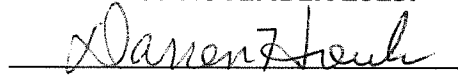
SECTION 9.

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.

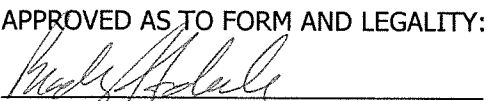
PASSED AND APPROVED THIS THE 28th DAY OF NOVEMBER 2023.

ATTEST:


PAULA LUCK
CITY SECRETARY



MAYOR DARREN HOUK

APPROVED AS TO FORM AND LEGALITY:


CITY ATTORNEY

ADOPTED: NOVEMBER 28, 2023

EFFECTIVE: DECEMBER 1, 2023