

CITY OF COCKRELL HILL, TEXAS

ORDINANCE 2009 - G

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCKRELL HILL AMENDING ORDINANCE 2009-A; ESTABLISHING CITY COUNCIL AS THE BOARD OF APPEALS; ESTABLISHING A PRIORITY OF DOCUMENTS; DEFINING FIRE CODE OFFICIAL; PROVIDING A PENALTY; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on January 13, 2009, the City Council City of Cockrell Hill (“City Council”) amended section 150.01 of the Code of Ordinances of the City of Cockrell Hill, Texas by repealing Ordinance 2004-E;

WHEREAS, in Section 150.01, the City Council adopts the International Building, Residential, Fire, Plumbing, Mechanical, Fuel Gas and Energy Conservation Codes (“Codes”) as the standard for all such activities within the City of Cockrell Hill, Texas (“City”)

WHEREAS, the City Council desires to amend the Codes, by defining the fire code official, establishing a priority of documents and establishing the City Council as the board of appeals;

WHEREAS, the City Council believes it is in the best interest of the citizens of the City of Cockrell Hill, Texas to amend the Codes.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COCKRELL HILL, TEXAS, THAT:

Section 1. That all of the above premises are found to be true and correct and are incorporated into the body of this Ordinance as if copied in their entirety.

Section 2. That Section 150.01, as set forth in Ordinance 2009-A, adopted by the City Council on January 13, 2009, is hereby amended in part to read as follows:

“§ 150.01 BUILDING AND TECHNICAL CODES ADOPTED BY REFERENCE.

(A) The following codes, published by the International Code Council, are hereby adopted:

- (1) International Building Code 2006 Edition;
- (2) International Residential Code 2006 Edition;
- (3) International Fire Code 2006 Edition;
- (4) International Plumbing Code 2006 Edition;

- (5) International Mechanical Code 2006 Edition;
- (6) International Fuel Gas Code, 2006 Edition;
- (7) International Energy Conservation Code, 2003 Edition; and
- (8) National Electric Code, 2005 Edition.”

(B) Any reference to the Board of Appeals within the Codes listed in subsection (A) above shall mean the City Council. The City Council shall appoint one or more specialists in the subject area of the appeal to advise the City Council on and during an appeal of a matter under this Chapter.

(C) For purposes of this Code the term Fire Code Official, as may be set forth in the codes listed in subsection (A) of this section, shall mean and include the Fire Marshal, and such terms may be used interchangeably.

(D) In the event of a conflict between this Code and the Code adopted in subsection (A) of this section, this Code shall control.”

Section 4. Any person, firm or corporation violating any of the provisions or terms of this Ordinance or the Code of Ordinances as amended hereby shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense, and each and every day such violation shall continue shall constitute a separate offense.

Section 5. That this Ordinance shall be cumulative of all other ordinances of the City and shall not repeal any of the provisions of said ordinances except in those instances where provisions of those ordinances are in direct conflict with the provisions of this Ordinance and such ordinances shall remain intact and are hereby ratified, verified and affirmed.

Section 6. If any section, article, paragraph, sentence, clause, phrase or word in this Ordinance, or application thereof to any person or circumstance, is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of the Ordinance, and the City Council hereby declares it would have passed such remaining portions of the Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

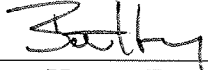
Section 7. This Ordinance shall become effective from and after the date of its final passage and publication as provided by law, and it is accordingly so ordained.

PASSED AND APPROVED on the 21 day of April, 2009.



Luis Carrera, Mayor
City of Cockrell Hill, Texas

ATTEST:



Bret Haney, Executive Assistant
City of Cockrell Hill, Texas

[SEAL]

APPROVED AS TO FORM:



Robert F. Brown, City Attorney
City of Cockrell Hill, Texas