

**CITY OF KOSSE  
CITY COUNCIL MEETING  
TUESDAY MAY 8, 2018- 7:00 P.M.**

Council Members Present:

Trish Roy      Harley Leazer              LB Perry      Ronnie Funderburk

Council Members Absent:

Ricky Wright

Mayor Jarrod Eno opened the meeting with the pledge of allegiance. LB Perry said the prayer. A quorum was present with three members present. Proper posting of the meeting was confirmed.

Consent Items: Minutes from the last meeting, accounts payable, and current bank statements were reviewed. A motion by Harley Leazer was made to approve. It was seconded by LB Perry. Motion carried.

Discuss and Take Action on Swear in Mayor and Three Councilmen. Mayor Eno, Mr. Perry, and Harley Leazer were sworn in. Ronnie Funderburk was absent for the beginning of the meeting and will be sworn in later.

Discuss and Take Action on Audit 2016-2017. Auditor Frank Steele was present and went over the Audit with the Council and public. He stated the City is doing great, even with the challenges of having to buy water from Tri-County. Frank Steele stated that all money is accounted for and no money is hidden or mis-managed.

Discuss and Take Action on Granting Authority to Mayor to Enter Construction Contract for Medical Clinic. Mayor Eno explained there are a couple issues that need to be worked out and the Engineering Firm suggested giving authority to the Mayor to sign the contract as soon as it is ready so the project is not delayed any longer. The issue is there are bids within the budget with one having a write-in bid of \$40,000 off the project for a site-built building versus a modular building. We are waiting on a decision from the TDA if we can accept this bid. At this point, time is of the essence as the deadline for the grant completion is coming up. Discussion took place with Councilmember Trish wanting to see the Contract before it is signed and to also get the opinion of the two councilmembers that were not present, Ricky Wright and Ronnie Funderburk. Mayor Eno explained that the day to day operations, like what would be in the contract is taken care of by the Mayor, as long as the project stays under the budget that is available. Discussion went back and forth. Mayor Eno ended up tabling the issue.

Discuss and Take Action on Adopting International Residential Codes, Discuss and Take Action on Adopting National Electric Codes, Discuss and Take Action on Adopting National Fire Protection Association Codes. All of these items are put into one ordinance. Mayor Eno explained that the state mandated all towns to adopt the codes in 2002. The City of Kosse did not adopt them at that time. The City must follow by the codes but there needs to be an ordinance in place. Harley Leazer made a motion to accept the ordinance. Trish Roy seconded. Motion carried.

**ORDINANCE NO. 05082018**

**AN ORDINANCE OF THE CITY OF KOSSE, TEXAS, ADOPTING THE 2015 EDITION OF THE INTERNATIONAL BUILDING CODE; 2015 INTERNATIONAL EXISTING BUILDING CODE; ADOPTING THE 2015 EDITION OF THE INTERNATIONAL RESIDENTIAL CODE AND AMENDMENTS; ADOPTING THE 2015 EDITION OF THE INTERNATIONAL FIRE CODE; ADOPTING THE 2015 EDITION OF THE INTERNATIONAL PLUMBING CODE; ADOPTING THE 2015 EDITION OF THE INTERNATIONAL MECHANICAL CODE; ADOPTING THE 2015 EDITION OF THE INTERNATIONAL ENERGY CONSERVATION CODE; ADOPTING THE 2017 NFPA NATIONAL ELECTRICAL CODE; ADOPTING THE PROPERTY MAINTENANCE CODE; ADOPTING THE 2015 INTERNATIONAL PRIVATE SEWAGE DISPOSAL CODE; ADOPTING THE 2015 NFPA 101 LIFE SAFETY CODE; ADOPTING THE 2016 NFPA 72 NATIONAL FIRE ALARM AND SIGNALING CODE; PROVIDING FOR INSPECTION; PROVIDING FOR A PENALTY PROVISION; PROVIDING THAT THIS ORDINANCE IS CUMULATIVE OF ALL ORDINANCES; REPEALING ALL PARTS OF ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING SEVERABILITY AND OPEN MEETINGS CLAUSES; AND PUBLICATION.**

**WHEREAS**, the City Council of Kosse wishes to adopt and, where applicable, update the rules and regulations it enforces for all construction activity that is to occur in the corporate city limits; and

**WHEREAS**, the City Council of Kosse wishes to repeal all previous conflicting ordinances; and

**WHEREAS**, the City Council of Kosse wishes to implement the various codes for enforcement within the City; and

**WHEREAS**, the public health, safety and welfare, require the adoption and enforcement of codes governing the inspection and completion of construction buildings and residences within the City of Kosse, Texas; and

**WHEREAS**, the public health, safety and welfare will be served by implementing, and where applicable, updating certain codes heretofore adopted by the City;

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

**SECTION 1.**

The City of Kosse adopts the following codes with amendments as noted:

**International Building Code Adopted**

The 2015 edition of the International Building Code and the 2015 International Existing Building Code are hereby adopted by reference as though copied fully in this section. One (1) copy of the code shall at all times remain in the city hall and be open to inspection.

**International Residential Code Adopted**

The 2015 edition of the International Residential Code is hereby adopted by reference as though copied fully in this section. One (1) copy of the code shall at all times remain in the city hall and be open to inspection.

**International Residential Code Amendments Adopted**

(a)International Residential Code R313.1 entitled, "Townhouse automatic fire sprinkler systems" is amended to read: An automatic residential fire sprinkler system may be installed in townhouses.

(b)International Residential Code R31 3.2 entitled, "One- and two-family dwellings automatic fire systems" is amended to read: An automatic residential fire sprinkler system may be installed in one- and two-family dwellings.

**International Energy Conservation Code Adopted**

The 2015 edition of the International Energy Conservation Code is hereby adopted by reference as though copied fully in this section. One (1) copy of the code shall at all times remain in the city hall and be open to inspection.

**International Plumbing Code Adopted**

The 2015 edition of the International Plumbing Code is hereby adopted by reference as though copied fully in this section. One (1) copy of the code shall at all times remain in the city hall and be open to inspection.

**International Mechanical Code Adopted**

The 2015 edition of the International Mechanical Code is hereby adopted by reference as though copied fully

in this section. One (1) copy of the code shall at all times remain in the city hall and be open to inspection.

**National Electrical Code of the NFPA Adopted**

The 2017 edition of the National Electrical Code of the National Fire Protection Association is hereby adopted. One (1) copy of the code shall at all times remain in the city hall and be open to inspection.

**International Property Maintenance Code Adopted**

The 2015 edition of the International Property Maintenance Code is hereby adopted by reference as though copied fully in this section. One of the code shall at all times remain in the city hall and be open to inspection.

**International Private Sewage Disposal Code Adopted**

The 2015 edition of the International Private Sewage Disposal Code is hereby adopted by reference as though copied fully in this section. One of the code shall at all times remain in the city hall and be open to inspection.

**International Fire Code Adopted**

The 2015 edition of the International Fire Code is hereby adopted by reference as though copied fully in this section. One (1) copy of the code shall at all times remain in the city hall and be open to inspection.

**NFPA Life Safety Code Adopted**

The 2015 edition of the National Fire Protection Association 101 Life Safety Code is hereby adopted by reference as though copied fully in this section. One (1) copy of the code shall at all times remain in the city hall and be open to inspection.

**NFPA Fire Alarm and Signaling Code Adopted**

The 2016 edition of the National Fire Protection National Fire Alarm and Signaling Code is hereby adopted by reference as though copied fully in this section. One (1) copy of the code shall at all times remain in the city hall and be open to inspection.

**SECTION 2. INSPECTIONS**

The code official is authorized to make inspections and may consider written inspection reports prepared and certified by approved agencies or individuals. The code official is authorized to engage such expert opinion as deemed necessary to report upon technical issues that arise. The code official shall notify the mayor and where applicable, law enforcement, of a violation of any applicable code.

**SECTION 3. RIGHT OF ENTRY**

Whenever it is necessary to make an inspection to enforce the provisions of one or more of these codes, or whenever the code official has reasonable or probable cause to believe that a violation exists in a structure or upon a premises, the code official is authorized to enter the structure or premises at reasonable times to inspect or perform the duties authorized by this ordinance. An owner or other authorized individual may refuse to consent to an inspection conducted by the code official. If consent is refused, the code official may seek an administrative search warrant authorized by Article 18 of the Texas Code of Criminal Procedure (Search Warrant). Nothing in this code limits the ability of the code official to inspect as necessary or as authorized by other law.

**SECTION 4. VIOLATIONS AND PENALTIES.**

It shall be unlawful and an offense hereof for any person or entity to violate or fail to comply with any provision of this ordinance (and including, without limitation, any portion or provision of the Codes adopted hereby and listed in Section 1), and any person or entity violating or failing to comply with any provision of this ordinance shall be fined, upon conviction, in an amount not to exceed \$500.00 for each such offense, except, however, where a different penalty has been established by State law for such offense, the penalty shall be that fixed by State law. For any such offense which is a violation of any provision of law that governs fire safety, zoning, or public health and sanitation, including dumping of refuse, the penalty shall be a fine not to exceed \$2,000.00 for each such offense, and a separate offense shall be deemed committed each day during or on which a violation or failure to comply occurs or continues.

**SECTION 5. SEVERABILITY**

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or illegal, such decision shall not affect the validity of the remaining sections of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared void.

**SECTION 6. SAVINGS CLAUSE**

All ordinances or parts of ordinances, in conflict herewith are to the extent of such conflict hereby repealed. The balance of such ordinance is hereby saved from repeal.

**SECTION 7. EFFECTIVE DATE.** This ordinance shall become effective upon the publication of the caption

of this ordinance.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF KOSSE, TEXAS, THIS 8th DAY OF MAY, 2018.

ATTEST:

s/Christina Lockhart  
Christina Lockhart, City Secretary

s/Jarrold Eno

Jarrold Eno, Mayor

