

ORDINANCE NO. 05162023A

AN ORDINANCE OF THE CITY OF KOSSE, TEXAS, ADOPTING THE 2021 EDITION OF THE INTERNATIONAL BUILDING CODE; 2021 INTERNATIONAL EXISTING BUILDING CODE; ADOPTING THE 2021 EDITION OF THE INTERNATIONAL RESIDENTIAL CODE; ADOPTING THE 2021 EDITION OF THE INTERNATIONAL FIRE CODE; ADOPTING THE 2021 EDITION OF THE INTERNATIONAL PLUMBING CODE; ADOPTING THE 2021 EDITION OF THE INTERNATIONAL MECHANICAL CODE; ADOPTING THE 2021 EDITION OF THE INTERNATIONAL ENERGY CONSERVATION CODE; ADOPTING THE 2023 NFPA NATIONAL ELECTRICAL CODE; ADOPTING THE 2021 PROPERTY MAINTENANCE CODE; ADOPTING THE 2021 INTERNATIONAL PRIVATE SEWAGE DISPOSAL CODE; ADOPTING THE 2021 NFPA 101 LIFE SAFETY CODE; ADOPTING THE 2022 NFPA 72 NATIONAL FIRE ALARM AND SIGNALING CODE; ADOPTING THE 2021 INTERNATIONAL TINY HOUSE PROVISIONS; 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 KOSSE, TEXAS:

SECTION 1.

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

International Building Code Adopted

The 2021 edition of the International Building Code and the 2021 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 2021 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 Energy Conservation Code Adopted

The 2021 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 2021 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 2021 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 2023 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 2021 edition of the International Property Maintenance 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 Private Sewage Disposal Code Adopted

The 2021 edition of the International Private Sewage Disposal 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 Fire Code Adopted

The 2021 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 2021 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 2022 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.

International Tiny House Provisions Adopted

The 2021 edition of the International Code Council Code, Commentary and Standards for Design, Construction and Compliance 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, APPROVED AND EFFECTIVE this 16th day of May, 2023.

s/Brooks Valls
Brooks Valls, Mayor

ATTEST:
s/Christina Lockhart
Christina Lockhart, City Secretary