

ORDINANCE NO. 2604

AN ORDINANCE OF THE CITY OF TERRELL, TEXAS, AMENDING CHAPTER 4 - SECTION 4-4 (b), AND CHAPTER 6 - SECTION 6-3 (b) OF THE CODE OF ORDINANCES; AND AMENDING ORDINANCE 2533, IN ORDER TO REMOVE A CONFLICT BETWEEN THE NORTH CENTRAL COUNCIL OF GOVERNMENTS (NCTCOG) LOCAL AMENDMENTS (EXHIBIT A) AND THE ADOPTED 2009 INTERNATIONAL BUILDING CODE (IBC) AND INTERNATIONAL FIRE CODE (IFC); PROVIDING FOR A PENALTY; PROVIDING FOR A SEVERABILITY CLAUSE; A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Legislature of the State of Texas has adopted the National Electrical Code (NEC), International Building Codes and National Fire Protection Association Codes as the official building codes to be used in the State of Texas in order to establish the minimum requirements to safeguard the public health, safety, and welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment, and

WHEREAS, the City Council of the City of Terrell has determined that it is in the best interest of the City and its' citizens to require that appropriate building standards and codes be applied to any person, owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any fire alarm/suppression, electrical, gas, mechanical or plumbing system in order to eliminate the detrimental and negative impacts upon the public health, safety, or welfare;

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

ARTICLE I.

Ordinance 2533 adopted May, 15, 2012 by the City of Terrell adopting by reference the entire suite of 2009 International Building Codes, 2008 National Electrical Code, certain NFPA Codes and the NCTCOG recommended Local Amendments shall remain in full force and effect except as amended herein, more specifically as follows:

Amend Chapter 4 - Section 4-4(b) Building Code - Exhibit A - NCTCOG Amendments - **Section 903.2.11.9 Buildings Over 6,000 sq. ft.** - An automatic sprinkler system shall be installed throughout all buildings with a building area over 6,000 sq. ft.

Reason: This provision does not improve or provide any additional life/safety benefit to either occupants or property. This clause is not in the IBC which DOES allow for fire area separation.

ARTICLE II.

Amend Chapter 6 - Section 6-3(b) Fire Protection Code - Exhibit A - NCTCOG Amendments - **Section 903.2.11.9 Buildings Over 6,000 sq. ft.** - An automatic sprinkler system shall be installed throughout all buildings with a building area over 6,000 sq. ft.

Reason: This provision does not improve or provide any additional life/safety benefit to either occupants or property. This clause is not in the IBC which DOES allow for fire area separation.

ARTICLE III.

The enumerated Codes, Appendices, and Amendments, herein and more fully listed in Ordinance 2533 are hereby adopted by reference by the City of Terrell, Texas, and are presently and shall remain on file in the Municipal Development Department office and the same are hereby adopted and incorporated as fully as if set out at length herein, and the provisions thereof shall be controlling in the areas governed. These Codes include provisions for certain penalty provisions, which are in addition to but not in conflict with those provisions for penalties and fines as found in the Code of Ordinances of the City of Terrell, Texas, and shall be expressly adopted along with any general provisions contained herein.

ARTICLE IV.

It is further ordained that the Codes adopted by reference herein shall include any and all applicable amendments or supplements thereto presently in existence or prepared in the future, thereby being revised periodically.

ARTICLE V.

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

ARTICLE VI.

This ordinance shall become and be effective immediately from and after its adoption and publication, as the law and Charter in such cases provide.

ARTICLE VII.

All ordinances or part of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

ARTICLE VIII.

PENALTY. Any person or corporation violating any of the provisions of this Ordinance shall, upon conviction, be fined any sum not exceeding five hundred dollars (\$500.00) and each and every day that the provisions of this Ordinance are violated shall constitute a separate and distinct offense. Nothing contained herein shall prevent the City of Terrell from taking such other lawful action as is deemed necessary to prevent or remedy any violation.

ARTICLE IX.

This Ordinance will take effect immediately from and after its passage and the publication of the caption, as the law in such case provides.

PASSED AND APPROVED this the 17 day of June, 2014.

PASSED AND ADOPTED this the 8th day of July, 2014.

APPROVED:

Hal Richards, Mayor

ATTEST:

John Rounsavall, City Secretary

APPROVED AS TO FORM:

Mary Gayle Ramsey, City Attorney