**TOWN OF HICKORY CREEK, TEXAS**

**ORDINANCE NO. 2024-06-954**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HICKORY CREEK, TEXAS AMENDING THE CODE OF ORDINANCES OF THE TOWN OF HICKORY CREEK, TEXAS, CHAPTER 3, BUILDING REGULATIONS, BY ADOPTING THE UPDATED INTERNATIONAL BUILDING, RESIDENTIAL, PLUMBING, MECHANICAL, ENERGY CONSERVATION, FUEL GAS, PROPERTY MAINTENANCE, EXISTING BUILDING, AND SWIMMING  POOL AND SPA CODES AS PUBLISHED BY THE INTERNATIONAL CODE COUNCIL WITH LOCAL AMENDMENTS AND THE INTERNATIONAL FIRE CODE AS PUBLISHED BY THE NATIONAL FIRE PROTECTION ASSOCIATION WITH LOCAL AMENDMENTS, AS AMENDED BY THE LAKE CITIES FIRE DEPARTMENT; AND THE NATIONAL ELECTRICAL CODE AS PUBLISHED BY THR NATIONAL FIRE PROTECTION ASSOCIATION WITH LOCAL AMENDMENTS: PROVIDING THE TOWN BUILDING OFFICIAL THE AUTHORITY AND POWER TO ENFORCE PROVISIONS OF CODES; PROVIDING FOR INCORPORATION OF PREMISES; PROVIDING FOR FINDINGS; PROVIDING FOR AMENDMENTS; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING FOR SAVINGS; PROVIDING A PENALTY NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED EACH DAY DURING OR ON WHICH A VIOLATION OCCURS OR CONTINUES AND INCLUDING PROVISIONS FOR THE AUTHORIZATION TO SEEK INJUNCTIVE RELIEF TO ENJOIN VIOLATIONS; PROVIDING A PUBLICATION CLAUSE; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS,** the Town of Hickory Creek, Texas, is a Type A General Law Municipality located in Denton County, Texas, created in accordance with provisions of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

**WHEREAS,** the Town of Hickory Creek, Texas is a general law municipality empowered under the Texas Local Government Code, Section 51.001, to adopt an ordinance or rule that is for the good government of the Town; and

**WHEREAS,** the NCTCOG along with the International Conference of Building Officials, Southern Building Code Congress International, Inc., and Building Officials and Code Administrators International, Inc., has recommended that all municipalities in the State of Texas adopt standardize model construction codes 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,** the Town of Hickory Creek Building Official has reviewed the international codes, 2021 editions and all local amendments thereto and attached as Exhibit 1 to this ordinance, and finds that it is in the best interest of the Town of Hickory Creek to adopt said Codes and amendments; and

**WHEREAS**, the Town Council does hereby find and determine that the adoption of this Ordinance is in the best interest of the public health, safety, morals and general welfare of the Town to adopt the construction and related codes as set forth herein.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HICKORY CREEK, TEXAS:**

**SECTION 1**

**INCORPORATION OF PREMISES**

That all of the above premises are true and correct and are hereby incorporated in the body of this Ordinance as if fully set forth herein.

**SECTION 2**

**FINDINGS**

After due deliberations the Town Council has concluded that the adoption of this Ordinance is in the best interests of the Town of Hickory Creek, Texas, and of the public health, safety and welfare.

**SECTION 3**

**AMENDMENTS**

3.01 That the Code of Ordinances, Town of Hickory Creek, Texas, Chapter 3: Building Regulations, Article 3.02: Technical and Construction Standards, Section 3.02.002 Codes adopted is hereby adopted to read as follows:

“Sec. 3.02.002 Codes Adopted

The town council does hereby adopt all provisions of the:

1. International Building Code, 2021 edition;
2. International Residential Code, 2021 edition;
3. International Plumbing Code, 2021 edition;
4. International Mechanical Code; 2021 edition;
5. International Fire Code; 2021 edition;
6. National Electrical Code, 2023 edition;
7. International Energy Conservation Code, 2021 edition;
8. International Fuel Gas Code, 2021 edition;
9. International Property Maintenance Code, 2021 edition;
10. International Existing Building Code, 2021 edition; and
11. International Swimming Pool and Spa Code, 2021 edition;

With the local amendments to the codes as provided in exhibits (A), (B), (C), (D), (E), (F), (G), (H), (I), (J), and (K), attached to Ordinance 2019-02-809, exhibit (A) attached to Ordinance 2022-04-901, and exhibit (1) attached to Ordinance 2024-06-954 and incorporated herein by reference.”

3.02 All other articles, chapters, sections, subsections, paragraphs, sentences, phrases and words are not amended but are hereby ratified and affirmed.

**SECTION 4**

**CUMULATIVE REPEALER CLAUSE**

That this Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances or parts thereof in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance.

Provided however, that any complaint, action, claim or lawsuit which has been initiated or has arisen under or pursuant to prior adopted uniform codes on the date of adoption of this Ordinance shall continue to be governed by the provisions of such Article and for that purpose shall remain in full force and effect.

**SECTION 5**

**SEVERABILITY CLAUSE**

If any section, article, paragraph, sentence, clause, phrase or work 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 Town 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 6**

**SAVINGS CLAUSE**

All rights and remedies of the Town of Hickory Creek, Texas, are expressly saved as to any and all violations of the provisions of any other Ordinances of the Town affecting building, mechanical, plumbing, electrical and housing codes, which have secured 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 7**

**PENALTY CLAUSE**

It shall be unlawful for any person to violate any provision of this Ordinance, and any person violating or failing to comply with any provision hereof shall be fined, upon conviction, in an amount not more than Two Thousand Dollars ($2,000.00), and a separate offense shall be deemed committed each day during or on which a violation occurs or continues.

If the governing body of the Town of Hickory Creek determines that a violation of this Ordinance has occurred, the Town of Hickory Creek may bring suit in district court to enjoin the person, firm, partnership, corporation, or association from engaging in the prohibited activity.

**SECTION 8**

**PUBLICATION CLAUSE**

The Town Secretary of the Town of Hickory Creek is hereby directed to publish the Caption, Penalty Clause and Effective Date of this Ordinance as required by Section 52.011 of the Texas Local Government Code.

**SECTION 9**

**ENGROSSMENT AND ENROLLMENT CLAUSE**

The Town Secretary of the Town of Hickory Creek is hereby directed to engross and enroll this Ordinance by copying the exact Caption, Penalty and Effective Date in the minutes of the Town Council and by filing this Ordinance in the ordinance records of the Town.

**SECTION 10**

**EFFECTIVE DATE CLAUSE**

That this Ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect from the date of passage and publication in the official newspaper.

**IT IS SO ORDAINED.**

**PASSED AND APPROVED** by the Town Council of the Town of Hickory Creek, Texas, this the 24th day of June, 2024.

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Lynn C. Clark, Mayor

Town of Hickory Creek, Texas

ATTEST:

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Kristi Rogers, Town Secretary

Town of Hickory Creek, Texas

APPROVED AS TO FORM:

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Dorwin L. Sargent III, Town Attorney

Town of Hickory Creek, Texas