

ORDINANCE NO. 2216

AN ORDINANCE AMENDING CHAPTER 5, BUILDING AND BUILDING REGULATIONS, ARTICLE II – CODES ADOPTED BY REFERENCE, OF THE CODE OF ORDINANCES, TO INCORPORATE TEXT OMISSIONS AND CLARIFYING LANGUAGE RELATED TO THE ADOPTION OF THE 2021 INTERNATIONAL CODE SERIES-ICC AND THE 2020 NATIONAL ELECTRICAL CODE; REPEALING ALL PARTS OF ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; AN OPEN MEETINGS CLAUSE; AND AN EFFECTIVE DATE.

WHEREAS, the City of Alamo Heights is a Home Rule Municipality located in Bexar County, Texas, established in accordance with provisions of its Charter, the Texas Constitution and statutes, including the Texas Local Government Code; and

WHEREAS, Chapter 54.001 of the Texas Local Government Code provides the general authority for the City of Alamo Heights to enforce each rule, Ordinance, or police regulation of the City of Alamo Heights and to punish a violation of an Ordinance; and

WHEREAS, Chapter 214, Subchapter G of the Texas Local Government Code provides the general authority for the City of Alamo Heights to adopt certain Building and Regulatory Codes and to enact local amendments to same; and

WHEREAS, the City of Alamo Heights enhanced the regulation of property maintenance and building activities based on best management practices through the November 8, 2021 adoption of the 2021 International Code Series, published by the International Code Council, Inc. (ICC), and the 2020 National Electrical Code; and

WHEREAS, the City Council hereby declares that all local code amendment regulations and standards are in furtherance of the City's public safety departments and are not enacted to hinder development and construction; and

WHEREAS, it's imperative for the City of Alamo Heights to ensure regulations are clearly stated and adopted for the protection of its citizens and efficient city operations; and

WHEREAS, the City of Alamo Heights desires to comply with all state regulations; and

WHEREAS, the City of Alamo Heights desires to protect the public health, safety, and welfare.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALAMO HEIGHTS, TEXAS THAT:

SECTION 1: Findings. The recitals are hereby found to be true and correct and are hereby incorporated as part of this Ordinance.

SECTION 2: Amendments to Articles II of Chapter 5 of the Code of Ordinances are hereby adopted as follows:

ARTICLE II. CODES ADOPTED BY REFERENCE

Sec. 5-25. – Resolution of Conflicts.

Whenever any conflict shall occur between the international codes and the national code, the most restrictive shall apply. When a conflict exists between any adopted code and this Code, this Code shall prevail.

Sec. 5-26. – 2021 International Building Code, 2021 International Residential Code for One- and Two-Family Dwellings, 2021 International Existing Building Code, and 2021 International Energy Conservation Code adopted.

Adopted for immediate use are the 2021 International Building Code, 2021 International Residential Code for One- and Two-Family Dwellings, 2021 International Existing Building Code, and 2021 International Energy Conservation Code.

Sec. ~~5-27~~ 5-28. – 2021 International Property Maintenance Code adopted.

Adopted for immediate use is the 2021 International Property Maintenance Code.

Sec. ~~5-28~~ 5-29. – 2021 International Mechanical Code adopted.

Adopted for immediate use is the 2021 International Mechanical Code.

Sec. ~~5-29~~ 5-30 – 2020 National Electrical Code adopted.

Adopted for immediate use is the 2020 National Electrical Code.

Sec. ~~5-30~~ 5-31. – 2021 International Plumbing Code and 2021 International Fuel Gas Code adopted.

Adopted for immediate use are the 2021 International Plumbing Code and 2021 International Fuel Gas Code.

Sec. ~~5-31~~ 5-32. – 2021 International Fire Code adopted, inclusive of Appendix B Fire Flow for Buildings, Appendix C Fire Hydrant Location and Distribution, Appendix D Fire Apparatus Access Roads, and Appendix E Hazard Categories, as published by the International Code Council, Inc.

Adopted for immediate use is the 2021 International Fire Code, inclusive of Appendix B Fire Flow for Buildings, Appendix C Fire Hydrant Location and Distribution, Appendix D Fire Apparatus Access Roads, and Appendix E Hazard Categories, as published by the International Code Council, Inc.

Sec. 5-33. — References and terms.

Secs. ~~5-32~~ 5-34 - 5-39. – Reserved.

Save and except such portions of such codes as are hereinafter deleted, modified or amended, or inconsistent with or in conflict with any other provisions of this Code of Ordinances or any statute of the State of Texas, and the same are hereby adopted and incorporated herein as fully as if set out verbatim herein.

SECTION 3: Conflicting Ordinances or Resolutions. All resolutions or ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance as adopted and amended herein, are hereby REPEALED to the extent of such conflict. In the event of a conflict or inconsistency between this ordinance and any other resolution, code or ordinance of the City, or parts thereof, the terms and provisions of this ordinance shall govern.

SECTION 4: Severability. If any section, subsection, clause, phrase, or word of this ordinance is declared unconstitutional or invalid for any purpose, the remainder of this ordinance shall not be affected thereby and to this end the provisions of this ordinance are declared to be severable.

SECTION 5: Open Meetings. It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

SECTION 6: Penalty. Any violation of any provision of this Ordinance shall be subject to the penalty prescribed in Section 5-2 of the City of Alamo Height's Code of Municipal Ordinances.

SECTION 7: Effective Date. This ordinance shall be effective from and after its approval and passage in accordance with the Texas Local Government Code and the city charter.

PRESENTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ALAMO HEIGHTS, TEXAS THIS 13TH DAY OF NOVEMBER 2023.


BOBBY ROSENTHAL, MAYOR

ATTEST:


ELSA T. ROBLES, CITY SECRETARY

APPROVED AS TO FORM:


FRANK J. GARZA, CITY ATTORNEY

