

ORDINANCE NO. 374

AN ORDINANCE OF THE CITY OF WALLER, TEXAS PROVIDING FOR THE ADOPTION OF *THE INTERNATIONAL EXISTING BUILDING CODE*, 2003 EDITION, AS PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, INC.; PROVIDING FOR REGULATIONS RELATING TO AND GOVERNING THE REPAIR, ALTERATION, CHANGE OF OCCUPANCY, ADDITION, AND RELOCATION OF EXISTING BUILDINGS, INCLUDING HISTORIC BUILDINGS IN THE CITY OF WALLER, TEXAS; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR; PROVIDING CERTAIN AMENDMENTS AND DELETIONS TO SAID *INTERNATIONAL EXISTING BUILDING CODE*; PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH VIOLATION OF ANY PROVISION HEREOF; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY.

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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WALLER, TEXAS:

Section 1. **The International Existing Building Code.** The *International Existing Building Code*, 2003 Edition, hereinafter sometimes referred to as the “Code,” as published by the International Code Council, Inc., is hereby adopted. A copy of said Code is attached hereto and made a part hereof for all purposes, an authentic copy of which has been filed with the City Secretary.

Section 2. **Amendments to the International Existing Building Code.**

(1) Section 101.1 of said Code is hereby deleted in its entirety and a new Section 101.1 is substituted therefor to read as follows:

“**Section 101.1 Title.** These regulations shall be known as the *International Existing Building Code* of the City of Waller, Texas, hereinafter sometimes referred to as the “Code.”

(2) Section 102.4.2 of said Code is hereby deleted in its entirety and a new Section 102.4.2 is substituted therefor to read as follows:

“Section 102.4.2 Application of other codes. Repairs, additions or alterations to a structure or changes of occupancy, shall be done in accordance with the procedures and provisions of other applicable building codes and regulations adopted by the City.”

(3) Section 103.2 of said Code is hereby deleted in its entirety and a new Section 103.2 is substituted therefor to read as follows:

“103.2 Appointment. The code official shall be appointed by the chief appointing authority of the jurisdiction and may be removed without cause at any time; however, said code official may appear before appointing authority with a full opportunity to be heard on specific and relevant charges.”

(4) Section 108.2 of said Code is hereby deleted in its entirety and a new Section 108.2 is substituted therefor as follows:

“108.2 Fees: The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be approved by resolution adopted by City Council; said fees may be changed from time to time by resolution adopted by City Council.”

(5) Section 112.1 of the Code is hereby deleted and new Section 112.1 is substituted therefor as follows:

“112.1. Appeals. Appeals of orders, decisions, or determinations made by the City’s building official in interpreting or applying this Code shall be to the City Council. The City Council may obtain the assistance of persons who are qualified by experience and training on a particular subject under consideration.”

(6) Section 112.3 of the Code is hereby deleted in its entirety.

(7) Section 1201.2 of the Code is hereby deleted and a new Section 1201.2 is substituted therefor as follows:

“1201.2. Applicability. Structures existing prior to _____, 200__, in which there is work involving additions, alterations, or changes of occupancy, shall be made to conform to the requirements of this Chapter or the provisions of Chapters 4 through 10. The provisions of sections 1201.2.1 through 1201.2.5 shall apply to existing occupancies that will continue to be, or are proposed to be, in Groups A, B, E, F, M, R, and

S. These provisions shall not apply to buildings with occupancies in Group H or Group I.”

Section 3. **Future Amendments.** Future amendments (not including clarifications or technical notices of any type) of said *International Existing Building Code*, 2003 Edition, are not adopted by this Ordinance, and must be subsequently approved and adopted by the City Council.

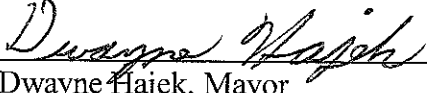
Section 4. **Effect of Code.** This Code shall not be construed to relieve or lessen the responsibility of any person owning, operating, or controlling any building or structure for any damages to persons or property caused by defects, nor shall the City Council, the City, its agents or representatives assume any such liability by reason of these regulations or the inspections authorized by this code or any permits or certificates issued under this code.

Section 5. **Penalty.** Any person who intentionally, knowingly, recklessly, or with criminal negligence violates any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$2000.00. Each day of violation shall constitute a separate offense.

Section 6. **Repealer.** All other ordinances or parts of ordinances inconsistent or in conflict herewith, are, to the extent of such inconsistency or conflict, hereby repealed.

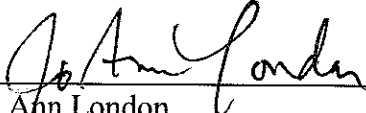
Section 7. **Severability.** In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Waller, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

PASSED, APPROVED, AND ADOPTED this 11th day of February,
2008.



Dwayne Hajek, Mayor

ATTEST:



Jo Ann London
City Secretary