

ORDINANCE NO. 4200

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 5 OF THE CODE OF THE CITY OF MESQUITE, TEXAS, BY DELETING SECTIONS 5-26, 5-186, 5-316, 5-336, 5-465, 5-467 AND 5-469 IN THEIR ENTIRETY AND ADDING NEW SECTIONS 5-26, 5-186, 5-316, 5-336, 5-465, 5-467 AND 5-469 THEREBY INCLUDING THE CITY'S EXTRATERRITORIAL JURISDICTION IN ITS BUILDINGS AND CONSTRUCTION CODES; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City of Mesquite, Texas (the "City"), has previously adopted the International Construction Codes with local amendments; and

WHEREAS, the City has extended enforcement of its subdivision ordinance into its extraterritorial jurisdiction ("ETJ") and is authorized by law to extend enforcement of its construction-related ordinances and issue building permits for construction in the City's ETJ; and

WHEREAS, the City's ETJ is likely to develop over the next decade; and

WHEREAS, the City Council of the City of Mesquite, Texas, desires to amend the International Building Code, the International Plumbing Code, the International Mechanical Code, the National Electrical Code, the International Fuel Gas Code, the International Residential Code and the International Energy Conservation Code, to extend application of the construction-related ordinance to its ETJ in the exercise of its police power and to promote the safe, orderly and healthful development of the ETJ.

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

SECTION 1: That Chapter 5 of the Code of the City of Mesquite, Texas, is hereby amended by deleting Sections 5-26, 5-186, 5-316, 5-336, 5-465, 5-467 and 5-469 in their entirety and adding new Sections 5-26, 5-186, 5-316, 5-336, 5-465, 5-467 and 5-469 to read as follows, in all other respects said Code and Chapter to remain in full force and effect:

- (1) *Sec. 5-26.* Amend by deleting Section 5-26 in its entirety and adding a new Section 5-26 to read as follows:

Sec. 5-26. Adopted.

The *International Building Code*, 2009 Edition, a publication of the International Code Council (I.C.C.), is hereby adopted and designated as the official building code of the City of Mesquite to the same extent as if such Code were copied verbatim in this Article subject to the amendments prescribed in this Article. The Code shall be applicable to all construction, alterations, repairs, demolition, maintenance and use or occupancy of all

buildings, structures, materials and equipment related to the building industry in the City and its extraterritorial jurisdiction. A copy of *the International Building Code, 2009 Edition*, and amendments thereto shall be maintained in the office of the City Secretary as an original document and ordinance of the City.

- (2) *Sec. 5-186.* Amend by deleting Section 5-186 in its entirety and adding a new Section 5-186 to read as follows:

Sec. 5-186. Adopted.

The *International Plumbing Code, 2009 Edition*, a publication of the International Code Council (ICC), is hereby adopted and designated as the official plumbing code of the City of Mesquite to the same extent as if such Code were copied verbatim in this Article subject to the amendments prescribed in this Article. The Code shall be applicable to all construction, alterations, repairs and maintenance of all buildings, structures, materials and equipment related to the building industry in the City and its extraterritorial jurisdiction. A copy of the *International Plumbing Code, 2009 Edition*, and the amendments thereto shall be maintained in the office of the City Secretary as an original document and ordinance of the City.

- (3) *Sec. 5-316.* Amend by deleting Section 5-316 in its entirety and adding a new Section 5-316 to read as follows:

Sec. 5-316. Adopted.

The *International Mechanical Code, 2009 Edition*, a publication of the International Code Council (ICC), is hereby adopted and designated as the official mechanical code of the City of Mesquite to the same extent as if such Code were copied verbatim in this Article subject to the amendments prescribed in this Article. The Code shall be applicable to all construction, alterations, repairs and maintenance of all buildings, structures, materials and equipment related to the building industry in the City and its extraterritorial jurisdiction. A copy of the *International Mechanical Code, 2009 Edition*, and amendments thereto shall be maintained in the office of the City Secretary as an original document and ordinance of the City.

- (4) *Sec. 5-336.* Amend by deleting Section 5-336 in its entirety and adding a new Section 5-336 to read as follows:

Sec. 5-336. Adopted.

The *National Electrical Code, 2011 Edition*, a publication of the National Fire Protection Agency, is hereby adopted and designated as the official electrical code of the City of Mesquite to the same extent as if such Code were copied verbatim in this Article subject to the amendments prescribed in this Article. The Code shall be applicable to all construction, alterations, repairs and maintenance of all buildings, structures, materials and equipment related to the building industry in the City and its extraterritorial jurisdiction. A copy of the *National Electrical Code, 2011 Edition*, and the amendments thereto shall be maintained in the office of the City Secretary as an original document and ordinance of the City.

- (5) *Sec. 5-465.* Amend by deleting Section 5-465 in its entirety and adding a new Section 5-465 to read as follows:

Sec. 5-465. Adopted.

The *International Fuel Gas Code*, 2009 Edition, a publication of the International Code Council (I.C.C.), is hereby adopted and designated as the official fuel gas code of the City of Mesquite and its extraterritorial jurisdiction to the same extent as if such Code were copied verbatim in this Article subject to the amendments prescribed in this Article. A copy of the *International Fuel Gas Code*, 2009 Edition, and the amendments thereto shall be maintained by the office of the City Secretary as an original document and ordinance of the City.

- (6) *Sec. 5-467.* Amend by deleting Section 5-467 in its entirety and adding a new Section 5-467 to read as follows:

Sec. 5-467. Adopted.

The *International Residential Code*, 2009 Edition, a publication of the International Code Council (I.C.C.), is hereby adopted and designated as the official residential code of the City of Mesquite to the same extent as if such code were copied verbatim in this Article subject to the amendments prescribed in this Article. The code shall be applicable to all construction, alterations, movement, enlargement, replacement, repairs, equipment, use and occupancy, location, removal and demolition and maintenance of detached one- and two-family units and multiple single-family units (townhouses) not more than three stories in height with separate means of egress and their accessory structures in the City and its extraterritorial jurisdiction. A copy of the *International Residential Code*, 2009 Edition, and amendments thereto shall be maintained in the office of the City Secretary as an original document and ordinance of the City.

- (7) *Sec. 5-469.* Amend by deleting Section 5-469 in its entirety and adding a new Section 5-469 to read as follows:

Sec. 5-469. Adopted.

The *International Energy Conservation Code*, 2009 Edition, a publication of the International Code Council (I.C.C.), is hereby adopted and designated as the official energy code of the City of Mesquite to the same extent as if such were copied verbatim in this Article subject to the amendments prescribed in this Article. The Code shall be applicable and shall regulate the design of building envelopes for adequate thermal resistance and low air leakage and the design and selection of mechanical, electrical, service water heating and illumination systems and equipment which will enable effective use of energy relating to new building construction in the City and its extraterritorial jurisdiction. A copy of the *International Energy Conservation Code*, 2009 Edition, and amendments thereto shall be maintained in the office of the City Secretary as an original document and ordinance of the City.

SECTION 2. That all ordinances or portions thereof in conflict with the provisions of this ordinance, to the extent of such conflict, are hereby repealed. To the extent that such ordinances or portions thereof are not in conflict herewith, the same shall remain in full force and effect.

SECTION 3. That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional, the validity of the remaining provisions of this ordinance shall not be affected and shall remain in full force and effect.

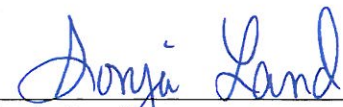
SECTION 4. That any person (as defined in Chapter 1, Section 1-2 of the Code of the City of Mesquite, Texas, as amended) violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and upon conviction thereof, shall be subject to a fine not to exceed Two Thousand (\$2,000.00) Dollars for each offense, provided, however, if the maximum penalty provided for by this ordinance for an offense is greater than the maximum penalty provided for the same offense under the laws of the State of Texas, the maximum penalty for violation of this ordinance for such offense shall be the maximum penalty provided by the laws of the State of Texas. Each day or portion of a day any violation of this ordinance continues shall constitute a separate offense.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 6th day of February, 2012.



John Monaco
Mayor

ATTEST:



Sonja Land
City Secretary

APPROVED:



B.J. Smith
City Attorney