

CITY OF HORSESHOE BAY

ORDINANCE NO. ORD 08-01-22C

FIRE CODE ADOPTION ORDINANCE

AN ORDINANCE OF THE CITY OF HORSESHOE BAY, TEXAS; ADOPTING THE 2006 INTERNATIONAL FIRE CODE WITH AMENDMENTS; PROVIDING FOR ENFORCEMENT, INCLUDING CIVIL AND CRIMINAL PENALTIES NOT TO EXCEED TWO THOUSAND (\$2,000) DOLLARS; EFFECTIVE DATE; REPEALER; SEVERABILITY; AND PROPER NOTICE AND MEETING

WHEREAS, the City Council of the City Horseshoe Bay (City Council) seeks to provide for the safe and orderly development of property within its corporate limits and extraterritorial jurisdiction; and

WHEREAS, the City Council seeks to protect the citizens of Horseshoe Bay from conditions hazardous to life or property related to fire protection; and

WHEREAS, the City Council finds it to be in the best interest of the public to provide for a Fire Code;

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

I. FINDINGS OF FACT

All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council, and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

II. FIRE CODE

(a) Code Adoption

The City Council hereby adopts the 2006 edition of the International Fire Code, including appendices B, C, and D, except as modified or amended in this Ordinance. The regulations referenced in these appendices shall be applied as part of the 2006 edition of the International Fire Code unless the fire code official determines and approves compliance with these standards through an alternative method or regulation. Copies of the Code and the amendments thereto, as referenced herein, are on file in the office of the city secretary for permanent record and inspection. From the date on which this section shall take effect, the provisions thereof shall be controlling within the corporate limits of the city. It shall be unlawful for any person to violate any provision of this Ordinance.

(b) Amendments to Code

(1) Section 103.2 of the 2006 International Fire Code shall be amended to read as follows:

103.2 Appointment. The fire code official shall be appointed by the City Council; and the fire code official may be removed from office by a majority vote of the City Council.

(2) Section 401.1 of the 2006 International Fire Code shall be amended to read as follows:

401.1 Scope. The Fire Department shall determine and enforce the requirements of Chapter 4 as necessary and will keep all required records.

(3) Section B105.1 of the 2006 International Fire Code Appendix B shall be amended to read as follows:

B105.1 One- and two-family dwellings. The minimum fire-flow requirements for one- and two-family dwellings shall be 1,000 gallons per minute (3785.4(L/min)).

(4) Section C105.1 of the 2006 International Fire Code shall be amended to read as follows:

C105.1 Hydrant spacing. Hydrant distribution and spacing shall be as listed in Table C105.1 or as approved by the Fire Official.

III. ENFORCEMENT

(a) Civil & Criminal Penalties

The City shall have the power to administer and enforce the provisions of this Ordinance as may be required by governing law. Any person violating any provision of this Ordinance is subject to suit for injunctive relief as well as prosecution for criminal violations. Any violation of this Ordinance is hereby declared to be a nuisance.

(b) Criminal Prosecution

Any person violating any provision of this Ordinance shall, upon conviction, be fined a sum not exceeding two thousand dollars (\$2,000.00), except as may be otherwise expressly provided herein or by state law. Each day that a provision of this Ordinance is violated shall constitute a separate offense. An offense under this Ordinance is a misdemeanor.

(c) Civil Remedies

Nothing in this Ordinance shall be construed as a waiver of the City's right to bring a civil action to enforce the provisions of this Ordinance and to seek remedies as allowed by law, including, but not limited to the following:

- (1) injunctive relief to prevent specific conduct that violates the Ordinance or to require specific conduct that is necessary for compliance with the Ordinance;
- (2) a civil penalty up to two thousand dollars (\$2,000.00) a day when it is shown that the defendant was actually notified of the provisions of the Ordinance and after receiving notice committed acts in violation of the Ordinance or failed to take action necessary for compliance with the Ordinance; and
- (3) other available relief.

IV. EFFECTIVE DATE

This Ordinance shall be and become effective immediately upon and after its passage and publication as may be required by governing law.

V. REPEALER

All ordinances or parts of ordinances in force when the provisions of this Ordinance becomes effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed only to the extent of such conflict.

VI. SEVERABILITY

Should any part, sentence or phrase of this Ordinance be determined to be unlawful, void or unenforceable, the validity of the remaining portions of this Ordinance shall not be adversely affected. No portion of this Ordinance shall fail or become inoperative by reason of the invalidity of any other part. All provisions of this Ordinance are declared to be severable.

VII. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was adopted was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

