

CITY OF MERKEL, TEXAS

ORDINANCE NO. 11-18-2024

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MERKEL, TEXAS, AMENDING ORDINANCE NO. 07-15-2024; ADOPTING AMENDMENTS TO THE 2021 EDITION OF THE INTERNATIONAL BUILDING CODE AND THE 2021 EDITION OF THE INTERNATIONAL RESIDENTIAL CODE; ADOPTING A GLOBAL AMENDMENT FOR ALL CODES ADOPTED BY ORDINANCE NO. 07-15-2024 TO REQUIRE THAT PROPERTY OWNERS ARRANGE FOR ANY REQUIRED INSPECTION AND TO REQUIRE PERMITS FOR NEW BUILDS AND EXTENSIONS; PROVIDING FOR A PENALTY FOR ANY VIOLATION OF THIS ORDINANCE NOT TO EXCEED \$2,000 PER VIOLATION; PROVIDING FOR SAVINGS, SEVERABILITY, AND REPEALING CLAUSES; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, City of Merkel (the "City") is a general-law city operating pursuant to the laws of the State of Texas ("State");

WHEREAS, pursuant to Sections 214.212 and 214.216 of the Texas Local Government Code, the International Residential Code and International Building Codes are municipal building codes of the State of Texas;

WHEREAS, the City Council of the City (the "City Council") adopted Ordinance No. 07-15-2024 on July 15, 2024 to adopt updated model building and construction codes;

WHEREAS, the City Council wishes to adopt amendments to the International Building Code and International Residential Code to remove the requirement for certificates of occupancy;

WHEREAS, the City Council wishes to adopt an amendment to all model construction codes requiring that the property owner be responsible for any required inspections and to require permits only for new builds and extensions to ensure compliance with the City's zoning regulations and to ensure that no rights-of-way are encroached upon; and

WHEREAS, pursuant to Sections 214.212(e) and 214.216(f) of the Texas Local Government Code, held a public hearing regarding said amendments on November 18, 2024.

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

Section 1. Recitals Incorporated.

The above-referenced recitals are incorporated herein as if set forth in full for all purposes.

Section 2. International Building Code Adopted.

The International Building Code, 2021 Edition, published by the International Code Council, Inc., together with a building code pamphlet amending and supplementing that code, as amended by this ordinance, are hereby enacted and adopted by reference, as the building code of the City, and are hereby incorporated herein. The building code pamphlet, along with the International Building Code, are on file in the office of the city secretary.

Section 3. International Residential Code.

The International Residential Code 2021 Edition, published by the International Code Council, Inc., together with a residential code pamphlet amending and supplementing that code, as amended by this ordinance, are hereby enacted and adopted by reference as the residential code of the city, and are hereby incorporated herein. The residential code pamphlet, along with the International Residential Code, are on file in the office of the city secretary.

Section 4. Global Amendments.

All uniform building and construction codes adopted by Ordinance No. 07-15-2024 are hereby amended as follows:

All sections which require that the City or the City's contractor perform an inspection are hereby amended to require that the property owner arrange for an independent contractor to perform any required inspection.

A permit must be obtained from the City prior to initiating new builds or extensions of buildings so that the City can ensure compliance with the City's zoning regulations and confirm that no rights-of-way or easements are encroached upon. No other permits are required.

Section 5. Penalty.

Any violation of any of the terms of this ordinance, whether herein denominated as unlawful or not, shall be deemed a misdemeanor. Any person convicted of any such violation shall be fined in an amount not to exceed (\$2,000.00) two thousand dollars for each incidence of violation. Each day of the continuance of such violation shall be considered a separate offense and be punished separately.

Section 6. Savings, Severability and Repealing Clauses.

All ordinances of the City in conflict with the provisions of this ordinance are repealed to the extent of that conflict. If any provision of this ordinance shall be held to be invalid or unconstitutional, the remainder of such ordinance shall continue in full force and effect

the same as if such invalid or unconstitutional provision had never been a part hereof. The City declares that it would have passed this ordinance, and each section, subsection, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional or invalid.

Section 7. Publication of the Caption Hereof and Effective Date.

This ordinance shall be in full force and effective from and after its passage and upon the publication, as required by law, of its caption and the City Secretary is hereby directed to implement such publication.


PASSED by the City Council of the City of Merkel, Texas, this the 18th day of November 2024.

ATTESTED:



City Secretary-Evelyn Morse

APPROVED:



Mayor Mary Schramper