

ORDINANCE NO. 2054

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KELLER, TEXAS, AMENDING THE CITY OF KELLER CODE OF ORDINANCES, SECTION 4 - BUILDINGS, ARTICLE I – TECHNICAL CODES, BY ADOPTING THE 2021 INTERNATIONAL BUILDING CODE, THE 2021 INTERNATIONAL RESIDENTIAL CODE, THE 2021 INTERNATIONAL FIRE CODE, THE 2021 INTERNATIONAL FUEL AND GAS CODE, THE 2020 NATIONAL ELECTRIC CODE, THE 2021 INTERNATIONAL PLUMBING CODE, THE 2021 INTERNATIONAL MECHANICAL CODE, THE 2018 INTERNATIONAL ENERGY CONSERVATION CODE, THE 2021 INTERNATIONAL EXISTING BUILDING CODE; THE 2021 INTERNATIONAL PROPERTY MAINTENANCE CODE, AND THE 2021 INTERNATIONAL SWIMMING POOL AND SPA CODE; AND BY AMENDING SECTION 4-135 BY REPLACING SECTION 307 OPEN BURNING, RECREATIONAL FIRES AND PORTABLE OUTDOOR FIREPLACES WITH A NEW SECTION 307; PROVIDING A CUMULATIVE CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AUTHORIZING PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Keller, Texas is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5, of the Texas Constitution, and Chapter 9 of the Local Government Code; and

WHEREAS, the City Council of the City of Keller recognizes the importance of establishing the minimum standards for construction to protect the life, health and property of the citizens and businesses of the City of Keller; and

WHEREAS, the City Council of the City of Keller supports and encourages healthy development by providing for the issuance of building construction permits, the inspection of construction activities, and compliance with applicable building codes; and

WHEREAS, the ISO (Insurance Services Office) rates fire departments and their surrounding communities based on several factors including what version of the international building codes that particular community has adopted; and

WHEREAS, the City Council of the City of Keller, Texas, deems it necessary to adopt the 2021 International Building Code, the International Residential Code, the International Fire Code, the International Fuel Gas Code, the International Plumbing Code, the International Mechanical Code, the International Swimming Pool and Spa Code, the International Property Maintenance Code, the 2020 National Electric Code, and the 2018 International Energy Conservation Code; and

WHEREAS, the City Council of the City of Keller, Texas, deems it necessary to amend Section 4-135 by replacing Section 307 Open Burning, Recreational Fires and Portable Outdoor Fireplaces with a new Section 307; and

WHEREAS, because the 2021 International Energy Conservation Code contains new provisions related to confirmation software that has not yet been updated (and is therefore untried) and delaying adoption of this particular Code until the next Code cycle will allow the requisite software update to be developed and will not adversely impact the City's ISO rating; and

WHEREAS, the North Central Texas Council of Governments reviews and develops proposed amendments to the building codes based on region-specific factors and those have been incorporated in the recommended amendments; and

WHEREAS, it is in the best interests of the City and its citizens that the 2021 International Codes, the 2020 National Electric Code, and the 2018 Energy Conservation Code and the proposed amendments to those codes be approved and adopted.

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

SECTION 1. THAT, the above findings are hereby found to be true and correct and are incorporated herein in their entirety.

SECTION 2. THAT, the City Of Keller is hereby amending the City of Keller Code of Ordinances, Section 4 - Buildings, Article I – Technical Codes, by adopting the 2021 International Building Code, the 2021 International Residential Code, the 2021 International Fire Code, the 2021 International Fuel and Gas Code, the 2020 National Electric Code, the 2021 International Plumbing Code, the 2021 International Mechanical Code, the 2018 Energy Conservation Code, the 2021 International Existing Building Code, the 2021 International Property Maintenance Code, and the 2021 International Swimming Pool and Spa Code, and by amending Section 4-135 by replacing Section 307 Open Burning, Recreational Fires and Portable Outdoor Fireplaces with a new Section 307 to read as Shown in Exhibit "A".

SECTION 3. Except as provided in this Ordinance, all ordinances, orders or resolutions heretofore passed and adopted by the City Council of the City of Keller, Texas, are hereby repealed to the extent that said ordinances, orders or resolutions, or parts thereof, are in conflict herewith.

SECTION 4. If any section, subsection, paragraph, sentence, clause, phrase or word of this Ordinance, or the application thereof to any person or circumstance, shall to any extent be held invalid, void or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares that it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 5. Any person, firm, partnership, corporation or association violating any provision of this Ordinance or of any code adopted herein shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in the sum of not more than \$2,000.00, and each day such violation continues shall constitute a separate and distinct violation.

SECTION 6. This Ordinance shall take effect and be in full force from and after its passage and publication, as provided by the Revised Civil Statutes of the State of Texas and the Home Rule Charter of the City of Keller, Texas.

AND IT IS SO ORDAINED.

Passed and approved by a vote of 6 to 1 on this the 15th day of February, 2022.

CITY OF KELLER, TEXAS

By: _____
Armin Mizani, Mayor

ATTEST:

Kelly Ballard, City Secretary

Approved as to Form and Legality:

L. Stanton Lowry, City Attorney