

ORDINANCE NO. 2130

AN ORDINANCE ADOPTING THE 2015 EDITIONS OF THE INTERNATIONAL BUILDING, RESIDENTIAL, FIRE, FUEL GAS, MECHANICAL, PLUMBING, ENERGY CONSERVATION, AND SWIMMING POOL AND SPA; ADOPTING THE 2014 NATIONAL ELECTRICAL CODE; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; ESTABLISHING A PENALTY AND SPECIFICALLY NEGATING A REQUIREMENT OF A CULPABLE MENTAL STATE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE

WHEREAS building codes are an integral component in protecting the health, safety, and welfare of our citizens and first responders; and,

WHEREAS the adoption of building codes provides minimum standards necessary for the protection of buildings from fire, structural collapse, and general deterioration; and

WHEREAS the International Code Council, the publisher of the City of Portland's building codes, has published its 2015 editions; and

WHEREAS the National Fire Protection Association, Inc., the publisher of the City of Portland's electrical codes, has published its 2014 edition; and

WHEREAS the City Council conducted a public hearing on February 2, 2016, to solicit comments from citizens and other interested parties concerning the adoption of the 2015 editions of the building code and 2014 edition of the electric code; and

WHEREAS the City Council has found that updating to the 2015 editions of the building code and 2014 edition of the electric code will keep the City of Portland current with minimum construction requirements in order to safeguard the public's health, safety and general welfare.

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

SECTION 1: Chapter 4, Article II, Sec. 4-11. of the City of Portland Code of Ordinances is hereby amended to read as follows:

Sec. 4-11. - Codes adopted.

- (a) The 2015 Editions of the International Building, Residential, Fire, Fuel Gas, Mechanical, Plumbing, Energy Conservation, and the Swimming Pool and Spa Code, are hereby adopted by reference as though they were copied herein fully and shall be known as the City of Portland Construction Codes. Where the

requirements of this chapter are different from the International Codes, this chapter shall apply.

- (b) Any and all amendments to these Codes stated in this chapter shall be an integral part of the City of Portland Construction Codes.
- (c) Any sections in the codes dealing with variances is hereby replaced with the appropriate section of the City of Portland Code of Ordinances.

SECTION 2: Chapter 6, Article I, Sec. 6-5. of the City of Portland Code of Ordinances is hereby amended to read as follows:

Sec. 6-5. - National Electrical Code.

The 2014 edition of the National Electrical Code, as sponsored by the National Fire Protection Association, Inc., is hereby adopted as part of the "Portland Electrical Code." Where the requirements of this chapter are different from the National Electrical Code, the provisions of this chapter shall prevail.

SECTION 3. REPEALER

All previously adopted rules, regulations, policies and ordinances in conflict with this Ordinance are hereby repealed.

SECTION 4. SEVERABILITY

If any provision, section, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances is, for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof, or provisions or regulations contained herein, shall become inoperative or fail by reason of any unconstitutionality of any other portion hereof, and all provisions of this Ordinance are declared severable for that purpose.

SECTION 5. PENALTY

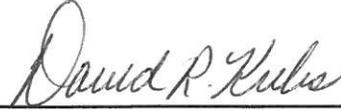
Any person who violates this Ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine not exceeding one thousand dollars (\$1,000.00). Each and every day that a violation of this Ordinance occurs shall constitute a separate offense. The culpable mental state required by Chapter 6.02, Texas Penal Code, is specifically negated and dispensed with and a violation is a strict liability offense.

SECTION 6. PUBLICATION AND EFFECTIVE DATE

This Ordinance shall be published after second reading hereof by publishing the caption thereof in the official newspaper with a statement the public may view the Ordinance in the Office of the City Secretary. This Ordinance shall take effect June 1, 2016.

PASSED and **APPROVED** on second reading this 16 day of February 2016.

CITY OF PORTLAND



David Krebs
Mayor

ATTEST:



Annette Hall
City Secretary

