

ORDINANCE NO. 2022-0110

AN ORDINANCE OF THE CITY OF PLUM GROVE, TEXAS, ADOPTING RULES AND PROCEDURES FOR THE ADOPTION OF LOCAL AMENDMENTS TO THE INTERNATIONAL RESIDENTIAL CODE AND INTERNATIONAL BUILDING CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 51.012 of the Local Government Code, a general law municipality may adopt an ordinance, act, law, or regulation, not inconsistent with state law, that is necessary for the government interest, welfare, or good order of the municipality as a body politic;

WHEREAS, the City Council of the City of Plum Grove, Texas, (“City”) desires to adopt regulations for the health, safety, and general welfare of the City; and

WHEREAS, under Texas Government Code Section 214.212(c) a municipality may establish procedures to adopt local amendments to the International Residential Code (“IRC”) that may add, modify, or remove requirements set by the IRC and for the administration and enforcement of the IRC; and

WHEREAS, Texas Government Code Section 214.212(e) states a municipality may not adopt local amendments to the IRC under Texas Government Code Section 214.212(c) unless the municipality holds a public hearing on the local amendment(s) before adopting it and adopts the local amendment(s) by ordinance; and

WHEREAS, under Texas Government Code Section 214.216(c) a municipality may establish procedures to adopt local amendments to the International Building Code (“IBC”) that may add, modify, or remove requirements set by the IBC and for the administration and enforcement of the IBC; and

WHEREAS, Texas Government Code Section 214.216(f) states a municipality may not adopt local amendments to the IBC under Texas Government Code Section 214.216(c) unless the municipality holds a public hearing on the local amendment(s) before adopting it and adopts the local amendment(s) by ordinance; and

WHEREAS, Section 5 (b) of House Bill No. 00738F states municipalities must establish rules and take other necessary actions to implement sections 214.212 and 214.216 of the Texas Government Code; and

WHEREAS, the City of Plum Grove now wishes to adopt the rules and procedures for the public hearing requirements as stated above.

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

Section 1. *Preamble.* The facts and recitations contained in the preamble to this ordinance are hereby found to be true and correct and incorporated herein for all purposes.

Section 2. The city adopts the rules and procedures stated below:

The City Council shall conduct a public hearing to adopt local amendments to the International Residential Code (“IRC”) and International Building Code (“IBC”) that add, modify, or remove requirements set by the IRC and IBC in accordance with the following rules:

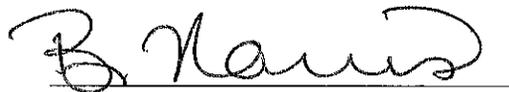
- (1) Notice of Public Hearing shall be provided in accordance with Texas Government Code §551.041 of the Texas Open Meetings Act;
- (2) A copy of the proposed local amendment(s) will be made available to the public prior to the public hearing;
- (3) All persons who have an interest in the adoption of the local amendment(s) shall have the opportunity to comment on the local amendment(s);
- (4) Each interested person will have three (3) minutes to comment, unless said person needs a translator in which case they will be provided six (6) minutes to comment;
- (5) City council may extend an interested person’s time to comment; and
- (6) At the conclusion of the public hearing, city council may add, remove or modify the local amendment(s) prior to voting on their adoption.

Section 3. *Severability.* In the event any clause, phrase, provision, sentence or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Plum Grove, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 4. *Repeal.* All ordinances or parts of ordinances inconsistent with the terms of this ordinance are hereby repealed; provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this ordinance.

Section 5. *Effective Date.* This Ordinance shall be effective immediately and enforced when published as required by law and in full force when published as required by law.

PASSED, APPROVED, and ADOPTED this 7 day of January 2022.



Barbara Norris, Mayor

ATTEST:



Melissa Jo Pouncey, City Secretary