

ORDINANCE NO. 451

AN ORDINANCE OF THE VILLAGE OF JONES CREEK, TEXAS; CONTAINING A PREAMBLE; CONTAINING A SHORT TITLE; EXPRESSLY REPEALING ALL OF THE INTERNATIONAL CODES PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, INC., AND ANY AMENDMENTS TO ANY OF THEM, HERETOFORE ADOPTED BY THE BOARD OF ALDERMEN OF SAID VILLAGE; ADOPTING THE 2009 EDITIONS OF THE INTERNATIONAL BUILDING CODE, INTERNATIONAL RESIDENTIAL CODE, INTERNATIONAL MECHANICAL CODE, INTERNATIONAL EXISTING BUILDING CODE, INTERNATIONAL PROPERTY MAINTENANCE CODE, INTERNATIONAL PLUMBING CODE, INTERNATIONAL FUEL GAS CODE, INTERNATIONAL FIRE CODE, INTERNATIONAL ENERGY CONSERVATION CODE AND THE 2008 EDITION OF THE INTERNATIONAL ELECTRICAL CODE, ALSO KNOWN AS THE NATIONAL ELECTRICAL CODE; ADOPTING LOCAL AMENDMENTS TO SUCH CODES; RE-ADOPTING THE STANDARD UNSAFE BUILDING ABATEMENT CODE, PUBLISHED BY THE SOUTHERN BUILDING CODE CONGRESS INTERNATIONAL, INC., 1985 EDITION, WITH LOCAL AMENDMENTS TO SUCH CODE; PROVIDING THAT ANY PERSON VIOLATING THE PROVISIONS OF ANY OF SAID CODES, AS SO AMENDED, SHALL BE PUNISHED BY A FINE NOT TO EXCEED FIVE HUNDRED (\$500.00) DOLLARS OR, IN THE EVENT SUCH VIOLATION IS A VIOLATION OF A PROVISION GOVERNING FIRE SAFETY OR PUBLIC HEALTH AND SANITATION, INCLUDING DUMPING OF REFUSE, BY A FINE NOT TO EXCEED TWO THOUSAND (\$2,000.00) DOLLARS; PROVIDING THAT EACH DAY ANY SUCH VIOLATION CONTINUES OR OCCURS SHALL BE A SEPARATE OFFENSE; CONTAINING SAVINGS CLAUSES; CONTAINING A SEVERANCE CLAUSE; AND PROVIDING THAT THE PENAL PROVISIONS OF THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER THIS DESCRIPTIVE CAPTION HAS BEEN PUBLISHED TWICE IN THE BRAZOSPORT FACTS BUT ALL OTHER PROVISIONS SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS PASSAGE AND ADOPTION

WHEREAS, the Village of Jones Creek, Texas, ("the Village") is now a Type A General-Law Municipality by virtue of the action taken by its Board of Aldermen pursuant the provisions of Sections 6.012 of the Local Government Code of Texas; and,

WHEREAS, Section 51.012 of said Code authorizes the governing body of a Type A General-Law Municipality to adopt any ordinance, not inconsistent with state law, that is necessary for the govern- ment, interest, welfare, or good order of the municipality as a body politic; and,

WHEREAS, Section 54.001(a) of said Code authorizes the governing body of a Type A General-Law Municipality to enforce each ordinance of the municipality and to punish a violation thereof; and,

WHEREAS, the provisions of Chapter 214 of said Code authorizes the governing body of a Type A General-Law Municipality to adopt the provisions of this ordinance; and,

WHEREAS, the Board of Aldermen of the Village has determined and does here now declare that the adoption of this ordinance is necessary to the health, safety and general welfare of the inhabitants of the Village.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE VILLAGE OF JONES CREEK, TEXAS:

ARTICLE I - SHORT TITLE AND EXPRESS REPEAL

1.01. This ordinance shall be known and may be cited as the AVillage of Jones Creek International Code Ordinance of 2009".

1.02. All International Codes published by the International Code Congress, Inc., which were heretofore adopted by the Board of Alderman of the Village, and any amendments to any of such codes, which were heretofore adopted by said board, are hereby expressly repealed.

ARTICLE II - INTERNATIONAL BUILDING CODE

2.01. The International Building Code, 2009, published by the International Code Council, Inc., together with all amendments thereto, save and except such portions as are inconsistent with the provisions of the other section of this article, is hereby adopted as the Building Code for the Village.

2.02. For purposes of the International Code adopted by Section 2.01 of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

APPLICABLE GOVERNING BODY. The Board of Aldermen of the Village.

BOARD OF ADJUSTMENTS. The Board of Aldermen of the Village.

BOARD OF APPEALS. The Board of Aldermen of the Village.

CHIEF ADMINISTRATOR. The Building Official of the Village.

CHIEF APPOINTING AUTHORITY. The Board of Aldermen of the Village.

2.03. The Board of Aldermen of the Village shall from time to time by resolution set any fees for the issuances of any permits required by the provisions of the International Code adopted by Section 2.01 of this article.

2.04. Any person, firm or corporation, or the agent of any of them, who shall violate any provision of the International Code adopted by Section 2.01 of this article, or fail to comply with such Code or any requirement therein or any order of the Building Official made pursuant thereto, shall be guilty of a misdemeanor, and shall be punished by a fine of not to exceed Five Hundred (\$500.00) Dollars or, in the event such violation is a violation of a provision governing fire safety or public health and sanitation, including dumping of refuse, by a fine not to exceed Two Thousand (\$2,000.00) Dollars; and each day any such violation continues or occurs shall constitute a separate offense.

2.05. If the office of Building Official is vacant, the Mayor of the Village, or his designee, shall have the powers and shall perform the duties of Chief Administrator under the provisions of the International Code adopted by Section 2.01 of this article.

#### ARTICLE III - INTERNATIONAL RESIDENTIAL CODE

3.01. The International Residential Code, 2009, published by the International Code Council, Inc., together with all amendments thereto, save and except such portions as are inconsistent with the provisions of the other section of this article, is hereby adopted as the Residential Code for the Village.

3.02. For purposes of the International Code adopted by Section 3.01 of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

APPLICABLE GOVERNING BODY. The Board of Aldermen of the Village.

BOARD OF ADJUSTMENTS. The Board of Aldermen of the Village.

BOARD OF APPEALS. The Board of Aldermen of the Village.

CHIEF ADMINISTRATOR. The Building Official of the Village.

CHIEF APPOINTING AUTHORITY. The Board of Aldermen of the Village.

3.03. The Board of Aldermen of the Village shall from time to time by resolution set any fees for the issuances of any permits required by the provisions of the International Code adopted by Section 3.01 of this article.

3.04. Any person, firm or corporation, or the agent of any of them, who shall violate any provision of the International Code adopted by Section 3.01 of this article, or fail to comply with such Code or any requirement therein or any order of the Building Official made pursuant thereto, shall be guilty of a misdemeanor, and shall be punished by a fine of not to exceed Five Hundred (\$500.00) Dollars, or, in the event such violation is a violation of a provision governing fire safety or public health and sanitation, including dumping of refuse, by a fine not to exceed Two Thousand (\$2,000.00) Dollars; and each day any such violation continues or occurs shall constitute a separate offense.

3.05. If the office of Building Official is vacant, the Mayor of the Village, or his designee, shall have the powers and shall perform the duties of Chief Administrator under the provisions of the International Code adopted by Section 3.01 of this article.

#### ARTICLE IV - INTERNATIONAL EXISTING BUILDING CODE

4.01. The International Existing Building Code, 2009, published by the International Code Council, Inc., together with all amendments thereto, save and except such portions as are inconsistent with the provisions of the other section of this article, is hereby adopted as the Existing Building Code for the Village.

4.02. For purposes of the International Code adopted by Section 4.01 of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

APPLICABLE GOVERNING BODY. The Board of Aldermen of the Village.

BOARD OF ADJUSTMENTS. The Board of Aldermen of the Village.

BOARD OF APPEALS. The Board of Aldermen of the Village.

CHIEF ADMINISTRATOR. The Building Official of the Village.

CHIEF APPOINTING AUTHORITY. The Board of Aldermen of the Village.

4.03. The Board of Aldermen of the Village shall from time to time by resolution set any fees for the issuances of any permits required by the provisions of the International Code adopted by Section 4.01 of this article.

4.04. Any person, firm or corporation, or the agent of any of them, who shall violate any provision of the International Code adopted by Section 4.01 of this article, or fail to comply with such Code or any requirement therein or any order of the Building Official made pursuant thereto, shall be guilty of a misdemeanor, and shall be punished by a fine of not to exceed Five Hundred (\$500.00) Dollars or, in the event such violation is a violation of a provision governing fire safety or public health and sanitation, including dumping of refuse, by a fine not to exceed Two Thousand (\$2,000.00) Dollars; and each day any such violation continues or occurs shall constitute a separate offense.

4.05. If the office of Building Official is vacant, the Mayor of the Village, or his designee, shall have the powers and shall perform the duties of Chief Administrator under the provisions of the International Code adopted by Section 4.01 of this article.

#### ARTICLE V - INTERNATIONAL PROPERTY MAINTENANCE CODE

5.01. The International Property Maintenance Code, 2009, published by the International Code Council, Inc., together with all amendments thereto, save and except such portions as are inconsistent with the provisions of the other section of this article, is hereby adopted as the Property Maintenance Code for the Village.

5.02. For purposes of the International Code adopted by Section 5.01 of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

APPLICABLE GOVERNING BODY. The Board of Aldermen of the Village.

BOARD OF ADJUSTMENTS. The Board of Aldermen of the Village.

BOARD OF APPEALS. The Board of Aldermen of the Village.

CHIEF ADMINISTRATOR. The Building Official of the Village.

CHIEF APPOINTING AUTHORITY. The Board of Aldermen of the Village.

HOUSING OFFICIAL. The Building Official of the Village.

5.03. The Board of Aldermen of the Village shall from time to time by resolution set any fees for the issuances of any permits required by the provisions of the International Code adopted by Section 5.01 of this article. Any person, firm or corporation, or the agent of any of them, who shall violate any provision of the International Code adopted by Section 5.01 of this article, or fail to comply with such Code or any requirement therein or any order of the Building Official made pursuant thereto, shall be guilty of a misdemeanor, and shall be punished by a fine of not to exceed Five Hundred (\$500.00) Dollars or, in the event such violation is a violation of a provision governing fire safety or public health and sanitation, including dumping of refuse, by a fine not to exceed Two Thousand (\$2,000.00) Dollars; and each day any such violation continues or occurs shall constitute a separate offense.

5.05. If the office of Building Official is vacant, the Mayor of the Village, or his designee, shall have the powers and shall perform the duties of Chief Administrator and Housing Official under the provisions of the International Code adopted by Section 5.01 of this article.

#### ARTICLE VI - INTERNATIONAL ENERGY CONSERVATION CODE

6.01. The International Energy Conservation Code, 2009, published by the International Code Council, Inc., together with all amendments thereto, save and except such portions as are inconsistent with the provisions of the other section of this article, is hereby adopted as the Energy Conservation Code for the Village.

6.02. For purposes of the International Code adopted by Section 6.01 of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

APPLICABLE GOVERNING BODY. The Board of Aldermen of the Village.

BOARD OF ADJUSTMENTS. The Board of Aldermen of the Village.

BOARD OF APPEALS. The Board of Aldermen of the Village.

CHIEF ADMINISTRATOR. The Building Official of the Village.

CHIEF APPOINTING AUTHORITY. The Board of Aldermen of the Village.

HISTORIC BUILDING. Any building within the Village designated as such by the Comprehensive Zoning Ordinance of the Village.

6.03. The Board of Aldermen of the Village shall from time to time by resolution set any fees for the issuances of any permits required by the provisions of the International Code adopted by Section 6.01 of this article.

6.04. Any person, firm or corporation, or the agent of any of them, who shall violate any provision of the International Code adopted by Section 6.01 of this article, or fail to comply with such Code or any requirement therein or any order of the Building Official made pursuant thereto, shall be guilty of a misdemeanor, and shall be punished by a fine of not to exceed Five Hundred (\$500.00) Dollars or, in the event such violation is a violation of a provision governing fire safety or public health and sanitation, including dumping of refuse, by a fine not to exceed Two Thousand (\$2,000.00) Dollars; and each day any such violation continues or occurs shall constitute a separate offense.

6.05. If the office of Building Official is vacant, the Mayor of the Village, or his designee, shall have the powers and shall perform the duties of Chief Administrator under the provisions of the International Code adopted by Section 6.01 of this article.

#### ARTICLE VII- INTERNATIONAL PLUMBING CODE

7.01. The International Plumbing Code, 2009, published by the International Code Council, Inc., together with all amendments thereto, save and except such portions as are inconsistent with the provisions of any other section of this

article, is hereby adopted as the Plumbing Code for the Village.

7.02. For purposes of the International Code adopted by Section 6.01 of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

APPLICABLE GOVERNING BODY. The Board of Aldermen of the Village.

BOARD OF ADJUSTMENTS. The Board of Aldermen of the Village.

BOARD OF APPEALS. The Board of Aldermen of the Village.

CHIEF ADMINISTRATOR. The Building Official of the Village.

CHIEF APPOINTING AUTHORITY. The Board of Aldermen of the Village.

7.03. The Board of Aldermen of the Village shall from time to time by resolution set any fees for the issuances of any permits required by the provisions of the International Code adopted by Section 7.01 of this article.

7.04. Any person, firm or corporation, or the agent of any of them, who shall violate any provision of the International Code adopted by Section 7.01 of this article, or fail to comply with such Code or any requirement therein or any order of the Building Official made pursuant thereto, shall be guilty of a misdemeanor, and shall be punished by a fine of not to exceed Five Hundred (\$500.00) Dollars or, in the event such violation is a violation of a provision governing fire safety or public health and sanitation, including dumping of refuse, by a fine not to exceed Two Thousand (\$2,000.00) Dollars; and each day any such violation continues or occurs shall constitute a separate offense.

7.05. If the office of Building Official is vacant, the Mayor of the Village, or his designee, shall have the powers and shall perform the duties of Chief Administrator under the provisions of the International Code adopted by Section 7.01 of this article.

#### ARTICLE VIII- INTERNATIONAL MECHANICAL CODE

8.01. The International Mechanical Code, 2009, published by the International Code Council, Inc., together with all amendments thereto, save and



except such portions as are inconsistent with the provisions of any other section of this article, is hereby adopted as the Mechanical Code for the Village.

8.02. For purposes of the International Code adopted by Section 8.01 of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

APPLICABLE GOVERNING BODY. The Board of Aldermen of the Village.

BOARD OF ADJUSTMENTS. The Board of Aldermen of the Village.

BOARD OF APPEALS. The Board of Aldermen of the Village.

CHIEF ADMINISTRATOR. The Building Official of the Village.

CHIEF APPOINTING AUTHORITY. The Board of Aldermen of the Village.

8.03. The Board of Aldermen of the Village shall from time to time by resolution set any fees for the issuances of any permits required by the provisions of the International Code adopted by Section 8.01 of this article.

8.04. Any person, firm or corporation, or the agent of any of them, who shall violate any provision of the International Code adopted by Section 8.01 of this article, or fail to comply with such Code or any requirement therein or any order of the Building Official made pursuant thereto, shall be guilty of a misdemeanor, and shall be punished by a fine of not to exceed Five Hundred (\$500.00) Dollars or, in the event such violation is a violation of a provision governing fire safety or public health and sanitation, including dumping of refuse, by a fine not to exceed Two Thousand (\$2,000.00) Dollars; and each day any such violation continues or occurs shall constitute a separate offense.

8.05. If the office of Building Official is vacant, the Mayor of the Village, or his designee, shall have the powers and shall perform the duties of Chief Administrator under the provisions of the International Code adopted by Section 8.01 of this article.

#### ARTICLE IX- INTERNATIONAL FUEL GAS CODE

9.01. The International Mechanical Code, 2009, published by the International Code Council, Inc., together with all amendments thereto, save and except such portions as are inconsistent with the provisions of any other section of this article, is hereby adopted as the Fuel Gas Code for the Village.

9.02. For purposes of the International Code adopted by Section 9.01 of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

APPLICABLE GOVERNING BODY. The Board of Aldermen of the Village.

BOARD OF ADJUSTMENTS. The Board of Aldermen of the Village.

BOARD OF APPEALS. The Board of Aldermen of the Village.

CHIEF ADMINISTRATOR. The Building Official of the Village.

CHIEF APPOINTING AUTHORITY. The Board of Aldermen of the Village.

9.03. The Board of Aldermen of the Village shall from time to time by resolution set any fees for the issuances of any permits required by the provisions of the International Code adopted by Section 9.01 of this article.

9.04. Any person, firm or corporation, or the agent of any of them, who shall violate any provision of the International Code adopted by Section 9.01 of this article, or fail to comply with such Code or any requirement therein or any order of the Building Official made pursuant thereto, shall be guilty of a misdemeanor, and shall be punished by a fine of not to exceed Five Hundred (\$500.00) Dollars or, in the event such violation is a violation of a provision governing fire safety or public health and sanitation, including dumping of refuse, by a fine not to exceed Two Thousand (\$2,000.00) Dollars; and each day any such violation continues or occurs shall constitute a separate offense.

9.05. If the office of Building Official is vacant, the Mayor of the Village, or his designee, shall have the powers and shall perform the duties of Chief Administrator under the provisions of the International Code adopted by Section 9.01 of this article.

#### ARTICLE X- NATIONAL FIRE CODE

10.01. The National Fire Code, 2009, published by the International Code

Council, Inc., together with all amendments thereto, save and except such portions as are inconsistent with the provisions of any other section of this article, is hereby adopted as the Fire Code for the Village.

10.02. For purposes of the National Code adopted by Section 10.01 of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

APPLICABLE GOVERNING BODY. The Board of Aldermen of the Village.

BOARD OF ADJUSTMENTS. The Board of Aldermen of the Village.

BOARD OF APPEALS. The Board of Aldermen of the Village.

CHIEF APPOINTING AUTHORITY. The Board of Aldermen of the Village.

CONTAINER. A vessel designed for the storage of flammable  
or combustible liquids in small quantities.

FIRE OFFICIAL. The Fire Marshal of the Village.

MUNICIPALITY. The Village of Jones Creek, Texas.

10.03. The Board of Aldermen of the Village shall from time to time by resolution set any fees for the issuances of any permits required by the provisions of the National Code adopted by Section 10.01 of this article.

10.04. Any person, firm or corporation, or the agent of any of them, who shall violate any provision of the National Code adopted by Section 10.01 of this article, or fail to comply with such Code or any requirement therein or any order of the Fire Official made pursuant thereto, shall be guilty of a misdemeanor, and shall be punished by a fine of not to exceed Five Hundred (\$500.00) Dollars or, in the event such violation is a violation of a provision governing fire safety or public health and sanitation, including dumping of refuse, by a fine not to exceed Two Thousand (\$2,000.00) Dollars; and each day any such violation continues or occurs shall constitute a separate offense.

10.05. If the office of Building Official or Fire Marshal is vacant, the Mayor of the Village, or his designee, shall have the powers and shall perform the duties of Chief Administrator or Fire Official, as the case may be, under the provisions of the International Code adopted by Section 10.01 of this article.

ARTICLE XI - UNSAFE BUILDING ABATEMENT

11.01. Because the International Code Council, Inc., has not yet adopted a replacement for it, the Standard Unsafe Building Abatement Code, published by the Southern Building Code Congress International, Inc., 1985 Edition, together with all amendments thereto, save and except such portions as are inconsistent with the provisions of any other section of this article, is hereby re-adopted as the Unsafe Building Abatement Code for the Village.

APPLICABLE GOVERNING BODY. The Board of Aldermen of the Village.

BOARD OF ADJUSTMENTS. The Board of Aldermen of the Village.

BOARD OF APPEALS. The Board of Aldermen of the Village.

BUILDING OFFICIAL. The Building Official of the Village.

CHIEF APPOINTING AUTHORITY. The Board of Aldermen of the Village.

OFFICIAL PUBLIC RECORDS. The most current tax roll of the Village at the time any notice required by this Code is given.

OWNER. Includes Appellant@ as used in the Standard Code adopted by Section 11.01 of this Code.

RECORDER-The County Clerk of Brazoria County, Texas.

UNREPARABLE BUILDING OR STRUCTURE. Buildings or structures deemed nonconforming under the provisions of the Comprehensive Zoning Ordinance of the Village.

11.03. For purposes of the Standard Code adopted by Section 11.01 of this article, the following the following amendments, deletions or additions to such code are hereby made and in the event of a conflict with such Standard Code the following shall apply:

(A) Section 105.1 - Appointment, of the Standard Code is

hereby amended to read as follows:

Section 105.1 - Composition

The Board of Alderman shall sit as the Board of Adjustments and Appeals for the purpose of providing for the final interpretation and enforcement of the provisions of the Standard Code adopted by 11.01 of this article. When sitting as the members of such Board, the members of the Board of Alderman shall be governed by the procedure contained in the Standard Code.

(B) Section 105.2 - Term of Office, of the Standard Code

adopted by Section 11.01 of this article is hereby amended to read as follows:

Section 105.2 - Officers and Meeting

As members of the Board of Adjustments and Appeals, the Board of Alderman shall serve without compensation. The Mayor shall serve as the Chairman and, in the absence of the Mayor, the Mayor Pro Tempore shall serve as alternate Chairman. The Village Secretary shall serve as ex officio secretary of the Board. The

Board of Adjustments and Appeals shall meet at the call of its Chairman or any three members thereof. Notice of the date, time and place of any such meeting shall be given by the Secretary in accordance with Texas Open Meetings Act, codified as TEX. GOVERNMENT CODE ' ' 551.001 et seq.

(C) Section 105.4 - Records, of the Standard Code adopted by

Section 11.01 of this article is hereby amended to read as follows:

Section 105.4 - Records

The Secretary shall make a detailed record of all proceedings of the Board of Adjustment and Appeals. The record shall set forth the reasons for the Board=s decision, the vote of each member participating therein, the absence of a member and any failure of a member to vote.

(D) Section 105.5 - Procedures, of the Standard Code adopted

by Section 11.01 of this article is hereby amended to read as follows:

Section 105.5 - Procedure

The Board may establish rules and regulations for its own procedure in addition to and not inconsistent with the provisions of this code. The Board shall meet within ten days after an appeal is filed or at the request of the Building Official when the Building Official desires to have the Board determine whether or not any building or structure complies with the standards set out in this code.

(E) Section 301 - Action Required, of the Standard Code

adopted by Section 11.01 of this article is hereby amended to add thereto the following new section:

Section 301.2 - Compliance with Standards: Public Hearing

If the Building Official has determined that any building, structure, or portion thereof is unsafe, he shall call a meeting of the Board of Adjustments and Appeals for the purpose of conducting a public hearing for such Board to make a determination of whether or not such building, structure, or portion thereof fails to comply with the standards set out in this code and is, thereof, unsafe. Notice in writing of the date, time, and place of such hearing shall be given to the record owner, either personally or by certified mail, postage prepaid, and return receipt requested. Attached to such notice shall be a detailed report documenting conditions which, in opinion of the Building Official, renders the building or structure unsafe under the provisions of this code. The provisions of Sections 302.1.2, 302.1.3, 301.1.4, 402, 403, 502, 503 and 504 of this code shall be applicable to such public hearing and notice with the word Aowner@ being substituted for the word Aappellant@.

(F) Item 2 of Section 302.1.1 - Content of Notice, of the

Standard Code adopted by Section 11.01 of this article is hereby amended to read

as follows:

2. A statement indicating that the building or Structure has been declared unsafe by the Board of Adjustments and Appeals after a public hearing, attaching thereto a copy of the written decision of such Board.

(G) Item 1 of Section 303 - Standards for Compliance, of the Standard Code adopted by Section 11.01 of this article is hereby amended to read as follows:

1. The building or structure shall be repaired in accordance with the applicable building code of the city or demolished at the option of the owner, unless the building or structure is unrepairable, in which event it shall be demolished.

(H) Section 302.1.4 of the Standard Code adopted by Section 11.01 of this article is hereby amended to read as follows:

Section 302.1.4 - Proof of Service

Proof of service of the notice shall be by written declaration indicating the date, time, and manner in which service was made signed by the person served or by the return receipt.

(I) The following definitions contained in Section 202 of the Standard Code adopted by Section 11.01 of this article are hereby amended or added to read as follows:

APPLICABLE GOVERNING BODY - The Board of Alderman of the Village.

BUILDING OFFICIAL - The Building Official appointed pursuant to the International Building Code adopted by Article II of the ordinance adopting this code.

CHIEF APPOINTING AUTHORITY - The Board of Alderman of the Village.

OFFICIAL PUBLIC RECORDS - The most current tax roll of the Village at the time any notice required by the Standard Code adopted by Section 11.01 of this article is given.

RECORDER - The County Clerk of Brazoria County, Texas.

UNREPAIRABLE BUILDING OR STRUCTURE - Any building or structure that cannot be repaired because it is a nonconforming use under the Comprehensive Zoning Ordinance of the Village and the repair of such building or structure is prohibited by such ordinance.

(J) Section 601.2.2 of the Standard Code adopted by Section 11.01 of this article is hereby amended to read as follows:

Section 601.2.2. Subsequent to posting the building or structure, the Building Official may cause the building or structure in question to be repaired to the extent required to render it safe, or if the notice required demolition, the Building Official may cause the building or structure to be demolished and all debris to be removed from the premises. This may be done by using employees of the Village or by contract with an independent contractor and, if the latter, may consist of an agreement whereby such contractor will demolish the building or structure without further compensation than to keep for the use and benefit of such contractor all salvageable material removed from the premises. Any cost incurred by the Village, including but limited to, the wages of employees of the Village who perform such work, during or in connection with the repair or demolition of any building or structure, shall be collected in the manner provided in Section 601.2.4 below. In lieu of demolishing such building or structure on the premises, the Building Official may permit such contractor, at such contractor's expense, to remove or cause such building or structure to be removed from the premises to a location within or without the corporate limits of the Village under such conditions as the Building Official may prescribe, if agreed to by such contractor in writing. Provided, however, before removing such building or structure, such contractor shall agree in writing to indemnify and hold harmless the Village and its officers and employee from any and all claims that might be made against them or any of them arising out of such removal; and if removed to a location within the Village, such building or structure must either be demolished or repaired to comply with the Comprehensive Zoning Ordinance and all applicable technical codes of the Village, within such time as the Building Official may specify.

(K) Chapter 6 of the Standard Code adopted by Section 11.01

of this article is hereby amended to add thereto a new section to be known as Section 601.2.4, which shall read as follows:

Section 601.2.4. Any costs incurred by the Village in the repair demolition of any building or structure shall be assessed against the premises on which such building or structure is or was located by filing with the recorder for recording in the official records of the county a written statement by the Building Official, subscribed and sworn to and duly acknowledge by the Building Official before a notary public or other officer of the state authorized to administer oaths and take acknowledgments, containing the legal description of the premises, the name or names of the owner or owners, a description of the work performed, the date on which such work was completed and a statement of the total cost incurred by the Village in connection therewith. Upon the filing of such statement, the Village shall have a privileged lien on such premises, second only to tax liens and liens for street improvements, to secure the cost of such repair or demolition, together with interest at 10% annum on the total cost incurred from the date such work was completed until paid. For the collection of such cost and interest, suit may be instituted and recovery and foreclosure had in the name of the Village. Such recorded statement of the Building Official shall be prima facie proof of the fact and cost of such repair or demolition and the reasonableness thereof.

11.03. The Board of Aldermen of the Village shall from time to time by resolution set any fees for the issuances of any permits required by the provisions of the Standard Code adopted by Section 11.01 of this article.

11.04. Any person, firm or corporation, or the agent of any of them, who shall violate any provision of the International Code adopted by Section 11.01 of this article, or fail to comply with such Code or any requirement therein or any order of the Building Official made pursuant thereto, shall be guilty of a misdemeanor, and shall be punished by a fine of not to exceed Five Hundred (\$500.00) Dollars; and each day any such violation continues or occurs shall constitute a separate offense.

11.05. If the office of Building Official is vacant, the Mayor of the Village, or his designee, shall have the powers and shall perform the duties of the Building Official under the provisions of the Standard Code re-adopted by Section 11.01 of this article.

#### ARTICLE XII - INTERNATIONAL RESIDENTIAL CODE

12.01. The International Residential Code, 2009, published by the International Code Council, Inc., together with all amendments thereto, save and except such portions as are inconsistent with the provisions of the other section of this article, is hereby adopted as the Residential Code for the Village.

12.02. The following sections of the International Code adopted by Section 12.01 of this article are hereby revised as follows:

Section R101.1. Insert: Village of Jones Creek, Texas

Table R301.2(1).Insert: Southern Building Code Congress International Standard for Hurricane Resistant Residential Construction (SSTD 10)

Section P2603.6.1. Insert: 18 (eighteen) inches

Section P3103.1. Insert 4 (four) inches.

12.03. The Board of Aldermen of the Village shall from time to time by resolution set any fees for the issuances of any permits required by the provisions of the International Code adopted by Section 12.01 of this article.

12.04. Any person, firm or corporation, or the agent of any of them, who shall violate any provision of the International Code adopted by Section 12.01 of



this article, or fail to comply with such Code or any requirement therein or any order of the Building Official made pursuant thereto, shall be guilty of a misdemeanor, and shall be punished by a fine of not to exceed Five Hundred (\$500.00) Dollars or, in the event such violation is a violation of a provision governing fire safety or public health and sanitation, including dumping of refuse, by a fine not to exceed Two Thousand (\$2,000.00) Dollars; and each day any such violation continues or occurs shall constitute a separate offense.

12.05. If the office of Building Official is vacant, the Mayor of the Village, or his designee, shall have the powers and shall perform the duties of Chief Administrator under the provisions of the International Code adopted by Section 12.01 of this article.

Eleventh, nothing contained in this ordinance shall cause any rights heretofore vested to be altered, affected or impaired in any way and all such rights may be hereafter enforced as if this ordinance had not been adopted.

Twelfth, where the provisions of any international code adopted by any Articles II through X and XII, inclusive, of this ordinance conflict or overlap with the provision of Article XI of this ordinance, the provision of Article XI shall apply.


Thirteenth, where provisions of this ordinance conflict or overlap with the Comprehensive Zoning Ordinance of the Village, the zoning ordinance shall control.

Fourteenth, in the event any section or provision of this ordinance is found to be unconstitutional, void or inoperative by the final judgment of a court of competent jurisdiction, such defective provision, if any, is hereby declared to be severable from the remaining sections and provisions of this ordinance and such remaining sections and provisions shall remain in full force and effect.

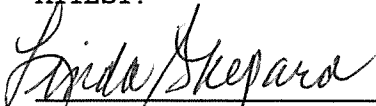
Fifteenth, the penal provisions of this ordinance shall take effect and be in force from and after its descriptive caption has been published twice in the Brazosport Facts, but all other provisions shall take effect

and be in force from and after the adoption of this ordinance.

READ, PASSED AND ADOPTED this 21 day of February, 2012.

  
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Michael Hobbs, Mayor,  
Village of Jones Creek, Texas

ATTEST:

  
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Linda Shepard, Village Administrator/  
Secretary, Village of Jones Creek, Texas

C\JC.Ord\International Code Ord-2009