

ORDINANCE NO. 769

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HOWE, TEXAS, REGULATING RESIDENTIAL DWELLING INSPECTIONS FOR SINGLE-FAMILY OR DUPLEX DWELLINGS AND REQUIRING A CERTIFICATE OF OCCUPANCY; REQUIRING PLUMBING INSPECTIONS FOR CONNECTION, TRANSFER OR RECONNECTION OF WATER ACCOUNTS; ESTABLISHING STANDARDS AND PROCEDURES; PROVIDING FOR A PENALTY NOT TO EXCEED THE SUM OF FIVE HUNDRED AND NO/100 DOLLARS (\$500.00) FOR EACH OFFENSE AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED EACH DAY DURING OR ON WHICH A VIOLATION OCCURS OR CONTINUES; PROVIDING FOR OTHER ENFORCEMENT PROCEEDINGS; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; PROVIDING FOR AN EFFECTIVE DATE AS THE DATE OF PUBLICATION AS REQUIRED BY LAW; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN AS REQUIRED BY LAW.

WHEREAS, the City Council of the City of Howe, Texas, has determined that the condition of living quarters are important issues and concerns affecting the City; and,

WHEREAS, the City Council of the City of Howe, Texas, has previously adopted the 2015 International Residential Building Code, 2015 International Mechanical Code, 2015 International Plumbing Code, 2015 International Fire Code, 2015 International Fuel Gas Code, 2015 International Energy Conservation Code, 2014 National Electrical Code and 2015 International Property Maintenance Code; and,

WHEREAS, the condition of living quarters and their compliance with applicable codes affect the public health, safety and welfare; and,

WHEREAS, the City Council of the City of Howe, Texas, has determined that there is a need to establish a procedure to inspect existing residential property in the City of Howe, Texas: and,

WHEREAS, the condition of existing plumbing and its compliance with applicable codes affect the public health, safety and welfare; and,

WHEREAS, the City Council of the City of Howe, Texas, has determined that there is a need to establish a procedure to inspect existing plumbing in the City of Howe, Texas: and,

WHEREAS, the provisions herein are necessary to promote and protect the health, safety, and welfare of the public by creating inspection standards and procedures.

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

SECTION 1. Adoption of Findings of Fact

The findings and recitations set out in this Ordinance are found to be true and correct and they are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

SECTION 2. Change in Ownership, Tenancy or Use For Residential Dwelling Requires Certificate of Occupancy

Upon change of ownership or tenancy in a building or structure used or to be used as a single-family, duplex dwelling (including any quadplex or similar dwelling) or similar structure intended for residential occupancy, the owner or tenant shall request a certificate of occupancy from the building official before occupancy. If the dwelling unit has been inspected for a certificate of occupancy within 1 year of the change of ownership or tenancy, a new certificate of occupancy shall not be required.

Prior to allowing occupancy of the building the building official shall inspect the building for compliance with the requirements of all applicable ordinances and building code regulations, including but not limited to water, sewer and electrical service, the city's property maintenance code, and the comprehensive zoning ordinance. If violations are found the building official may prohibit occupancy of the structure and shall direct the owner or tenant to take such action as is necessary to bring the premises into compliance with the above codes and ordinances.

The customer shall pay to the city an inspection fee as set forth in a City adopted fee schedule prior to final inspection to ensure compliance with City codes. Each additional inspection required as a result of a prior failed inspection shall require the payment of an additional inspection fee.

SECTION 3. Plumbing Inspection Required for New, Reconnected or Transferred Water Accounts

Service inspection and certification required

Prior to allowing any new permanent direct connection to the public drinking water supply, prior to transferring a water account and prior to any re-establishment of service which has been suspended or terminated, the requestor and city shall cause an inspection to be made of the customer's plumbing system to insure that it complies with applicable City code and any other applicable federal, state and local regulations. Inspections resulting in approvals shall be evidenced by a written inspection certification signed by the inspector representing the city. Water service may be temporarily turned on for inspection or repairs and turned off immediately upon completion of the inspections and/or repair work.

Water Service Inspection fees

The customer shall pay to the city an inspection fee as set forth in a City adopted fee schedule prior to final inspection of the customer's water system to ensure compliance with City codes. Each additional inspection required as a result of a prior failed inspection shall require the payment of an additional inspection fee.

If any water service customer subject to the terms of this ordinance fails to comply with its terms or the terms of the services agreement with the city municipal water system, the city shall, at its option, either terminate service or properly install, test, and maintain an appropriate backflow prevention device at the service connection, or provide other appropriate remedial service. Any expenses incurred by the city associated with the enforcement of this code or the service agreement with the customer shall be reimbursed by the customer. Failure of the customer to promptly reimburse the city shall result in termination of service.

SECTION 4. Fee Schedules and Checklists Authorized

The City Council hereby delegates all future authority to draft, amend, approve and/or adopt any and all fee schedules and checklists for inspection related matters to the City Administrator, or his designee, with the input of the City Engineer.

The fee schedule may be drafted, amended, approved and/or adopted, from time to time, at the discretion and determination of the City Administrator, or his designee, with the input of the City Engineer.

The City Council hereby delegates all future authority to draft, amend, approve and/or adopt any and all fee schedules, checklists, review criteria and forms, to the City Administrator, or designee, with the input of the City Engineer.

The City of Howe makes no representations, guarantees, or warranties as to the accuracy, completeness, currency, or suitability of an inspection or a structure for occupancy or use.

SECTION 5. Penalty

Any person violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in the sum of not more than Five Hundred and no/100 Dollars (\$500.00). Each continuing day's violation under this Ordinance shall constitute a separate offense. Unless otherwise specifically set forth in this Section or in state law, as adopted, allegation and evidence of a culpable mental state is not required for proof of the violation of any provision of this Section.

SECTION 6. Injunctive Relief

In addition to and accumulative of all other penalties, Howe shall have the right to seek injunctive relief for any and all violations of this Ordinance.

SECTION 7. Severability Clause

It is the intention of the City Council that this Ordinance, and every provision thereof, shall be considered severable and the invalidity of any section, clause or provision or part or portion of any section, clause, or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance.

SECTION 8. Repealing and Saving Clauses

This ordinance creates additional inspection requirements and is not intended to repeal any existing inspection requirements. In the event of a conflict, the more stringent requirement applies. Only those Ordinances in direct conflict herewith are repealed and only to the extent they are in direct conflict and cannot be reconciled by applying the more stringent requirement. Any remaining portions of conflicting ordinances shall remain in full force and effect.

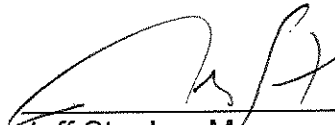
SECTION 9. Effective Date

This Ordinance shall become effective from and after its adoption and publication as required by the City ordinance and by law.

SECTION 10. Lawful Meeting


That it is hereby officially found and determined that the meeting at which this ordinance is passed is open to the public as required by law and that public notice of the time, place, and purpose of said meeting was given as required.

PASSED AND APPROVED THIS 15th day of October, 2019.



Jeff Stanley, Mayor

ATTEST



Joy Stevens
City Secretary

