

**ORDINANCE NO. 2018-32**

**AN ORDINANCE OF THE CITY OF BUDA, TEXAS, AMENDING THE BUDA CODE OF ORDINANCES BY AMENDING ARTICLE 10.03 OF CHAPTER 10, PERTAINING TO THE FIRE CODE; PROVIDING FOR SEVERABILITY; REPEALING CONFLICTING ORDINANCES; ESTABLISHING PENALTIES; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Texas Local Governmental Code empowers the City to enact building codes and regulations and provide for their administration, enforcement, and amendment; and

**WHEREAS**, the regulation of building and building construction by the City of Buda is necessary to protect the public health and welfare; and

**WHEREAS**, the City of Buda previously has adopted building codes and regulations, Ordinance #2018-15, and deems it necessary to amend same;

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

**Section 1:** The facts and recitations set forth in the preamble of this ordinance are hereby found to be true and correct.

**Section 2:** The City of Buda Code of Ordinances is hereby amended by deleting section 10.03.002 of chapter 10 thereof and substituting therefor new section 10.03.002 of chapter 10 to provide as follows:

**CHAPTER 10 FIRE PREVENTION AND PROTECTION**

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**ARTICLE 10.03 FIRE CODE**

**Division 1. Generally**

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**Sec. 10.03.002 Appendices**

The city adopts the appendices to the International Fire Code, 2015 edition, that are adopted by the Hays County Emergency Services District No. 8 in its Order No. 12-20-17-01.

**Section 3:** The City of Buda Code of Ordinances is hereby amended by deleting section 10.03.003 of chapter 10 thereof and substituting therefor new section 10.03.003 of chapter 10 to provide as follows:

**Sec. 10.03.003 Amendments adopted by district**

- (a) The International Fire Code, 2015 edition, as adopted in Section 10.03.001 and the appendices to the International Fire Code, 2015 edition, as adopted in Section 10.03.002 are hereby amended in the same manner as the amendments provided in Order No. 12-20-17-01 of the Hays County Emergency Services District No. 8, and additionally shall be amended in the future in the same manner as any future amendments adopted by the Hays County Emergency Services District No. 8, provided the following are hereby amended by the city:
- (1) *Subsection 101.1* is hereby deleted and replaced with the following:  
*101.1 Title.* These regulations shall be known as the Fire Code of the City of Buda, Texas, hereinafter referred to as "this code."
- (2) *Subsection 110.4* is hereby deleted and replaced with the following:  
*110.4 Violation penalties.* Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directives of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a misdemeanor, punishable as set forth in section 1.01.009(b) of this Code. Each day that a violation continues after due notice has been serviced shall be deemed a separate offense.  
*110.4.1 Abatement of violation.* In addition to the imposition of penalties therein described, the fire code official is authorized to institute appropriate action to prevent unlawful construction or to restrain, correct or abate a violation; or to prevent illegal occupancy of a structure or premises; or to stop an illegal act, conduct of business or occupancy of a structure on or about any premises.
- (3) *Subsection 112.4* is hereby deleted.
- (b) Furthermore, all references in the order to the district shall be limited for purposes of this article to the city limits of the City of Buda, Texas.

**Section 4:** Order No. 12-20-17-01 of the Hays County Emergency Services District is hereby attached hereto as Exhibit A and as stated in and for the purposes set forth in Sections 2 and 3 of this Ordinance.

**Section 5:** This ordinance shall be cumulative of all other ordinances of the City of Buda, and this ordinance shall not operate to repeal or affect any other ordinances of the City of Buda except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, are hereby repealed.

**Section 6:** If any clause or provision of this Ordinance shall be deemed to be unenforceable for any reason, such unenforceable clause or provision shall be severed from the remaining portion of the

Ordinance, which shall continue to have full force and effect.

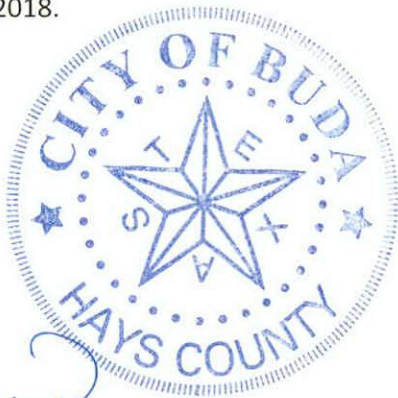
**Section 7:** Passage. Pursuant to Section 3.12(A) of the City Charter, the Council determined that the first reading of this ordinance is sufficient for adequate consideration by an affirmative vote of five or more members of the City Council during the first reading and the Ordinance was passed by the affirmative vote of four or more members of the City council; therefore, this Ordinance is adopted and enacted without further readings. In the event a second reading is necessary, this Ordinance is adopted and enacted upon the affirmative vote of four or more members of the City Council upon second reading.

**Section 8:** Penalty. Any person who violates, or any person who causes or allows another person to violate, any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than Two Thousand Dollars (\$2000.00). Each occurrence of any violation of this Ordinance shall constitute a separate offense. Each day in which any violation of this Ordinance occurs shall constitute a separate offense.

**Section 9:** Effective Date. This Ordinance shall take effect immediately after its final passage and any publication in accordance with the requirements of the City of Buda and the laws of the State of Texas.

PASSED AND APPROVED for consideration on first and final reading by an affirmative vote of the City Council of the City of Buda, on the 7th day of November 2018.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Buda, on this the 7th day of November, 2018.



ATTEST:

A handwritten signature in blue ink, appearing to read 'Alicia Ramirez', is written over a horizontal line.

Alicia Ramirez, City Clerk

THE CITY OF BUDA, TEXAS:

A handwritten signature in blue ink, appearing to read 'George Haehn', is written over a horizontal line.

George Haehn, Mayor

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