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CITY OF ROLLINGWOOD, TEXAS

ORDINANCE NO. 2023-06-21-11

**AN ORDINANCE OF THE CITY OF ROLLINGWOOD, TEXAS,
AMENDING THE CITY’S CODE OF ORDINANCES SECTIONS 101-2
ADOPTION OF CODES, ADDING LOCAL AMENDMENTS TO THE
INTERNATIONAL BUILDING CODE AND INTERNATIONAL
RESIDENTIAL CODE FOR BUILDING HEIGHT VERIFICATION;
PROVIDING A SAVINGS CLAUSE, REPEALING CONFLICTING LAWS
AND ESTABLISHING AN EFFECTIVE DATE**

WHEREAS, the City of Rollingwood (“City”) is a General Law Type A City under the statutes of the State of Texas; and

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

WHEREAS, the City Council desires to protect the safety and welfare of the citizens of the City through regulation of construction activities in the City; and

WHEREAS, the City has adopted previous versions of the ICC International codes; and

WHEREAS, the City’s building and construction codes are intended to be updated periodically and City Staff has undertaken a review of the existing codes and amendments and recommends adoption of the amendments provided herein; and

WHEREAS, the City Council held a public hearing on May 17, 2023 and after consideration has determined that it is in the best interest of the residents of the City to amend the local amendments to the International Codes, as set forth herein, to regulate construction activities in the City; and

WHEREAS, the City has complied with all conditions precedent necessary to take this action, has properly noticed and conducted all public hearings and public meetings pursuant to the Texas Local Government Code and Texas Government Code, as applicable.

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

SECTION 1. All the above premises are hereby found to be true and correct legislative and factual findings of the City Council and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

38 **SECTION 2.** The City’s Code of Ordinances Chapter 101, Section 101-2 Adoption of
39 codes shall be amended to read as follows, with underlines being additions and strikethroughs
40 being deletions:

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42 Sec.101-2 – Adoption of codes.

43 (a) The codes adopted in this section, together with the remaining provisions of this
44 chapter and the fire code and regulations of chapter 10, shall constitute the city
45 construction regulations. The city construction regulations will apply to all
46 construction within the city, except as otherwise specifically provided in this
47 Code.

48 (b) The city adopts the following codes as though fully set forth in this chapter,
49 copies of which are on file in the office of the city secretary:

50 (1) International Administrative Code, 2006 Edition, published by the
51 International Code Council.

52 (2) International Building Code, 2015 Edition, published by the International
53 Code Council, subject to the amendments set forth in subsection (d) of this
54 section.

55 (3) International Residential Code, 2015 Edition, published by the International
56 Code Council, with amendments and section AG105 of appendix G.

57 (4) International Energy Conservation Code, 2015 Edition, published by the
58 International Code Council.

59 (5) International Mechanical Code, 2015 Edition, published by the
60 International Code Council.

61 (6) International Plumbing Code, 2015 Edition, published by the International
62 Code Council.

63 (7) National Electrical Code, 2014 Edition, published by the National Fire
64 Protection Association, subject to the amendments set forth in subsection
65 (d) of this section.

66 (8) Uniform Code for the Abatement of Dangerous Buildings, 2015 Edition,
67 published by the International Conference of Building Officials.

68 (c) The International Building Code adopted herein is amended as follows:

69 (1) By adding a new section, Section 110.3.8.1, which follows immediately
70 after section 110.3.8, to read as follows:

71 Section 110.3.8.1 Building height verification. Any residential structure that is proposed to
72 have a height within 5 feet of the maximum height allowed in the respective zoning district
73 must have height and elevation verifications performed by the City of Rollingwood or its
74 representative at the following points of the construction process:

75 (a) prior to demolition

76 (b) prior to passing the framing inspection, showing the original native ground
77 surface and proposed building height, and

78 (c) upon application for an occupancy permit, showing the original native ground surface
79 and the height of the finished structure measured from the original native ground
80 surface.
81

82 (d) The International Residential Code adopted herein is amended as follows:

83 (1) By adding a new section, Section R109.1.5.2, which follows immediately after section
84 R109-1.5.1, to read as follows:

85
86 Section R109.1.5.2 Building height verification. Any residential structure that is proposed to
87 have a height within 5 feet of the maximum height allowed in the respective zoning district
88 must have height and elevation verifications performed by the City of Rollingwood or its
89 representative at the following points of the construction process:

90 (a) prior to demolition

91 (b) prior to passing the framing inspection, showing the original native ground
92 surface and proposed building height, and

93 (c) upon application for an occupancy permit, showing the original native ground surface
94 and the height of the finished structure measured from the original native ground
95 surface.

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97 ~~(e)~~(e) The National Electrical Code adopted in this section is amended by adding
98 a new section 308, which follows immediately after section 307, to read as
99 follows:

100 Section 308. Notwithstanding any other provision of this code, the use of
101 aluminum wiring as a conductor of electricity in branch circuit wiring, or in
102 service conductors smaller than six, is hereby prohibited.

103
104 **SECTION 3.** All provisions of the ordinances of the City of Rollingwood in conflict with
105 the provisions of this ordinance are hereby repealed to the extent of such conflict, and all other
106 provisions of the ordinances of the City of Rollingwood not in conflict with the provisions of this
107 ordinance shall remain in full force and effect.

108
109 **SECTION 4.** Should any sentence, paragraph, subdivision, clause, phrase or section of
110 this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not
111 affect the validity of this ordinance as a whole, or any part or provision thereof other than the part
112 so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of
113 Ordinances as a whole.

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115 **SECTION 5.** This ordinance shall take effect immediately from and after its passage and
116 the publication of the caption, as the law and charter in such cases provide.

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121 **APPROVED, PASSED AND ADOPTED** by the City Council of the City of Rollingwood, Texas,
122 on the ____ day of _____, 2023.

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APPROVED:

Gavin Massingill, Mayor

ATTEST:

Desiree Adair, City Secretary

DRAFT