

**CITY OF OVILLA
ORDINANCE NO. 031124-B**

AN ORDINANCE OF THE CITY OF OVILLA, TEXAS, REPEALING SECTION 3.02.051 "ADOPTED", SUBSECTION (A), "BUILDING CODE", PARAGRAPH 1, OF DIVISION 2, "BUILDING CODE AND RESIDENTIAL CODE", OF THE CODE OF ORDINANCES OF THE CITY OF OVILLA AND PROVIDING FOR THE ADOPTION OF A NEW SECTION 3.02.051 "ADOPTED", SUBSECTION (A), "BUILDING CODE", PARAGRAPH 1, TO READOPT THE 2018 BUILDING CODE AND COG AMENDMENTS AS AMENDED TO INCLUDE A NEW SUBPARAGRAPH ENTITLED "CITY OF OVILLA LOCAL AMENDMENT(S)"; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVING FOR AMENDMENTS; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF A FINE IN AN AMOUNT NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE, AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED UPON EACH DAY DURING OR ON WHICH A VIOLATION OCCURS OR CONTINUES; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Ovilla, Texas ("City") is a Type-A general law municipality located in Ellis and Dallas Counties; and

WHEREAS, on March 13, 2023, the City Council approved Ordinance No. 2023-07 adopting the 2018 International Building Code with 2018 COG Amendments (the "Building Code"); and

WHEREAS, the City Council now desires to amend the Building Code by amending Section 3.02.051(A)(1), Building Code, of Division 2, "Building Code and Residential Code" to adopt a new subparagraph entitled "City of Ovilla Local Amendment(s)" to the Building Code as set forth herein; and

WHEREAS, the City Council conducted a public hearing on the City of Ovilla Local Amendment adopted hereby, and at such hearing, the public was afforded the opportunity to provide comment; and

WHEREAS, after conducting the public hearing, the City Council reviewed the proposed Local Amendment and finds and determines that amending Section 3.02.051(a), paragraph (1), Subparagraph (A)(i) to adopt a local amendment related to required occupant capacities for storm shelters to reflect Texas Education Agency standards serves the development needs of the City and is in the best interest of public health, safety, and welfare of the citizens of Ovilla.

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

**SECTION 1.
INCORPORATION OF PREMISES**

That the above and foregoing recitals are true and correct, are findings of the City Council, and are incorporated into this Ordinance and made a part hereof for all purposes.

**SECTION 2.
AMENDMENT**

Division 2, "Building Code and Residential Code", Section 3.02.051, "Adopted", Subsection (a), "Building Code", paragraph 1 of the Code of Ordinances of the City of Ovilla is hereby repealed in its entirety, and a new Section 3.02.051(a)(1) is hereby adopted to be and read in its entirety as follows, with all other paragraphs and subsections of Section 3.02.051 not expressly amended hereby to remain in full force and effect without amendment:

"Section 3.02.051. Adopted.

(a). Building Code.

- (1) The 2018 Edition of the International Building Code with 2018 COG Amendments – Option A, and such Local Amendments as set forth below, (collectively the "Building Code") is hereby adopted as the official Building Code of the City of Ovilla, Texas, and is fully incorporated by reference as though copied into this ordinance in its entirety. The material contained in the Building Code shall not be included in the formal municipal codification of ordinances but shall be maintained as a public record in the office of the City Secretary and will be available for public inspection during regular business hours.

The following Local Amendment(s) are hereby adopted and incorporated into the Building Code. Deletions are marked with strike-through and additions are underlined to depict modifications to the Sections of the 2018 Edition of the International Building Code with 2018 COG Amendments – Option A, adopted by the City as Local Amendments:

(A) City of Ovilla Local Amendment(s):

(i) Section 423.4.1 Required Occupant Capacity.

The required occupant capacity of the storm shelter shall include all of the buildings on the site and shall at minimum be the ~~greater of the following equivalent to:~~

4. The total occupant load of the classrooms, vocational rooms and offices in the Group E occupancy.

- ~~2. The occupant load of any indoor assembly space that is associated with the Group E occupancy.~~

Exceptions:

1. Where a new building is being added on an existing Group E site, and where the new building is not of sufficient size to accommodate the required occupant capacity of the storm shelter for all of the buildings on the site, the storm shelter shall at a minimum accommodate the required occupant capacity for the new building.
2. Where approved by the code official, the required occupant capacity of the shelter shall be permitted to be reduced by the occupant capacity of any existing storm shelters on the site.
3. For public schools, the required occupant capacity of the storm shelter shall be calculated by multiplying the 1.10 by the Texas Education Agency maximum instructional capacity according to Title 19, Part 2, Chapter 61, Subchapter CC, Section 61.1040 of the Texas Administrative Code. The Design Professional in Responsible Charge shall provide an analysis showing the calculation of the maximum student capacity on the construction documents."

...

**SECTION 3.
CUMULATIVE REPEALER**

This Ordinance shall be cumulative of all other ordinances and shall not repeal any of the provisions of such ordinances except for those instances where there are direct conflicts with the provisions of this ordinance. Ordinances, or parts thereof, in force at the time this ordinance shall take effect and that are inconsistent with this ordinance are hereby repealed to the extent that they are inconsistent with this ordinance. Provided; however, that any complaint, action, claim or lawsuit which has been initiated or has arisen under or pursuant to such other ordinances on this date of adoption of this ordinance shall continue to be governed by the provisions of such ordinance and for that purpose the ordinance shall remain in full force and effect.

**SECTION 4.
SAVINGS**

All rights and remedies of the City of Ovilla, Texas are expressly saved as to any and all violations of the provisions of any other ordinance which have secured at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances same shall not be affected by this ordinance but may be prosecuted until final disposition by the court.

**SECTION 5.
SEVERABILITY**

The provisions of the ordinance are severable. However, in the event this ordinance or any procedure provided in this ordinance becomes unlawful, or is declared or determined by a judicial, administrative or legislative authority exercising its jurisdiction to be excessive, unenforceable, void, illegal or otherwise inapplicable, in whole or in part, the remaining and lawful provisions shall be of full force and effect and the City shall promptly promulgate new revised provisions in compliance with the authority's decisions or enactment.

**SECTION 6.
PENALTY**

Any person, firm, corporation or business entity intentionally, knowingly or recklessly violating this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine not to exceed the sum of \$2,000.00 for all violations involving zoning, fire safety, or public health and sanitation, including dumping or refuse, and shall be fined not more than \$500.00 for all other violations of this Ordinance. Each continuing day's violation under this ordinance shall constitute a separate offense. The penal provisions imposed under this ordinance shall not preclude the city from filing suit to enjoin the violation or taking other legal action as allowed by law.

**SECTION 7.
ENGROSSMENT AND ENROLLMENT**

The City Secretary is hereby directed to engross and enroll this Ordinance by copying the exact Caption and Effective Date clause in the minutes of the City Council and by filing this Ordinance in the Ordinance records of the City.

**SECTION 8.
EFFECTIVE DATE**

This Ordinance shall take effect upon its passage and publication as required by law. The City Secretary is directed to publish the caption of this Ordinance as required law.

DULY PASSED AND APPROVED by the City Council of the City of Ovilla, Texas this 11th day of March 2024.

CITY OF OVILLA

By: _____

Richard Dormier, Mayor

ATTEST:


Bobbie Jo Taylor, City Secretary

