

**CITY OF ROLLINGWOOD, TEXAS**

**ORDINANCE NO. 2023-07-19-14**

**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 July 19, 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.

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

Sec.101-2 – Adoption of codes.

- (a) The codes adopted in this section, together with the remaining provisions of this chapter and the fire code and regulations of chapter 10, shall constitute the city construction regulations. The city construction regulations will apply to all construction within the city, except as otherwise specifically provided in this Code.
- (b) The city adopts the following codes as though fully set forth in this chapter, copies of which are on file in the office of the city secretary:
  - (1) International Administrative Code, 2006 Edition, published by the International Code Council.
  - (2) International Building Code, 2015 Edition, published by the International Code Council, subject to the amendments set forth in subsection (d) of this section.
  - (3) International Residential Code, 2015 Edition, published by the International Code Council, with amendments and section AG105 of appendix G.
  - (4) International Energy Conservation Code, 2015 Edition, published by the International Code Council.
  - (5) International Mechanical Code, 2015 Edition, published by the International Code Council.
  - (6) International Plumbing Code, 2015 Edition, published by the International Code Council.
  - (7) National Electrical Code, 2014 Edition, published by the National Fire Protection Association, subject to the amendments set forth in subsection (d) of this section.
  - (8) Uniform Code for the Abatement of Dangerous Buildings, 2015 Edition, published by the International Conference of Building Officials.
- (c) The International Building Code adopted herein is amended as follows:
  - (1) By adding a new section, Section 110.3.8.1, which follows immediately after section 110.3.8, to read as follows:

Section 110.3.8.1 Pre-development survey and building height verification.

Prior to the issuance of any permit for site development associated with site disturbance and grading or new residential construction, addition or demolition which the Building Official determines may affect the original native ground surface of a property, a survey of the original native ground surface of the site must be prepared and submitted by the applicant. The survey shall meet the requirements provided by the Building Official and must be verified and approved by the City of Rollingwood or its representative.

In addition to the survey of the original native ground surface prior to any site development, any residential structure that is proposed to have a height within 5 feet of the maximum height allowed in the respective zoning district must have a height and elevation verification performed by the City of Rollingwood or its representative prior to passing the framing inspection, showing the original native ground surface and proposed building height.

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

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

Section R109.1.5.2 Pre-development survey and building height verification.

Prior to the issuance of any permit for site development associated with site disturbance and grading or new residential construction, addition or demolition which the Building Official determines may affect the original native ground surface of a property, a survey of the original native ground surface of the site must be prepared and submitted by the applicant. The survey shall meet the requirements provided by the Building Official and must be verified and approved by the City of Rollingwood or its representative.

In addition to the survey of the original native ground surface prior to any site development, any residential structure that is proposed to have a height within 5 feet of the maximum height allowed in the respective zoning district must have a height and elevation verification performed by the City of Rollingwood or its representative prior to passing the framing inspection, showing the original native ground surface and proposed building height.

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

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

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

**SECTION 4.** Should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part

so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of Ordinances as a whole.

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

**APPROVED, PASSED AND ADOPTED** by the City Council of the City of Rollingwood, Texas, on the 19th day of July 2023.

APPROVED:

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Gavin Massingill, Mayor

ATTEST:

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Desiree Adair, City Secretary