

**CITY OF TIOGA, TEXAS**

**ORDINANCE NO. 319**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TIOGA, TEXAS, ADOPTING THE 2003 EDITIONS AND APPENDICES OF THE INTERNATIONAL FIRE CODE; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Tioga is a General-Law municipality located in Grayson County, Texas created in accordance with the provisions of the Texas Local Government Code, the Texas Constitution and operating pursuant to the enabling legislation of the state of Texas; and

**WHEREAS**, the City of Tioga Building Official and Fire Marshal have made certain determinations regarding the International Fire Code and the necessity of these amendments to protect the health, safety and welfare of the general public.

**WHEREAS**, the City Council of the City of Tioga desires to adopt the International Fire Code, 2003 Editions and Appendices; and

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

**SECTION 1**  
**INCORPORATION OF PREMISES**

The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

**SECTION 2**  
**FINDINGS**

After due deliberations the City Council has concluded that the adoption of this Ordinance is in the best interest of the City of Tioga, Texas and of the public health, safety and welfare.

**SECTION 3**  
**AMENDMENTS**

3.01 (a) That the City Council of the City of Tioga does hereby adopt the 2003 Editions of the International Fire Code, and appendices as published by the International Code Council, which Code is incorporated herein by reference. A copy of the International Fire Code, 2003 Edition, shall be kept in the office of the Building Official.

(b) The City Building Official shall have the authority and power to enforce all provisions of the International Fire Code, 2003 Edition, and appendices, as amended.

3.02 All other articles, chapters, sections, paragraphs, sentences, phrases and words are not amended but are hereby ratified and affirmed.

**SECTION 4**  
**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. 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 5**  
**SAVINGS**

All rights and remedies of the City of Tioga, Texas are expressly saved as to any and all violations of this provision of any other ordinance affecting the City's Ordinance adopting the International Fire Code, 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 6**  
**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 7**  
**PENALTY**

Any person, firm or corporation violating any of the provisions or terms of this ordinance or of the Code of Ordinances as amended hereby, shall be subject to the same penalty as provided for in the Code of Ordinances of the City of Tioga, and upon conviction shall be punished by a fine not to exceed Two Thousand Dollars (\$2,000.00) for each offense.

If the governing body of the City of Tioga determines that a violation of this Ordinance has occurred, the City of Tioga may bring suit in district court to enjoin the person, firm, partnership, corporation, or association from engaging in the prohibited activity.

**SECTION 7**  
**ENGROSSMENT AND ENROLLMENT**

The City Secretary is hereby directed to engross and enroll this Ordinance by copying the descriptive caption in the minutes of the City Council and by filing this Ordinance in the Ordinance records of the City.

**SECTION 8**  
**EFFECTIVE DATE**

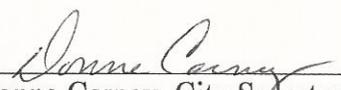
This Ordinance shall become effective from and after its date of passage in accordance with law.

**AND IT IS SO ORDAINED.**

**PASSED AND APPROVED** by the City Council of the City of Tioga, Texas this \_\_\_\_\_ day of December, 2013.

  
\_\_\_\_\_  
Craig Jezek  
City of Tioga, Texas

ATTEST:

  
\_\_\_\_\_  
Donna Carney, City Secretary  
City of Tioga, Texas

[SEAL]

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney  
City of Tioga, Texas