

**CITY OF CELINA, TEXAS**

**ORDINANCE 2014-22**

**AN ORDINANCE OF THE CITY COUNCIL OF CELINA, TEXAS, AMENDING ORDINANCE 2012-06 AMENDING THE CITY'S CODE OF ORDINANCES, CHAPTER 3: BUILDING REGULATIONS, ARTICLE 3.01: GENERAL PROVISIONS, SECTION 3.01.001 BUILDING PERMITS; PROVIDING FINDINGS; PROVIDING FOR AMENDMENT TO THE CODE OF ORDINANCES; PROVIDING FOR A CUMULATIVE REPEALER CLAUSE; PROVIDING FOR SAVINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Celina is a Home Rule Municipality located in Collin County and Denton County, Texas, created in accordance with the provisions of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas and the Celina City Charter; and

**WHEREAS**, the City has adopted the 2012 International Residential Code and amendments thereto and desires to extend its application to buildings and/or structures within the City's extraterritorial jurisdiction; and

**WHEREAS**, the City has adopted the 2012 International Building Code and amendments thereto and desires to extend its application to buildings and/or structures within the City's extraterritorial jurisdiction; and

**WHEREAS**, the City has adopted the 2012 International Mechanical Code and amendments thereto and desires to extend its application to buildings and/or structures within the City's extraterritorial jurisdiction; and

**WHEREAS**, the City has adopted the 2012 International Plumbing Code and amendments thereto and desires to extend its application to buildings and/or structures within the City's extraterritorial jurisdiction; and

**WHEREAS**, the City has adopted the 2012 International Electrical Code and amendments thereto and desires to extend its application to buildings and/or structures within the City's extraterritorial jurisdiction; and

**WHEREAS**, the City has adopted the 2011 International Energy Construction Code and amendments thereto and desires to extend its application to buildings and/or structures within the City's extraterritorial jurisdiction; and

**WHEREAS**, the City has adopted the 2012 International Fuel Gas Code and amendments thereto and desires to extend its application to buildings and/or structures within the City's extraterritorial jurisdiction; and

**WHEREAS**, the City has adopted the 2012 International Fire Code and amendments thereto and desires to extend its application to buildings and/or structures within the City's extraterritorial jurisdiction; and

**WHEREAS**, Chapters 212 and 230 of the Texas Local Government Code authorizes municipalities to exercise regulations affecting the development and construction of subdivisions in the municipalities city limits and extraterritorial jurisdiction; and

**WHEREAS**, certain decisions by Texas appellate courts specifically City of Lucas v. North Texas Municipal Water District and Hartsell v. Town of Talty recognize that a municipality may enforce its construction related codes in its corporate limits and extraterritorial jurisdiction; and

**WHEREAS**, the interlocal agreement between the City of Celina and Collin County which was approved by the Collin County Commissioners Court on March 25, 2002 via court order 2002-193-03-25 grants the City of Celina the exclusive jurisdiction to regulate all plats, subdivisions of land, its adopted subdivision regulations or other applicable codes or ordinances, and related permits within the extraterritorial jurisdiction of the City of Celina; and

**WHEREAS**, the City council has taken into consideration the City's staffing levels and its staff's areas of expertise and determined that the public interest would be well served by the adoption of this ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CELINA, 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 Celina, Texas and of the public health, safety and welfare.

**SECTION 3**  
**AMENDMENTS**

3.01 That the Celina Code of Ordinances, Chapter 3: Building Regulations, Article 3.01 General Provisions, Section 3.01.001 Building Permits is hereby amended to read as follows:

**“Sec. 3.01.001            Building Permits**

- (a) Building permits are required within the city limits and on all property within the city's extraterritorial jurisdiction.

- (b) No building or other structure shall be erected, moved, added to, or structurally altered within the city limits or within the city's extraterritorial jurisdiction without a building permit therefore issued by the city. No building permit shall be issued except in conformity with the provisions of this Chapter and all applicable construction codes of the City."

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

**SECTION 4**  
**CUMULATIVE REPEALER CLAUSE**

All provisions of any ordinance in conflict with this Ordinance are hereby repealed, but such repeal shall not abate any pending prosecution from violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinance shall remain in full force and effect.

**SECTION 5**  
**SAVING CLAUSE**

All rights and remedies of the City of Celina, Texas are expressly saved as to any and all violations of this provision of any other ordinance affecting the City's Code of Ordinances, Chapter 3: Building Regulations 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 maybe 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**  
**PUBLICATION**

The City Secretary of the City of Celina is hereby directed to publish in the Official Newspaper of the City of Celina the Caption and Effective Date of this Ordinance as required by Section 52.013 of the Local Government Code.

**SECTION 8**  
**ENGROSSMENT AND ENROLLMENT**

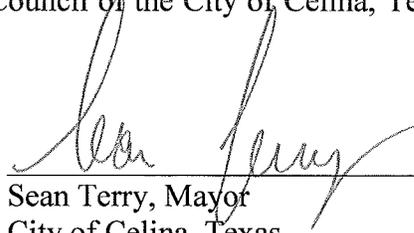
The City Secretary is hereby directed to engross and enroll this Ordinance by copying the descriptive caption in the minutes of the City Council and by filing this Ordinance in the Ordinance records of the City.

**SECTION 9**  
**EFFECTIVE DATE**

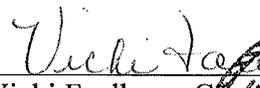
This Ordinance shall become effective from and after its date of passage in accordance with law.

AND IT IS SO ORDAINED.

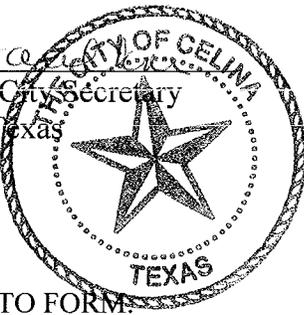
**PASSED AND APPROVED** by the City Council of the City of Celina, Texas this 13th day of May, 2014.

  
\_\_\_\_\_  
Sean Terry, Mayor  
City of Celina, Texas

ATTEST:

  
\_\_\_\_\_  
Vicki Faulkner, City Secretary  
City of Celina, Texas

[SEAL]



APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney  
City of Celina, Texas