

ORDINANCE NO. 2023-37

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF TEXAS, TEXAS AMENDING THE CODE OF ORDINANCES TITLE XV ENTITLED “LAND USAGE”, CHAPTER 151: ELECTRICITY; SECTION 151.080 ENTITLED “NATIONAL ELECTRICAL CODE ADOPTED: CONFLICTING REGULATIONS” AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE; REPEALING ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, the City of Texas City, Texas is authorized to regulate ordinances pursuant to Texas Local Government Code;

WHEREAS, the City Commission of the city of Texas City, Texas needs to amend the Code of Ordinance Title XV Entitled “Land Usage”, Chapter 151 – Electricity to adopt the most current National Electric Code;

WHEREAS, the City of Texas City utilizes the code council “Family of Models Building Codes;

WHEREAS, pursuant to TEX. LOCAL GOV’T. CODE § 214.211 *et seq.*, and TEX. HEALTH & SAFTY CODE § 388.003 *et seq.* the city of Texas City, Texas is authorized to adopt standard building codes for residential, commercial and industrial construction; and

WHEREAS, the City Commission determines that amending Title XV, Section 151, will promote the health, safety and welfare of the City;

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

Section 1. The above and foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact. The City Commission hereby further finds and determines that the rules, regulations, terms, conditions, provisions, and requirements of this ordinance are reasonable and necessary to protect the public health, safety, and quality of life. The City of Texas City’s Code of Ordinances, Section 151.080 (entitled “National Electrical Code Adopted; Conflicting Regulations”) is hereby amended by deleting in its entirety all the existing language in Section 151.080(A) and replacing it with the following:

Sec. 151.080(A) - There is hereby adopted for and by the city an electrical code known as the National Electrical Code (NEC), 2023 edition, with appendices and amendments thereto, passed and recommended by the National Fire Protection Association and approved by the American National Standards Institute, which code is published in book form and which is referred to, incorporated in this section and made a part of this section for all purposes. A copy of such code is filed of record in the office of the City Secretary. Such code is hereby adopted as the

minimum standard for the installation of all electrical wiring, devices and equipment in the city, except as otherwise specifically provided in this chapter. Adoption of subsequent amendments, supplement or new edition(s) is automatic upon publication by American National Standards Institute.

Section 2. This ordinance shall be cumulative of all provisions of the City of Texas City, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinances, in which event the more restrictive provision shall apply.

Section 3. It is hereby declared to be the intention of the City Commission of the City of Texas City that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance, since the same would have been enacted by the City Commission without incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

Section 4. All rights and privileges of the City of Texas City are expressly saved as to any and all violations of the provisions of any Ordinances affecting land use or development, which have accrued 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 courts.

Section 5. That this Ordinance shall be read on three (3) separate days and shall become effective upon its final reading, passage, and adoption.

Section 6. That this Ordinance shall be finally passed upon the date of its introduction and shall become effective from and after its passage and adoption and publication by caption only in the official newspaper of the City of Texas City, Texas

PASSED ON FIRST READING this 4th day of October 2023.

Dedrick D. Johnson, Sr., Mayor
City of Texas City, Texas

ATTEST:

Rhomari D. Leigh
City Secretary

PASSED ON SECOND READING this 18th day of October 2023.

Dedrick D. Johnson, Sr., Mayor
City of Texas City, Texas

ATTEST:

Rhomari D. Leigh
City Secretary

PASSED AND FINALLY ADOPTED this 1st day of November 2023.

Dedrick D. Johnson, Sr., Mayor
City of Texas City, Texas

ATTEST:

Rhomari D. Leigh
City Secretary

APPROVED AS TO FORM:

Kyle L. Dickson
City Attorney