

**ORDINANCE NO. 2009-34**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ODESSA, TEXAS, REPEALING THE CURRENT ARTICLE 3-2, "BUILDING CODE", OF CHAPTER 3, "BUILDING REGULATIONS", OF THE CITY OF ODESSA CODE OF ORDINANCES; ADOPTING A NEW ARTICLE 3-2, "BUILDING CODE", OF CHAPTER 3, "BUILDING REGULATIONS"; ADOPTING AN AMENDED VERSION OF THE 2006 INTERNATIONAL BUILDING CODE AND SUBSEQUENT 2006 INTERNATIONAL BUILDING CODE SUPPLEMENTS IN ORDER TO REGULATE THE CONSTRUCTION, ALTERATION, ADDITION, REPAIR, REMOVAL, DEMOLITION, USE, LOCATION, OCCUPANCY AND MAINTENANCE OF ALL BUILDINGS AND STRUCTURES AND THEIR SERVICE EQUIPMENT, TOGETHER WITH CERTAIN RELATED MATTERS; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; AND DECLARING AN EFFECTIVE DATE.

**WHEREAS**, the City of Odessa desires to adopt an amended version of the 2006 INTERNATIONAL BUILDING CODE, 1<sup>st</sup> edition, 2006 INTERNATIONAL BUILDING CODE Supplements, the same to replace the City's existing building code as amended; and

**WHEREAS**, the City of Odessa desires that there be no interval or intervening time between the effective date of this ordinance and the date of repeal of existing ordinances, and that this ordinance will not in any way repeal such existing ordinances until after publication and this ordinance is legally in effect;

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

**Section 1.** That Article 3-2, "Building Code", of Chapter 3, "Building Regulations" of the City Code is to be repealed and that a new Article 3-2, "Building Code", of Chapter 3, "Building Regulations", of the City Code is hereby adopted, which Article shall read as follows:

**Chapter 3      Building Regulations**  
**Article 3-2    Building Code**

**Sec. 3-2-1    Adoption**

The 2006 International Building Code, 1st edition, as amended by subsequent provisions of this chapter and the 2006 International Building Code Supplements, is hereby adopted by the City.

## **Sec. 3-2-2 Amendments**

The hereinafter set forth amendments to the 2006 International Building Code, 1st edition, are hereby adopted by the City. When an amendment consists of a revision of an existing article, section, subsection, table or other portion of the 2006 International Building Code, 1st edition, the language of such amendment, to the extent that it is not in conflict with this ordinance, shall supersede the language of the respective portion amended. Amendments to the 2006 International Building Code, 1st edition, consisting of the addition of new articles, sections, subsections, errata, tables or other portions shall constitute supplements to such code. Any references to the code, building code, this code, etc., shall mean the code and the adopted appendixes and supplements.

### **Chapter 1. Administration.**

#### **Section 101. General. Amend to read as follows:**

**101.1 Title.** These regulations shall be known as the Building Code of the City of Odessa, Texas, hereinafter referred to as "this code."

**101.2 Scope.** Amend the end of the first paragraph as follows: ... in the City, except as such matters are otherwise provided for in other ordinances or statutes, or in the rules and regulations authorized for promulgation under the provisions of this code.

#### **101.4.1 Electrical. Amend to read as follows:**

The provisions of the National Electrical Code, as adopted by the City, shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings, and appurtenances thereto. Additional references to an electrical code shall refer back to the code referenced in this section.

#### **Section 102. Applicability.**

*Amend to include the following:*

**102.7 Previous approvals.** This code shall not require changes in the plans, construction or designated use of a building for which a lawful permit has been heretofore issued or otherwise lawfully authorized, and the construction of which shall have been actively pursued within six (6) months after the effective date of this ordinance and completed with dispatch.

*Amend to include the following:*

**102.8 Matters not provided for.** Any requirement determined by the Building Official to be essential for structural, fire, or sanitary safety of an existing or proposed building or structure or essential for the safety of the occupants thereof, and which is not specifically covered by the Building Code, shall be recommended by the Building Official and considered by the City Council for coverage and inclusion in said Building Code by amending the ordinance. During such time as such requirement can be considered for coverage and inclusion in said Building Code by the City Council by amending the ordinance, the Building Official is authorized to issue a stop work order as provided in the Building Code, in order to prevent the commencement or continuation of construction of any proposed building or structure until the City Council has had an opportunity to provide for such situation not specifically covered by the Building Code. Any stop work order issued under the authority of this section shall be effective for no longer than ninety (90) days.

**Section 103. Department of building inspection.**

**103.1 Creation of enforcement agency.** *Amend to read as follows:*

The Department of Building Inspection is hereby created and the official in charge shall be known as the Building Official.

**103.3 Deputies.** *Delete the last sentence in the paragraph that makes references to the International Property Maintenance Code.*

**Section 105. Permits.**

**105.1.1 Annual permit.** *Delete in its entirety.*

**105.1.2 Annual permit records.** *Delete in its entirety.*

**105.2 Work exempt from permit.** *Amend as follows:*

**Building:**

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the roof area does not exceed sixty (60) square feet, the outside wall height does not exceed six (6) feet eight (8) inches, it is not placed upon a concrete slab, it is not located over a buried gas line, it has code-required clearance from overhead electrical lines, it is not connected to nor has any electrical or plumbing within, and it is not located in a setback required by zoning ordinance or in any easement.

2. Residential front yard fences not over eighteen (18) inches high and that are located entirely on private property and fences under eight (8) feet in height located to the rear of a residence. Fence permits will be required for all fences adjacent to any public street.

3. *Delete:* Oil derricks.

6. Add to the end of the paragraph: ... accessible route unless in public right-of-way.

*Add the following note to end of exemptions:*

Note: None of the permit exemptions noted above is to be construed to allow the construction of any item in violation of any zoning ordinance or any other City ordinance.

**105.7 Placement of permit.** *Amend as follows:*

As required by the Building Official, the building permit or copy and City-approved plans shall be kept on the site of the work until the completion of the project.

*Amend to add the following:*

**105.8 Permit card.** The permit card shall be posted and visible at all times for all inspections and for all construction until the completion of the project.

Exception: Permit cards are not required for new commercial or new home construction.

*Amend to add the following:*

**105.9 Address posting.** A visible address is to be posted at each job site. The address numbers must be a minimum of six (6) inches high and clearly visible from the street.

*Amend to add the following:*

**105.10 Trash and debris containment.** It is the responsibility of each permit holder to make provisions for the containment of building materials, construction debris, and all other trash and debris generated within the property boundaries. Blowing trash, paper, building materials packaging, and other site-related debris allowed to collect or accumulate outside the property boundaries shall constitute a violation of the City Code. Such violations shall be subject to enforcement provisions as provided for in the Building Code and/or Code of Ordinances, including, but not limited to, stop work order, revocation of permit and/or fine.

*Amend to add the following:*

**105.11 Contractor's registration required.** Any person or firm desiring to engage in the business of a general contractor or engage in the business of altering, repairs, construction, demolition, or moving in the City shall first register with the Building Official.

*Amend as follows:*

**Section 106. Construction documents.**

*Amend as follows:*

**106.1 Submittal documents.** *Delete the second sentence and insert the following: ...* The construction documents shall be prepared by a registered design professional in accordance with the State Board of Architectural Examiners, chapter 1051, Texas Occupations Code, and the Texas Engineering Practice Act, chapter 1001 Texas Occupations Code. The remainder of the paragraph remains the same.

*Amend as follows:*

**106.5 Retention of construction documents.** *Delete in its entirety and insert the following:*

One (1) set of approved plans, specifications, and computations shall be retained by the Building Official and one (1) set shall be kept on the construction site of the building at all times during which the work authorized by permit is in progress.

**Section 107. Temporary structures and uses.**

*Amend as follows:*

**107.3 Temporary power.** *Change the end of the paragraph to delete ICC Electrical code and insert as follows: NEC (National Electrical Code) as adopted by the City.*

**Section 108. Fees.**

*Amend as follows:*

**108.4 Work commencing before permit issuance.** *Amend to change the end of the paragraph to read as follows:* shall be subject to a double permit fee and citations for violation of City Ordinance.

**108.6 Refunds.** *Delete as written and amend as follows:*

A written request for a refund of any permit fee shall be submitted within thirty (30) days of the issuance of the permit. There shall be no refund on a minimum permit fee, an expired permit or a permit that has been voided. The maximum refund on any permit shall not exceed ninety (90) percent of the permit fee. The Building Official shall determine the amount of a refund. Refunds shall be made by the accounting department upon written request from the Building Official.

**108.7 Reinspection fees.** Add amendment as follows: Reinspection fees shall be paid at the Building Inspection Division office prior to a reinspection.

**Section 109. Inspections.**

*Add amendment as follows:*

**109.3.2.1 Floor height verification inspection.** All buildings shall have a finished floor elevation set a minimum of twelve (12) inches above the highest level of the top of the curb adjacent to the property, or greater if the 100-year flood elevation is more than twelve (12) inches above the top of the curb. All finished floors in designated flood hazard areas shall be a higher elevation than the 100-year storm elevation as defined by the Federal Emergency Management Agency in a published report entitled "The Flood Insurance Study for Ector County Texas and Incorporated Areas," dated October 20, 1998, with accompanying flood insurance rate maps (FIRM) and any revisions thereto, which are hereby adopted by reference and declared to be a part of this ordinance.

**Exception:** Any substantial improvement to an existing structure would be required to conform to the finished floor elevation as determined by the Engineering Division. A "substantial improvement" shall mean any repair, reconstruction or addition to a structure which exceeds fifty (50) percent of the market value of the structure, or if the square footage of the addition exceeds fifty (50) percent of the square footage of the existing structure.

**Section 112. Board of appeals.** *Delete this section and insert the following:*

**112.1 General.** *Amend this section as follows:*

**Section 112.1 General.** The Building Board of Appeals is hereby created, in order to hear and decide appeals or orders, decisions or determinations made by the Building Official relative to the application and interpretation of the building code; one- and two- family dwelling code; the plumbing code; the fuel and gas code; the mechanical code; the electrical code; the energy conservation code; the existing building code; the performance code; or the property maintenance code. The Building Official shall be an ex officio member of said board but shall have no vote on any matter before the board.

*Amend to add the following:*

**112.2.1 Application for appeal.** Upon payment of the appropriate filing fee, a person shall have the right to appeal a decision of the Building Official to the Board of Appeals. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The application shall be filed on a form obtained from the Building Official within twenty (20) days after the notice was served. The board shall have no authority to waive requirements of the code.

*Amend to add the following:*

**112.3 Membership of board.** The Building Board of Appeals shall consist of seven (7) members appointed by the City Council, each to serve for a term of two (2) years and removable for cause by the City Council upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose place becomes vacant for any cause in the same manner as the original appointment was made; provided, however, that the City Council may appoint two (2) alternate members of the Building Board of Appeals, who shall serve in the absence of one (1) or more of the regular members when requested to do so. The alternate members shall serve for the same period as the regular members, which are for a term of two (2) years, and any vacancy shall be filled in the same manner as regular members and they shall be subject to removal in the same manner as regular members. Members and alternates heretofore appointed shall serve until the expiration of their term, or until their successors are appointed, and, thereafter, each member or alternate reappointed or each new appointee shall serve for a term of two (2) years unless removed as hereinabove set forth.

**B101.2.2 Qualifications.** The Building Board of Appeals shall consist of seven individuals. The seven (7) regular members of the Building Board of Appeals shall consist of the following:

1. An Architect currently licensed by the State of Texas.
2. An Engineer currently licensed by the State of Texas.
3. A builder or superintendant of building construction with at least five (5) years experience, which shall have been in responsible charge of work.
4. A licensed plumbing contractor with at least ten (10) years of experience, five (5) of which shall have been in responsible charge of work.
5. A licensed electrical contractor with at least ten (10) years of experience, five (5) of which shall have been in responsible charge of work.
6. A licensed mechanical contractor with at least ten (10) years of experience, five (5) of which shall have been in responsible charge of work.
7. One member shall be a citizen who is neither an Architect, an Engineer, a Plumbing contractor, an Electrical contractor, or a Mechanical contractor and has no present or former ties to any building trade or the construction industry.
8. There shall be two alternate members who may be chosen from any of the prior sections 1 thru 7, one of which may be an individual with at least ten (10) years of experience in fire suppression, fire training and/or fire safety or knowledge of fire codes.
9. Each member or alternate appointed to the Board shall currently reside within the City of Odessa and must maintain such residency while serving on the Board.

*Amend to add the following:*

**112.6 Chairman.** The board shall select one (1) of its members to serve as chairman.

**112.7 Secretary.** The Building Official shall designate a qualified clerk to serve as secretary to the board. The secretary shall file a detailed record of all proceedings in the office of the Building Official.

*Amend to add the following:*

**112.8 Procedure.** The board shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received. The rules of procedure will govern, consistent with state law and City ordinance, the conduct of board affairs.

*Amend to add the following:*

**112.9 Disqualification of members.** A member of the board shall not hear an appeal in which that member has a personal, professional or financial interest or is a material dealer/supplier or in which, by virtue of state law or City ordinance, he is prohibited from voting on.

*Amend to add the following:*

**112.10 Notice of meetings.** The Board shall meet upon notice of the chairman or the Building Official, within ten (10) days of the filing of an appeal or at stated periodic meetings. Public notice of all board meetings shall be given, which notice shall comply with all applicable provisions of state law and City ordinance.

*Amend to add the following:*

**112.11 Open hearing.** All hearings shall be open to the public. The appellant, the appellant's representative, the Building Official and any other interested parties shall be given an opportunity to be heard.

*Amend to add the following:*

**112.12 Continuation of appeal.** When five (5) members are not present to consider a specific appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

*Amend to add the following:*

**112.13 Board decision.** The Board may modify or reverse the decision of the Building Official by a concurring vote of not less than four (4) members; however, the Board may under no circumstances waive, vary or modify the provisions of this code.

*Amend to add the following:*

**112.13.1 Form of action.** Action of the Board may be taken either by motion or resolution, and certified copies of either the board minutes or any resolutions thereof shall be furnished to the appellant and to the Building Official upon request.

*Amend to add the following:*

**112.13.2 Determining vote.** The failure to secure four (4) concurring votes upon any appeal brought before the Board shall be deemed a confirmation of the decision of the Building Official. However, in the event any appeal is heard by less than five (5) qualified members of the Board, the appellant shall be entitled to a rehearing before a full Board.

*Amend to add the following:*

**112.14 Enforcement of decision.** The Building Official shall take immediate action to enforce the board's decisions.

**Section 113. Violations and penalties.**

**113.4 Violations and penalties.** *Change to read as follows:*

Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters, or repairs a building or structure in violation of the approved construction documents or directive of the Building Official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor punishable by a fine of not more than two thousand dollars (\$2,000.00). Each day that a violation continues shall be deemed a separate offense.

**114.3 Unlawful continuance.** *Change to read as follows:*

Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed by the Building Official to perform to remove a violation or unsafe condition, shall be liable to a fine of not more than two thousand dollars (\$2,000.00). Each day that a violation continues shall be deemed a separate offense.

**Chapter 11. Accessibility.**

*Amend as follows:*

**1101.1 Scope.** The provisions of this chapter and the requirements of The Texas Accessibility Standards (TAS) of the Architectural Barriers Act, article 9102 Texas Civil Statutes, dated September 1, 1999, or as currently amended or adopted by the state, shall control the design and construction of facilities for accessibility to physically disabled persons. Plan review and inspection by the City does not imply compliance with the Architectural Barriers Section of the State Department of Licensing and Regulation.

**1101.2 Design.** Buildings and facilities shall be designed and constructed to be accessible with this code, ICC A 117.1 and the requirements of The Texas Accessibility Standards (TAS) of the Architectural Barriers Act, article 9102 Texas Civil Statutes, dated September 1, 1999, or as currently amended or adopted by the state.

**Section 1805. Foundations and footings.**

*Amend to add the following to the end of the paragraph:*

**1805.4 Footings.** ... A minimum of two (2) one-half inch (1/2") diameter reinforcing rods shall be placed to run continuously in the bottom three (3) inches of all footings. A one-half (1/2") x twenty feet (20') length of reinforcing rod shall be installed in the bottom three (3) inches of the footing and bent up at one end so that six (6) inches is exposed above the finished floor at a point where the electrical grounding may be attached.

Exception: Footings designed by licensed professional engineers.

**Section 1911. Minimum slab provisions.**

*Add amendment as follows:*

**1910.2 Floor underneath water heater.** The floor beneath water heaters shall be recessed a minimum of two (2) inches or a shower type base installed with a drain to the outside of the structure terminating in an area above the finish grade that is readily visible. Connection cannot be made to a sewer.

**Section 3300. Demolition.**

**3303.3.7 Cleanup deposit. Add amendment as follows:**

For the moving of a structure from a site or demolition of any building or structure within the City, the property owner or property owner's agent shall post a nine hundred dollar (\$900.00) cash bond with the City to insure that within ten (10) calendar days after the removal or demolition of a structure the sewer connections shall be plugged at the property line; all existing holes on the property and in the right-of-way adjacent to the property must be filled to grade; all foundations projecting above grade must be removed; and all trash, debris, dead and discarded trees and vegetation must be removed to the approval of the Building Official. In the event the requirements are not completed within the ten-day time frame, the cash bond will be forfeited to the City. In the event the work is of minor nature, the Building Official may waive the cash bond.

**Section 3407. Historic buildings.**

**3407.1 Historic buildings. Amend as follows:**

The provisions of this code relating to the construction, repair, alteration, addition, restoration and movement of structures, and change of occupancy, shall not be mandatory for historic buildings identified and classified by the state or local government authority as historic buildings, subject to approval of the Board of Appeals, when such buildings are judged by the Building Official to be safe and in the interest of public health, safety and welfare regarding any proposed construction, alterations, repair, enlargement and relocation and do not constitute a distinct life safety hazard. All such approvals must be based on the applicant's complete submission of professional architectural and engineering plans and specifications prepared by a registered architect and/or engineer.

**Section 3408. Moved structures.**

*Add the following:*

**3408.2 Inspections required.** Buildings and structures moved into or within the City shall be inspected for compliance with the provisions of this code. All required corrections and improvements shall be made immediately upon moving the building or structure into the City.

**Exception:** To prevent damage to the concrete and sidewalks, approaches and required off-street parking may be completed after the building has been moved onto the site; however, all required concrete work must be complete prior to the clearance for utilities to be connected to the structure or the issue of a certificate of occupancy.

*Add the following:*

**3408.3 connected to the structure or the issue of a certificate of occupancy.**

**3408.3 Permit required. Add amendment as follows:**

A permit is required to be issued a licensed and bonded moving contractor prior to moving any structure in excess of eight and one-half (8-1/2) feet in width in any direction or any structure in excess of fourteen (14) feet in height as measured from the pavement. The applicant shall submit for approval by the Building Official the time and route the structure is to be moved within the City. The permittee shall be responsible for all expenses for required police escorts or services rendered by the City. Valid bond and insurance shall be required to be on file with the Building Official prior to the issue of a permit. Permits for moving structures shall not be transferable to

another moving contractor or to other structures and shall be limited to thirty (30) days from the date of issue.

*Add amendment as follows:*

**3407.4 Moving bond required.** *Add amendment as follows:*

A bond shall be posted with the Building Official in the amount of two thousand dollars (\$2,000.00) for any individual or company wishing to move structures into or within the City. The bond shall be submitted on forms approved by the City Attorney.

**3407.5 Cleanup deposit.** *Add amendment as follows:*

For the moving of a structure from a site or demolition of any building or structure within the City, the property owner or property owner's agent shall post a nine-hundred-dollar(\$ 900.00) cash bond with the City to insure that within ten (10) calendar days after the removal or demolition of a structure the sewer connections shall be plugged at the property line; all existing holes on the property and in the right-of-way adjacent to the property must be filled to grade; all foundations projecting above grade must be removed; and all trash, debris, dead and discarded trees and vegetation must be removed to the approval of the Building Official. In the event the requirements are not completed within the ten-day time frame, the cash bond will be forfeited to the City. In the event the work is of minor nature, the Building Official may waive the cash bond.

**Appendix B. Board of appeals.**

**Section B101** *Delete in its entirety and insert the following:*

**See section 112 as amended.**

*Amend as follows:*

**Appendix D. Fire districts.**

**D101.1. General.** *Delete the paragraph and add the following:*

The fire district shall comprise all property located in Blocks 6, 7, 8, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 40, 41, and the west half of Blocks 42, 43, 44, and 49, Original Town; Blocks 32 and 33, Herbert and Wright Subdivision; and Lot 1, Block 1, City Hall Tract. The fire limits shall be designated as the Central Business-1 district on the City official zoning maps. Whenever, in an ordinance, reference is made to the fire district, it shall be construed to mean the fire district designated and referred to in this appendix.

*Amend as follows:*

**Appendix E. Supplemental accessibility requirements.** *Delete in its entirety.*

*Amend as follows:*

**Appendix G. Flood-resistant construction.**

*Amend as follows:*

**G102.2. Establishment of flood hazard areas.** *Add the following to the blank provided: see date of adoption of this building code ordinance.*

*Amend as follows:*

**G103.3. Determination of design flood elevations.** *{Add the following to the paragraph.}* The City Engineer shall issue flood permits and will designate and approve the minimum required floor elevations for all structures located in flood hazard areas.

*Amend as follows:*

**G105. Variances.** *{Delete this section in its entirety and insert the following :}* Flood control requirements and conditions for appeal and variances exist under other City ordinances thru the City Engineering Division.

**Section 2.** That the herein adopted amended version of the 2006 INTERNATIONAL BUILDING CODE shall be in full force and effect 30 days after its adoption. On the date that the said amended version of the 2006 INTERNATIONAL BUILDING CODE is in full force and effect, then Ordinance No. 2002-28 as amended and such other and further existing ordinances as are inconsistent and incompatible with any provisions of the herein adopted amended version of the 2006 INTERNATIONAL BUILDING CODE shall be wholly repealed. In addition, nothing in this ordinance shall be construed to invalidate or cause to be void any of those provisions of the 2006 INTERNATIONAL BUILDING CODE that are not amended in this ordinance. Provided, further, that notwithstanding any of the foregoing, all buildings, structures, work, etc. for which a permit has been issued and/or work legally begun prior to the date the said amended version of the 2006 INTERNATIONAL BUILDING CODE is in full force and effect shall continue to be constructed, repaired, altered, moved, etc., under the provisions of the presently existing codes of the City of Odessa.

**Section 3.** That nothing contained in this ordinance shall in any manner whatsoever change, alter or otherwise affect the commission of or punishment for any offense, crime or act committed or done prior hereto, or any penalty or forfeiture incurred, or any prosecution whatsoever, or any suit or other proceedings pending, or any judgment rendered on or before the passage and publication of this ordinance, nor shall anything herein change, alter or otherwise affect any cause or action, contract or right established or accruing to the City or to any person, association or corporation, or any contract or obligation by or in favor of the City before same.

**Section 4.** If any section, subsection, sentence, clause or phrase herein is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of same shall not be affected thereby, it being the intent of the City Council in passing and adopting this ordinance that no portion hereof or provisions or regulations contained herein, shall become inoperative or fail by reason of the unconstitutionality or invalidity of any section, subsection, sentence, clause, phrase, portion, provision or regulation.

**Section 5.** That any person violating the provisions of this ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine not exceeding \$2,000.00 as provided in Section 1-1-9, "General Penalty, continuing violations, right of entry, enforcement officers" Chapter 1, Odessa City Code, which section is adopted by reference and made a part hereof. Each day any such violation shall continue shall constitute a separate offense.

**Section 6.** The City Secretary is hereby directed to effect such publication as may be required by law in connection with the passage of this ordinance.

The foregoing ordinance was first approved on the 11th day of August, A.D., 2009, by the following vote:

Bill Cleaver	AYE
James B. Goates	AYE
Royce Bodiford	AYE
Dean Combs	AYE
Benjamin Velasquez	AYE

The foregoing ordinance was adopted on second and final approval on the 25th day of August, A.D., 2009, by the following vote:

Bill Cleaver	AYE
James B. Goates	AYE
Royce Bodiford	AYE
Dean Combs	AYE
Benjamin Velasquez	AYE

Approved this the 25th day of August, A.D., 2009.

\_\_\_\_\_  
Larry L. Melton, Mayor

ATTEST:

\_\_\_\_\_  
Norma Aguilar-Grimaldo, City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
Larry Long, City Attorney