

ORDINANCE NO. O-2025-004

AN ORDINANCE OF THE TOWN OF BROCK, TEXAS, ESTABLISHING A BUILDING AND FIRE CODE APPEALS BOARD; PROVIDING A SAVINGS CLAUSE, SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.

WHEREAS, on June 17, 2024, the Town Commission of the Town of Brock, Texas ("Town") adopted the 2015 editions of certain International Codes, including the 2015 International Building Code and 2015 International Fire Code subject to the local amendments recommended by the North Central Texas Council of Governments; and

WHEREAS, on May 27, 2025, the Town Commission (the "Commission") adopted "Option B" regulations concerning automatic sprinkler system requirement pursuant to the 2015 International Fire Code; and

WHEREAS, after due deliberations and consideration of the recommendation of the Commission, the information received at a public hearing, and other relevant information and materials, the Commission of the Town of Brock, Texas finds that it is in the best interest of the Town, and to promote the general welfare and safety of this community, to establish a building and fire codes appeal board.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF BROCK, TEXAS:

SECTION 1. The recitals and findings set forth above are hereby found to be true and correct and incorporated as if fully set forth herein.

SECTION 2. The Commission hereby adopts the following to establish a building and fire code appeals board:

GENERALLY

In order to hear and decide appeals of orders, decisions or determinations made by the town official relative to the application and interpretation of the International Building Code and International Fire Code, there shall be and is hereby created a board of appeals, known as the "building and fire codes appeal board" or "board." The building official and fire chief shall be ex officio members of said board but shall have no vote on any matter before the board. The building and fire codes appeal board shall be appointed by the governing body and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the town official.

CREATION; MEMBERSHIP

There is hereby created, upon passage of this ordinance, the building and fire codes appeal board consisting of three regular members.

QUALIFICATION OF MEMBERS

(a) The building and fire codes appeal board shall consist of members who are qualified by experience and training to pass on matters pertaining to building construction and/or property maintenance and are not employees of the jurisdiction.

(b) It is recommended the board consists of individuals from some of the following professions or disciplines, and all members shall be a qualified voter of the town:

(1) A registered design professional with architectural experience or a builder or superintendent of building construction.

(2) A registered design professional with structural engineering experience or a builder or superintendent of building construction.

(3) A registered design professional with mechanical and plumbing engineering experience or a mechanical/plumbing contractor.

(4) A registered design professional with electrical engineering experience or an electrical contractor.

(5) A registered design professional with fire protection engineering experience or a fire protection contractor or state fire commission certified fire personnel.

TERMS OF MEMBERS; APPOINTMENT AND REMOVAL.

Members shall serve two-year staggered terms of office at the pleasure of the Commission and shall be removable by the town commission for cause or at-will. Board members are to be appointed by the Commission annually, filling the vacancies of that year. Such appointment shall be for a term of two years. At the outset, the town commission shall appoint three members for a two-year term, and two members for a one-year term.

Members shall hold office at their pleasure, without compensation, except that they may be reimbursed for their actual expenses incurred in the performance of their duties.

OFFICERS.

The board shall elect its own officers, and each officer shall serve for a period of one year or until his successor is elected.

(1) Chairperson.

The chairperson shall be a voting member of the board. The chairperson shall preside at all meetings where he is present. The chairperson shall implement, or cause to have implemented, any practice or procedure in the calling of meetings, conduct of meetings, or reporting of activities that he considers in the best interest of the board and shall so inform the town commission or consult with the town commission when requested and at such time when it appears necessary or desirable.

(2) Vice-chairperson.

The vice-chairperson shall be a voting member of the board. The vice-chairperson shall assist the chairperson in directing the total affairs of the board. The vice-chairperson shall assume all duties of the chairperson in the event that the chair is unable or unwilling to act.

CONFLICT OF INTEREST.

A member shall not hear an appeal in which that member has a personal, professional or financial interest. The member shall complete an affidavit of conflict of interest and file it with the board, and shall abstain from voting or discussing the matter.

QUORUM.

A majority of members, which is two voting members, shall constitute a quorum. All motions shall be decided by a simple majority of the members present, at which a quorum is established. A tie vote shall constitute a failure of the motion.

MEETINGS.

All proceedings of the board shall be held in an open meeting in accordance with the Open Meetings Act. The board shall be on call to hold one meeting per year to be called within the first quarter of the calendar year, with special meetings as required and/or requested by staff to conduct their duties. All stated meetings shall be open to the public. The board chair may schedule additional meetings as needed.

RECORDS.

All proceedings of the board shall be recorded in minutes of meetings and such minutes approved and made a matter of public record in accordance with the governing laws.

POWERS AND DUTIES.

(a) To study proposed code amendments and make recommendations to the Commission regarding any proposed amendments to the building codes.

(b) To hear from any person requesting a change to the building codes as adopted by the town.

(c) To serve as an adviser to the chief building official and fire officials.

(d) To hear appeals from decisions of the chief building official and fire officials pertaining to:

(1) The use of alternate materials and construction methods; or

(2) Interpretations related to the International Building and Fire Code adopted by the town. The board may not grant variances. In the case of a request to use alternate materials or construction methods, the board should determine whether or not such alternate material or construction method is in fact equal to the standards of the applicable code, considering adequacy, stability, strength, sanitation, and safety for the public's health and welfare.

(e) Limitations on authority. 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 board shall have no authority to waive requirements of this code.

(f) The board shall modify or reverse the decision of the town official only by a concurring vote of a majority of the board members present at which a quorum is established.

APPEAL FEE.

There is hereby established a fee for an appeal as provided for in the Town's master fee schedule.

POLICIES AND PROCEDURES.

Policies and procedures for conduct of business shall be approved by the board and adopted by the town commission in the form of a resolution.

SECTION 3. Should any word, sentence, paragraph, subdivision, clause, phrase, or section of this ordinance, as amended hereby, be adjudged or held, in whole or in part, to be invalid, voided, or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinances, as amended hereby, which shall remain in full force and effect.

SECTION 4. All ordinances of the Town in conflict with the provisions of this ordinance be, and the same are hereby repealed and all other ordinances of the Town not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 5. This ordinance shall become effective from and after its passage and approval and after publication as may be required by law.

PASSED AND APPROVED by the Town Commission of the Town of Brock, Texas, on August 18, 2025.



TOWN OF BROCK, TEXAS

Ben Davis, Mayor

ATTEST:

APPROVED AS TO FORM:

Melanie Matheus, Town Administrator