

ORDINANCE

AN ORDINANCE OF THE CITY OF BURLESON, TEXAS, AMENDING ARTICLE VIII “INTERNATIONAL PROPERTY MAINTENANCE CODE” OF CHAPTER 10 “BUILDINGS AND BUILDING REGULATIONS” OF THE CITY OF BURLESON CODE OF ORDINANCES, BY ADOPTING THE 2021 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE; PROVIDING FOR MODIFICATIONS OF THE CODE TO INCORPORATE LOCAL AMENDMENTS; PROVIDING FOR RECORDING OF THE CODE AS PUBLIC RECORD; MAKING THIS ORDINANCE CUMULATIVE OF PRIOR ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING A PENALTY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Burleson, Texas (“City”), is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, in 2017, the City Council has adopted the 2015 edition of the International Property Maintenance Code by Ordinance CSO #588-01-2017; and

WHEREAS, the International Property Maintenance Code is intended to be updated periodically; and

WHEREAS, the City Council now desires to update the Code of Ordinances from the 2015 Edition to the 2021 Edition of the International Property Maintenance Code; and

WHEREAS, the City Council also desires to make certain amendments to the 2021 Edition of the International Property Maintenance Code to reflect the unique needs of the City of Burleson; and

WHEREAS, prior to the adoption of this ordinance and the local amendments contained herein, the City Council held a public hearing allowing all interested persons in attendance to address the City Council regarding the contents of this ordinance; and

WHEREAS, the City Council hereby finds and determines that the regulations and amendments set forth herein are in the best interest of the public and are adopted in furtherance of the public health, safety, morals, and general welfare.

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

Section 1

That Article VIII “International Property Maintenance Code” of Chapter 10, “Buildings and Building Regulations,” of the City of Burleson Code of Ordinances is hereby amended to read as follows:

“ARTICLE VIII – INTERNATIONAL PROPERTY MAINTENENACE CODE

Sec. 10.291. Adopted.

The 2021 Edition of the International Property Maintenance Code, together with the amendments and deletions set forth in this Article, is hereby adopted as the official property maintenance code of the city of Burleson, Texas. This property maintenance code is fully incorporated by reference as though copied into this section in its entirety. The material contained in the 2021 Edition of the International Property Maintenance Code shall be maintained as public record in the office of the city secretary and will be available for inspection and copying during regular business hours.

Sec.10 -292. – Amendments

The 2021 Edition of the International Property Maintenance Code adopted herein is hereby amended as follows.

- (1) (Page 1-3, Section 108)
Section 108 is hereby amended as follows:
108 Board of Appeals (delete)
- (2) (Page 1-4, 1-5 and 1-6, Section 111)
Section 111 is hereby amended as follows:
111 Unsafe Structures and Equipment (delete)
- (3) (Page 1-6 and 1-7, Section 112)
Section 112 is hereby amended as follows:
112 Emergency Measures (delete)
- (4) (Page 1-7, Section 113)
Section 113 is hereby amended as follows:
113 Demolition (delete)
- (5) (Page 2- 2, Section 202)
Section 202 is hereby amended as follows:
Inoperable Motor Vehicle definition (delete)
- (6) (Page 2-1, Section 302.8)
Section 302.8 Motor Vehicles is hereby amended as follows:
Except as provided for in other regulations, inoperative or unlicensed motor vehicle shall not be parked, kept or stored on any premises, and vehicles shall not at any

time be in a state of major disassembly, disrepair, or in the process of being striped or dismantled. (delete)

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such services. (delete)

- (7) (Page 3-2, Section 303)
Section 303 is hereby amended as follows:
303 Swimming Pools, Spas and Hot Tubs. (delete)”

Section 2.

The findings and recitals set forth above in the preamble of this ordinance are incorporated into the body of this ordinance as if fully set forth herein.

Section 3.

It is hereby officially found and determined that the meeting at which this ordinance is passed is open to the public and that public notice of the time, place, and purpose of said meeting was given as required by law.

Section 4.

This ordinance shall be cumulative of all provisions of ordinances of the City of Burleson, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed. To the extent that the provisions of the City of Burleson's various development ordinances conflict with this ordinance, the terms of this ordinance shall control.

Section 5.

It is hereby declared to be the intention of the City Council 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 shall 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 and sections of this ordinance, since the same would have been enacted by the city council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

Section 6.

Any complaint, notice, notice of violation, action, cause of action, hearing request, appeal, or claim which prior to the effective date of this Ordinance that has been initiated or arisen under or pursuant any ordinance(s) shall continue to be governed by the provision of that ordinance or

ordinances, and for that purpose that ordinance or ordinances shall be deemed to remain and shall continue in full force and effect.

Section 7.

An offense committed before the effective date of this ordinance is governed by the prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for that purpose.

Section 8.

Any person, firm, association of persons, company, corporation, or their agents, its servants, or employees violating or failing to comply with any of the provisions of this article shall be fined, upon conviction, not less than one dollar (\$1.00) nor more than two thousand dollars (\$2,000.00), and each day any violation of noncompliance continues shall constitute a separate and distinct offense. The penalty provided herein shall be cumulative of other remedies provided by State Law, and the power of injunction as provided in Texas Local Government Code 54.012 and as may be amended, may be exercised in enforcing this article whether or not there has been a complaint filed.

Section 9.

This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

AND IT IS SO ORDAINED.

PASSED AND APPROVED the _____ day of _____, 20_____ :

First Reading: the _____ day of _____, 20_____.

Final Reading: the _____ day of _____, 20_____.

Chris Fletcher, Mayor
City of Burleson, Texas

ATTEST:

APPROVED AS TO FORM:

Amanda Campos, City Secretary

E. Allen Taylor, Jr., City Attorney