
CITY OF PORT LAVACA

MEETING: JUNE 10, 2024 **AGENDA ITEM** _____

DATE: 06.04.2024

TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS

FROM: DERRICK SMITH, DEVELOPMENT SERVICES DIRECTOR

SUBJECT: Consider and discuss revisions to Chapter 12, Article IV- BUILDING AND BUILDING REGULATIONS Sec. 12-287- Definition; unfit condition declared; minimum standards for use and occupancy, (d),(11).

The purpose of the proposed amendment to the City of Port Lavaca’s Code of Ordinances is to enforce the residential portion of the already adopted 2021 International Property Maintenance Code (IPMC).

This provides the Code Enforcement Officer with more accurate inspection requirements for habitability inspections on dwellings.

The City’s Code of Ordinances for “substandard buildings” is very broad and left up to too many interpretations, e.g.:

(d)(1) Inadequate sanitation

- a. Lack of a bathroom or the existence of an improper bathroom. (What is an improper bathroom?)
- b. Lack of or an improper kitchen. (What is an improper kitchen?)
- c. Lack of hot and cold running water to plumbing fixtures. (It does not define which plumbing fixtures? An outdoor faucet is a plumbing fixture.)
- d. Lack of or improper required heating, mechanical ventilation or electric facilities. (It does not state where this equipment is required or what is improper. What is the proper ventilation for heating and mechanical ventilation?)
- e. Lack of required amounts of natural light and ventilation. (What is the required natural light and ventilation?)
- f. Lack of or improper space or floor area. (What is the required space or floor area? And, for what portion of the house?)

The Ordinance leaves out important minimum requirements for housing. For example, there is no mention of the required smoke detectors or operable egress windows for each bedroom.

The 2021 IPMC specifies the specific requirements for existing dwellings and property.

CITY OF PORT LAVACA

For example:

404.2 Minimum room widths.

A habitable room, other than a kitchen, shall be not less than 7 feet (2134 mm) in any plan dimension. Kitchens shall have a minimum clear passageway of 3 feet (914 mm) between counterfronts and appliances or counterfronts and walls.

404.3 Minimum ceiling heights.

Habitable spaces, hallways, corridors, laundry areas, *bathrooms*, *toilet rooms* and habitable *basement* areas shall have a minimum clear ceiling height of 7 feet (2134 mm).

Exceptions:

1. In one- and two-family dwellings, beams or girders spaced not less than 4 feet (1219 mm) on center and projecting not greater than 6 inches (152 mm) below the required ceiling height.
2. *Basement* rooms in one- and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a minimum ceiling height of 6 feet 8 inches (2033 mm) with a minimum clear height of 6 feet 4 inches (1932 mm) under beams, girders, ducts and similar obstructions.
3. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a minimum clear ceiling height of 7 feet (2134 mm) over not less than one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a minimum clear ceiling height of 5 feet (1524 mm) shall be included.

404.4 Bedroom and living room requirements.

Every *bedroom* and living room shall comply with the requirements of Sections 404.4.1 through 404.4.5.

404.4.1 Room area.

Every living room shall contain not less than 120 square feet (11.2 m²) and every bedroom shall contain not less than 70 square feet (6.5 m²) and every bedroom occupied by more than one person shall contain not less than 50 square feet (4.6 m²) of floor area for each *occupant* thereof.

With the new Code Enforcement Officer starting on June 6, 2024, this will be more helpful in understanding minimum standards for dwellings and properties during inspections.

Therefore, staff is recommending the following change to Chapter 12, Article IV- BUILDING AND BUILDING REGULATIONS Sec. 12-287- Definition; unfit condition declared; minimum standards for use and occupancy, (d),(11):

- (11) The International Property Maintenance Code as referenced and adopted by reference in section 12-20(2) shall apply to all existing **nonresidential** structures and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators, and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.

ORDINANCE #G-6-24

AN ORDINANCE OF THE CITY OF PORT LAVACA AMENDING THE ORDINANCE CODIFIED AND DESCRIBED IN THE CITY OF PORT LAVACA'S CODE OF ORDINANCES CHAPTER 12 BUILDINGS AND BUILDING REGULATIONS, ARTICLE IV, SUBSTANDARD BUILDINGS, SECTION 12-287 DEFINITION: UNFIT CONDITION DECLARED; MINIMUM STANDARDS FOR USE AND OCCUPANCY; PROVIDING FOR PURPOSE; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORT LAVACA, TEXAS:

Section 1. Purpose.

The attached Exhibit A document identifies amendments that are to be made to various Sections of Chapter 12 of the City of Port Lavaca's Code of Ordinances. Text that remains unchanged will be in black-colored letters, text that is new will be identified by red-colored underlined letters and all text to be deleted will be identified as blue-colored letters with strikethroughs.

Section 2. Severability.

It is specifically declared to be the intention of the City Council that sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and if phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional or invalid by the valid judgment of decree of any court of competent jurisdiction, such unconstitutionality or invalidity 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 unconstitutional or invalid phrase, clause, sentence, paragraph or sections.

Section 3. Repeal.

All ordinances or parts of ordinances conflicting with or not consistent with the provisions of this article are hereby repealed; provided that such repeal shall be only to the extent of such inconsistency or conflict, and in all respects, this article shall be cumulative of all other ordinances of the City of Port Lavaca regulating and governing the subject matter covered in this ordinance. Any cause of action accruing prior to the passage of this article shall continue as if this ordinance was not passed or any other ordinance had not been repealed.

Section 4. Effective Date

THAT this ordinance shall become effective on the date of its passage.

FIRST READING this 10th day of June, 2024

Jack Whitlow, Mayor

SECOND AND FINAL READING this 8th day of July, 2024

Jack Whitlow, Mayor

APPROVED AND ADOPTED this 8th day of July, 2024.

Jack Whitlow, Mayor

ATTEST:

Mandy Grant, City Secretary

APPROVED AS TO FORM:

Anne Marie Odefey, City Attorney

RECORD OF VOTE

	First Reading	Second and Final	Passed and Approved
Councilman Aguirre			
Councilman Dent			
Councilman Tippit			
Councilwoman Padron			
Councilman Ward			
Councilman Burke			

Record of approval by City Council: City Council Minute Records, Volume 3-I, Page __.

CITY OF PORT LAVACA
PART II – CODE OF ORDINANCES

EXHIBIT A

CHAPTER 12. – BUILDINGS AND BUILDING REGULATIONS

ARTICLE IV. – SUBSTANDARD BUILDINGS

Sec. 12-287. – Definition; Unfit condition declared; Minimum Standards for use and occupancy.

(d) (11)

The International Property Maintenance Code as referenced and adopted by reference in section 12-20(2) shall apply to all existing **nonresidential** structures and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators, and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.

(Ord. No. G-5-91, § 2, 4-8-1991; Ord. No. G-3-16, § 1, 4-11-2016))

END OF EXHIBIT A