

ARTICLE IX. SUBSTANDARD BUILDINGS; PROPERTY MAINTENANCE CODE

Sec. 10-467. International Property Maintenance Code adopted.

The International Property Maintenance Code, 2015 edition, hereinafter sometimes referred to as the "code," as published by the International Code Council, Inc., and as amended herein, is hereby adopted as the minimum standards applicable to all buildings and structures within the city limits, regardless of the date of construction, in accordance with V.T.C.A., Local Government Code § 214.001(b). A copy of said code made a part hereof for all purposes, an authentic copy of which has been filed with the city secretary.

(Ord. No. 2019-31, § 12, 11-18-2019)

Editor's note(s)—Ord. No. 2019-31, § 12, adopted Nov. 18, 2019, repealed § 10-467, which pertained to the building standards commission and derived from the 1978 Code; the 1993 Code; and Ord. No. 92-04, adopted May 5, 1992.

Sec. 10-468. Amendments to the International Property Maintenance Code.

- (a) Chapter 1 of said code is replaced with Exhibit A attached to the ordinance from which this section is derived and incorporated herein by reference showing amendments and deletions to that chapter in accordance with V.T.C.A., Local Government Code chs. 214 and 54.

- (b) Section 302.4 of said code is hereby amended to provide as follows:

302.4 Weeds. Premises and exterior property shall be maintained free from weeds or plant growth in excess of twelve inches (12'). Noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.

- (c) Section 303.1 of said code is hereby amended to provide as follows:

303.1 Swimming pools. Swimming pools shall be maintained in a clean and sanitary condition, and in good repair, in compliance with all requirements applicable to swimming pools contained in the Texas Health and Safety Code. Swimming pools containing water that is black or green in color, or that contain algae or other plants shall be deemed unsanitary.

- (d) Section 602.3 of said code is hereby amended to provide as follows:

602.3 Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied to furnish heat to the occupants thereof shall supply heat during the period from November 1 to February 28 to maintain a minimum temperature of 68° F (18° C) in all habitable rooms, bathroom and toilet rooms.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the International Plumbing Code.
2. In areas where the average monthly temperature is above 30° F (-1° C), a minimum temperature of 65° F (18° C) shall be maintained.

(e) Section 602.4 of said code is hereby amended to provide as follows:

602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from November 1 to February 28 to maintain a minimum temperature of 65° F (18° C) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

(Ord. No. 2019-31, § 12, 11-18-2019)

Editor's note(s)—Ord. No. 2019-31, § 12, adopted Nov. 18, 2019, repealed § 10-468, which pertained to the enforcement of orders and derived from the 1978 Code and the 1993 Code.

Note(s)—Exhibit A is on file with the city.

Sec. 10-469. Standards for determination of substandard condition.

All buildings or structures, including but not limited to mobile homes or portable-type buildings, which have any or all of the following defects or lack of facilities, or any unsafe, unsanitary, dangerous, dilapidated, or substandard condition in violation of the property maintenance code, as adopted and amended by the city, shall be deemed substandard buildings or structures:

- (1) All buildings or structures that have become deteriorated through natural causes or by damage through exposure to the elements, especially wind, hail or rain, or damage through fire, to the extent that the roof, windows and doors, or portions of the house, building or structure which protect from the weather, will no longer reasonably protect from the weather.
- (2) All buildings or structures which constitute, or in which are maintained, fire hazards.
- (3) All buildings or structures which are so structurally deteriorated that they are in danger of collapse, or which cannot be expected to withstand reasonable anticipated storms and/or hurricanes.
- (4) All buildings or structures so constructed or permitted to be so constructed as to constitute a menace to health or safety, including all conditions conducive to the harboring of rats or mice or other disease-carrying animals or insects reasonably calculated to spread disease, including such conditions hazardous to safety as adequate bracing or the use of deteriorated materials.

(Code 1978, § 11-34; Code 1993, § 14-343; Ord. No. 2019-31, § 12, 11-18-2019)

Sec. 10-470. Nuisance declared.

All substandard buildings or structures within the term of this article which shall constitute a menace to the health, morals, safety or general welfare of its occupants or of the public are declared to be public nuisances,

subject to the procedures required by state law, and shall be ordered to be vacated, repaired or demolished as hereinafter provided.

(Code 1978, § 11-35; Code 1993, § 14-344; Ord. No. 2019-31, § 12, 11-18-2019)

Sec. 10-471. Inspectors.

In the event of a hearing under this article, which includes a hearing under the property maintenance code or V.T.C.A, Local Government Code ch. 214, it shall be the duty of the building official or fire code official, as applicable based on the condition of the structure to inspect all buildings or structures reported to be or believed to be substandard and to present a report of such inspection to the zoning board of adjustment, which shall, except in cases of emergency, notify the proper party of the intention of such board to hold its hearing and follow the procedure provided in the property maintenance code, as adopted and amended by the city and in compliance with V.T.C.A, Local Government Code ch. 214.

(Code 1978, § 11-37; Code 1993, § 14-345; Ord. No. 2019-31, § 12, 11-18-2019)

Sec. 10-472. Criteria for determination of repair, vacation or demolition.

The following standards may be followed in substance by the applicable building or fire code official in recommending repair, vacation or demolition of a structure:

- (1) If the substandard building or structure can reasonably be repaired so that it will no longer be in a condition which is in violation of the terms of this article, it shall be ordered repaired.
- (2) If the substandard building or structure is in such condition as to make it dangerous to the health, morals, safety or general welfare of its occupants or the public, it shall be ordered to be vacated.
- (3) In any case where a substandard building or structure is 50 percent (by square footage or building valuation) damaged or decayed, it shall be demolished, and in all cases where a building cannot be repaired so that its existence will no longer be in violation of the terms of this article, it shall be demolished.

(Code 1978, § 11-38; Code 1993, § 14-346; Ord. No. 2019-31, § 12, 11-18-2019)

Secs. 10-473—10-476. Reserved.

Editor's note(s)—Ord. No. 2019-31, § 12, adopted Nov. 18, 2019, repealed §§ 10-473—10-476, which respectively pertained to procedure for condemnation, emergency measures for condemnation, notice of emergency measures, and liens against property; and derived from the 1978 Code and the 1993 Code.