

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF PLANO, TEXAS REPEALING ORDINANCE NO. 84-10-19 CODIFIED AS ARTICLE III, UNSAFE STRUCTURES GENERALLY, ORDINANCE NO. 90-10-25 CODIFIED AS ARTICLE XII, PROPERTY CODE AND ORDINANCE NO. 91-5-10 CODIFIED AS ARTICLE XIII, NONRESIDENTIAL PROPERTY CODE, OF CHAPTER 6 OF THE CODE OF ORDINANCES OF THE CITY OF PLANO; ADOPTING THE 2003 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE, WITH CERTAIN ADDITIONS, DELETIONS AND AMENDMENTS, AS THE PROPERTY MAINTENANCE CODE OF THE CITY OF PLANO; AND PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE, A SAVINGS CLAUSE, A PENALTY CLAUSE, AND AN EFFECTIVE DATE.**

**WHEREAS**, on June 15, 2004 the Building Standards Commission held a public hearing to discuss the adoption of the 2003 Edition of the International Property Maintenance Code, a publication of the International Code Council (I.C.C.), along with the appendices of such Code, and to receive input from the general public and all persons who may be affected by the proposed adoption; and

**WHEREAS**, upon the recommendation of the Building Standards Commission and upon full consideration of all matters attendant and related thereto, the City Council is of the opinion that the 2003 Edition of the International Property Maintenance Code, along with the appendices of such Code and the local amendments thereto, should be approved and adopted as the Property Maintenance Code of the City.

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

**Section 1.** The following ordinances or sections thereof which are codified as Article III, Unsafe Structures Generally, Article XII, Property Code and Article XIII, Nonresidential Property Code of Chapter 6 of the Code of Ordinances of the City of Plano, are hereby repealed:

Ordinance No. 84-10-19, duly passed and approved by the City Council of the City of Plano on October 22, 1984, Ordinance No. 90-10-25, duly passed and approved by the City Council of the City of Plano on October 22, 1990 and Ordinance No. 91-5-10, duly passed and approved by the City Council of the City of Plano on May 13, 1991.

**Section II.** Article III, Article XII and Article XIII of Chapter 6 of the Code of Ordinances of the City of Plano, Texas, are hereby replaced to read as follows:

## **Article III. PROPERTY MAINTENANCE CODE**

### **DIVISION 1. GENERALLY**

#### **Sec. 6-45. Penalty**

Any person, firm or corporation found to be violating any term or provision of this Ordinance, shall be subject to a fine in accordance with City Code of Ordinances Section 1-4 (a) for violations of all such provisions that govern fire safety, zoning or public health and sanitation other than vegetation and litter violations and 1-4 (b) for all other violations. Each day a violation continues shall constitute a separate offense.

#### **Sec. 6-46. Adoption of International Maintenance Code, as amended.**

The City of Plano hereby adopts the 2003 Edition of the International Property Maintenance Code, a publication of the International Code Council, including all the appendices of such Code, and designates such publication as the Property Maintenance Code of the City of Plano, subject to the deletions, additions, and amendments prescribed in this article. A copy of the 2003 edition of the International Property Maintenance Code is on file in the office of the City Secretary.

#### **Sections 6-47– 6-49. Reserved.**

### **DIVISION II – AMENDMENTS**

#### **Sec. 6-50 – Deletions, Addition, and Amendments to Chapter 1 of the International Property Maintenance Code**

The City of Plano hereby amends Chapter 1, *Administration*, of the International Property Maintenance Code as follows:

*Subsection 101.1 Title*, is changed to read as follows:

These regulations shall be known as the *Property Maintenance Code* of the City of Plano, hereinafter referred to as “this Code.”

*Subsection 101.3. Intent*, is changed to read as follows:

This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required within. Repairs, alterations, additions to and change of occupancy in existing buildings shall comply with the Building Codes as adopted by the City of Plano.

*Subsection 102.3, Application of Other Codes*, is changed to read as follows:

Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the Building Codes as adopted by the City of Plano. Nothing in the Code

shall be construed to cancel, modify or set aside any provision of the City of Plano Zoning Ordinance.

*Subsection 103.4, Liability*, is deleted in its entirety.

*Subsection 103.5, Fees*, is deleted in its entirety.

*Subsection 104.1, General*, is changed to read as follows:

The code official or the City Manager's designee(s) shall enforce the provisions of this code.

*Subsection 106.3, Prosecution of violation*, is changed to read as follows:

Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed guilty of a misdemeanor, and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the code official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate as allowed by law.

*Subsection 108.1.1 Unsafe Structures*, is changed to read as follows:

An unsafe structure is one that is found to be dangerous to the life, limb, health, property, safety, or welfare of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

*Subsection 110.1, General*, is changed to read as follows:

The code official or Building Standards Commission shall order the owner of any premises upon which is located any structure, which in their judgment is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, to demolish and remove such structure.

*Subsection 111.1, Application for Appeal*, is changed to read as follows:

Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the Building Standards Commission, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means. A person's exercise of an appeal does not preclude or abate criminal enforcement for a violation of this code.

*Subsections 111.2, Membership of board through 111.8, Stays of Enforcement* are deleted in their entirety.

**Section 6-51. Deletions, Additions, and Amendments to Chapter 2 of the International Property Maintenance Code,**

The City of Plano hereby amends Chapter 2, *Definitions*, of the International Property Maintenance Code as follows:

*Subsection 202, General Definitions*, is changed to as follows:

**BEDROOM.** Any room or space intended to be used for sleeping purposes.

**GARBAGE.** The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food and all decayable waste or rubbish.

**NOXIOUS WEED.** Any plant designated by a Federal, State or county government as injurious to public health, agriculture, recreation, wildlife or property.

**Section 6-52. Deletions, Additions, and Amendments to Chapter 3 of the International Property Maintenance Code,**

The City of Plano hereby amends Chapter 3, *General Requirements*, of the International Property Maintenance Code as follows:

*Subsection 301.3, Vacant structures and land*, is changed to read as follows:

All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition or provided herein so as not to cause a blighting problem or adversely affect the public health, safety or welfare.

*Subsection 302.1, Sanitation*, is changed to read as follows:

All exterior property and premises shall be maintained in a clean, safe and sanitary condition.

*Subsection 302.4, Weeds*, is changed to read as follows:

*Subsection 302.4, Weeds and Landscaping*

All premises and exterior property shall be maintained free from weeds or plant growth in excess of twelve inches (12") in height. All 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. Damaged or dead trees, shrubs, or ground cover must be promptly removed. Landscaping shall be maintained to minimize property damage and public safety hazards.

Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice violation or after allowing, permitting or causing the same or similar violation to occur within a one year anniversary of service of a notice of violation, they shall be subject to prosecution in accordance with Section 1-4 (b) of the City Code of Ordinances for each offense. Upon failure to comply with the 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 incurred for such removal shall be paid by the owner or agent responsible for the property. The charges to be collected by the city under this section shall include, in addition to the costs and expenses of mowing or correcting a condition upon a tract of land, the sum of one hundred fifty dollars (\$150.00) per lot or tract of land, which sum is hereby found to be the cost to the City of administering the terms of this section.

*Subsection 304.3, Premises Identification*, is changed to read as follows:

Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property and rear alleyway where such alleyway exists in accordance to City Code of Ordinance Chapter 8, Section 8-24. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters.

*Subsection 304.14, Insect screens*, is changed to read as follows:

Every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be

supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm) and every swinging door shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

*Subsection 307.1, Accumulation of rubbish or garbage*, is changed to read as follows:

All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage. Disposal of rubbish and garbage should be in accordance with City of Plano Code of Ordinances, Chapter 18.

*Subsection 307.1.1, Refrigerators*. Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on premises without first removing the doors.

*Subsection 307.2, Disposal of rubbish through subsection 307.3.2, Containers*, are deleted in their entirety.

## **Sec. 6-53 – Deletions, Addition, and Amendments to Chapter 6 of the International Property Maintenance Code**

The City of Plano hereby amends Chapter 6, Mechanical and Electrical Requirements, of the International Property Maintenance Code as follows:

*Subsection 602.3, Heat Supply*, is changed to insert the following dates:

October 1 to May 1.

*Subsection 602.4, Occupiable work spaces*, is changed to insert the following dates:

October 1 to May 1.

*Subsection 604.2, Service*, is changed to read as follows:

The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the National Electrical Code (NEC). Dwelling units shall be served by a three-wire, 120/240 volt, single-phase electrical service having a rating of not less than 60 amperes.

### **Sections 6-54– 6-60. Reserved.**

**Section III.** All provisions of the Code of Ordinances of the City of Plano, in conflict with the provisions of this Ordinance are hereby repealed, and all other

provisions of the Code of Ordinances of the City of Plano, not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

**Section IV.** It is the intention of the City Council that this Ordinance, and every provision thereof, shall be considered severable, and the invalidity of unconstitutionality of any section, clause, provision or portion of this Ordinance shall not affect the validity or constitutionality of any other portion of this Ordinance.

**Section V.** The repeal of any Ordinance or part of Ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such Ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions of any Ordinances at the time of passage of this Ordinance.

**Section VI.** Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to a fine in accordance with Section 1-4(a) for violations of all such provisions that govern fire safety, zoning or public health and sanitation other than vegetation and litter violations and 1-4 (b) for all other violations. Each day a violation continues shall constitute a separate offense.

**Section VII.** This Ordinance shall become effective from and after its passage and publication as required by law.

**DULY PASSED AND APPROVED** on this the \_\_\_ day of \_\_\_\_\_. 2004.

\_\_\_\_\_  
Pat Evans, MAYOR

**ATTEST**

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Elaine Bealke, CITY SECRETARY

**APPROVED AS TO FORM:**

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Diane C. Wetherbee, CITY ATTORNEY