



CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		October 28, 2013		
Department:		Property Standards		
Department Head		Cynthia O'Banner		
Agenda Coordinator (include phone #): Gloria Carter, ext. 5150				
CAPTION				
<p>An Ordinance of the City of Plano, Texas, repealing in its entirety City of Plano Ordinance Nos. 2004-9-30; 2010-2-16; 2011-1-14; and 2012-12-12, codified as Divisions 1 and 2 of Article III, Property Maintenance Code, of Chapter 6 of the Code of Ordinances; and adopting the 2012 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, a publication clause and an effective date.</p>				
FINANCIAL SUMMARY				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR: 2013-2014	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(S): N/A				
<p>COMMENTS: This item has no financial impact. STRATEGIC PLAN GOAL: Updating ordinances to reflect current standards and accepted business practices relates to the City's Goals of Financially Strong City with Service Excellence and Great Neighborhoods - 1st Choice to Live.</p>				
SUMMARY OF ITEM				
<p>This Item will update the City's Property Maintenance Code by adopting the 2012 version of the International Property Maintenance Code. This ordinance includes local amendments which have been developed to provide further clarification and consistency with notice, appeal and penalty provisions. Public review of the proposed ordinance was held at the Building Standards Commission meeting on August 20, 2013, and the Commission voted unanimously to forward this Code and amendments to the City Council for adoption.</p>				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies Building Standards Commission		

An Ordinance of the City of Plano, Texas, repealing in its entirety City of Plano Ordinance Nos. 2004-9-30; 2010-2-16; 2011-1-14; and 2012-12-12, codified as Divisions 1 and 2 of Article III, Property Maintenance Code, of Chapter 6 of the Code of Ordinances; and adopting the 2012 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, a publication clause and an effective date.

WHEREAS, on September 27, 2004, by Ordinance No. 2004-9-30, the City Council of the City of Plano established a Property Maintenance Code and provided regulations thereunder, and such Ordinances were codified as Divisions I and II of Article III, Property Maintenance Code, of Chapter 6 of the Code of Ordinances of the City of Plano (“City”); and

WHEREAS, on February 22, 2010, January 10, 2011, and December 18, 2012, the City Council of the City of Plano, by Ordinance Nos. 2010-2-16; 2011-1-14; and 2012-12-12; respectively, amended Divisions 1 and 2 of Article III, Property Maintenance Code, of Chapter 6 of the Code of Ordinances of the City of Plano; and

WHEREAS, on August 20, 2013 the Building Standards Commission held public hearings to discuss the adoption of the 2012 Edition of the International Property Maintenance Code, a publication of the International Code Council, and to receive input from the general public and all persons who may be affected by the proposed adoption; and

WHEREAS, upon recommendation of the Building Standards Commission and upon full review and consideration of all matters attendant and related thereto, the City Council is of the opinion that the 2012 Edition of the International Property Maintenance Code, and the additions, deletions, and 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 I. The following ordinances or sections thereof, all of which are codified as Divisions 1 and 2 of Article III, Property Maintenance Code, of Chapter 6 of the Code of Ordinances of the City of Plano, are hereby repealed in their entirety:

Ordinance No. 2004-9-30 duly passed and approved by the City Council of the City of Plano on September 27, 2004;

Ordinance No. 2010-2-16, duly passed and approved by the City Council of the City of Plano on February 22, 2010;

Ordinance No. 2011-1-14, duly passed and approved by the City Council of the City of Plano on January 10, 2011; and

Ordinance No. 2012-12-12, duly passed and approved by the City Council of the City of Plano on December 18, 2012.

Section II. A new Article III, Property Maintenance Code, of Chapter 6 of the Code of Ordinances is hereby adopted and shall read in its entirety as follows:

ARTICLE III. PROPERTY MAINTENANCE CODE

DIVISION 1 - GENERALLY

Sec. 6-45. Penalty.

Any violation of the provisions or terms of this ordinance by any person, firm or corporation shall be a misdemeanor offense and shall be subject to a fine in accordance with Section 1-4(a) of the City Code of Ordinances for each offense. Every day a violation continues shall constitute a separate offense.

Sec. 6-46. Adopted.

The 2012 Edition of the International Property Maintenance Code, a publication of the International Code Council, is hereby adopted and designated as the Property Maintenance Code of the City of Plano to the same extent as if such Code were copied verbatim in this Article, subject to the deletions, additions, and amendments prescribed in this Article. A copy of the 2012 Edition of the International Property Maintenance Code is on file in the office of the City Secretary.

Sec. 6-47 - 6-49. Reserved.

DIVISION 2 – AMENDMENTS

Sec. 6-50 – Deletions, Additions 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, TX*, 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 herein. *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) is hereby authorized and directed to enforce the provisions of this code. The code official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

Subsection 106.2, Notice of violation, is deleted in its entirety.

Subsection 106.3, Prosecution of violation, is deleted in its entirety.

Subsection 106.4, Violation penalties, is deleted in its entirety.

Subsection 106.5, Abatement of violation, is deleted in its entirety.

Subsection 107.1, Notice to person responsible, is changed to read as follows:

Whenever the code official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Section 107.2 and 107.3 to the person responsible for the violation as specified in this code. Notices for condemnation procedures shall also comply with Section 108.3.

Subsection 107.2, Form, is changed to read as follows:

Such notice prescribed in Section 107.1 shall be in accordance with all of the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation(s) and why the notice is being issued.

4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code.
5. Inform the property owner of the right to appeal.
6. Include a statement of the right to file a lien.

Subsection 107.5, Penalties, is deleted in its entirety.

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.

Notwithstanding anything in this Section to the contrary, the City expressly retains all statutory powers and rights to address unsafe structures.

Subsection 108.7, Record, is changed to read as follows:

The code official shall cause a report to be made on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

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

The code official, building official or Building Standards Commission may order the owner of any structure, which in his, her, or its judgment after review is so deteriorated or 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 board up and hold for future repair 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, the code official, building official or Building Standards Commission may order the owner to demolish and remove such structure, or board up until future repair. Boarding the building up for future repair shall not extend beyond one year, unless approved by the building official, code official or Building Standards Commission.

Notwithstanding anything in this Section to the contrary, the City and its Building Standards Commission expressly retain all statutory powers and rights to pursue demolition.

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 twenty (20) days after the day the decision, notice or order was served. 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 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 112, STOP WORK ORDER, is deleted in its entirety.

Sec. 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 201.3, Terms defined in other codes, is changed to read as follows:

Where terms are not defined in this code, they shall have the meanings ascribed to them as stated in the building codes as adopted by the City of Plano.

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

- BEDROOM.** Any room or space intended to be used for sleeping purposes in either a dwelling or sleeping unit.
- 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.

Sec. 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 as 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:

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. Dead trees, shrubs, or ground cover must be removed and replaced as required. Landscaping shall be maintained to minimize property damage and eliminate 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 causing, permitting or allowing 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 two hundred dollars (\$200.00) 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 302.8, Motor vehicles, is changed to read as follows:

Except as provided for in other regulations, no inoperable or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

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 purposes.

Subsection 304.1.1, Unsafe conditions, is changed to read as follows:

The following conditions are deemed unsafe and shall be repaired or replaced to comply with the International Building Code or the International Residential Code.

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;

2. The anchorage of the floor or roof to walls or columns, and of wall and columns to foundations is not capable of resisting all nominal loads or load effects;
3. Structures or components thereof that have reached their limit state;
4. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight;
5. Structural members that have evidence of deterioration or that are not capable of safely supporting all nominal loads and load effects;
6. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;
7. Exterior walls that are not anchored to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;
8. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects;
9. Flooring and flooring components with defects that affect serviceability or flooring components that show signs of deterioration or fatigue, are not properly anchored or are incapable of supporting all nominal loads and resisting all load effects;
10. Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
11. Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
12. Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including guards and handrails, are not structurally sound, not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects; or
13. Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly anchored, or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

1. When substantiated otherwise by an approved method.
2. Demolition of unsafe conditions shall be permitted when approved by the code official.

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 with City Code of Ordinances Section 8-17. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters.

Subsection 304.7, Roofs and drainage, is changed to read as follows:

The roof and flashing shall be sound, tight and not have defects. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Water runoff shall not be discharged in a manner that creates a public nuisance.

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 25mm), and every screen door used for insect control 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 305.1.1, Unsafe conditions, is changed to read as follows:

The following conditions are deemed unsafe and shall be repaired or replaced to comply with the International Building Code or the International Residential Code:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
3. Structures or components thereof that have reached their limit state;
4. Structural members are incapable of supporting nominal loads and load effects;
5. Stairs, landings, balconies and all similar walking surfaces, including guards and handrails, are not structurally sound, not properly anchored or are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
6. Foundation systems that are not firmly supported by footings are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

1. When substantiated otherwise by an approved method.
2. Demolition of unsafe conditions shall be permitted when approved by the code official.

Subsection 308.1, 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 shall be in accordance with City of Plano Code of Ordinances, Chapter 18.

Subsection 308.1.1, Refrigerators, is added to read as follows:

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

Subsection 308.2 Disposal of rubbish, is deleted in its entirety.

Subsection 308.2.1, Rubbish storage facilities, is deleted in its entirety.

Subsection 308.2.2, Refrigerator, is deleted in its entirety.

Sec. 6-53. Deletions, Additions and Amendments to Chapter 5 of the International Property Maintenance Code,

The City of Plano hereby amends Chapter 5, *Plumbing Facilities and Fixture Requirements*, of the International Property Maintenance Code as follows:

Subsection 505.3, Supply, is changed to read as follows:

The water supply system of all occupied structures shall be installed and maintained to provide an active supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

Sec. 6-54. Deletions, Additions 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 read as follows:

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 October 1 to May 1 to maintain a minimum temperature of 68°F (20°C) in all habitable rooms, bathrooms 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.

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

Indoor occupiable work spaces shall be supplied with heat during the period from October 1 to May 1 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.

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.

Sec. 6-54 - 6-59. 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 or 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 violation of the provisions or terms of this ordinance by any person, firm or corporation shall be a misdemeanor offense and shall be subject to a fine in accordance with Section 1-4(a) of the City Code of Ordinances for each offense. Every day a violation continues shall constitute a separate offense.

Section VII. This Ordinance shall become effective January 1, 2014, and after its passage and publication as required by law.

DULY PASSED AND APPROVED this, the 28th day of October, 2013.

Harry LaRosiliere, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY