



**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:		December 18, 2012		
Department:		Property Standards		
Department Head		Cynthia O'Banner		
Agenda Coordinator (include phone #): Gloria Carter x5150				
CAPTION				
<p>An Ordinance of the City of Plano, Texas, amending Section 6-45 <i>Penalty</i> and Section 6-50 <i>Deletions, additions, and amendments to Chapter 1 of the International Property Maintenance Code of Article III. Property Maintenance Code, of Chapter 6. Buildings and Building Regulations of the Code of Ordinances 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.</i></p>				
FINANCIAL SUMMARY				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR: 2012-13	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 fiscal impact.</p> <p>STRATEGIC PLAN GOAL: Amending the Code of Ordinances relates to the City's Goal of Great Neighborhoods – 1st Choice to Live.</p>				
SUMMARY OF ITEM				
<p>This item revises the 2003 Edition of the International Property Maintenance Code adopted by the City of Plano to provide further clarification to and consistency with notice, appeal and penalty provisions.</p>				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		
Ordinance		N/A		

An Ordinance of the City of Plano, Texas, amending Section 6-45 *Penalty* and Section 6-50 *Deletions, additions, and amendments to Chapter 1 of the International Property Maintenance Code* of Article III. Property Maintenance Code, of Chapter 6. Buildings and Building Regulations of the Code of Ordinances 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 adopted the 2003 Edition of the International Property Maintenance Code as the Property Maintenance Code of the City of Plano with certain additions, deletions and amendments; and

WHEREAS, the City Council of the City of Plano finds that further additions and deletions to the International Property Maintenance Code as codified as the City of Plano Property Maintenance Code are necessary; and

WHEREAS, the City Council finds that it is in the best interest of the City to further amend and delete certain provisions, as set out below, of the International Property Maintenance Code as codified as the City of Plano Property Maintenance Code.

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

Section I. Section 6-45 shall be amended to read as follows:

“Sec. 6-45. Penalty.

Any violation of the provisions or terms of the International Property Maintenance Code as adopted by Section 6-46 herein and further amended by Division 2 herein 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 II. The following amendments and deletions to the International Property Maintenance Code as codified in Chapter 6, Article III, Section 6-50 of the Code of Ordinances of the City of Plano shall read as follows:

“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, hereinafter referred to as “this Code.”

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

This code shall be constructed 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 106.2, 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 as a matter of due process. Notices for condemnation procedures shall also comply with Section 108.3.

Subsection 107.4, 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 safeguard 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 Buildings Standards Commission shall order the owner of 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 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 III. All provisions of the Code of Ordinances of the City of Plano, codified or uncodified, 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, codified or uncodified, not in conflict with the provisions of this Ordinance shall remain in full force and effect.

Section IV. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any phrase, clause, sentence, or section of this Ordinance shall be declared unconstitutional or invalid by any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any other remaining phrase, clause, sentence, paragraph or section 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 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 immediately upon its passage and publication as required by law.

DULY PASSED AND APPROVED this the 18th day of December, 2012.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY