

LOCAL AMENDMENTS TO THE INTERNATIONAL PROPERTY MAINTENANCE CODE.

- (A) The City Council has determined that certain modifications to the 2015 International Property Maintenance Code are necessary and appropriate to meet the unique needs of the city.
- (B) The following sections, paragraphs, and sentences of the 2015 International Property Maintenance Code are hereby amended as follows:
- Standard type is text from the IPMC.
 - Underlined type is text added to the IPMC.
 - Lined through type is deleted text from IPMC.

Therefore, the following sections of the 2015 International Property Maintenance Code are hereby revised, added, inserted, deleted, and/or amended:

Section 101.1; amend to read as follows:

[A] **101.1 Title.** These regulations shall be known as the *International Property Maintenance Code* of City of Cleburne ~~[NAME OF JURISDICTION]~~, hereinafter referred to as “this code.”

Section 102.6; amend to read as follows:

[A] **102.6 Historic buildings.** The provisions of this code shall not be mandatory for existing buildings or structures designated as historic buildings pursuant to section 155.81 of the Cleburne Code of Ordinances and where such buildings or structures are judged by the *code official* to be safe and in the public interest of health, safety and welfare.

Section 102.3; amend to read as follows:

[A] **102.3 Application of other codes.** Repairs, additions or alterations to a structure, or changes of *occupancy*, shall be done in accordance with the procedures and provisions of the *International Building Code, International Existing Building Code, International Energy Conservation Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Residential Code, International Plumbing Code* and NFPA 70. Nothing in this code shall be construed to cancel, modify or set aside any provision of the City Zoning Ordinance ~~*International Zoning Code*~~.

Section 103.1; amend to read as follows:

[A] **103.1 General.** ~~The department of property maintenance inspection is hereby created and the~~ City shall perform property maintenance inspections through its Code Compliance, Building Inspection, Fire Prevention divisions and other resources deemed necessary by the City manager. Employees assigned to perform property maintenance inspections shall be known as designee(s). The executive official in charge of the property maintenance inspection program ~~thereof~~ shall be known as the code official.

Section 103.2; amend to read as follows:

[A] 103.2 Appointment. The *code official* shall be appointed by the City Manager ~~chief appointing authority of the jurisdiction.~~

Section 103.3; amend to read as follows:

[A] 103.3 Deputies. In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the City Manager ~~appointing authority~~, the *code official* shall have the authority to appoint a deputy(s), hereby referred to as designee(s). Such employees shall have powers as delegated by the *code official*.

Section 103.4; amend to read as follows:

[A] 103.4 Liability. The code official, members of the ~~board of appeals~~ Building and Standards Commission or employee charged with the enforcement of this code, while acting for the jurisdiction, in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered civilly or criminally liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties.

Section 104.1; amend to read as follows:

[A] 104.1 General. The *code official* is hereby authorized and directed to enforce the provisions of this code as well as those federal, state, and local laws and ordinances regulating property maintenance. 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.

Section 104.7; add Section 104.7 to read as follows:

104.7 Other Duties. The Code Official shall perform such other duties as may be prescribed herein or by the City Manager.

Section 106.6; add Section 106.6 to read as follows:

106.6 False Report. A person commits a violation, if, with intent to deceive, makes a false representation of fact that is material to the investigation of a code violation to a code official or peace officer.

Section 107.1; amend to read as follows:

[A] 107.1 Notice to person responsible. Whenever the code official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, ~~n~~Notice shall be given in the manner prescribed in Sections 107 of this code ~~.2 and 107.3~~ and Section 150.146 of the Cleburne Code of Ordinances to the person responsible for the violation as specified in this code. Notices for condemnation procedures shall also comply with Section 108.3.

Section 107; Delete Section 107.2 through 107.4

~~[A] 107.2 Form.~~ 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 or violations 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 or owner's authorized agent of the right to appeal.~~
- ~~6. Include a statement of the right to file a lien in accordance with Section 106.3.~~

~~[A] 107.3 Method of service.~~ Such notice shall be deemed to be properly served if a copy thereof is:

- ~~1. Delivered personally;~~
- ~~2. Sent by certified or first class mail addressed to the last known address; or~~
- ~~3. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.~~

~~[A] 107.4 Unauthorized tampering.~~ Signs, tags or seals posted or affixed by the code official shall not be mutilated, destroyed or tampered with, or removed without authorization from the code official.

Section 107.6; amend to read as follows:

[A] 107.6 Transfer of ownership. It shall be unlawful for the owner of any property ~~dwelling unit or structure~~ who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such property ~~dwelling unit or structure~~ to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner or the owner's authorized agent shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or

notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

Section 108.1; amend to read as follows:

[A] **108.1 General.** When a structure or equipment is found by the code official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be ~~condemned~~ repaired, removed from service, vacated, demolished and/or abated pursuant to the provisions of this code and Section 150.140, et seq. of the Cleburne Code of Ordinances.

Section 108.2; amend to read as follows:

[A] **108.2 Closing of vacant structures.** If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the code official is authorized to post a placard ~~of condemnation~~ on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner or owner's authorized agent to close up the premises within the time specified in the order, the code official shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and shall be collected by any other legal resource.

Section 108.3; amend to read as follows:

[A] **108.3 Notice.** Whenever the *code official* has ~~condemned a structure or~~ removed from service, equipment under the provisions of this section, notice shall be posted on or near the equipment removed from service ~~in a conspicuous place in or about the structure affected by such notice~~ and served on the *owner*, owner's authorized agent or the person or persons responsible for the ~~structure or~~ equipment in accordance with Section 107.13. ~~If the notice pertains to equipment, it shall be placed on the condemned equipment. The notice shall be in the form prescribed in Section 107.2.~~

Section 108.4; amend to read as follows:

[A] **108.4 Placarding.** Upon failure of the *owner*, owner's authorized agent or person responsible to comply with the notice provisions within the time given, the *code official* shall post on the *premises* or on defective equipment a placard bearing the words "UNFIT FOR HUMAN OCCUPANCY" or "REMOVED FROM SERVICE" ~~"Condemned"~~ and a statement of the penalties provided for occupying the *premises*, operating the equipment or removing the placard.

Section 108.4.1; amend to read as follows:

[A] **108.4.1 Placard removal.** The *code official* shall remove the ~~condemnation~~ placard whenever the defect or defects upon which the ~~condemnation and~~ placarding action were based have been eliminated. Any person who defaces or removes a ~~condemnation~~ placard without the approval of the *code official* shall be subject to the penalties provided by this code.

Section 108.5; amend to read as follows:

[A] 108.5 Prohibited occupancy. Any occupied structure ~~condemned and~~ placarded by the *code official* shall be vacated as ordered by the *code official*. Any person who shall occupy a placarded *premises* or shall operate placarded equipment, and any *owner*, *owner's* authorized agent or person responsible for the *premises* who shall let anyone occupy a placarded *premises* or operate placarded equipment shall be liable for the penalties provided by this code.

Section 109.6; amend to read as follows:

[A] 109.6 Hearing. Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the ~~appeals board~~ Cleburne Building and Standards Commission, be afforded a hearing as described in Section 150.150 of the Cleburne Code of Ordinances, this code. The appeal must be filed with the Code Official within thirty (30) calendar days after the decision, notice or order was served.

Section 110; Delete Sections 110

[A] 110.1 General. ~~The *code official* shall order the *owner* or *owner's* authorized agent of any *premises* upon which is located any structure, which in the *code official's* or *owner's* authorized agent judgment after review is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary 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* shall order the *owner* or *owner's* authorized agent 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.~~

[A] 110.2 Notices and orders. ~~Notices and orders shall comply with Section 107.~~

[A] 110.3 Failure to comply. ~~If the *owner* of a *premises* or *owner's* authorized agent fails to comply with a demolition order within the time prescribed, the *code official* shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.~~

[A] 110.4 Salvage materials. ~~When any structure has been ordered demolished and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.~~

Section 111.1; amend to read as follows:

[A] 111.1 Application for appeal. 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 Cleburne Building and Standards Commission ~~board of appeals~~, provided that a written application for appeal is filed within ~~20~~ 30 calendar 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.

Section 111.2 through 111.7; Delete Sections 111.2 through 111.7

~~**[A] 111.2 Membership of board.** The board of appeals shall consist of not less than three members who are qualified by experience and training to pass on matters pertaining to property maintenance and who are not employees of the jurisdiction. The code official shall be an ex officio member but shall have no vote on any matter before the board. The board shall be appointed by the chief appointing authority, and shall serve staggered and overlapping terms.~~

~~**[A] 111.2.1 Alternate members.** The chief appointing authority shall appoint not less than two alternate members who shall be called by the board chairman to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for board membership.~~

~~**[A] 111.2.2 Chairman.** The board shall annually select one of its members to serve as chairman.~~

~~**[A] 111.2.3 Disqualification of member.** A member shall not hear an appeal in which that member has a personal, professional or financial interest.~~

~~**[A] 111.2.4 Secretary.** The chief administrative officer shall designate a qualified person to serve as secretary to the board. The secretary shall file a detailed record of all proceedings in the office of the chief administrative officer.~~

~~**[A] 111.2.5 Compensation of members.** Compensation of members shall be determined by law.~~

~~**[A] 111.3 Notice of meeting.** The board shall meet upon notice from the chairman, within 20 days of the filing of an appeal, or at stated periodic meetings.~~

~~**[A] 111.4 Open hearing.** Hearings before the board shall be open to the public. The appellant, the appellant's representative, the code official and any person whose interests are affected shall be given an opportunity to be heard. A quorum shall consist of a minimum of two-thirds of the board membership.~~

~~**[A] 111.4.1 Procedure.** The board shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.~~

~~**[A] 111.5 Postponed hearing.** When the full board is not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.~~

~~[A] 111.6 Board decision.~~ The board shall modify or reverse the decision of the code official only by a concurring vote of a majority of the total number of appointed board members.

~~[A] 111.6.1 Records and copies.~~ The decision of the board shall be recorded. Copies shall be furnished to the appellant and to the code official.

~~[A] 111.6.2 Administration.~~ The code official shall take immediate action in accordance with the decision of the board.

~~[A] 111.7 Court review.~~ Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision in the office of the chief administrative officer.

Section 111.8; amend to read as follows:

[A] 111.8 Stays of enforcement. Appeals of notice and orders of the Code Official (other than Imminent Danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the ~~appeals board~~ Building and Standards Commission.

Section 112.4; amend to read as follows:

[A] 112.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than \$50 ~~[AMOUNT]~~ dollars or more than \$2,000 ~~[AMOUNT]~~ dollars.

Section 202; amend to following definitions:

Code Official. The City of Cleburne official charged by the City Manager with the administration and enforcement of this code, or any duly authorized representative.

Condemn. To ~~adjudge unfit for occupancy.~~

Rooming House. A building arranged or occupied or intended to be occupied for sleeping or living, for lodging, with or without meals, leased or let, ~~for compensation~~ and not occupied as a ~~single one- or two-~~family dwelling. Tenants do not have exclusive access to kitchen and/or bathroom facilities and have limited or no access to non-common areas of the dwelling. Each tenant has a separate leasing agreement with the owner and may be evicted individually or in groups without affecting the other occupants of the dwelling. The owner does not reside in the dwelling but is responsible for the operation of the Rooming House.

Rubbish. Combustible and noncombustible waste materials, except garbage; the term shall include all worn-out, worthless, and discarded material, the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, *yard* trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

Section 302.1; amend to read as follows:

302.1 Sanitation. Exterior property and premises shall be maintained in a clean, safe and sanitary condition, free from carrion, filth, manure, or any other impure, unsanitary or unwholesome matter of any kind to accumulate or remain thereon. The occupant shall keep that part of the exterior property that such occupant occupies or controls in a clean and sanitary condition, free from rubbish, brush, debris, dead grass, weeds, limbs, pieces of metal, any unsightly or objectionable material of whatever nature or any matter that constitutes a fire or health hazard.

Section 302.2; amend the exception to read as follows:

Exception: Approved retention areas, and reservoirs and natural waterways maintained by the city.

Section 302.3; amend to read as follows:

302.3 Sidewalks and driveways. Sidewalks, walkways, stairs, driveways, parking spaces, and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions and all cracks, joints and surfaces shall be maintained free from vegetation.

Section 302.4; amend to read as follows:

302.4 Weeds. Premises and exterior property shall be maintained free from weeds or plant growth in excess of eight (8) inches in height. [JURISDICTION TO INSERT HEIGHT IN INCHES]. Noxious weeds and invasive plants 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 plants flowers and gardens. Premises and exterior property shall include all areas between a sidewalk, fence, wall or other man made barrier and the edge of an improved roadway, drainage channel or centerline of any adjacent alley.

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 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 of such removal shall be paid by the *owner* or agent responsible for the property.

Section 302.8; delete Section 302.8

~~**302.8 Motor vehicles.** Except as provided for in other regulations, no inoperative 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 a vehicle 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.~~

Section 302.10; add Section 302.10 to read as follows:

302.10 Parking prohibited. No person shall drive, stop, stand, or park a vehicle onto or upon privately owned property, without the consent of the owner, lessee or person in charge of the privately owned property. No person shall stop or park a vehicle on a sidewalk, walkway or planting strip abutting any street, nor on any unimproved surface on public or private property. Off street parking shall only be permitted on an improved surface and shall not consume more than twenty-five (25) percent of the front yard. The City Council, after a public hearing, may grant a Special Exception Use Permit, where special conditions exist, to allow an increase in the permissible parking area if the City Council determines there will be no adverse impact to the neighboring properties.

Section 302.11; add Section 302.11 to read as follows:

302.11 Building damage from vegetation. Vegetation growth onto any exterior building surface shall be prohibited. Trellises are permitted provided vegetation does not adhere to or damage the exterior surface of the building.

302.11.1 Shrubs and Trees. For any shrub or tree planted or propagated on or after January 1, 2019, it shall be unlawful for any owner or occupant to cause, permit, allow, or suffer:

1. A shrub to be planted or propagated less than twelve (12) inches from the base of the shrub to a building.
2. A tree to be planted or propagated less than:
 - 2.1. Five (5) feet from the base of the tree to a building for trees with an expected mature canopy of not more ten (10) feet in diameter;
 - 2.2. Ten (10) feet from the base of the tree to a building for trees with an expected mature canopy of more than ten (10) feet but less than thirty (30) feet in diameter;
 - 2.3. Fifteen (15) feet from the base of the tree to a building for trees with an expected mature canopy of more than thirty (30) feet in diameter.

The City may order the removal of a tree or vegetation planted or propagated in violation of this section.

Section 308.2.2; amend to read as follows:

308.2.2 Refrigerators and other appliances. The accumulation or storage of any broken, discarded, or abandoned refrigerator, freezer, water heater, dishwasher, range, oven, trash compactor, washing machine, clothes dryer, or similar appliance shall be prohibited in the front, rear, or side yard, including in or on porches and unsecured garages, of any vacant lot or on any premises used as a residence, regardless of zoning. ~~Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on premises without first removing the doors.~~

Section 403.6; add Section 403.6 to read as follows:

403.6 Natural Ventilation. Natural ventilation of spaces in unconditioned attics and crawl spaces shall be provided by openings of sufficient size to overcome dampness and to minimize the effect of conditions conducive to decay and deterioration of the structure, and to prevent excessive heat in attics.

Section 403.7; add Section 403.7 to read as follows:

403.7 Window Screens. All outside windows and doors used for ventilation shall be screened.

Table 404.5; amend to read as follows:

**TABLE 404.5
MINIMUM AREA REQUIREMENTS**

Space	MINIMUM AREA IN SQUARE FEET		
	1-2 occupants	3-5 occupants	6 or more occupants
Living room ^{a,b}	120	120	150
Dining room ^{a,b}	No requirement	80	100
Bedrooms	Shall comply with Section 404.4.1		

Section 404.6; delete Section 404.6:

404.6 Efficiency unit. Nothing in this section shall prohibit an efficiency living unit from meeting the following requirements:

- ~~1. A unit occupied by not more than one occupant shall have a minimum clear floor area of 120 square feet (11.2 m²). A unit occupied by not more than two occupants shall have a minimum clear floor area of 220 square feet (20.4 m²). A unit occupied by three occupants shall have a minimum clear floor area of 320 square feet (29.7 m²). These required areas shall be exclusive of the areas required by Items 2 and 3.~~
 - ~~2. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a minimum clear working space of 30 inches (762 mm) in front. Light and ventilation conforming to this code shall be provided.~~
 - ~~3. The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.~~
 - ~~4. The maximum number of occupants shall be three.~~
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Section 602.3; amend to read 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 October 1 [DATE] to [DATE] March 31 to maintain a minimum temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms.

Section 602.4; amend to read as follows:

602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from October 1 ~~[DATE]~~ to ~~[DATE]~~ March 31 to maintain a minimum temperature of 65°F(18°C) during the period the spaces are occupied.

End of Amendments