



INTERNATIONAL PROPERTY MAINTENANCE CODE ORDINANCE NO. 1040

AN ORDINANCE OF THE CITY OF CIBOLO AMENDING CHAPTER 14 OF THE CITY'S CODE OF ORDINANCES; ADOPTING THE 2012 EDITION OF THE *INTERNATIONAL PROPERTY MAINTENANCE CODE*, REGULATING AND GOVERNING THE CONDITIONS AND MAINTENANCE OF ALL PROPERTY, BUILDINGS AND STRUCTURES; BY PROVIDING THE STANDARDS FOR SUPPLIED UTILITIES AND FACILITIES AND OTHER PHYSICAL THINGS AND CONDITIONS ESSENTIAL TO ENSURE THAT STRUCTURES ARE SAFE, SANITARY AND FIT FOR OCCUPATION AND USE; AND THE CONDEMNATION OF BUILDINGS AND STRUCTURES UNFIT FOR HUMAN OCCUPANCY AND USE, AND THE DEMOLITION OF SUCH EXISTING STRUCTURES IN THE CITY OF CIBOLO; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR; REPEALING ALL ORDINANCES AND REGULATIONS IN CONFLICT AND THAT THIS ORDINANCE IS CUMULATIVE OF ALL OTHER ORDINANCES OF THE CITY NOT IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE.

WHEREAS, the City of Cibolo is a Home Rule Municipality located in Guadalupe County, Texas, created in accordance with provisions of the Texas Local Government Code and operating pursuant to its adopted City Charter and all applicable laws and enabling legislation of the State of Texas; and

WHEREAS, the City of Cibolo is governed by a Home Rule Charter that was approved by the Citizens of Cibolo in a duly called election held on September 11, 2004; and

WHEREAS, Chapter 54.001 of the Texas Local Government Code provides the general authority for the City of Cibolo to enforce each rule, ordinance, or police regulation of the City of Cibolo and to punish a violation of a rule, ordinance, or police regulation; and

WHEREAS, Chapter 214.001 of the Texas Local Government Code provides the general authority for the City of Cibolo to require the vacation, relocation of occupants, securing, repair, removal, or demolition of a building that is dilapidated, substandard, or unfit for human habitation and a hazard to the public health, safety, and welfare; and

WHEREAS, the City of Cibolo, Texas seeks to regulate and govern the safeguarding of life and property, providing standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures, and from conditions hazardous to life or property in the occupancy of buildings and premises in the City of Cibolo.

NOW THEREFORE THE CITY COUNCIL OF THE CITY OF CIBOLO DOES HEREBY AMEND THE CITY'S CODE OF ORDINANCES AS FOLLOWS:

Section 1. Code Amendment

That the Cibolo Code of Ordinances Section 14-2(a)(8) is hereby amended to read as follows:

(1) That a certain document, two (2) copies of which are on file in the office of the Building Official of Cibolo being marked and designated as the *International Property Maintenance Code, 2012* edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the City of Cibolo, in the State of Texas for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the Building Official of the City of Cibolo are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in (a), (b) and (c) of this ordinance.

(a) That the following sections and/or sub-sections are hereby revised to read as follows:

101.1. Title. These regulations shall be known as the Property Maintenance Code of Cibolo, hereinafter referred to as "this code."

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, Uniform Plumbing Code, Uniform Mechanical Code, International Energy Conservation Code, International Residential Code* and the *National Electrical Code*. Nothing in this code shall be construed to cancel, modify or set aside any provision of the City's *Zoning Ordinance* or other ordinances adopted by the City of Cibolo. The above referenced codes supersede any other codes that may be referenced in this code.

103.5 Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as adopted by the City Council from time to time in the City's Fee Schedule.

111.2 Membership of board is hereby deleted and referred to Chapter 14 section 14-3 of the City of Cibolo's Code of Ordinances.

201.3 Terms defined in other codes. Where terms are not defined in this code and are defined in the *International Building Code, International Fire Code, City's Zoning Ordinance, Uniform Plumbing Code, Uniform Mechanical Code* or the *National Electrical Code*, such terms shall have the meanings ascribed to them as stated in those codes.

302.4 Weeds is amended as follows:

302.4 Weeds. All premises and exterior property shall be maintained free from weeds or plant growth in excess of 12 inches (305 mm) and when determined by the code official to be offensive. It shall be unlawful for any owner, tenant, lessee, agent or occupant of any lot or

premises to permit any weeds, grass or other vegetation to grow or remain upon any premises, so as to become offensive or emit foul or noxious odor, or to become a breeding place for flies or insects or to become in any way unsanitary or injurious to the public health. 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.

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.

Exception: Agricultural property and property being cultivated. A 50 foot (15 240 mm) wide zone shall be maintained between cultivated crops and adjoining commercial or residential use property lines.

304.14 Insect screens. During the period from March 1st to November 30th, 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 screen door used for insect control shall have a self-closing device in good working condition.

Exception to remain

505.4 Water heating facilities is amended as follows:

505.4 Water heating facilities. Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 120°F (49°C). A gas-burning water heater shall not be located in any bathroom, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

602.3 Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling unit or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from November 1st to February 28th to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, bathrooms, and toilet rooms.

Exceptions to remain.

602.4 Occupiable work space. Indoor occupiable work spaces shall be supplied with heat during the period from November 1st to February 28th to maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied.

Exceptions to remain.

- (b) That all references to the ICC *Electrical Code* are deleted and shall reference the current adopted version of the National Electric Code (NEC) NFPA 70.
- (c) That all references to the International Plumbing Code and International Fuel Gas Code are deleted and shall reference the current adopted Uniform Plumbing Code.
- (d) That all references to the International Mechanical Code are deleted and shall reference the current adopted Uniform Mechanical Code.
- (e) That all pressure gauges installed or used for testing shall have the working range in the middle third of the gauges minimum and maximum pressure ends.

Section 2. Cumulative.

That this ordinance shall be cumulative of all provisions of the City of Cibolo, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinances, in which event the more restrictive provision shall apply.

Section 3. Severability

That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 4. Continuation of Existing Regulations.

That nothing in this ordinance or in the Building Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 3 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 5. Effective Date.

That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effective immediately upon the passage and approval of the City Council of the City of Cibolo, Texas.

PASSED AND APPROVED on this the 8 day of Jan, 2013

APPROVED:


Jennifer Hartman, Mayor

ATTEST:


Peggy Cimics, City Secretary

