

**ORDINANCE NO. 2013-10**

**AN ORDINANCE OF THE CITY OF TOLAR, TEXAS, AMENDING THE PROVISIONS OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE, 2012 EDITION; PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**BE IT ORDAINED BY THE BUILDING STANDARDS COMMISSION OF THE CITY OF TOLAR, TEXAS:**

**SECTION 1.** That the City hereby adopts the 2012 International Property Maintenance Code with the following amendments, which shall read as follows:

Sec. 15-14-1. Property Maintenance Code – Adopted.

There is hereby adopted the International Property Maintenance Code, 2012 Edition, and made a part hereof for all purposes, the same as if fully copied in full herein, with the exception of such sections hereof, which are hereafter deleted, modified or amended.

Sec. 15-14-2. Amendments.

The following sections of the International Property Maintenance Code, 2012 Edition, are hereby amended to read as follows:

1. Section 102.3 shall be amended 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 International 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 of Tolar Ordinances.

2. Section 103.1 shall be amended to read as follows:

103.1 General. The department of property maintenance inspection, referred to as the Building Inspection Department of the City of Tolar, hereinafter is hereby created and the executive official in charge thereof shall be known as the code official.

3. Section 103.5 shall be amended to read as follows:

103.5 Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as indicated in the fee schedule as established by resolution of the City of Tolar shall be charged for compliance with this article.

4. Section 107.1 shall be amended to read as follows:

Section 107.1 Notice to owner(s) or to person(s) 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, notice shall be given in the manner prescribed in Sections 107.2 and 107.3 to the owner(s) or to person(s) responsible for the violation as specified in this code. Notices for condemnation procedures shall also comply with Section 108.3.

5. Section 107.3 shall be amended to read as follows:

Section 107.3 Method of Service. Such notice shall be deemed to be properly served if a copy thereof is:

1. Delivered personally; or

2. Posting a notice of violation in a conspicuous place in or about the structure or on a placard attached to a stake driven into the ground on the property to which the violation relates, if the property contains no buildings; or
3. Sent certified or first class mail addressed to the last known address; or
4. 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.

6. Section 111.1 shall be amended to read as follows:

111.1 APPLICATION FOR APPEAL. ANY PERSON DIRECTLY AFFECTED BY A DECISION OF THE BUILDING OFFICIAL OR A NOTICE OR ORDER ISSUED UNDER THIS CODE SHALL HAVE THE RIGHT TO APPEAL TO THE CITY COUNCIL PRIOR TO THE EXPIRATION OF THE PERIOD FOR COMPLIANCE IN SAID ORDER. 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. THERE SHALL BE A FILING FEE FOR AN APPEAL TO THE BUILDING AND STANDARDS COMMISSION IN AN AMOUNT DETERMINED FROM TIME TO TIME BY RESOLUTION OF THE CITY COUNCIL.

7. Section 112.4 shall be amended to read as follows:

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 the amount of the permit fee required by code and not to exceed Two Thousand (\$2,000.00) dollars.

8. Add Sections 302.4.1 thru 302.4.11 to read as follows:

302.4.1 Groundcover. All groundcover including but not limited to grass, weed(s), ivy, and other decorative groundcovers shall be maintained by mowing, trimming, and/or edging so as to be in conformance with Section 302.4 of this section and shall be maintained so as not to encroach over the edge of sidewalks, pedestrian ways, driveways, flatwork, curbs, and street pavement. This shall not preclude the use of permeable pavement or permeable flatwork techniques that incorporate groundcover in their design provided the areas are maintained in accordance with this section.

302.4.2 Objectionable matter. It shall be the lawful duty of any person owning or occupying real property, within the corporate limits of the city, to keep such property free from rubbish, and other objectionable, unsightly, or unsanitary manner. It shall further be the lawful duty of any person owning any building, establishment, or real property, to keep such improvements or property free from filth, carrion, or other impure or unwholesome matter.

302.4.3 Stagnant water. It shall be unlawful for any person owning or occupying real property, within the corporate limits of the city, to permit stagnant water

therein, and it shall be the duty of said persons to fill up, drain, or regrade any lot, ground or yard which has stagnant water therein.

304.4.4 Notice to owner(s) or to person(s). Notice shall be given in the manner prescribed in Sections 107.2 and 107.3 to the owner(s) or to person(s) responsible for the violation as specified in this code.

304.4.5 Subsequent violations within one year. The city, in the notice of violation, may inform the owner(s) or person(s) responsible in the manner prescribed in Sections 107.2 and 107.3 that if the owner commits another violation of the same kind or nature that poses a danger to the public health and safety on or before the first anniversary of the date of the notice, the city without further notice may correct the violation at the owners expense and assess the expense against the property. If a violation covered by a notice under this subsection occurs within the one year period, and the city has not been informed in writing by the owner of an ownership change, then the city without notice may take any action permitted by this article and assess expenses as provided by this article.

302.4.6 City may perform work and charge expenses. If the owner or occupant of property in the city does not comply with a requirement in this article within ten days of notice of a violation, the city may do the work or make the improvements required and pay for the work done and improvements made and charge the expenses to the owner of the property. The expenses incurred by the City of Tolar, with Building Standards Commission approval, pursuant to the

correcting of conditions as set forth in this article, shall be assessed against the real estate on which the work is done or improvements made.

302.4.7 Expenses of compliance. In the event that it becomes necessary for the city to go onto property and do, or cause to be done, the work necessary to compel compliance with the requirements of this article, the following expenses shall be charged, levied, assessed and collected against such property:

1. Actual costs of necessary work;
2. \$100.00 administrative fee; and
3. Ten percent interest per year.

302.4.8 Assessments of expenses. In the event the owners of premises upon which work was performed by the city and charges incurred, fails or refuses to pay such charges and expenses within 60 days after the work was done, the city tax assessor and collector shall file with the county clerk of Hood County a lien statement which describes the expenses the city has incurred pursuant to the provision of this article, the name of the owner, if known, and the legal description of the property. This lien is security for the expenditures made and interest occurring at the rate of ten percent on the amount due from the date of payment by the municipality. This lien is inferior only to tax liens and liens for street improvements.

302.4.9 Foreclosure. The city may bring a suit for foreclosure in the name of the city to recover the expenditures and interest due in any lien obtained pursuant to this article.

302.4.10 Additional authority to abate dangerous weed(s)/grass.

302.4.10.1 Notwithstanding the other provisions to this article, the city may abate, without notice, weed(s)/grass that have grown higher than 18 inches and are an immediate danger to the health, life, or safety of any person.

302.4.10.2 If the city abates weed(s)/grass under this section, the city shall give notice to the property owner in a manner required by Sections 107.2 and 107.3 not later than the tenth day after the date that the city abates weed(s)/grass under this section. This notice shall contain:

1. An identification, which is not required to be a legal description, of the property;
2. A description of the violations of the ordinance that occurred on the property;
3. A statement that the city abated the weeds/grass; and
4. An explanation of the property owner's right to request an administrative hearing about the city abatement of the weeds/grass.

302.4.10.3 The city shall conduct an administrative hearing on the abatement of weeds/grass under this section if, not later than the 30<sup>th</sup> day after the date of the abatement of the weed(s)/grass, the property owner files with the city a written request for a hearing.

302.4.10.4 An administrative hearing conducted under this section shall be conducted no later than the 20<sup>th</sup> day after the date a request for hearing is filed. The owner may testify or present any witnesses or written information relating to the city's abatement of the weed(s)/grass.

302.4.10.5 Expenses under this section may be assessed in liens created under the same conditions expressed in this article. The grant of authority in this section is in addition to all other powers granted by this article.

302.4.11 Maintenance of subdivision. Within the boundaries of a subdivision plat, the homeowner's association shall be responsible for maintaining all common areas, and shall be considered the owner or occupant of the common areas for purposes of this article.

9. Section 302.7 shall be amended to read as follows:

Section 302.7 Accessory structures. All accessory structures, including detached garages, carports, awnings, patio covers, sheds, storage buildings, retaining walls, fences and walls, shall be maintained structurally sound and in good repair.

10. Add Sections 302.7.1 and 302.7.2 to read as follows:

Section 302.7.1 Portable storage container(s) and/or unit(s). It shall be unlawful for any person, occupant, or owner to place on any public street or city right-of-way a portable storage container(s) and/or unit(s) including but not limited to PODS, Mobile Mini, Smart Box, and Mini Storage units. Furthermore, such portable storage container(s) and/or unit(s) shall not be placed on any property for a period longer than forty-five (45) consecutive days.

Section 302.7.2 Fences and retaining walls. All fences and retaining walls shall be maintained reasonable plumb and structurally sound. Fences and retaining walls that are broken, loose, damaged, missing parts (i.e. pickets, slates, posts, wood rails, brick, and panels) shall be repaired, replaced or removed. Each structural and decorative member of a fence or a retaining wall shall be free of



deterioration and be compatible in size, material, and appearance with the remainder of the fence or retaining wall. A fence or retaining wall that has deteriorated to a condition that is likely to fall or if any portion of the fence is more than 15 degrees out of vertical alignment shall be repaired, replaced, or removed. Fences or retaining walls shall not be externally braced in lieu of replacing or repairing steel posts, columns, or other structural members.

11. Add Section 302.8.1 to read as follows:

Section 302.8.1 Parking regulations. No vehicle, special vehicle, and/or utility vehicle shall be parked on any lot unless parked on an all-weather surface driveway or an all-weather surface slab. Certain vehicles, such as, but not limited to any trailer, boat, boat trailer, stock trailer, camper trailer, semitrailer, mobile home, truck tractor, recreational vehicle or bus shall not be parked on any public street within any residential area of the city for a period longer than two hours.

12. Add Section 302.10 to read as follows:

Section 302.10 Glare. Exterior lights placed or erected on private property shall be shielded, placed or erected so as not to create a traffic hazard or a public nuisance.

13. Add Section 302.11 to read as follows:

Section 302.11 Trees, shrubs and plants. Trees, shrubs, and plants shall not obstruct the access to or from any door or window of any structure which is used, or is required by city codes and ordinances to be used, for ingress or egress. Trees, shrubs, or plants that are dead and/or which are hazardous to persons or property shall be removed. Foliage of hedges, trees, and shrubs in public rights-of-way

shall be maintained by the property owner adjacent to the right-of-way, such that the minimum overhang above a sidewalk shall be seven (7) feet. The minimum overhang above a street, alley, or public driveway shall be fourteen (14) feet.

14. Add Section 302.12 to read as follows:

Section 302.12 Nuisances. All properties shall be maintained free of any nuisances.

15. Add Section 302.13 to read as follows:

Section 302.13 Erosion Control. The unpaved areas of the property shall be maintained with grass, ground cover, or other type of landscaping to such an extent that the soil, when wet, will not be picked up and spread to sidewalks or adjacent private or public property and is not subject to erosion during rains.

16. Add Section 302.14 to read as follows:

Section 302.14 Antennas, towers, stacks, etc. Antennas, towers, stacks, satellite dishes, and similar structures must be maintained structurally sound, free of deterioration, firmly secured, and must comply with applicable requirements of the City of Tolar Zoning Ordinance, as amended.

17. Add Section 302.15 to read as follows:

Section 302.15 Residential Outside Storage. It shall be unlawful for any person to allow, permit, conduct or maintain any outside storage on any portion of a lot or tract, unless screened from public view. Prohibited outside storage shall include, but it not limited to the following: Building and landscape material (exception: allowed only during an active remodeling permit) including chemicals; items associated with a home occupation; or other matter associated

with nonresidential activity, appliances and or furniture not designed for outdoor use; appliances designed for outdoor use but not currently installed; tools, equipment not connected with a residential use; lawn maintenance equipment; motor vehicle parts and/or accessories; other items or personal property which are not customarily used or stored outside and which are not made of a material that is resistant to damage or deterioration from exposure to the outside environment; or trash, garbage or other refuse.

18. Section 304.3 shall be amended to read as follows:

Section 304.3 Premises identification. 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. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches (102mm) high with a minimum stroke width of 0.5 inch (12.7mm).

19. Section 304.15 Doors shall be amended to read as follows:

Section 304.15 Doors. All exterior doors, garage doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.

20. Add Section 304.19 Burglar bars to read as follows:

Section 304.19 Burglar bars. Burglar bars shall comply with requirements of the

building code and other codes or ordinances of the city. Burglar bars on windows of bedrooms of residential structures shall be constructed and mounted in such a way so as to be operable and openable from the interior of the residence.

**SECTION 2.** All the regulations, provisions, conditions and terms of such publications referenced in this ordinance, all of which are on file in the offices of the city secretary and building official, are referred to, adopted and made a part of this ordinance as if fully set out in this ordinance.

**SECTION 3.** The codes adopted herein are adopted with certain amendments, true and correct copies of which are attached hereto, and which amendments are incorporated as a part of each of the codes adopted by this ordinance. The amendments adopted herein shall be maintained on file in the offices of the city secretary and building official and shall be attached to each of the codes adopted by this ordinance.

**SECTION 4.** All references in all of such codes to boards of appeal shall refer to the board of adjustment of the City of Tolar, Texas.

**SECTION 5.** It is unlawful for any person to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure or cause or permit such work to be done in violation of the codes adopted by this ordinance. Any person, firm or corporation violating any of the provisions or terms of this ordinance as amended hereby shall be deemed guilty of a misdemeanor and subject to a penalty as provided for in this ordinance, and upon conviction shall be punished by fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense, and each and every day such violation shall continue shall constitute a separate offense.

**SECTION 6.** That all ordinances of the City of Tolar in conflict with the provisions of this ordinance be and the same are hereby repealed and all other ordinances of the City of Tolar not in conflict with the provisions of the ordinance shall remain in full force and effect.

**SECTION 7.** That an offense committed before the effective date of this ordinance is governed by the prior law and the provisions of the Code of Ordinances and ordinances of the City, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

**SECTION 8.** If any section, paragraph, sentence, subdivision, clause, phrase or provision of this ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision hereof other than the part so decided to be unconstitutional, illegal, or invalid and shall not affect the validity of the remainder of this ordinance or any other provision of the Code of Ordinances of the City of Tolar.

**SECTION 9.** That this Ordinance shall take effect immediately from and after its passage and the publication of the caption as the law and Charter in such cases provide.

**DULY ADOPTED** by the Building Standards Commission of Tolar, Texas on the 19 day of August, 2013.



APPROVED:

  
MAYOR

ATTEST:

  
CITY SECRETARY

**EXHIBIT "A"**

**AMENDMENTS TO INTERNATIONAL CODES**