

ORDINANCE NO. 1150

AN ORDINANCE OF THE CITY OF LAKE WORTH, TEXAS AMENDING CHAPTER 3 "BUILDING REGULATIONS" OF THE LAKE WORTH CODE OF ORDINANCES, REPEALING ARTICLE 3.1700 "TECHNICAL AND CONSTRUCTION CODES ADOPTED", DIVISION 9 "INTERNATIONAL PROPERTY MAINTENANCE CODE" BY REPEALING AND REPLACING IT WITH A NEW SECTION 9, ENTITLED "INTERNATIONAL PROPERTY MAINTENANCE CODE ADOPTED," AND BY ADOPTING THE 2018 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00 FOR EACH VIOLATION; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Lake Worth, Texas (the "City") is a Home Rule City acting under its charter adopted by the electorate pursuant to Article 11, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and

WHEREAS, a new edition of the *International Property Maintenance Code* ("IPMC") is produced every three (3) years, and the 2018 Edition of the IPMC has recently been issued by the International Code Council ("ICC"); and

WHEREAS, the International Conference of Building Officials ("ICBO") in conjunction with the ICC have developed the International Property Maintenance Code, and in addition it is reviewed by the Regional Codes Coordinating Committee of the North Central Texas Council of Governments ("NCTCOG"); and

WHEREAS, the City's IPMC is intended to be updated periodically, and the 2018 edition of the IPMC is the most current published property maintenance code at this time; and

WHEREAS, the adoption of the 2018 Edition of the IPMC, including local amendments, will provide the most current life safety applications with respect to construction, occupancy, use and maintenance of buildings and structures in the City; and

WHEREAS, the current property maintenance code in the City is the 2012 edition of the IPMC, and the City's property maintenance code should be updated to the most current published code available; and

WHEREAS, the City Council of the City of Lake Worth, Texas, has determined that it is in the best interest of the citizens of the City of Lake Worth to update and adopt the 2018 edition of the IPMC the minimum standard for the continued construction, occupancy, use and maintenance of buildings and structures in the City, as set forth

herein and as the code specifically modified by the ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAKE WORTH, TEXAS:

SECTION 1.

The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes:

SECTION 2.

All ordinances and provisions of the City of Lake Worth, Texas that are in conflict with this ordinance shall be and the same are hereby repealed, and all ordinances and provisions of ordinances of said City not so repealed are hereby retained in full force and effect.

SECTION 3.

From and after the effective date of this ordinance, Section 3.1700, Technical and Construction Codes, Division 9, of the Code of Ordinances of the City of Lake Worth, entitled "International Property Maintenance Code," is hereby repealed and replaced with a new Section 9 entitled "International Property Maintenance Code Adopted," to read as follows":

Sec.3.1709

International Property Maintenance Code Adopted

The IPMC, 2018 edition, a copy of which is on file with the City Secretary, is hereby adopted and designated as the property maintenance code of the city the same as though the provisions, of the IMPC, 2018 edition, were copied at length in this section, subject to and modified by amending only the enumerated sections and provisions, as follows, and all sections and provisions not expressly amended or deleted shall remain in full force and effect. Where an amendment is not clear or is silent regarding a certain requirement, the requirements of the IMPC, 2018 edition, shall be met.

- (1) Section 101.1 of the IPMC, 2018 edition is hereby amended to read as follows:

[A] 101.1 Title. These regulations shall be known as the *International Property Maintenance Code*, hereinafter referred to as "this code."

- (2) Section 102.3 of the IPMC, 2018 edition is hereby amended 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.

- (3) Section 103.1 of the IPMC, 2018 edition is hereby amended to read as follows:

[A] 103.1 General. 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 shall be known as the Code official.

- (4) Section 103.2 of the IPMC, 2018 edition is hereby amended to read as follows:

[A] 103.2 Appointment. The *code official* shall be appointed by the City Manager.

- (5) Section 103.3 of the IPMC, 2018 edition is hereby amended 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, 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*.

- (6) Section 104.1 of the IPMC, 2018 edition is hereby amended 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.

- (7) Section 104.7 of the IPMC, 2018 edition is hereby added 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.

- (8) Section 106.6 of the IPMC, 2018 edition is hereby added 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.

- (9) Section 107.1 of the IPMC, 2018 edition is hereby amended to read as follows:

[A] 107.1 Notice to person responsible. Notice shall be given in the manner prescribed in Section 107 of this code to the person responsible for the violation as specified in this code.

- (10) Section 107 of the IPMC, 2018 edition is hereby amended to delete Section(s) 107.2 through 107.4.

- (11) Section 107.6 of the IPMC, 2018 edition is hereby amended to read as follows:

[A] 107.6 Transfer of ownership. It shall be unlawful for the owner of any property 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 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.

- (12) Section 108.1 of the IPMC, 2018 edition is hereby amended 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 repaired, removed from service, vacated, demolished and/or abated pursuant to the provisions of this code and Article 3.200 of the Lake Worth Code of Ordinances.

- (13) Section 108.2 of the IPMC, 2018 edition is hereby amended 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 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.

- (14) Section 108.3 of the IPMC, 2018 edition is hereby amended to read as follows:

[A] 108.3 Notice. Whenever the *code official* has removed from service, equipment under the provisions of this section, notice shall be posted on or near the equipment removed from service and served on the *owner*, owner's authorized agent or the person or persons responsible for the equipment in accordance with Section 107.1.

- (15) Section 108.4 of the IPMC, 2018 edition is hereby amended 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 "SUB STANDARD STRUCTURE and a statement of the penalties provided for occupying the *premises*, operating the equipment or removing the placard.

- (16) Section 108.4.1 of the IPMC, 2018 edition is hereby amended to read as follows:

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

- (17) Section 108.5 of the IPMC, 2018 edition is hereby amended to read as follows:

[A] 108.5 Prohibited occupancy. Any occupied structure 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.

- (18) Section 109.6 of the IPMC, 2018 edition is hereby amended 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 Lake Worth City Council, be afforded a hearing as described in Section 3.207 of the Lake Worth Code of Ordinances. The appeal must be filed with the Code Official within thirty (30) calendar days after the decision, notice or order was served.

(19) Section(s) 110 of the IPMC, 2018 edition is hereby deleted in its entirety.

(20) Section 111.1 of the IPMC, 2018 edition is hereby amended 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 Lake Worth City Council, provided that a written application for appeal is filed within 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.

(21) Section(s) 111.2 through 111.7 of the IPMC, 2018 edition are hereby deleted in their entirety:

(22) Section 111.8 of the IPMC, 2018 edition is hereby amended 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 Lake Worth City Council.

(23) Section 112.4 of the IPMC, 2018 edition is hereby amended 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, a civil penalty may be assessed in an amount not to exceed \$1,000.00 per day for each violation or, if the owner shows that the property is the owner's lawful homestead, in an amount not to exceed ten dollars per day for each violation.

(24) Section 202 of Definition(s) of the IPMC, 2018 edition is hereby amended to read as follows:

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

Rooming House. A building arranged or occupied or intended to be occupied for sleeping or living, with or without meals, leased or let, and not occupied as a single-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.

- (25) Section 302.1 of the IPMC, 2018 edition is hereby amended 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, high grass, weeds, limbs, pieces of metal, any unsightly or objectionable material of whatever nature or any matter that constitutes a fire or health hazard.

- (26) Section 302.2 of the IPMC, 2018 edition is hereby amended for the Exception to read as follows:

Exception:

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

- (27) Section 302.3 of the IPMC, 2018 edition is hereby amended 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.

- (28) Section 302.4 of the IPMC, 2018 edition is hereby amended to read as follows:

302.4 Weeds. *Premises and exterior property* shall be maintained free from weeds or plant growth in excess of twelve (12) inches in height. Noxious 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. *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.

- (29) Section 302.8 of the IPMC, 2018 edition is hereby deleted in its entirety.

- (30) Section 302.10 of the IPMC, 2018 edition is hereby added 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.

- (31) Section 302.11 of the IPMC, 2018 edition is hereby added 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.

- (32) Section 308.2.2 of the IPMC, 2018 edition is hereby amended 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.

- (33) Section 403.6 of the IPMC, 2018 edition is hereby added 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.

- (34) Section 403.7 of the IPMC, 2018 edition is hereby added to read as follows:

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

- (35) Section 405.5 of the IPMC, 2018 edition is hereby amended to read as follows:

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}	80	80	100
Bedrooms	Shall comply with Section 404.4.1		

(36) Section 404.6 of the IPMC, 2018 edition is hereby deleted in its entirety.

(37) Section 602.3 of the IPMC, 2018 edition is hereby amended 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*, either expressed or implied, to furnish heat to the *occupants* thereof shall supply heat during the period from October 1 to March 31 to maintain a minimum temperature of 68°F (20°C) in all habitable rooms, *bathrooms* and *toilet rooms*.

(38) Section 602.4 of the IPMC, 2018 edition is hereby amended to read as follows:

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

SECTION 4. CUMULATIVE CLAUSE

This Ordinance shall be cumulative of all provisions of all other ordinances of the City of Lake Worth, Texas except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

**SECTION 5.
PENALTY CLAUSE**

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

**SECTION 6.
SEVERABILITY CLAUSE**

It is hereby declared to be the intention of the City Council of the City of Lake Worth that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

**SECTION 7.
SAVINGS CLAUSE**

All rights or remedies of the City of Lake Worth, Texas are expressly saved as to any and all violations of the provisions of any ordinance affecting zoning or land use, which have accrued at the time of the effective date of this Ordinance; and as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such Ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the Courts.

**SECTION 8.
ENGROSSMENT AND ENROLLMENT**

The City Secretary of the City of Lake Worth is hereby directed to engross and enroll this Ordinance by copying the caption, publication clause and effective date clause in the minutes of the City Council and by filing the Ordinance in the Ordinance Records of the City.

**SECTION 9.
PUBLICATION**

The City Secretary of the City of Lake Worth is hereby directed to publish in the official newspaper of the City of Lake Worth, the caption, the penalty clause, publication clause, and effective date clause of this ordinance two (2) days as authorized by Section 52.013 of the Local Government Code.

**SECTION 10.
EFFECTIVE DATE**

This Ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

PASSED AND APPROVED on 13th day of August, 2019.

CITY OF LAKE WORTH

By: Walter Bowen
Walter Bowen, Mayor

ATTEST:

Monica Solko
Monica Solko, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Drew Larkin
Drew Larkin, City Attorney