

ORDINANCE NO. 2016-51

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ODESSA, TEXAS; ADDING ARTICLE 3-16 ENTITLED "MINIMUM BUILDING STANDARDS AND PROPERTY MAINTENANCE" TO CHAPTER 3 OF THE CITY CODE OF ORDINANCES ENTITLED "BUILDING REGULATIONS"; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City of Odessa recognizes the need to provide standards and regulate the conditions and maintenance of property, buildings, and structures to ensure that said property, buildings, and structures are safe, sanitary, and fit for occupation and use; and

WHEREAS, the City of Odessa recognizes the need to inspect and require corrective actions on property, buildings, and structures whose condition has deteriorated or is operated or maintained in violation of the minimum standards for the continued use and occupancy of the property, buildings, and structures as described; and

WHEREAS, the City of Odessa recognizes the need to safeguard the public health and safety by adopting modern, up-to-date building codes addressing the property maintenance needs in our community; and

WHEREAS, the City Council of the City of Odessa deems it to be in the public interest to adopt the sections of the "2012 International Property Maintenance Code", with amendments, as provided;

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

Section 1. That Article 3-16 entitled “Minimum Building Standards and Property Maintenance” is hereby added to Chapter 3 of the City Code of Ordinances entitled “Building Regulations,” as follows:

ARTICLE 3-16 MINIMUM BUILDING STANDARDS CODE

Sec. 3-16-1 Adoption

The 2012 International Property Maintenance Code, as amended by subsequent provisions of this chapter and the 2012 International Property Maintenance Code Supplements, is hereby adopted by the City.

Sec. 3-16-2 Amendments

The hereinafter set forth amendments to the 2012 International Property Maintenance Code are hereby adopted by the city. When an amendment consists of a revision of an existing article, section, subsection, table or other portion of the 2012 International Property Maintenance Code, the language of such amendment, to the extent that it is not in conflict with this section, shall supersede the language of the respective portion amended. Amendments to the 2012 International Property Maintenance Code, consisting of the addition of new articles, sections, subsections, errata, tables or other portions shall constitute supplements to such code. Any references to the code, property maintenance code, minimum building standards code, this code, etc., shall mean this article and any adopted appendixes and supplements.

CHAPTER 1 SCOPE AND ADMINISTRATION

SECTION 101. GENERAL

Amend to read as follows:

[A] 101.1 Title.

These regulations shall be known as the Minimum Building Standards and Property Maintenance Code of the City of Odessa, Texas, hereinafter referred to as “this code.”

[A] 101.2 Scope.

The provisions of this code shall apply to all existing commercial structures and premises, both nonresidential and residential, and shall constitute minimum

requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire, and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties. For the Purposes of this Article, Commercial Residential Structures specifically includes all residences that are leased or let, where a landlord/tenant relationship exists, which may include apartments, duplexes, houses, or similar structures; however, the provisions of this Article do not apply to private residences that are owner-occupied.

Amend to add the following subsection:

[A] 101.2.1 Implementation.

This code shall apply to and be implemented in the area generally bound by North Sam Houston Avenue on the West, 8th Street on the North, North Hancock Avenue on the East and 2nd Street on the South.

SECTION 102. APPLICABILITY

Amend to read as follows:

[A] 102.8 Requirements not covered by code.

Any requirement determined by the Code Official to be essential for structural, fire, or sanitary safety of an existing or proposed building or structure or essential for the safety of the occupants thereof, and which is not specifically covered by this Code, shall be recommended by the Code Official and considered by the City Council for coverage and inclusion in this Code by amending the ordinance. During such time as such requirement can be considered for coverage and inclusion in this Code by the City Council by amending the ordinance, the Code Official is authorized to issue a stop work order as provided in [A] 112.2 of the Building Code, in order to prevent the commencement or continuation of construction of any proposed building or structure until the City Council has had an opportunity to provide for such situation not specifically

covered by this Code. Any stop work order issued under the authority of this section shall be effective for no longer than ninety (90) days.

SECTION 103. CODE OFFICIAL

[A] 103.1 General.

The city manager shall designate a person to be the Code Official, who shall perform the duties and responsibilities listed in this article.

[A] 103.2 Appointment.

Delete in its entirety and reserve.

Amend to read as follows:

[A] 103.5 Fees.

See the City ordinance on permit fees, currently sec. 3-1-1.

SECTION 105. APPROVAL

Amend to read as follows:

[A] 105.2 Alternative materials, methods, and equipment.

The provisions of this code are not intended to prevent the installation of any material or prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been *approved* prior to its installation or use. An alternative materials, designs and method must be clearly identified in plans and documents submitted for permit with an attached written request for review and approval prior to the issue of the permit. An alternative material, design or method of construction shall be approved where the code official finds that the proposed design is satisfactory and complies with the intent of the provision of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance durability and safety.

SECTION 106. VIOLATIONS

Amend to read as follows:

[A] 106.3 Prosecution of violation.

Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed guilty of a misdemeanor, and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the code official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

[A] 106.4 Violation penalties.

Any person who violates a provision of this code or fails to comply with any of the requirements thereof shall be guilty of a misdemeanor punishable by a fine of not more than two thousand dollars (\$2000.00). Each day that a violation continues shall be deemed a separate offense.

Exception: The following provisions shall be punishable by a fine of not more than five hundred dollars (\$500.00):

1. 302.4 Weeds
2. 302.8 Motor Vehicles
3. 302.9 Defacement of Property
4. 304.2 Protective Treatment
5. 304.3 Premises Identification
6. 304.8 Decorative Features
7. 304.20 Signs
8. 304.21 Abandoned Signs
9. 308.1 Accumulation of Rubbish and Garbage

SECTION 108. UNSAFE STRUCTURES AND EQUIPMENT

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 notice of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the code official shall cause the premises to be closed and secured. The cost thereof may 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 legal resource.

[A] 108.4 Placarding.

Delete section in its entirety and reserve.

[A] 108.4.1 Placard removal.

Delete section in its entirety and reserve.

Amend to read as follows:

[A] 108.5 Prohibited Occupancy.

Any occupied structure condemned by the code official shall be vacated as ordered by the code official. Any person who shall occupy condemned premises or shall operate condemned equipment, and any owner or person responsible for the premises who shall let anyone occupy condemned premises or operate condemned equipment shall be liable for the penalties provided by this code.

SECTION 109. EMERGENCY MEASURES

[A] 109.6 Hearing

Delete section in its entirety and reserve.

SECTION 110. DEMOLITION

Delete in its entirety and insert the following:

Refer to the demolition section of the International Building Code for demolition requirements and regulations as adopted by the City of Odessa.

SECTION 111. MEANS OF APPEAL

Delete in its entirety and insert the following:

The Board of Appeals as noted in the International Building Code amendments as adopted by the City of Odessa shall be the ruling provisions and board for this code.

SECTION 112. STOP WORK ORDER

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 for a fine of not more than two thousand dollars (\$2,000.00). Each day that a violation continues shall be deemed as separate offense.

CHAPTER 2. DEFINITIONS.

Section 202. GENERAL DEFINITIONS

Amend to read as follows:

[A] Code Official – The official who is charged with the administration and enforcement of this code, or any duly authorized representative including the building official or his duly authorized representative.

CHAPTER 3 GENERAL REQUIREMENTS

SECTION 302. EXTERIOR PROPERTY AREAS

Amend to read as follows:

302.3 Sidewalks and driveways.

All sidewalks, walkways, stairs, driveways, parking spaces, and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions. Cracked or broken pavement, potholes, or other damages to parking or driving surfaces

that are open to public use or provided for tenants shall be properly repaired and maintained.

302.4 Weeds.

Amend first paragraph to read as follows:

All premises and exterior property shall be maintained free from weeds or plant growth in excess of twelve (12) inches. All noxious weeds shall be prohibited. Weeds shall be defined as any hazardous vegetation, that is, any grass, weeds or wild brush of whatever nature, whether grown, accumulated, stacked or piled.

SECTION 303. SWIMMING POOLS, SPAS AND HOT TUBS

Delete in its entirety and reserve.

SECTION 304 EXTERIOR STRUCTURE

Amend to read as follows:

304.9 Overhang extensions.

All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes, and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment. If fabrics, plastics, or similar materials are used as coverings in an overhang extension, such materials shall be maintained in good repair, free from holes, tears, and frays, or such materials shall be removed, repaired, or replaced.

304.14 Insect screens.

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 minimum

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: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

Amend to add the following subsections:

304.20 Signs.

In addition to the provisions in Sections 304.1.1, 304.8, and 304.9, all attached and freestanding signs shall be maintained in good repair, free from cracks, holes, breaks, and loose or rotting materials, and protected by painting or other protective covering or treatment. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Cracked or otherwise broken materials shall be repaired or replaced. Peeling, flaking, or chipped paint shall be eliminated and surfaces shall be repainted.

304.21 Abandoned Signs.

Attached or freestanding signs that are in disrepair as described in Section 304.20 and are advertising or identifying companies that have been out of business or are no longer located at the location of the sign for a period of six (6) months or longer shall be updated or removed in accordance with Section 12.102 of the City of Odessa Zoning Ordinance.

SECTION 308. RUBBISH AND GARBAGE

Delete sections 308.2.1 thru 308.2.2 and 308.3.1 thru 308.3.2 in their entirety and reserve.

CHAPTER 6 MECHANICAL AND ELECTRICAL REQUIREMENTS

SECTION 602. HEATING FACILITIES

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, is required to furnish heat to the occupants thereof shall supply heat to maintain a minimum temperature of 68°F (20°C) in all habitable rooms, bathrooms, and toilet rooms.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the International Plumbing Code.
2. In areas where the average monthly temperature is above 30°F (-1°C) a minimum temperature of 65°F (18°C) shall be maintained.

602.4 Occupiable work spaces.

Indoor occupiable work spaces shall be supplied with heat to maintain a minimum temperature of 65°F (18°C) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

Section 2. That should any section, clause or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this ordinance or any other ordinance of the City as a whole or any part thereof, other than the part so declared to be invalid.

Section 3. That any person violating the provisions of this ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine not exceeding two thousand

dollars (\$2,000.00) as provided in Section 1-1-9, "General Penalty", Odessa City Code, which section is adopted by reference and made a part hereof.

Section 4. That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 5. That the caption and penalty clause of this ordinance shall be published in The Odessa American, a newspaper of general circulation in the city of Odessa, in compliance with the provisions of Article 1176b-1, T.R.C.S.

Section 6. That this ordinance shall go into effect thirty (30) days after adoption on second approval.

The foregoing ordinance was first approved on the 8th day of November, A.D., 2016, by the following vote:

Amye McNeil	AYE
Dewey Bryant	AYE
Barbara Graff	AYE
Michael Gardner	AYE
Filiberto Gonzales	AYE

The foregoing ordinance was adopted on second and final approval on the 22nd day of November, A.D., 2016, by the following vote:

Malcolm Hamilton	AYE
Dewey Bryant	AYE
Barbara Graff	AYE
Michael Gardner	AYE
Filiberto Gonzales	AYE

Approved this the 22nd day of November, A.D., 2016.

David R. Turner, Mayor

ATTEST:

Norma Aguilar-Grimaldo, City Secretary

APPROVED AS TO FORM:

Larry Long, City Attorney