

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SWEETWATER, TEXAS, ADOPTING THE 2021 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE, SAVE AND EXCEPT THE AMENDMENTS SET FORTH HEREIN REGULATING ALL EXISTING PREMISES BY ESTABLISHING 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 WITHIN THE CITY OF SWEETWATER, TEXAS; PROVIDING A PENALTY CLAUSE, SAVINGS/REPEALING CLAUSE, SEVERABILITY CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the City Council of the City of Sweetwater, Texas ("City Council") has investigated and determined that it would be advantageous, beneficial and in the best interest of the citizens of the City of Sweetwater, Texas ("Sweetwater") to amend Article VI of Chapter 7, Buildings and Construction and Chapter 21 Nuisances ("Code of Ordinances"), by adopting the 2021 Edition of the International Property Maintenance Code, save and except the deletions and additions set forth below; and

WHEREAS, the City Council has investigated and determined that in order to most effectively make the deletions and additions necessary to those portions of the Sweetwater Code of Ordinances addressing minimum property maintenance standards, it is in the best interest of the citizens of Sweetwater to replace those sections with this Ordinance, adopting the 2021 Edition of the International Property Maintenance Code, save and except the deletions and additions set forth below.

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

SECTION 1: Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2: Minimum Property standards are set forth by this Ordinance and the effective date shall occur on the effective date of this Ordinance at which time those sections of ordinances will be replaced with the more stringent requirements. This substitution shall not abate any pending prosecution and/or lawsuit or prevent any prosecution and/or lawsuit from being commenced for any violation of Chapter 7 or Chapter 21 of the code of ordinances before the effective date of this Ordinance.

SECTION 3: The Sweetwater Code of Ordinances is hereby amended for the sole purpose of adopting new Property Maintenance Code regulations as set forth in the 2021 International Property Maintenance Code, including Appendix A, copyrighted by the International Code Council, Inc., save and except the deletions and amendments set forth in Exhibit A, attached hereto and incorporated herein for all purposes, regulating all existing residential and nonresidential structures and all existing premises by establishing minimum requirements and standards for premises, structures equipment, and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety from fire and other hazards, and for safe and sanitary maintenance within the City of Sweetwater ("2021 International Property Maintenance Code").

The 2021 International Property Maintenance Code, including Appendix A, is made a part of this Ordinance as if fully set forth herein. One (1) copy of the 2021 International Property Maintenance Code ion file in the office of the City Secretary of Sweetwater being marked and designated as the 2021 International Property Maintenance Code. The deletions and amendments set forth in Exhibit A are located on Sweetwater's website under Planning and Development Services.

SECTION 4: Savings/Repealing. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portion of conflicting ordinances shall remain in full force and effect.

SECTION 5: Penalty Provision. Any person, firm, corporation or business entity violating this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction therefore, shall be fined a sum not exceeding ONE THOUSAND AND NOil 00 DOLLARS (\$1,000.00), and

each and every day that such violation continues shall be considered a separate offense; provided, however, that such penal provision shall not preclude a suit to enjoin such violation. Sweetwater retains all legal rights and remedies available to it pursuant to local, state and federal law.

SECTION 6: Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional and/or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Sweetwater hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, regardless of whether any one or more sections, subsections, sentences, clauses or phrases is declared unconstitutional and/or invalid.

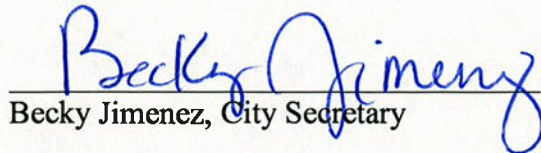
SECTION 7: Effective Date. This Ordinance shall become effective upon its passage and publication as required by the City Charter and by law.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF
THE CITY OF SWEETWATER, TEXAS**, on this 12th day of September,
2023.



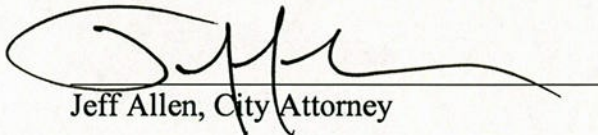
Jim McKenzie, Mayor

ATTEST:



Becky Jimenez, City Secretary

APPROVED AS TO FORM:



Jeff Allen, City Attorney

Exhibit A
CITY OF SWEETWATER
DELETIONS/ADDITIONS
2021 INTERNATIONAL PROPERTY MAINTENANCE CODE

The following deletions and additions of the 2021 International Property Maintenance Code are hereby approved and adopted.

Section 101 General of the 2021 International Property Maintenance Code is amended as follows:

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

101.3 Purpose. The purpose of this code is to establish minimum requirements to provide a reasonable level of health, safety, property protection, and general welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a reasonable minimum level of health, safety and general welfare as required herein. Repairs, alterations, additions to and change of occupancy in existing buildings shall comply with the City of Sweetwater's Building, Electrical, Mechanical, Plumbing, Fire, and Health Codes, as they currently exist or may be amended, and the City of Sweetwater's Comprehensive Zoning & Subdivision Regulation Ordinances, as they currently exist or may be amended.

Section 102 Applicability of the 2021 International Property Maintenance Code is amended as follows:

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 (National Electrical Code), and the City of Sweetwater Zoning & Subdivision Ordinances, as they currently exist or may be amended. Nothing in this code shall be

construed to cancel, modify, or set aside any provision of the City of Sweetwater Zoning and/or Subdivision Ordinances. as they currently exist or may be amended.

102.8 Referenced codes and standards. The codes and standards referenced in this code shall be the City of Sweetwater Zoning & Subdivision Regulation Ordinances, and the Building, Electrical, Mechanical, Plumbing, Fire, Fuel Gas, and Health Codes adopted by the City of Sweetwater, as they currently exist or may be amended. Where differences occur between provisions of this code and the referenced standards, the most restrictive code shall apply.

Section 103 Code Compliance Agency of the 2021 International Property Maintenance Code is amended as follows.

103.1 Creation of agency. The Department of Planning and Development Services is responsible for the implementation of this code, and the official in charge of the Planning and Development Services department shall be known as the code official.

Section 107 Means of Appeal of the 2021 International Property Maintenance Code is amended as follows:

107.1 Means of Appeal. The Zoning Board of Appeals, created by the City of Sweetwater, as it currently exists or may be amended, will serve as the means of appeals of orders, decisions or determinations by the code official relative to the application and interpretation of this code.

Section 111 Unsafe Structures and Equipment of the 2021 International Property Maintenance Code is amended as follows:

111.4.2 Method of Service. Such notice shall be deemed to be properly served where a copy thereof is served in accordance with one of the following methods:

1. A copy is delivered personally to the owner, tenant, agent, or person responsible for or claiming or having supervision or control over real property, property owner and/or to the person responsible for the violation in writing:

2. A copy is sent by certified or registered mail addressed to the property owner at the last known property owner's address as recorded in the appraisal district records of the appraisal district in which the property is located or sent by letter addressed to the person responsible for the violation with the return receipt requested;

3. If the City mails a notice to the property owner in accordance with this section, and the United States Postal Service returns the notice as "refused", "unclaimed", or if the address required by subsection 107.3(2) was used and the notice is returned as "not deliverable as addressed" (or equivalent marking), the validity of the notice is not affected, and is considered as delivered: or

4. If the certified, registered, or first-class notice is returned showing that the letter notice was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the fore-going manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner. If personal service of the property owner cannot be obtained:

- a. By publication in the City's official newspaper at least once:
- b. By posting on or near the front and rear door if alley is served of each building on the property to which the violation relates: or
- c. By posting a notice to a placard attached to the building or stake driven into the ground on the property to which the violation relates.

Chapter 3. General Requirements of the 2021 International Property Maintenance Code is amended as follows:

Section 302 Exterior Property Areas of the 2021 International Property Maintenance Code is amended as follows:

302.1 Sanitation. Exterior property and premises shall be maintained in a clean, safe, and sanitary condition. The occupant, owner, tenant, agent, or person responsible for or claiming or having supervision or control over real property shall keep that part of the exterior

property that such occupant occupies or controls in a clean and sanitary condition. A person, owner, tenant or agent responsible for or claiming or having supervision or control of any real property. Occupied or unoccupied, commits an offense by permitting or allowing stagnant or unwholesome water, filth, carrion, weeds, rubbish, rubble, junk or garbage, or impure or unwholesome matter of any kind, including, but not limited to, dead grass, dead tree/shrub. tree limbs, tree stumps. improper composting or improper storage of landscape materials, waste paper, scrap wood or lumber, scrap metal, rags, rubber tires, plastic, metal, ceramic or glass bottles, canisters. barrels or cans. combustible materials, appliances, furniture not designed for outdoor use. discarded or unused flooring material, dismantled or disassembled vehicle parts. discarded or abandoned construction materials and exposed or uncovered fill materials, or any objectionable. unsanitary or unsightly matter of whatever nature to accumulate, store or remain on such real property, including the improvements thereon, or within any easement area on such real property or upon any adjacent right-of-way for streets and alleys between the property line for such real property and where the paved surface of the street or alley begins. Exterior storage is prohibited of items not intended for outdoor use.

302.3 Sidewalk and driveways. Sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, maintained free from hazardous conditions, and any type of blockage that obstructs or encumbers passage or access or parking requirements.

302.4 Vegetation and Weeds. 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 all grasses, annual plants and vegetation, other than trees or shrubs. Vegetation shall exclude cultivated flowers and gardens; located on private property. Upon failure of the property owner, tenant, or person responsible for or claiming or having supervision or control over real property or having ownership 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 108.3 and as prescribed by Chapter 21 of the city's Code of ordinances.

Upon failure to comply with the notice of violation, any duly authorized employee of the city or contractor hired by the city shall be authorized to enter upon the property in violation and correct the

violation thereon. All costs of such corrections shall be paid by the owner or agent responsible for the property to the City of Sweetwater at the rates and fees referenced in Section 109.4 until such fee is reimbursed for services rendered.

302.4.1 Authority to Immediately Abate Dangerous Tall Vegetation. Notwithstanding any of the foregoing Sections, the city may abate, without notification, weeds, grass, brush or any unsightly vegetation that has grown higher than forty-eight (48) inches (hereinafter "tall vegetation"); The City must give notice to the property owner no later than the tenth (10th) day after the date the City abates the tall vegetation per Chapter 21 Nuisances of the city's code of ordinances.

302.10 Improper Waste Disposal. It shall be unlawful and declared a nuisance for any person to dump, or permit to be dumped, knowingly or intentionally, upon any sidewalk, alley, street, into or adjacent to water, or any other public or private property, any unwholesome water, refuse, rubbish, trash, debris, filth, carrion, junk, garbage, impure or unwholesome matter of any kind or other objectionable or unsightly matter of whatever kind. Notwithstanding any other notice provision in this chapter, a violation of this section immediately subjects the person to the enforcement and/or penalty provisions of this Chapter.

Section 303 Swimming Pools, Spas and Hot Tubs of the 2021 International Property Maintenance Code is amended as follows:

303.1 Swimming pools. Swimming pools, spas and hot tubs shall be maintained in a clean and sanitary condition, and in good repair. Pools without functional circulation, filtration and water quality systems must be treated to inhibit the breeding of mosquitos and other vector concerns monthly or as prescribed by a manufacturer's instructions for a larvicidal product from May 15th through November 15th while repairs are being made.

Section 304 Exterior Structure of the 2021 International Property Maintenance Code is amended as follows:

304.1 General. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety, or welfare. The exterior of structures must perform

four primacy functions:

1. It must be in good repair. There should be no evidence of deterioration, or damaged or loose elements.
2. It must be structurally sound. There should not be any loose or collapsing pieces. Stairways, porches, balconies and similar structural elements must safely perform their intended functions.
3. It must be kept in a sanitary condition. There shall be no accumulation of litter or debris on porches and other parts of the exterior structure.
4. It must be capable of preventing the elements (rain, snow and wind) and rodents from entering the interior areas.

304.14 Insect Screens. At all times 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 shall have a self-closing device in good working condition. *(Exception unchanged)*

Chapter 6. Mechanical and Electrical Requirements of the 2021 International Property Maintenance Code is amended as follows:

Section 602 Heating Facilities of the 2021 International Property Maintenance Code is amended as follows:

602.2 Residential occupancies. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of sixty-eight degrees Fahrenheit (68°F), or twenty degrees Celsius (20°C) in all habitable rooms, bathrooms and toilet rooms. *(Remainder unchanged)*

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, rooming unit, dormitory or guestroom on terms, either

expressed or implied, to furnish heat to the occupants thereof shall supply heat at all times to maintain a minimum temperature of 68 degrees Fahrenheit (68°F). or twenty degrees Celsius (20°C). in all habitable rooms, bathrooms and toilet rooms. *(Exceptions unchanged)*

602.4 Occupied work spaces. Indoor occupied workspaces shall be supplied with heat at all times to maintain a minimum temperature of not less than sixty-five degrees Fahrenheit (65°F) or eighteen degrees Celsius (18°C) during the period the spaces are occupied. *(Exception unchanged)*