

ORDINANCE NO. 2024-84

AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES CHAPTER IX- GENERAL REGULATIONS, ARTICLE 7- NUISANCES, SECTIONS 1 & 2, ADOPTING THE 2024 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.

WHEREAS, in January 2020 the City Commission approved the adoption of the 2018 edition of the International Property Maintenance Code, and staff now believes the adoption of the 2024 edition of the International Property Maintenance Code is needed;

WHEREAS, staff recommends adopting the 2024 edition of the International Property Maintenance Code, as published by the International Code Council, regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities 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 Kingsville; providing for the issuance of permits and collection of fees therefor;

WHEREAS, the code is founded on principles intended to establish provision consistent with the scope of a property maintenance code that adequately protects public health, safety and welfare; provisions that do not unnecessarily increase construction costs; provision that do not restrict the use of new materials, products or methods of construction; and provision that do not give preferential treatment to particular types or classes of materials, products or methods of construction;

WHEREAS, staff will have a copy of the 2024 edition of the International Property Maintenance Code by the effective date of this ordinance;

WHEREAS, this Ordinance is necessary to protect the public safety, health, and welfare of the City of Kingsville.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF KINGSVILLE, TEXAS:

I.

THAT Sections 9-7-1 and 9-7-2 of Article 7 Nuisances of Chapter IX, General Regulations of the Code of Ordinances of the City of Kingsville, Texas, shall be amended and shall read as follows:

ARTICLE 7. - NUISANCES^[8]

Footnotes:

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Editor's note— Ord. No. 2014-08, § I, adopted March 10, 2014, amended article 7 in its entirety to read as herein set out. Former article 7, §§ 9-7-1—9-7-4, pertained to similar subject matter. See Code Comparative Table for complete derivation.

§ 9-7-1 ADOPTION BY REFERENCE: INTERNATIONAL PROPERTY MAINTENANCE CODE.

- (A) A certain document being marked and designated as the International Property Maintenance Code (IPMC), 2024 Edition, including all future amendments of or revisions to such code, as published by the International Code Council (ICC), be and is hereby adopted as the Property Maintenance Code of the City of Kingsville in the State of Texas for regulating and governing the conditions and maintenance of all property, buildings and structures:
 - a. 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
 - b. The condemnation of buildings and structures unfit for human occupancy and use and the demolition of such existing structures as herein provided; and
 - c. Providing for the issuance of permits and collection of fees; and
 - d. Each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the offices of the Code Compliance Division and the Building Services Division of the City of Kingsville are hereby referred to, adopted, and made a part hereof, as if fully set out in this Section, with the additions, insertions, deletions and changes, if any, which shall be documented in this article.
- (B) Two (2) copies of the IPMC adopted in this shall be available for viewing. One of which will be located in the office of the Code Compliance Division and one within the office of the Building Services Division.
- (C) This Section shall not be interpreted to relieve from responsibility or to lessen the responsibility of any person owning, controlling, or occupying any structure. Nor shall the City be held as assuming liability or duty of any nature by reason of inspection authority issued by the City to City Code Enforcement Officers or Building Officials or Inspectors for maintenance of the property.
- (D) *Enforcement.* The Code hereby adopted shall be enforced by the Code Enforcement Officer or the Building Official, who may delegate such enforcement authority to such assistants and subordinates as the needs of the City may require.

(Ord. 2014-08, § I., 3-10-14)

§ 9-7-2 ADDITIONS AND AMENDMENTS TO INTERNATIONAL PROPERTY MAINTENANCE CODE.

The International Property Maintenance Code is hereby modified and changed in the following particulars:

- (A) Section 101.1 of the International Property Maintenance Code shall be amended to read as follows:

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

- (B) Section 103.5 entitled "Fees" of the International Property Maintenance Code 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 directed in Sections 9-7-5 and 9-7-6 of this Article.

- (C) Section 106 entitled "Violations." This section of the International Property Maintenance Code is hereby substituted to read the same as §9-7-5 of this Article and shall read the same in all other references to Section 106 Violations in the International Property Maintenance Code, 2018 Edition.

- (D) Section 107 entitled "Notices and Orders." This section of the International Property Maintenance Code is hereby substituted to read the same as §9-7-5 of this Article and shall read the same in all other references to Section 107 "Notices and Orders" in the International Property Maintenance Code, 2024 Edition, unless otherwise noted in this subsection.

- (E) Section 108.3 entitled "Notice" of the International Property Maintenance Code shall be amended to read as follows:

§108.3 Notice. Whenever the code official has condemned a structure or equipment under the provision of this section and/or §15-1-165 through §15-1-167, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or person or persons responsible for the structure on equipment in accordance with §15-1-167(B) and §15-1-168. If the notice pertains to equipment it shall also be placed on the condemned equipment. The notice shall be in the form prescribed in §15-1-167(B).

- (F) Section 110 entitled "Demolition." This section of the International Property Maintenance Code is hereby substituted to read the same as §15-1-167 through §15-1-176 of Chapter 15 "Land Usage", Article 1 "Building Regulations" and shall read the same in all other references to Section 110 "Demolition" in the International Property Maintenance Code, 2024 Edition.

(G) Section 111 entitled "Means of Appeal." This section of the International Property Maintenance Code, is hereby amended to read "City Commission" and shall read the same in all other references to such Board in the International Property Maintenance Code, 2024 Edition.

(H) Section 302.4 entitled "Weeds" of the International Property Maintenance Code shall be amended to read as follows:

302.4 Weeds. All premises and exterior property shall be maintained free from weeds or plant growth in excess of 12 inches. 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 corrective action in accordance with §9-7-5 and/or the prosecution in accordance with §9-7-99 of this Article.

(I) Section 304.14 entitled "Insect Screens" of the International Property Maintenance Code shall be amended to read as follows:

304.14 Insect Screens. During the period from January 1 to December 31, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service 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 25mm), 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 repellant fans, are employed.

(J) Section 602.3 entitled "Heat Supply" of the International Property Maintenance Code shall be 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 or sleeping units on term, either expressed or implied, to furnish heat to the occupants thereof shall supply heat through the form of a functional heating system during the period from November 1 to March 1 to maintain a temperature of not less than 68 degrees Fahrenheit (20 degrees Celsius) 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 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 degrees Fahrenheit (-1 degree Celsius) a minimum temperature of 65 degrees Fahrenheit (18 degrees Celsius) shall be maintained.

(K) Section 602.4 entitled "Occupiable Work Spaces" of the International Property Maintenance Code shall be amended to read as follows:

602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from November 1 to March 1 to maintain a temperature of not less than 65 degrees Fahrenheit (18 degrees Celsius) 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.

(Ord. 2014-08, § I., 3-10-14)

II.

THAT all Ordinances or parts of Ordinances in conflict with this Ordinance are repealed to the extent of such conflict only.

III.

THAT if for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance is, for any reason, held to be invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word or provision of this ordinance, for it is the definite intent of this City Commission that every section, paragraph, subdivision, clause, phrase, word or provision hereof be given full force and effect for its purpose.

IV.

THAT this Ordinance shall be codified and become effective on and after adoption and publication as required by law.

V.

THAT nothing in this ordinance or in the International Property Maintenance 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 this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

INTRODUCED on this the 15th day of October, 2024.

PASSED AND APPROVED on this the 28th day of October, 2024.

Effective Date: November 18, 2024

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney