

## **ORDINANCE NO. 1469**

**AN ORDINANCE OF THE CITY OF BENBROOK, TEXAS, AMENDING TITLE 15 – BUILDINGS AND CONSTRUCTION OF THE BENBROOK MUNICIPAL CODE, AS AMENDED, BY AMENDING CHAPTER 15.60 – PROPERTY MAINTENANCE CODE BY ADOPTING PORTIONS OF 2018 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE WITH LOCAL EDITS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN PAMPHLET FORM; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Benbrook (the “City”) is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

**WHEREAS**, Chapter 211 of the Local Government Code authorizes municipalities to regulate land use, structures, businesses, and related activities within its corporate limits for the purpose of promoting the public health, safety, and general welfare of the community and protecting and preserving places and areas of historical, cultural, and architectural importance and significance; and

**WHEREAS**, the City Council desires to adopt the internationally recognized property maintenance code to protect the aesthetic appearance and safety of all properties, excluding agricultural, single-family and two-family zoned properties, within the municipal limits of the city; and

**WHEREAS**, the City Council has reviewed the available codes and determined that the 2018 Edition of the International Property Maintenance Code most fully meets the needs of the City; and

**WHEREAS**, the City Council finds the provisions contained herein are necessary to promote and protect the health, safety, and welfare of the public.

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

### **SECTION 1 PROPERTY MAINTENANCE CODE**

That Chapter 15.60 – Property Maintenance Code of Title 15 – Buildings and Construction of the Benbrook Municipal Code, as amended, is hereby amended in its entirety as follows:

#### **15.60.010 - Adopted.**

The International Property Maintenance Code, 2018 Edition, published by the International Code Council, is adopted as the official property maintenance code of the city. This code is fully incorporated into this Chapter by reference as though copied in its entirety.

#### **15.60.020 - Amendment.**

- A. The City Council may from time to time determine that additional local modifications to the International Property Maintenance Code are necessary and appropriate to meet the unique needs of the City. To effectuate these local modifications, the City Council shall enact individual ordinances amending this Chapter and fully setting forth the change to be made in the International Property Maintenance Code. These amendments shall be consolidated as Exhibit A to the ordinance codified in this Chapter.
- B. The International Property Maintenance Code, 2018 Edition, is amended as shown in Exhibit A attached to the ordinance codified in this Chapter and incorporated by reference as though copied into this Chapter in its entirety.

#### **15.60.030 - Materials on file for inspection.**

The material contained in Exhibit A to the ordinance codified in this Chapter, although fully adopted and incorporated in this Chapter by reference, shall not be included in this codification. The material contained in Exhibit A shall instead be maintained as a public record in the office of the City Secretary, the office of the Assistant City Manager and the office of the Building Official. These exhibits will be available for public inspection and copying during regular business hours. The purpose of maintaining these records separate and apart from the municipal codification is to avoid the inclusion of detailed technical construction materials, subject to frequent change, which would unreasonably lengthen the code.

### **SECTION 2 CUMULATIVE CLAUSE**

This Ordinance shall be cumulative of all provisions of ordinances and of the Benbrook Municipal Code Texas (1985), as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event the conflicting provisions of such ordinances and such Code are hereby repealed.

### **SECTION 3 SEVERABILITY CLAUSE**

It is hereby declared to be the intention of the City Council 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 unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such 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 4 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 all violations involving zoning, fire safety, or public health and sanitation, including dumping of refuse, and shall be fined not more than Five Hundred Dollars (\$500.00) for all other violations of this Ordinance. Each day that a violation is permitted to exist shall constitute a separate offense.

#### **SECTION 5 SAVINGS CLAUSE**

All rights and remedies of the City of Benbrook are expressly saved as to any and all violations of the provisions of the Benbrook Municipal Code (1985), as amended, or any ordinances regulating platting or Zoning 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 6 PUBLICATION IN PAMPHLET FORM**

The City Secretary of the City of Benbrook is hereby authorized to publish this ordinance in book or pamphlet form for general distribution among the public, and the operative provisions of this ordinance as so published shall be admissible in evidence in all courts without further proof than the production thereof, as provided in Section 3.10 of the Charter of the City of Benbrook.

#### **SECTION 7 ENGROSSMENT AND ENROLLMENT**

The City Secretary of the City of Benbrook is hereby directed to engross and enroll the Ordinance by copying the caption, penalty clause, and effective date clause of this ordinance in the minutes of the City Council and by filing the Ordinance in the Ordinance records of the City.

#### **SECTION 8 PUBLICATION IN OFFICIAL NEWSPAPER**

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

#### **SECTION 9 EFFECTIVE DATE**

This ordinance shall be in full force and effect from and after its passage and publication as required by law.

**PASSED AND APPROVED** this 15<sup>th</sup> day of July, 2021.

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Jerry B. Dittrich Mayor

**ATTEST:**

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Joanna King, City Secretary