

ORDINANCE NO. 2021-O-160

AN ORDINANCE OF THE CITY OF ATHENS, TEXAS, ADDING ARTICLE XIV, TO CHAPTER 5 OF THE CITY CODE OF ORDINANCES FOR THE ADOPTION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE, PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.

WHEREAS, on the 8th day of November 2021, the City Council of the City of Athens, Texas after due notice as required by law, held the first reading of the ordinance as required by Article III, Section 3.11 of the City of Athens Charter.

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

Section 1. The City Council hereby authorizes the amendment of Chapter 5 of the City Code of Ordinances to create Article XIV, as shown below, for the adoption of the International Property Maintenance Code. For clarity, the new text is shown in highlights.

CHAPTER 5 – BUILDINGS AND STRUCTURES

ARTICLE XIV. PROPERTY MAINTENANCE CODE

Sec. 5-190. International property maintenance code—Adoption.

There is hereby adopted the 2015 International Property Maintenance Code regulating and governing the conditions and maintenance of all property, buildings, and structures; by providing 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. Amendments to the 2015 International Property Maintenance Code are hereby adopted as shown in Appendix B of the City of Athens Code of Ordinances. If any conflict exists between or among any of the codes, standards or any other ordinance of the city, then the most restrictive code, standard or ordinance shall apply, and the city shall have the authority to resolve such conflict or disputes.

Section 2. Should any clause, phrase, sentence section of this Ordinance be deemed invalid or unconstitutional by a court of competent jurisdiction, said finding shall not affect the remaining clauses, phrases, sentences or sections of this Ordinance.

Section 3. Any ordinance, resolution or order previously passed and/or adopted by the City Council, or any part thereof, if found to be in conflict with the provisions of this Ordinance, shall be resolved in favor of the terms and conditions of this Ordinance, and any prior conflicting ordinance, resolution or order or any part thereof, is hereby repealed to the extent of said conflict.

Section 4. This ordinance shall be and become effective from and after its adoption and publication in accordance with the provisions of the Charter of the City of Athens, Texas.

First reading on the 8th day of November 2021.

PASSED, APPROVED and ADOPTED this the **13th** day of **December 2021** at a regular meeting of the City Council of the City of Athens, Texas, with the following record vote:

Toni Clay, Mayor	Aye
Aaron Smith, Mayor Pro Tem	Aye
Robert Gross, Councilmember	Aye
SyTanna Freeman, Councilmember	Aye

Voted in favor of the motion	4
Voted against the motion	0
Motion carried	4-0

Toni Clay, Mayor

ATTEST:

Bonnie Hambrick, City Secretary

Appendix B

B-10 - City of Athens Amendments to the 2015 International Property Maintenance Code

The following sections, paragraphs, and sentences of the *2015 International Property Maintenance Code* are hereby amended as follows: Standard type is text from the International Property Maintenance Code. Underlined type is text inserted. Lined through type is deleted text.

Section 101.1; Title; insert name of jurisdiction:

101.1 Title. These regulations shall be known as the *International Property Maintenance Code* of the City of Athens , hereinafter referred to as “this code.”

Section 103.5; Fees; change 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 assessed ~~as indicated in the following schedule.~~ in accordance with City and state law.

Section 110; Demolition; delete this section.

[Section 110 deleted]

Section 111; Means of appeal; delete this section.

[Section 111 deleted]

Section 112.4; Failure to comply; change to read as follows:

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 to a fine of not less than [AMOUNT] dollars or more than [AMOUNT] dollars.~~ be subject to a penalty as outlined in Chapter 5, Article I, Section 5-4 of the City Code of Ordinances.

Section 302.4; Weeds; insert height:

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

Section 304.14; Insect screens; change to read as follows:

304.14 Insect screens. ~~During the period from [DATE] to [DATE],~~ Every door, window and other outside opening required for *ventilation* of habitable rooms, food preparation areas, food service area 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 mm), and every screen door used for insect control shall have a self-closing device in good working condition. ...

Section 602.3; Heat supply; change 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, to furnish heat to the *occupants* thereof shall supply heat ~~during the period from [DATE] to [DATE]~~ to maintain a minimum temperature of 68°F (20°C) in all habitable rooms, *bathrooms and toilet rooms*. ...

Section 602.4; Occupiable work spaces; change to read as follows:

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

Appendix A; Boarding Standard; delete this section.

[Appendix A deleted]

END