

AN ORDINANCE OF THE CITY OF LEON VALLEY, TX, CITY COUNCIL AMENDING CHAPTER 3 BUILDING REGULATIONS, ARTICLE 3.02 TECHNICAL AND CONSTRUCTION CODES AND STANDARDS, DIVISION 2. BUILDING CODE, RESIDENTIAL CODE AND EXISTING BUILDING CODE ADOPTING A SPECIFIC ADDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE; PROVIDING FOR PENALTY; PROVIDING A REPEALER; PROVIDING FOR PUBLICATION; PROVIDING A SAVING CLAUSE; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Leon Valley Building Official recommends that the Leon Valley Code of Ordinances, Chapter 3, Building Regulations, be updated; and

WHEREAS, the City of Leon Valley City Council desires to amend Chapter 3, Building Regulations adopt a specific Edition of the International Maintenance Code; and

WHEREAS, the City of Leon Valley City Council finds that the proposed amendment to the Building Code is necessary for the health, safety, and welfare of the community.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS, THAT:

SECTION 1. Chapter 3 Building Regulations, Article 3.02 Technical and Construction Codes and Standards, Division 2. Building Code, Residential Code and Existing Building Code is hereby amended as follows:

Division 2. Building Code, Residential Code and Existing Building Code

Sec. 3.02.051 Building code adopted

The International Building Code, 2015 edition, together with all appendices, as published by the International Code Council, is hereby adopted, and incorporated by reference as though it was copied herein fully, with the exception of section 113.3 which calls for a board of appeals, and all references to such in the IBC. Refer to section 3.02.054 for appeals and variance processes.

Sec. 3.02.052 Residential code adopted

The International Residential Code, 2015 edition, as adopted and published by the International Code Council, is hereby adopted, and incorporated by reference as though it was copied herein fully.

Sec. 3.02.053 Existing building code adopted

The International Existing Building Code, 2015 edition, as adopted and published by the

International Code Council, is hereby adopted, and incorporated by reference as though it was copied herein fully.

Sec. 3.02.054 International Property Maintenance Code adopted

The International Property Maintenance Code, 2021 edition, as adopted and published by the International Code Council, is hereby adopted, and incorporated by reference as though it was copied herein fully.

Said 2015 edition is adopted in its entirety except as follows:

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

Section 101.2 Scope. The provisions of this code shall apply to all existing multi-family residential and nonresidential structures, to include apartments, hotels, motels, suites, inns, rooming or boarding houses, and vacant single family structures, and all existing apartment, multi-family, hotels, motels, suites, inns, rooming or boarding houses, and vacant single family premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, a reasonable level of safety from fire and other hazards, and for a reasonable level of sanitary maintenance; the responsibility of owners, an owner’s authorized agent, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.

Section 103.1 Creation of agency. The Leon Valley Planning and Zoning Department is hereby created and the official in charge thereof shall be known as the code official. The function of the agency shall be the implementation, administration, and enforcement of the provisions of this code.

Section 104.1 Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as established in Appendix A of the Leon Valley Code of Ordinances.

Section 104.2 Refunds. The City Manager is authorized to establish a refund policy.

Section 107 Means of Appeal is deleted.

Section 108 Board of Appeals is deleted.

Section 109.2 Notice of Violation. The code official, or his designee, shall serve a notice of violation or order in accordance with Section 111.4.

Section 110.01 Authority. Where the code official, or his designee, finds any work regulated by this code being performed in a manner contrary to the provisions of this code or in a dangerous or unsafe manner, the code official, or his designee, is

authorized to issue a stop work order.

Section 110.3 Emergencies. Where an emergency exists, the code official, or his designee, shall not be required to give a written notice prior to stopping the work.

Section 112.6 Hearing is deleted.

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

Section 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.

Section 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 November to April to maintain a minimum temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms.

Section 602.4 Occupiable workspaces. Indoor occupiable workspaces shall be supplied with heat during the period from November to April to maintain a minimum temperature of 65°F (18°C) during the period the spaces are occupied.

Appendix B, Board of Appeals is deleted.

Sec. 3.02.055 Appeals and variances

(a) An appeal of the decision of the building official will be considered by the development director, fire chief, and city engineer and based on the joint recommendation of said individuals; the appeal may be granted or denied with final discretion by the city manager.

(b) A variance from the provisions of certain sections of the currently adopted code may be granted administratively by the development director on the joint recommendation of the building inspector, fire chief, and public works director, if alternative requirements are made which will give an equivalent amount of protection. The variance shall specify the alternative measures.

Sec. 3.02.056 Conflicts between adopted codes and other regulations

To the extent of a conflict between any codes adopted herein and any locally adopted

regulations regarding construction requirements, permitting, variances, and appeals from any code requirements and local administrative decisions, the locally adopted regulations shall apply.

Sec. 3.02.057 Penalty

Violations of this division are punishable by a fine of not less than twenty-five dollars (\$25.00) nor more than two thousand dollars (\$2000.00).

Sec. 3.02.058 Building permits

(a) Required. No building or accessory building shall hereafter be erected or constructed within the corporate limits of the city, and no existing building or accessory building within the corporate limits shall hereafter be structurally altered or an addition added thereto, unless a building permit has first been issued.

(b) Floodplain management programs. The city will consider floodplain management programs, if any, already in effect in neighboring areas.

(c) Areas affected. This section shall apply to all areas identified by the Federal Emergency Management Association (FEMA) as floodplain areas having special flood hazards and to other areas of the city as applicable.

(d) Construction in flood hazard area. No person, firm or corporation shall erect, construct, enlarge, alter, repair, improve, remove, or demolish any building or structure within the special flood hazard area designated by the FEMA maps which are on file at city hall without first obtaining a separate building permit for each building or structure from the city. Flood hazard requirements are addressed in article 3.03 of the city code. This section shall in no way override article 3.03, which shall also take precedence over other conflicting ordinances.

(e) Jobs inspected by federal agencies. On those construction jobs within the city where the Federal Housing Administration, the Veterans Administration, or other similar United States government agency is involved, then as to such construction jobs the building inspections provided herein may be waived by the city provided that the building permit reflects that such federal agency will conduct inspections and further provided that copies of all such inspections made by such federal agency are promptly forwarded to the city.

(f) Expiration. It is hereby provided that all building permits validly issued by the city shall expire automatically and irretrievably six months (6) from the date of the issuance thereof unless prior thereto construction thereunder has been actually and substantially instituted in good faith, has continued without abatement, and is continuing, good faith delays made necessary by climatic conditions, acts of God and acts of the city itself alone excepted.

Sec. 3.02.059 Accessory buildings adjacent to residential structures

Any accessory building erected contiguous or adjacent to an existing residential

structure and visible from the front shall comply in construction with the building code and shall be in conformance with applicable subdivision regulations. The exterior finish of such buildings shall be compatible in design and materials with the existing residential structure.

SECTION 2. VIOLATIONS AND ENFORCEMENT. The City shall have the power to administer and enforce the provisions of this Ordinance as may be required by governing law. Any person violating any provision of this Ordinance is subject to suit for injunctive relief as well as prosecution for criminal violations. Any violation of this Ordinance is hereby declared to be a nuisance. There shall be no requirement of a culpable mental state for a violation of this Ordinance. Any person violating any provision of this Ordinance shall, upon conviction, be fined a sum not exceeding two thousand dollars (\$2000.00), except as may be otherwise expressly provided by state law. Each time that a provision of this Ordinance is violated shall constitute a separate offense. An offense under this Ordinance is a Class C misdemeanor.

Nothing in this Ordinance shall be construed as a waiver of the City's right to bring a civil action to enforce the provisions of this Ordinance and to seek remedies as allowed by law.

SECTION 3. REPEALER CLAUSE. The provisions of the Ordinance shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein, provided, however, that all prior ordinances or parts of ordinances inconsistent or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent that such inconsistency is apparent by any other ordinance.

SECTION 4. PUBLICATION. The City Secretary is directed to cause the caption of this ordinance to be published in a newspaper of general circulation according to law.


SECTION 5. SEVERABILITY CLAUSE. If any provision, section, sentence, clause, or phrase of this ordinance or application of the same to any person or set of circumstances is for any reason held to be unconstitutional, void, invalid, or unenforceable, the validity of the remaining portions of this ordinance or its application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting, and the Mayor in approving this Ordinance, that no portion thereof or provisions or regulation contained herein shall become inoperative or fall by reason of any unconstitutionally or invalidity of any portion, provision, or regulation.

SECTION 6. SAVINGS CLAUSE. The repeal of any ordinance or part of ordinances effectuated by the enactment of this ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying, or altering any penalty accruing or to accrue, or as affecting any rights of the City under any section or provisions of any ordinances at the time of passage of this ordinance.

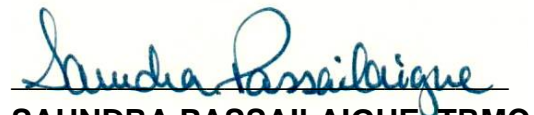
SECTION 7. EFFECTIVE DATE. This ordinance is effective immediately after its passage and publication as may be required by governing law.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Leon Valley this the 6th day of September 2022.

APPROVED

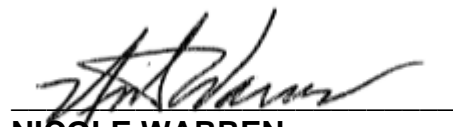

REY OROZCO
MAYOR PRO TEM

Attest :


SAUNDRA PASSAILAIGUE, TRMC
City Secretary



Approved as to Form:


NICOLE WARREN
City Attorney

**City of Leon Valley
Interoffice Memorandum**

Date: August 17, 2022

To: Crystal Caldera, Ph.D., City Manager
From: Melinda Moritz, Public Works Director

Re: 2021 International Property Maintenance Code Revisions

I have reviewed the 2021 International Property Maintenance Code as requested and I suggest the following revisions (revisions noted in red text) prior to adoption by the City Council. Staff notes follow each revised section.

From the Code:

“Effective Use of the International Property Maintenance Code

The IPMC is a model code that regulates the minimum maintenance requirements for existing buildings. The IPMC is a maintenance document intended to establish minimum maintenance standards for basic equipment, light, ventilation, heating, sanitation, and fire safety. Responsibility is fixed among owners, operators, and occupants for code compliance. The IPMC provides for the regulation and safe use of existing structures in the interest of the social and economic welfare of the community.

To facilitate adoption, several sections of this code contain blanks for fill-in information that needs to be supplied by the adopting jurisdiction as part of the adoption legislation. For this code, please see:

- Section 101.1. Insert: **[NAME OF JURISDICTION]**
- Section 103.1. Insert: **[NAME OF DEPARTMENT]**
- Section 302.4. Insert: **[HEIGHT IN INCHES]**
- Section 304.14. Insert: **[DATES IN TWO LOCATIONS]**
- Section 602.3. Insert: **[DATES IN TWO LOCATIONS]**
- Section 602.4. Insert: **[DATES IN TWO LOCATIONS]”**

Staff notes: There are other sections I would also suggest revising:

**SECTION 101
SCOPE AND GENERAL REQUIREMENTS**

101.1 Title.

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

101.2 Scope.

The provisions of this code shall apply to all existing ~~residential and nonresidential~~ multi-family residential and nonresidential structures, to include apartments, hotels, motels, suites, inns, rooming or boarding houses, and vacant single family structures, and all existing ~~residential and nonresidential~~ apartment, multi-family, hotels, motels, suites, inns, rooming or boarding houses, and vacant single family premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, a reasonable level of safety from fire and other hazards, and for a reasonable level of sanitary maintenance; the responsibility of owners, an owner's authorized agent, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.

Staff note: We may want to keep the original text, as we have had numerous calls for single family residential properties with holes in roofs and garage doors, broken windows, junk, debris, etc. The City does have the Neighborhood Renewal Program that assists in cases of persons on fixed incomes, so we could offer that service as an incentive to repair instead of issuing citations.

SECTION 103 CODE COMPLIANCE AGENCY

103.1 Creation of agency. The Leon Valley Planning and Zoning Department is hereby created and the official in charge thereof shall be known as the code official. The function of the agency shall be the implementation, administration, and enforcement of the provisions of this code.

Staff note: The Code Enforcement personnel are managed by the Police Department, but the Planning and Zoning Department is usually the department receiving calls for dilapidated buildings. The Code does give the code official the ability to designate other persons in their stead.

SECTION 104 FEES

104.1 Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as established in Appendix A of the Leon Valley Code of Ordinances by the applicable governing authority.

Staff notes: We don't have a fee in Appendix A for this service, so we would also need to decide on a cost for the service and revise that ordinance accordingly.

104.2 Refunds. The City Manager ~~code official~~ is authorized to establish a refund policy.

Staff notes: At Council discretion as to whom will perform this task.

SECTION 107 MEANS OF APPEAL

107.1 General. ~~In order to hear and decide appeals of orders, decisions or determinations made by the *code official* relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be appointed by the applicable governing authority and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the *code official*.~~

[A] 107.2 Limitations of authority. ~~An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equivalent or better form of construction is proposed. The board shall not have authority to waive requirements of this code or interpret the administration of this code.~~

107.3 Qualifications. ~~The board of appeals shall consist of members who are qualified by experience and training and are not employees of the jurisdiction.~~

107.4 Administration. ~~The *code official* shall take immediate action in accordance with the decision of the board.~~

Staff notes: The City does not have a Board of Appeals.

SECTION 108 BOARD OF APPEALS

[A] 108.1 Membership of board. ~~The board of appeals shall consist of not less than three members who are qualified by experience and training to pass on matters pertaining to property maintenance and who are not employees of the jurisdiction. The *code official* shall be an ex-officio member but shall not vote on any matter before the board. The board shall be appointed by the chief appointing authority, and shall serve staggered and overlapping terms.~~

Staff notes: The City does not have a Board of Appeals.

SECTION 109 VIOLATIONS

[A] 109.2 Notice of violation. The *code official*, or his designee, shall serve a notice of violation or order in accordance with Section 111.4.

Staff notes: This allows the Planning and Zoning Director to designate the Code Enforcement Officers, Building Official, Health Inspector, or other person to act in their stead.

SECTION 110 STOP WORK ORDER

[A] 110.1 Authority. Where the *code official*, or his designee, finds any work regulated by this code being performed in a manner contrary to the provisions of this code or in a dangerous or unsafe manner, the *code official*, or his designee, is authorized to issue a stop work order.

Staff notes: This allows the Planning and Zoning Director to designate the Code Enforcement Officers, Building Official, Health Inspector, or other person to act in their stead.

[A] 110.3 Emergencies. Where an emergency exists, the *code official*, or his designee, shall not be required to give a written notice prior to stopping the work.

Staff notes: This allows the Planning and Zoning Director to designate the Code Enforcement Officers, Building Official, Health Inspector, or other person to act in their stead.

~~**112.6 Hearing.** Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the appeals board, be afforded a hearing as described in this code.~~

Staff notes: The City does not have a Board of Appeals.

CHAPTER 2 DEFINITIONS

SECTION 201 GENERAL

Staff notes: Add definition of multi-family structure - a structure that contains three or more housing units sharing at least one wall, floor or ceiling surface in common with another unit within the same structure.

CHAPTER 3 GENERAL REQUIREMENTS

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

Staff notes: This matches Chapter 6, Article 6.03 Weed, High Grass, and Debris.

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 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.

Staff notes: It is typically not cold enough in South Texas to kill insects during the winter months.

CHAPTER 6 MECHANICAL AND ELECTRICAL REQUIREMENTS

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 **November to April** ~~[DATE] to [DATE]~~ to maintain a minimum temperature of 68°F (20°C) in all habitable rooms, *bathrooms* and *toilet rooms*.

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

Staff notes: This is the South Texas typical winter season.

Appendix B Board of Appeals

SECTION B101 GENERAL

B101.1 Scope. ~~A board of appeals shall be established within the jurisdiction for the purpose of hearing applications for modification of the requirements of this code pursuant to the provisions of Section 107 (Means of Appeals). The board shall be established and operated in accordance with this section, and shall be authorized to hear evidence from appellants and the code official pertaining to the application and intent of this code for the purpose of issuing orders pursuant to these provisions.~~

B101.2 Application for appeal. ~~Any person shall have the right to appeal a decision of the code official to the board. An application for appeal shall be based on a claim that the intent of this code or the rules legally adopted hereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better~~

form of construction is proposed. The application shall be filed on a form obtained from the ~~code official~~ within 20 days after the notice was served.

~~B101.2.1 Limitation of authority.~~ The board shall not have authority to waive requirements of this code or interpret the administration of this code.

~~B101.2.2 Stays of enforcement.~~ Appeals of notice and orders, other than *Imminent Danger* notices, shall stay the enforcement of the notice and order until the appeal is heard by the board.

~~B101.3 Membership of the board.~~ The board shall consist of five voting members appointed by the chief appointing authority of the jurisdiction. Each member shall serve for [INSERT NUMBER OF YEARS] years or until a successor has been appointed. The board member's terms shall be staggered at intervals, so as to provide continuity. The ~~code official~~ shall be an ex officio member of said board but shall not vote on any matter before the board.

~~B101.3.1 Qualifications.~~ The board shall consist of five individuals, who are qualified by experience and training to pass on matters pertaining to building construction and are not employees of the jurisdiction.

~~B101.3.2 Alternate members.~~ The chief appointing authority is authorized to appoint two alternate members who shall be called by the board chairperson to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for board membership, and shall be appointed for the same term or until a successor has been appointed.

~~B101.3.3 Vacancies.~~ Vacancies shall be filled for an unexpired term in the same manner in which original appointments are required to be made.

~~B101.3.4 Chairperson.~~ The board shall annually select one of its members to serve as chairperson.

~~B101.3.5 Secretary.~~ The chief appointing authority shall designate a qualified clerk to serve as secretary to the board. The secretary shall file a detailed record of all proceedings which shall set forth the reasons for the board's decision, the vote of each member, the absence of a member and any failure of a member to vote.

~~B101.3.6 Conflict of interest.~~ A member with any personal, professional or financial interest in a matter before the board shall declare such interest and refrain from participating in discussions, deliberations and voting on such matters.

~~B101.3.7 Compensation of members.~~ Compensation of members shall be determined by law.

~~B101.3.8 Removal from the board.~~ A member shall be removed from the board prior to the end of their terms only for cause. Any member with continued absence from regular meeting of the board may be removed at the discretion of the chief appointing authority.

~~B101.4 Rules and procedures.~~ The board shall establish policies and procedures necessary to carry out its duties consistent with the provisions of this code and applicable state law. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be presented.

~~B101.5 Notice of meeting.~~ The board shall meet upon notice from the chairperson, within 10 days of the filing of an appeal or at stated periodic intervals.

~~B101.5.1 Open hearing.~~ All hearings before the board shall be open to the public. The appellant, the appellant's representative, the *code official* and any person whose interests are affected shall be given an opportunity to be heard.

Staff notes: A Board is not necessary, as these cases typically go before a Judge in a court of law. The Code states that this section is not mandatory.