

**ORDINANCE NO. 1405-2023**

**AN ORDINANCE OF THE CITY OF RIVER OAKS, TEXAS ADOPTING THE 2018 INTERNATIONAL PROPERTY MAINTENANCE CODE AND LOCAL AMENDMENTS ATTACHED HEREIN AS "EXHIBIT A"; AMENDING CHAPTER 3 "BUILDING REGULATIONS", SPECIFICALLY UNDER SECTION 3.07.004 "SUBSTANDARD BUILDING DECLARED", SUBSECTION (c) OF THE RIVER OAKS CODE OF ORDINANCES (2020) AS AMENDED THEREBY REPEALING THE FORMER 2015 INTERNATIONAL PROPERTY MAINTENANCE CODE AS ADOPTED IN ORDINANCE # 1267-2020 ON JANUARY 28, 2020; ADOPTING THE 2018 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE (IPMC) AND LOCAL AMENDMENTS; PROVIDING FOR RECORDING OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE AS A PUBLIC RECORD; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of River Oaks 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**, internationally code officials recognize the need for a modern, up to date property maintenance code governing the maintenance of existing buildings; and

**WHEREAS**, the City Attorney has recommended in the past that the International Property Maintenance Code (IPMC) be incorporated into the River Oaks Code of Ordinances (2006) as amended that meets the standards established in Section 214 "Municipal Regulation of Housing and Other Structures" of the Texas Local Government Code regarding Substandard and Dangerous Buildings; and

**WHEREAS**, Chapters 3 through 7 of the International Property Maintenance Code has been previously codified into the River Oaks Code of Ordinances; and

**WHEREAS**, the Building Official highly recommends that the City Council adopt the 2018 International Property Maintenance Code along with its respective amendments as their model property maintenance code that has been updated from the 2015 IPMC as previously adopted; and

**WHEREAS**, the City Council of the City of River Oaks, Texas, desires to provide a mechanism by which local modifications reflecting the unique needs of the City of River Oaks may be made when deemed appropriate; and

**WHEREAS**, the City Council of the City of River Oaks, Texas, has determined that these local amendments are in the public interest and therefore deems it advisable to amend the 2015 Edition of the International Property Maintenance Code to incorporate local amendments titled "Recommended Amendments to the 2012 International Property Maintenance Code"; and

**WHEREAS**, the City Council of the City of River Oaks, Texas, has concluded that the 2015 IPMC along with its local amendments attached herein to this Ordinance as "Exhibit A" most fully meets the needs of the City of River Oaks, Texas.

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

**SECTION 1.**

The 2018 Edition of the International Property Maintenance Code (IPMC) including local amendments attached hereto this Ordinance as "Exhibit A" is hereby adopted as the official property maintenance code of the City of River Oaks, Texas. The IPMC is fully incorporated by reference as though copied into this

ordinance in its entirety. The material contained in the International Property Maintenance Code shall not be included in the formal municipal codification of ordinances but shall be maintained as a public record in the office of the City Secretary and 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.**

With the adoption of this Ordinance, Section 3.07.004 "Substandard Buildings Declared" specifically under 3.07.004 (c) is hereby amended to now read as follows:

### **3.07.004 Substandard Buildings Declared.**

"(c) Chapters 3 through 7 of the 2018 edition of the International Property Maintenance Code as adopted by the City of River Oaks, published by the International Code Council, Inc., attached hereto and incorporated herein for all municipal purposes and as amended herein, are hereby adopted by the city council to the extent they do not conflict with other provisions of this article. For purposes of this article, any building, regardless of its date of construction, which exists in violation of chapters 3 through 7 of the 2018 International Property Maintenance Code to an extent that endangers the life, limb, health, property, safety, or welfare of the public or the occupants thereof shall be deemed and hereby is declared to be a substandard building and a nuisance. The 2018 International Property Maintenance Code is amended pursuant to Ordinance # 1405-2023 in Exhibit A."

## **SECTION 3.**

This ordinance shall be cumulative of all provisions of ordinances, 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 are hereby repealed.

## **SECTION 4.**

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, phrase, clauses, sentences, paragraphs or sections of this Ordinance since the same would have been enacted by the City Council without incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

## **SECTION 5.**

Whenever in this code or in any ordinance of the city an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in such code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefor, the violation of any such provision of this code or any such ordinance shall be punished by a fine of not exceeding five hundred dollars (\$500.00). However, a fine or penalty for the violation of a rule, ordinance or police regulation that governs fire safety, zoning or public health and sanitation other than dumping of refuse may not exceed two thousand dollars (\$2,000.00); a fine or penalty for the violation of a rule, ordinance, or police regulation that governs the dumping of refuse may not exceed four thousand dollars (\$4,000.00). Each day that a violation is permitted to exist shall constitute a separate offense.

## **SECTION 6.**

All rights and remedies of the City of River Oaks, Texas, are expressly saved as to any and all violations of the provisions of the ordinances of the City of River Oaks 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.

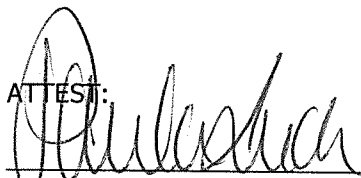
**SECTION 7.**

The City Secretary is directed to publish in the official newspaper of the City, the caption, penalty clause, savings clause, publication clause and effective date clause of this ordinance one time as authorized by Chapter 5, Section 5.02(c) of the Charter of the City of River Oaks.

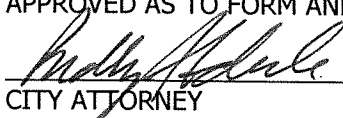
**SECTION 8.**

This Ordinance shall be in full force and effect from and after its passage and publication as provided by law, and it is so ordained.

**PASSED AND APPROVED THIS THE 12th DAY OF DECEMBER 2023.**

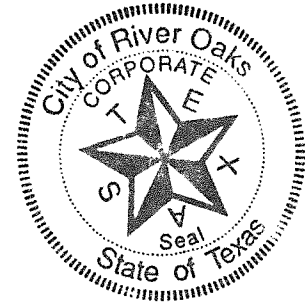
ATTEST:  
  
CITY SECRETARY

  
MAYOR DARREN HOUK

APPROVED AS TO FORM AND LEGALITY:  
  
CITY ATTORNEY

**ADOPTED:** DECEMBER 12, 2023

**EFFECTIVE:** DECEMBER 18, 2023



**EXHIBIT "A"**

**City of River Oaks  
Amendments to the  
2018 International Property Maintenance Code  
North Central Texas Council of Governments Region**

The following sections, paragraphs, and sentences of the *2018 International Property Maintenance Code (IPMC)* are hereby amended as follows: Standard type is text from the *IPMC*. Underlined type is text inserted. ~~Strikeouts~~ indicate existing words and phrases to be deleted from the *IPMC*. A double asterisk (\*\*) at the beginning of a section identifies an amendment carried over from previous code cycles and a triple asterisk (\*\*\*) identifies a new or revised amendment with the 2018 code.

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**\*\*Section 101.1; change to read as follows:**

**[A] 101.1 Title.** These regulations shall be known as the *International Property Maintenance Code* of the City of River Oaks hereinafter referred to as "this code."

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**\*\*Section 102.3; delete second sentence to read as follows:**

**[A] 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*. ~~Nothing in this code shall be construed to cancel, modify or set aside any provisions of the *International Zoning Code*.~~

*(Reason: The International Zoning Code is not an applicable code adopted by the City of River Oaks.)*

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**\*\*Section 102.7; change to read as follows:**

**[A] 102.7 Referenced codes and standards.** The codes, when specifically adopted, and standards referenced in this code shall be those that are listed in Chapter 8 and considered part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections 102.7.1 and 102.7.2. Whenever amendments have been adopted to the referenced codes and standards, each reference to said code and standard shall be considered to reference the amendments as well. Any reference made to *NFPA 70* or the *Electrical Code* shall mean the *Electrical Code* as adopted.

*(Reason: Legal wording to recognize locally adopted codes and amendments adopted with referenced codes.)*

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**\*\*Section 103.5; change to read as follows:**

**[A] 103.5 Fees.** Fees for work requiring a permit shall be in accordance with the City of River Oaks permit fee schedule.

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**~~Section 111 "Means of Appeal" (deleted)~~**

*(Reason: Building board of Appeal. Sometimes referred to as "the board" is the city council. A person may appeal a decision by the building official relating to a code decision to the city council by any person, agent, or representative affected by such decision. The appeal must be received within ten (10) days after the placement of a letter in the U.S. mail addressed to the address on the permit or to the address of the current owner of record in the county tax records which contains the written decision rendered by the building official. Such appeal shall be filed in writing with the building official and shall specify the grounds on which the appeal is based. The building official shall transmit to the city council all documents pertaining to the action appealed. Substandard Abatement proceedings shall be commenced pursuant to section **3.07.006** of the River Oaks Code of Ordinances as amended.*

**EXHIBIT "A"**

**\*\*\*Section 112.4; change to read as follows:**

**[A] 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 five hundred (\$500) dollars or more than two thousand (\$2000) dollars.

*(Reason: To clarify the fine amount for failure to comply with a stop work order.)*

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**\*\*Section 201.3; change to read as follows:**

**201.3 Terms defined in other codes.** Where terms are not defined in this code and are defined in the *International Building Code, International Existing Building Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Plumbing Code, International Residential Code, International Zoning Code or NFPA 70*, such terms shall have the meanings ascribed to them as stated in those codes.

*(Reason: The International Zoning Code is not an applicable code adopted by the City of River Oaks.)*

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**\*\*Section 302.4; change to read as follows:**

**302.4 Weeds.** Premises and exterior property shall be maintained free from weeds or plant growth in excess of ten inches (10"). 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.

*(Reason: Consistent with City of River Oaks Code of Ordinances 6.03.031 "Maximum Height of Grass and Weeds; removal of rubbish, etc".)*

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**\*\*Section 304.14; change to read as follows:**

**304.14 Insect screens.** During the period from January 1 to December 31, every door, window and other outside ... {remainder of section unchanged}.

*(Reason: To establish dates for the requirement of insect screens.)*

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**\*\*Section 602.3; 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 October 1 to June 1 to maintain a minimum temperature of 68°F (20°C) in all habitable rooms, *bathrooms* and *toilet rooms*.

**Exceptions:**

1. {Text unchanged}.
2. {Text unchanged}.

*(Reason: To establish dates for when heat is required for occupants.)*

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**\*\*Section 602.4; change to read as follows:**

**602.4 Occupiable work spaces.** Indoor occupiable workspaces shall be supplied with heat during the period from October 1 to June 1 to maintain a minimum temperature of 65°F (18°C) during the period the spaces are occupied.

**Exceptions:**

1. {Text unchanged}.
2. {Text unchanged}.

*(Reason: To establish dates for when heat is required for occupied workspaces.)*

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**END**