

ORDINANCE NO. 2015 - ____ - _____

AN ORDINANCE OF THE CITY OF MCKINNEY, TEXAS, AMENDING CHAPTERS 122 AND 126 OF THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY BY ADOPTING THE UPDATED VERSION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE; AMENDING CERTAIN PROVISIONS OF THE CITY CODE TO UPDATE RELATED CODE PROVISIONS; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of McKinney, Texas (the "City") is a Home Rule City possessing the full power of local self-government pursuant to Article 11, Section 5 of the Texas Constitution, Section 51.072 of the Texas Local Government Code, and the City's Home Rule Charter; and

WHEREAS, the City Council of the City of McKinney, Texas ("City Council"), possesses, pursuant to the Texas Local Government Code, the authority to regulate the maintenance and safety of structures in the City; and

WHEREAS, the City Council finds that the adoption of the updated versions of the International Property Maintenance Code, with certain modifications to related City Code provisions as specified in this Ordinance, is in the best interest of the health, safety and welfare of the citizens of the City.

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

SECTION 1. All of the above premises are found to be true and correct legislative determinations and are hereby incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2. The Code of Ordinances of the City of McKinney, Section 122-38, is hereby amended and shall read as follows:

"Sec. 122-38. International Property Maintenance Code adopted.

The city council hereby adopts the 2012 edition of the International Property Maintenance Code, and amendments thereto as enumerated in section 122-39. The chief building official, or his authorized representative, is hereby authorized and directed to enforce all provisions of the International Property Maintenance Code, as adopted herein and as amended."

SECTION 3. The Code of Ordinances of the City of McKinney, Section 122-39, is hereby amended and shall read as follows:

"Sec. 122-39. Amendments to property maintenance code.

The city council hereby adopts the following amendments to the property maintenance code adopted in section 122-38.

Section 101. General.

Section 101.1. Title. These regulations shall be known as the Property Maintenance Code of the city, hereinafter referred to as "this code."

Section 101.2. Scope. The provisions of this code shall apply to all existing Multi-Family Residential Group R-2 occupancy

structures, all existing Hotel/Motel Residential Group R-1 occupancy structures, inns, rooming houses and other similar structures, and all existing premises, and constitute minimum requirements and standards for premises, structures, equipment, and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties. In accordance with section 104 of this code, the exterior of each building and property will be inspected annually. The interior of any multi-family dwelling unit will be inspected only upon the request of the owner or resident, and in accordance with section 104 of this code.

Section 101.3. *Intent.* This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.

Section 103. *Department of property maintenance inspection.*

Section 103.5. Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be \$47.00 for any re-inspection, after a failed inspection, within the annual time period. There shall be no fee for a license and no license is required.

Section 202. *General definitions.*

The following definitions are added:

Hotel/Motel Residential Group R-1. Residential occupancies containing sleeping units where the occupants are primarily transient in nature.

Multi-Family Residential Group R-2. Residential occupancies containing sleeping units or more than two dwelling units where the occupants are primarily permanent or non-transient in nature.

Transient. Occupancy of a dwelling unit or sleeping unit for not more than 30 days.

Non-Transient. Occupancy of a dwelling unit or sleeping unit for more than 30 days.

Section 111. *Means of Appeal.*

This section is hereby deleted, and appeals under this code shall be handled in accordance with the procedures set forth in the McKinney Code of Ordinances, Chapter 126, Article II,

Division 2, the Building and Standards Commission, which provisions are found in city code sections 126-40 through 126-44, as amended. Whenever the phrase “appeals board” or “board of appeals” or similar reference appears in this code, the term means “Building and Standards Commission.” ”

SECTION 4. The Code of Ordinances of the City of McKinney, Section 126-40, is hereby amended and shall read as follows:

“Sec. 126-40. International Property Maintenance Code adopted.

The city council hereby adopts the 2012 edition of the International Property Maintenance Code, and amendments thereto, as enumerated in section 122-39 of this city code.”

SECTION 5. The Code of Ordinances of the City of McKinney, Section 126-43, is hereby amended in part and shall read as follows:

“Sec. 126-43. Jurisdiction and authority.

* * *

(b) *Authority and functions.* The commission may:

* * *

(12) Grant variances in accordance with provisions hereinafter stated when, in the opinion of the commission, a literal interpretation of the housing and substandard building code, the housing code and the International Property Maintenance Code, as adopted, would result in the imposition of an unnecessary or unreasonable hardship; provided that the variance would not create or allow the existence of a hazardous condition, as defined by city ordinance or state law;

(13) Hear appeals and offer interpretations of the housing and substandard building code, the housing code, the International Property Maintenance Code, building codes and fire code, as adopted by the city; and

* * *”

SECTION 6. The Code of Ordinances of the City of McKinney, Section 126-64, is hereby amended in part and shall read as follows:

“Sec. 126-64. Definitions.

* * *

Building code(s) means the adopted editions of the International Building Code, the International Residential Code, the International Mechanical Code, the International Plumbing Code, the National Electrical Code, the International Property Maintenance Code, and the Housing Code, adopted by the city council, and as amended, or other such codes officially designated by the city council for the regulation of construction, alteration, addition, repair, removal, demolition, use, location, occupancy and maintenance of buildings and structures.

* * *”

SECTION 7. The Code of Ordinances of the City of McKinney, Section 126-65, is hereby amended in part and shall read as follows:

“Sec. 126-65. Minimum Standards.

* * *

- (1) *Deemed substandard.* A structure may be deemed substandard whenever the structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such structure provided by the city’s building regulations or as specified in the building code, the housing code or other applicable codes, or of any law or ordinance of the state or the city relating the condition, location or construction of structures.

* * *”

SECTION 8. All ordinances, orders or resolutions heretofore passed and adopted by the City Council of the City of McKinney, Texas, are hereby repealed to the extent that said ordinances, orders or resolutions, or parts thereof, are in conflict herewith.

SECTION 9. If any section, subsection, clause, phrase or provision of this Ordinance, or the application thereof to any person or circumstance, shall to any extent be held by a court of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections, clauses, phrases and provisions of this Ordinance, or the application thereof to any person or circumstance, shall remain in full force and effect and shall in no way be affected, impaired or invalidated.

SECTION 10. This Ordinance shall take effect immediately from and after its passage.

DULY PASSED AND ADPPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THE _____ DAY OF _____, 2015.

CITY OF MCKINNEY, TEXAS

BRIAN LOUGHMILLER
Mayor

CORRECTLY ENROLLED:

SANDY HART, TRMC, MMC
City Secretary

DATE: _____

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney