

**Comparison of proposes CCPMC / 2009 IPMC to Existing Southern Standard Housing Code (1973)**

<u>Section / Topic</u>	<u>CCPMC / 2009 IPMC</u>	<u>1973 Southern Standard Housing Code / Other Existing Municipal Ordinances</u>	<u>Notes / Additional Comments</u>
<b>Administration and Enforcement</b>			
<b>Section 103.2 Appointment</b>	The Director of the Code Enforcement Division, or such other city officer or employee as the City Manager may designate in writing, and who shall be known as the Code Enforcement Official or Code Official.	None	Section 13-24 annotates duties of the Official but gives no designation for a Code Official
<b>Section 103.4 Liability</b>	The code official, member of the Building Standards Board or employee charged with the enforcement of this code, while acting for the City, in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties., Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the City until the final termination of the proceedings. The code official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code.	None	
<b>Section 104.7 Coordination of Inspections</b>	Whenever in the enforcement of this Code or another code or ordinance, the responsibility of more than one City Department is involved, it is the duty of the initiating Department Director or designee involved to coordinate their inspections and administrative orders as fully as practicable so that the owners and occupants of the structure are not be subjected to visits by numerous inspectors or multiple or conflicting orders.	None	Whenever an inspector from any department observes an apparent or actual violation of some provision of some law, ordinance, or code not within the inspector's authority to enforce, the inspector shall report the findings to the appropriate City department Director or designee.

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<b>Section 106.4 Violation Penalties</b>	Violation of provisions of this code or failure to comply therewith, or with any requirements thereof Violation of provisions of this code or failure to comply therewith, or with any requirements thereof including failure to comply with the terms of Notice of Violation in accordance with Section 106.2 within the time specified or any extension of time granted by the code official shall be fined upon conviction not more than \$500.00.		<b>Section 106.3 (a) Prosecution of Violation.</b> Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed guilty of a misdemeanor and the violation shall be deemed a strict liability offense.  Since all violations are deemed strict liability offenses, Texas Penal Code Sections 6.02 and 12.23 limit the fine to \$500.00.
<b>Section 108 Unsafe Unfit Structures and Equipment</b>	When equipment is found by the code official to be unsafe, or when a structure is found unfit for human occupancy, or is found to be an unlawful structure, the structure or equipment shall be deemed a threat to the public health, safety or welfare.	<b>Section 308.1 Dangerous Structures.</b> Any dwelling or dwelling unit which shall be found to have any of the following defects shall be condemned as unfit for human habitation and declared to be a nuisance and shall be so designated and placarded by the Building Official.	The code official is given the authority to deem an existing structure or equipment to be in an unsafe condition or that is unfit for human occupancy.

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<b>Section 109.3 Closing Streets</b>	When necessary for public safety, the code official shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.	<b>Section 13-26 (E) Procedure for Eliminating Standard Conditions. Provision for emergency.</b> Notwithstanding the foregoing provisions of this section, when a structure or premises, or the manner of its use constitutes an immediate and serious danger to human life or health or to property, emergency measures may be taken by the official, as follows: He may promptly cause such structure or premises to be made safe or removed. For this purpose, he may at once enter such structure or premises, or abutting land or structures, with such assistance and at such cost as he may deem necessary in the circumstances. He may vacate adjacent structures and protect the public by appropriate fence or such other means as may be necessary, including boarding up of vacant buildings, and for this purpose may close a public or private way.	The code official is authorized to temporarily close sidewalks, streets and adjacent structures as needed to provide for the public safety from an unsafe structure or when an imminent danger exists.
<b>Section 112 Stop Work Order</b>	Whenever the Code Official 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 is authorized to issue a stop work order.	Currently applied through the <b>International Building Code Section 115</b> whenever the Building Official 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 Building Official is authorized to issue a stop work order.	Grants enforcement authority to code enforcement to assist with current Ordinance enforced by Development Services

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Section 302.7.1 Fences	All fences, facing the street frontage of the premises, adjacent to a public way, and/or adjacent to an improved premises shall be maintained structurally sound and in good repair. Any of the following conditions shall be corrected: 1. Rotted, fire damaged, broken wood, support posts or cross members shall be repaired or replaced. 2. Broken or fire damaged wooden slats shall also be repaired or replaced. 3. Broken or severely bent metal posts or torn, cut, ripped metal fencing materials shall be repaired or replaced. 4. Any fence, or any portion thereof, having loose bricks, stones, rocks, mortar, masonry, or similar materials shall be repaired or replaced. 5. On any corner lot, a visibility triangle shall be established.	None	Reference: _____ Unified Development Code Section 4.2.9 Visibility Triangle. The visibility triangle shall be formed by extending lines from the intersection of two streets to points 20 feet from the corner of the intersecting streets and then connecting the two points to form a triangle. No construction, planting or grading shall be permitted to interfere with the sight triangle between the heights of 30 inches and 7 feet as measured from the crowns of the adjacent streets.
Section 302.9 Defacement of Property	No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti.	Section 33-102. Defacement. (a) Application of graffiti. Application of graffiti is unlawful under Texas Penal Code 28.03 (criminal mischief) and Texas Penal Code 28.08 (graffiti) and shall be prosecuted thereunder.	Grants enforcement authority to code enforcement to assist with current Graffiti Ordinance enforced by Police.
Section 304.18.1 Doors (deadbolt locks)	Doors providing access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a deadbolt lock designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a minimum lock throw of 1 inch (25 mm). Such deadbolt locks shall be installed according to the manufacturer's specifications and maintained in good working order. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.	None	As example, building security for student safety in college dorms and off campus housing.

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<b>Section 304.3 Premises Identification</b>	The property shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. Easily legible numbers are essential for rapid response of emergency personnel. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7mm).	<b>2009 International Fire Code Section 505.1 Address Identification.</b> New and Existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position to be plainly legible and visible from the street or road fronting the property. Easily legible numbers are essential for rapid response of emergency personnel. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7mm).	Grants enforcement authority to code enforcement to assist with current Ordinance enforced by Fire Department
<b>Section 309.2 Pest Extermination Prior to Occupancy</b>	Where infestation exists, the owner of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure.	<b>Section 306.5 Extermination.</b> Every occupant of a single dwelling building and every owner of a building containing two or more dwelling units shall be responsible for the extermination of any insects, rodents, or other pests within the building or premises.	

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Section 701.3 Fire Break	<p>1. When a structure exists on the property adjacent to the property containing brush, grass, or weeds and is within 250 feet of the common property line a fire break shall be maintained on any portion of the property line within 250 feet of the structure. The fire break shall extend a minimum of 100 feet along the common property line on either side of a point nearest the structure or the entire length of the common property line if it is less than 200 feet in length. "Fire break" as used in this section (1) means a 50-foot wide strip of land surface on which all brush, grass, or weeds are maintained at a height less than 12 inches above the ground; all branching growth, leafy foliage seven (7) or less feet above the ground has been removed; and all hazardous vegetation has been removed.</p> <p>2. A fire break will be maintained along the property line adjacent to a public right-of-way. A "fire break" as used in this section (2) means a 20 feet wide strip of land surface on which all brush, grass, or weeds are maintained at a height less than 12 inches above the ground; all branching growth, leafy foliage seven (7) or less feet above a public sidewalk or thirteen (13) feet above a public street has been removed; and all hazardous vegetation has been removed.</p>	Old Fire Code Ordinance #12826, which was never revised or codified.	<b>Exception:</b> A fire break shall not be required on a tract of real property or any portion thereof which is used exclusively for active agricultural operations as set forth in the Texas Agricultural Code Title 8, Chapter 251, <u>but will be required along any improved right-of-ways adjacent to the property.</u>