

Ordinance amending the Corpus Christi Code of Ordinances Chapter 13, Article II to repeal the Corpus Christi Property Maintenance Code, and to adopt the International Property Maintenance Code, 2015 Edition; providing for severance; providing for penalties; providing for publication; and providing for effective date.

WHEREAS, the City Council desires to provide a uniform and updated minimum property standards code for the City of Corpus Christi by incorporating the International Property Maintenance Code, 2015 Edition into the Corpus Christi Code of Ordinances;

WHEREAS, in order to properly incorporate the International Property Maintenance Code, it is desired that amendments be made to §13-20 et seq of Chapter 13 of the Corpus Christi Code at Article II Corpus Christi Property Maintenance Code, Division I, which in pertinent part repeals the adoption of the Corpus Christi Property Maintenance Code as the minimum property maintenance code for the City and adopts the International Property Maintenance Code, 2015 Edition, as the minimum property maintenance code for the City;

WHEREAS, the City published notice of the proposed action conspicuously on the City's Internet website from August 2, 2016 to August 30, 2016, in compliance with Local Government Code §214.217.

WHEREAS, the City has made reasonable effort to encourage public comment from persons affected by the proposed adoption of the International Property Maintenance Code, 2015 Edition, with local amendments in compliance with Local Government Code §214.217.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CORPUS CHRISTI, TEXAS that:

SECTION 1: The Corpus Christi Code, §13-20 et seq of Chapter 13, Article II Corpus Christi Property Maintenance Code, Division 1, entitled "Generally", is amended by adding the following language that is underlined (added) and deleting the language that is stricken (deleted) as delineated below, therein in pertinent part, repealing the adoption of the Corpus Christi Property Maintenance Code as the minimum property maintenance code for the City and adopting the International Property Maintenance Code, 2015 edition, as the minimum property maintenance code for the City:

CHAPTER 13 CODE ENFORCEMENT, HOUSING AND HOUSING PREMISES STANDARDS, AND NEIGHBORHOOD IMPROVEMENT

ARTICLE I. - IN GENERAL

Secs. 13-1—13-19. - Reserved.

ARTICLE II. ~~CORPUS CHRISTI~~ PROPERTY MAINTENANCE CODE

DIVISION 1. GENERALLY

Sec. 13-20. Adoption of the International ~~Corpus Christi~~ Property Maintenance Code.

(a) The Corpus Christi International Property Maintenance Code, 2015 Edition, a copy of which, authenticated by the signatures of the mayor and the city secretary, made public record by this section, and on file in the city secretary's office, is hereby adopted verbatim by reference, as if fully copied at length in this article as the Property maintenance code in chapter 13, article II, section 13-20 of the City of Corpus Christi Code of Ordinances. is hereby adopted as the minimum property maintenance code for the City. A copy of the adopted code is on file with the City Secretary's Office.

(b) Additions, deletions, and changes are made to the International Property Maintenance Code, 2015 Edition, and correlated to the appropriate paragraph numbers in the International Property Maintenance Code as follows:

(1) Section 101.1 of the International Property Maintenance Code is revised to read as follows:

101.1 Title. These regulations shall be known as the International Property Maintenance Code of the City of Corpus Christi, hereinafter referred to as "this code."

(2) Section 101.5 is added to this code to read as follows:

101.5 Non-discrimination. A Code Enforcement initiated action shall not be based on an owner's or occupant's race, color, sex, religion, age, disability, national origin, sexual orientation or gender identity.

(3) Section 102.3 of the International Property Maintenance Code is revised to read as follows:

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 all codes adopted by the City, including but not limited to the City of Corpus Christi Technical Construction Codes. Nothing in this code shall be construed to cancel, modify or set aside any provisions of the Code of Ordinances of the City of Corpus Christi or the City of Corpus Christi Unified Development Code.

(4) The title of Section 103 of the International Property Maintenance Code is revised to read as follows:

SECTION 103. CODE ENFORCEMENT DIVISION

(5) Section 103.1 of the International Property Maintenance Code is revised to read as follows:

103.1 Enforcement. The City organization established for the enforcement of this code and the codes and standards referenced, which are considered part of the requirements of this code, consists of a Building Standards Board and the office of the Code Enforcement Division. For Building Standards Board information refer to City Code §13-21 et seq.

(6) Section 103.2 of the International Property Maintenance Code is revised to read as follows:

103.2 Appointment. The Director of the Code Enforcement Division, or such other city officer or employee as the City Manager may designate in writing, shall be known as the code enforcement official, hereinafter the "code official."

(7) Section 103.3 of the International Property Maintenance Code is revised to read as follows:

103.3 Designees. The code official shall have the authority to delegate powers under this Property Maintenance Code. Such designees shall have powers as delegated by the code official.

(8) Section 103.5 of the International Property Maintenance Code is revised to read as follows:

103.5 Fees. The fees for activities and services performed by the division in carrying out its responsibilities under this code shall be as indicated in the following schedule.

<u>Administrative Fee for Abatements</u>	<u>\$73</u>
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(9) Section 103.6 is added to this code to read as follows:

103.6 Conflict of Interest. No employee connected with the City shall be financially interested in the furnishing of labor, material or appliances for the construction, alteration or maintenance of a building of which he is not the sole or part owner or in the making of plans or of specifications therefore. No such officer or employee shall engage in any work which is inconsistent with his duties or with the interests of the City.

(10) Section 104.2 of the International Property Maintenance Code is revised to read as follows:

104.2 Inspections.

(a) The code official shall make all of the required inspections, or shall accept reports of inspection by approved agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The code official shall make a record of every such inspection and of all violations of this code. The code official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

(b) It shall be the duty of the code official to inspect all buildings, structures and premises or other equipment or facilities covered by this code thought to be substandard. The inspections made or caused to be made by the code official shall determine the condition of the buildings, dwellings, dwelling units, rooming units and premises in the interest of safeguarding the health and safety of the occupants of dwellings, the neighborhood and of the general public.

(11) Section 104.3 of the International Property Maintenance Code is revised to read as follows:

104.3 Right of entry.

(a) Where it is necessary to make an inspection to enforce the provisions of this code, or whenever the code official has reasonable cause to believe that there exists in a structure or upon a premises a condition in violation of this code, the code official is authorized to enter the structure or premises at reasonable times to inspect or perform the duties imposed by this code, subject to legal restrictions. If such structure or premises is occupied the code official shall present credentials to the owner, agent, occupant or person in charge of the property and request entry.

(b) In cases of emergency where extreme hazards are known to exist which may involve the potential loss of life or severe property damage, no request is necessary.

(c) If a building, premises or property is unoccupied, vacant or otherwise uninhabited by humans, but which is otherwise open and may be entered by derelicts, vagrants or children, the code official shall have the same power of inspection as aforementioned, including the right of inspections without requesting permission of the owner or other person in charge, and if found to be in violation of this code, may placard it so as to prevent any occupancy of the building, premises or property for human use or habitation, or any other use.

(d) If entry is refused, the code official shall have recourse to the remedies provided by law to secure entry.

(12) Section 104.3.1 is added to this code to read as follows:

104.3.1 Authority. A code official has the authority enforce the provisions of this code, all codes adopted by the City and all city ordinances in accordance with the provisions established in City Code §1-13.

(13) Section 104.7 is added to this code to read as follows:

104.7 Coordination of inspections.

(a) 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 inspection and administrative orders as fully as practicable so that the owners and occupants of the structure are not subjected to visits by numerous inspectors or multiple or conflicting orders.

(b) 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.

(14) Section 106.3 of the International Property Maintenance Code is revised to read as follows:

106.3 Prosecution of violation.

(a) 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.

(b) If the provisions of this code are violated or there is failure to comply therewith, or if the notice of violation is not complied with, the code official may institute the appropriate proceeding at law or in equity to restrain, correct or abate the violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made under this code.

(15) Section 106.3.1 is added to this code to read as follows:

106.3.1 Lien upon real estate. Any action taken by the City on such premises is charged against the real estate upon which the structure is located and is a lien upon such real estate. A statement of expense for the City action shall be filed with the

Nueces County Clerk by the code officer, or other city officer or employee as the City Manager may designate. The City shall have a lien against the real estate to secure the expenditure made and ten (10) percent interest on that amount from the date of the payment. For the expenditures and interest, suit may be instituted in the name of the City, and the statement of expense made as herein noted, or a certified copy the statement of expense shall be prima facie proof of the amount expended in such work.

(16) Section 106.4 of the International Property Maintenance Code is revised to read as follows:

106.4 Violation penalties.

(a) Violation of provision of this Property Maintenance Code or failure to comply therewith, or with any requirements thereof including failure to comply with the terms a Notice of Violation in accordance with Section 106.2 within the time specified or any extensions of time granted by the code official shall be fined upon conviction not more than \$500.00.

(b) After due notice has been served, each day a violation is permitted to exist shall constitute a separate offense. Nothing in this section shall limit the remedies to the City in seeking to enforce the provisions of this Property Maintenance Code.

(17) Section 107.1 of the International Property Maintenance Code is revised to read as follows:

107.1 Notice to person responsible. Whenever the code official determines that there has been a violation of this Code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Sections 107.2 and 107.3 to the person(s) responsible for the violation as specified in this Code or of any rule or regulation concerning the health, safety, or general welfare adopted by the City as it relates to structures or premises.

When a notice is provided under this section, the code official may inform the owner that if the owner commits another violation of the same subsection of this Code on or before the first anniversary of the date of the notice, the City, without further notice, may proceed with the prosecution and/or abatement of said violation.

(18) Section 107.2 of the International Property Maintenance Code is revised to read as follows:

107.2 Form. Whenever any violation of this Code, generally or specifically defined in this Code, shall exist within the city, the code officer shall notify, in writing, the

owner or occupant of the premises whereon such violation exists, and order such owner or occupant to abate or remedy the violation described in such notice, within such time as may be specified within the order.

Such notice prescribed in Section 107.1 shall be in accordance with all of the following:

1. Be in writing.
2. Include a description of the real property sufficient for identification. This does not require a legal description.
3. Include a statement of the violation or violations and why notice is being issued.
4. Include a correction order allowing a reasonable amount of time to make the repairs and improvements required to bring the premises into compliance with provisions of this code.
5. Inform property owner of the name and phone number of the code official or designee.
6. Inform the property owner or owner's authorized agent of the right to appeal.
7. Include a statement of the right to file a lien in accordance with Section 106.3.1.

(19) Section 107.3 of the International Property Maintenance Code is revised to read as follows:

107.3 Method of service. Such notice shall be deemed to be properly delivered if a copy thereof is:

1. Delivered Personally;
2. Sent by certified or first class mail, to the owner of record at the address as it appears on the Nueces County Appraisal District records; or
3. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.

When a notice is mailed in accordance with this section to a property owner, lienholder, mortgagee, or registered agent and the United States Postal Service returns the notice as "refused" or "unclaimed," the validity of the notice is not affected, and the notice is considered delivered.

(20) Section 108.1 of the International Property Maintenance Code is revised to read as follows:

108.1 General. When a structure or 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.

(21) Section 108.1.5 of the International Property Maintenance Code is revised to read as follows:

108.1.5 Dangerous structure or premises. For the purpose of this code, any structure or premises that has any or all of the conditions or defects described below, but which is not limited to those described below, shall be considered dangerous and may be deemed substandard:

1. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the approved building or fire code of this City as related to the requirements for existing buildings.
2. The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.
3. Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, deterioration, neglect, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become detached or dislodged, or which cannot be expected to withstand winds of hurricane force.
4. Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value.
5. The building or structure, or part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.

6. The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy.
7. The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.
8. Any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the approved building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.
9. A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, electrical, mechanical or plumbing system, or otherwise, is determined by the code official to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease, including all conditions conducive to the harboring of rats or mice or other disease-carrying animals or insects reasonably calculated to spread disease.
10. Any building or structure, because of a lack of sufficient or proper fire-resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the code official to be a threat to life or health.
11. All buildings or structures which have pit privies where the same are not permitted by law or which are not connected to the city sewer when required by law or where inadequate and unsanitary pit privies or septic tanks exist.
12. Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.

(22) Section 108.2 of the International Property Maintenance Code is revised to read as follows:

108.1.5 Dangerous structure or premises. For closing of vacant structures refer to City Code §13-3002 et seq.

(23) Section 108.3 of the International Property Maintenance Code is revised to read as follows:

108.3 Notice. Whenever the code official has determined a structure or equipment to be a threat to the public health, safety or welfare under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner, owner's authorized agent or the person or persons responsible for the structure or equipment in accordance with Section 107.3. If the notice pertains to equipment, it shall also be placed on the equipment. The notice shall be in the form prescribed in Section 107.2.

(24) Section 108.4 of the International Property Maintenance Code is revised to read as follows:

108.4 Placarding. Upon failure of the owner, owner's authorized agent or person responsible to comply with the notice provisions within the time given, the code official may post on the premises or on defective equipment a placard bearing the words "This Structure or Equipment is a threat to public health, safety or welfare and occupancy and/or use is prohibited" and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

(25) Section 108.4.1 of the International Property Maintenance Code is revised to read as follows:

108.4.1 Placard removal. The code official shall remove the unfit for human occupancy placard whenever the defect or defects upon which the placarding actions were based have been eliminated. Any person who defaces or removes a placard without the approval of the code official shall be subject to the penalties provided by this code.

(26) Section 108.5 of the International Property Maintenance Code is revised to read as follows:

108.5 Prohibited occupancy. Any occupied structure determined to be a threat to the public health, safety and welfare shall be placarded by the code official and shall be vacated as ordered by the code official. Any person who shall occupy a placarded premise or shall operate placarded equipment, and any owner, owner's authorized agent or any person responsible for the premises who shall let anyone occupy a placarded

premise or operate placarded equipment shall be liable for the penalties provided by this code. Failure to vacate as ordered by the code official is a violation of this code.

(27) Section 108.6 of the International Property Maintenance Code is revised to read as follows:

108.6 Abatement methods. The owner, owner's authorized agent, operator or occupant of a building, premises or equipment deemed to be a threat to the public health, safety or welfare by the code official shall abate or cause to be abated or corrected such conditions either by repair, rehabilitation, demolition or other approved corrective action.

(28) Section 109.1 of the International Property Maintenance Code is revised to read as follows:

109.1 Imminent danger. When, in the opinion of the code official, there is imminent danger of failure or collapse of a building or structure which endangers life or health, or when any structure or part of a structure has fallen and life or health is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, or when the structure is found unfit for human occupancy, the code official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith and may vacate adjacent structures and protect the public by appropriate fencing or other means as may be necessary. The code official shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

(29) Section 109.2 of the International Property Maintenance Code is revised to read as follows:

109.2 Emergency safeguards. Notwithstanding other provisions of this code, whenever, in the opinion of the code official, there is imminent danger due to an unsafe condition or when the structure may be entered by derelicts, vagrants or children, the code official shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described in this code or any other rule or regulation in the City Code concerning

health, safety or general welfare has been instituted; and shall cause such other action to be taken as the code official deems necessary to meet such emergency. 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.

(30) Section 109.5 of the International Property Maintenance Code is revised to read as follows:

109.5 Costs of emergency repairs. Costs incurred in the performance of emergency work shall be paid by the City. The legal counsel of the City shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs by assessing a lien in accordance with Section 106.3.1.

(31) Section 109.6 of the International Property Maintenance Code is revised to read as follows:

109.6 Hearing. Any person ordered to take emergency measures shall comply with such order forthwith. If any affected person shall thereafter desire a hearing upon the matter, a petition directed to the Code Enforcement Division must be filed with the City Secretary and the affected person will be afforded a hearing before the Building Standards Board as described in the City Code at §13-22 et seq.

(32) Section 110 of the International Property Maintenance Code is revised to read as follows:

SECTION 110. DEMOLITION

Demolitions will be ordered in accordance with the provisions established in City Code §13-22 et seq.

(33) Section 111 of the International Property Maintenance Code is revised to read as follows:

SECTION 111. MEANS OF APPEAL

The provisions for appeals are established in City Code §13-24 et seq.

(34) Section 112.4 of the International Property Maintenance Code is revised 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 more than \$500.00 dollars.

(35) Section 201.3 of the International Property Maintenance Code is revised to read as follows:

201.3 Terms defined in other codes. Where terms are not defined in this code and are defined in the City of Corpus Christi Technical Construction Codes, Unified Development Code, Texas Local Government Code, Texas Health & Safety Code, or Texas Administrative Code, such terms shall have the meanings ascribed to them as stated in those codes.

(36) Section 202 of the International Property Maintenance Code is revised by deleting definitions for the terms "Condemn," and "Inoperable Motor Vehicle;"; adding definitions for the terms "Building Standards Board," "City," "City Code," "City of Corpus Christi Technical Construction Codes," "Code Enforcement Official, a.k.a. Code Official," "Designee," "Fire Prevention Code of the City of Corpus Christi," "Fence," "Hazardous Vegetation," "Lavatory," "Lawfully," "Outside Placement," "Published," "Report," "Sidewalk," "Surface Hazard," and "Unfit for Human Occupancy;"; and amending definitions to the terms "Cost of Such Demolition or Emergency Repairs," and "Imminent Danger" to read as follows:

Building Standards Board. Composed of members who are qualified by experience and training to pass on matters pertaining to property maintenance and who are not employees of the jurisdiction. This board shall be appointed by the city council.

City. The City of Corpus Christi.

City Code. The Code of Ordinances of the City of Corpus Christi, Texas.

City of Corpus Christi Technical Construction Codes. The City of Corpus Christi adopted with local amendments, the International Code Council (ICC), 2015 editions of the International Building Code, Existing Building Code, Energy Conservation Code, Fuel Gas Code, Mechanical Code, Plumbing Code, and Residential Code for One and Two Family Dwellings, and the National Electrical Code, 2014 edition. Collectively these codes, as adopted and amended, are known as the City of Corpus Christi Technical Construction Codes, and are known individually as the City of Corpus Christi Building Code, Existing Building Code, Electrical Code, Energy Conservation Code, Fuel Gas

Code, Mechanical Code, Plumbing Code, and Residential Code for One- and Two-Family Dwellings.

Code Enforcement Official, a.k.a. Code Official. Director of the Code Enforcement Division, or such other city officer or employee as the City Manager may designate in writing who may make application for administrative and criminal search warrants under authority of the Texas Code of Criminal Procedure, Article 18.05, as such warrants may be necessary to enforce any provision of Code of Ordinances of the City of Corpus Christi, this code or other municipal ordinance duly promulgated.

Cost of such Demolition or Emergency Repairs. The costs shall include the actual costs of the demolition or repair of the structure. Costs shall include, but not be limited to, expenses incurred or necessitated related to demolition or emergency repairs, such as asbestos survey and abatement if necessary; costs of inspectors, testing agencies or experts retained relative to the demolition or emergency repairs; costs of testing; surveys for other materials that are controlled or regulated from being dumped in a landfill; title searches; mailing(s); postings; recording; and attorney fees expended for recovering of the cost of emergency repairs or to obtain or enforce an order of demolition made by the Building Standards Board.

Designee. The code official shall have the authority to delegate powers under this Code to a designee. Such designees shall have powers as delegated by the code official.

Fire Prevention Code of the City of Corpus Christi. The City of Corpus Christi adopted with local amendments, the International Code Council (ICC), 2015 edition of International Fire Code, as the Fire Prevention Code of the City of Corpus Christi.

Fence. Any enclosing barrier, constructed of wood, metal or any other material, regardless of its use or purpose.

Hazardous Vegetation. Dead and dying trees, tree limbs or other natural growth which, by reason of rotting, deterioration, physical damage or storm damage constitutes a hazard to persons or structures within the vicinity thereof.

Imminent Danger. A condition which could cause serious or life-threatening injury or death at any time and may constitute emergency measures.

Lavatory. A fixed washbowl with running water and drainpipe customarily used to wash hands.

Lawfully. In accordance with the City code requirements at the time of construction or installation.

Outside Placement. Any item which is not customarily used or stored outside or not made of a material that is resistant to damage or deterioration from exposure to the outside environment. Said items include, but are not limited to, auto parts, appliances not in service, metal or wood products or parts not converted to a final use, beverage, food or other containers not stored within a closed household recycling bin or refuse container, plumbing fixtures that are commonly used indoors or that have been converted to another use. This includes placement in a structure that is open or not completely enclosed, including any porch cover or carport or upon any open porch or under any tarp.

This does not include lawn care tools or recreational equipment incidental to the use of the property. Building materials stored outdoors on any site for construction or demolition of a structure on the premises shall be used or incorporated into the proposed structure or removed from the premises within 90 days from the date of arrival on the premises or upon the expiration of any associated building permit, whichever comes later.

Published. Posted on the code enforcement department website or various media outlets and kept in City files for a period of time.

Report. Written or electronic documentation of an unsafe condition.

Sidewalk. That portion of the roadway primarily constructed for the use of pedestrians and constructed of concrete or other durable materials.

Surface Hazard. Holes, excavations, breaks, projections, obstructions and other hazardous conditions, on paths, walkways, driveways, parking lots, parking areas, and other parts of the premises which are accessible to any person entering thereon.

Unfit For Human Occupancy. Any structure that is an unsafe structure, unlawful or otherwise is in such a degree of disrepair, lack of maintenance, is unsanitary, vermin or rat infested, contains filth and contamination or lacks ventilation, illumination, sanitary or heating facilities, lacks operating utility connections or other essential equipment required by this code or any other adopted code or standard or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

(37) Section 301.2 of the International Property Maintenance Code is revised to read as follows:

301.2 Responsibility. The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this Code or in State or Federal Law. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter. Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control.

(38) Section 302.1 of the International Property Maintenance Code is revised to read as follows:

302.1 Exterior maintenance. All exterior property and premises shall be maintained in a clean, safe and sanitary condition and free of outside placement, hazardous vegetation, or surface hazards.

(39) Section 302.2 of the International Property Maintenance Code is revised to include an Exception as follows:

Exception. Approved detention areas, retention areas, filtration areas and reservoirs.

(40) Section 302.4 of the International Property Maintenance Code is revised to read as follows:

302.4 Weeds. All improved premises and exterior property shall be maintained free from weeds or plant growth in excess of 12 inches or higher. All 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.

(41) Section 302.6 of the International Property Maintenance Code is revised to include an Exception as follows:

Exception. Pipes, ducts, conductors, fans or blowers installed lawfully.

(42) Section 302.7 of the International Property Maintenance Code is revised to read as follows:

302.7 Accessory structures. All accessory structures, including detached garages, shall be maintained structurally sound and in good repair.

(43) Section 302.7.1 is added to read as follows:

302.7.1 Fences. All fences, facing the street frontage of the premises or adjacent to a public way, and/or adjacent to an improved premises shall be maintained structurally sound and in good repair. All fences on properties where applicable shall adhere to the "visibility triangle" rules referenced in the Unified Development Code Section 4.2.9 Visibility Triangle. 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.

(44) Section 302.8 of the International Property Maintenance Code is revised to read as follows:

302.8 Motor vehicles. For Motor Vehicles refer to City Code §13-38 et seq.

(45) Section 302.9.1 is added to read as follows:

302.9.1 Other provisions related to defacement of property. For other provisions related to Defacement of Property refer to City Code §33-100 et seq.

(46) Section 303 of the International Property Maintenance Code is revised to read as follows:

303.1 Swimming pools. For swimming pools refer to City Code §23-50 et seq.

(47) Section 304.1.1 of the International Property Maintenance Code is revised to read as follows:

304.1.1 Unsafe conditions. For unsafe conditions refer to City Code §13-22 et seq.

(48) Section 304.3 of the International Property Maintenance Code is revised to read as follows:

304.3 Address identification. Buildings shall be provided with approved address identification. The address identification shall be legible and placed in a position to be visible from the street or road fronting the property. Address identification characters shall contrast with their background. Address numbers shall be Arabic numerals or

alphabetical letters. Numbers shall not be spelled out. Each character shall be a minimum of 4 inches (102mm) in height with a minimum stroke width of 0.5 inch (12.7 mm). Where required by fire code official, address identification shall be provided in additional approved locations to facilitate emergency response. Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address identification shall be maintained.

All multiunit buildings shall have signage that identifies all units contained within the building. The signage should be placed in a position to be plainly visible from the driveway fronting the building. The signage shall have a contrasting background with a minimum of 4 inches (102mm) high with a minimum stroke width of 0.5 inch (12.7mm).

(49) Section 304.5 of the *International Property Maintenance Code* is revised to read as follows:

304.5 Foundation. All foundations, piers, or other structural elements shall be maintained plumb and capable of adequate support, free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

(50) Section 304.14 of the *International Property Maintenance Code* is revised to read as follows:

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.

Exceptions: (1) Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed. (2) Habitable spaces served by air conditioning unit in sound condition and good repair. (3) Doors are not required to be screened if there is an additional ventilation source in the room.

(51) Section 304.18 of the *International Property Maintenance Code* is revised to read as follows:

304.18 Building security. Doors, attic access, windows or hatchways for dwelling units, room units or housekeeping units shall be provided with devices designed to provide security for the occupants and property within.

The owners of residential rental units shall be deemed to have met this requirement by installing devices that are required under the TEXAS PROPERTY CODE – TITLE 8 LANDLORD and TENANT – CHAPTER 92. RESIDENTIAL TENANCIES – SUBCHAPTER D. SECURITY DEVICES.

Exception: Locking devices for attic access are not required in single family dwellings.

(52) Section 304.18.1 of the International Property Maintenance Code is revised to read as follows:

304.18.1 Doors Requiring 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 to provide additional building security (i.e. student safety in college dorms and off campus housing.) For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.

(53) Section 308.2.1 of the International Property Maintenance Code is revised to include an Exception to read as follows:

Exception: Unless provided otherwise by contract or by city.

(54) Section 308.2.2 of the International Property Maintenance Code is revised to read as follows:

308.2.2 Appliances. Refrigerators and similar equipment not in operation or that poses a risk of imminent danger shall not be discarded, abandoned or stored on the exterior of the premises.

(55) Section 309.4 of the International Property Maintenance Code is revised to include an Exception to read as follows:

Exception: Where the infestations are caused by defects in the structure, the owner shall be responsible for pest elimination.

(56) Section 402.1 of the International Property Maintenance Code is revised to include an Exception to read as follows:

Exception: (1) Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but a minimum of 25 square feet (2.33 m2). The exterior glazing area

shall be based on the total floor area being served. (2) Where installed or constructed lawfully.

(57) Section 403.2 of the International Property Maintenance Code is revised to include an Exception to read as follows:

Exception: Re-circulating mechanical ventilation system allowed where installed or constructed lawfully.

(58) Section 403.4 of the International Property Maintenance Code is revised to include an Exception to read as follows:

Exception: Re-circulating vent hoods are allowed in residential occupancies where installed lawfully.

(59) Section 403.5 of the International Property Maintenance Code is revised to include an Exception to read as follows:

Exception: (1) Listed and labeled condensing (ductless) clothes dryers. (2) Except where constructed lawfully.

(60) Section 404.3 of the International Property Maintenance Code is revised to include Exceptions to read as follows:

Exceptions:

(1) In one- and two-family dwellings, beams or girders spaced not less than 4 feet (1219 mm) on center and projecting a maximum of 6 inches (152 mm) below the required ceiling height.

(2) Basement rooms in one- and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a minimum ceiling height of 6 feet 8 inches (2033 mm) with a minimum clear height of 6 feet 4 inches (1932 mm) under beams, girders, ducts and similar obstructions.

(3) Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a minimum ceiling height of 7 feet (2134 mm) over not less than one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a minimum clear ceiling height of 5 feet (1524 mm) shall be included.

(4) Unless installed or constructed lawfully.

(61) Section 404.4.1 of the International Property Maintenance Code is revised to include an Exception to read as follows:

Exception: Unless constructed lawfully.

(62) Section 404.4.2 of the International Property Maintenance Code is revised to include an Exception to read as follows:

Exception: (1) Units that contain fewer than two bedrooms. (2) Unless lawful at the time of construction or renovation.

(63) Section 404.4.3 of the International Property Maintenance Code is revised to include an Exception to read as follows:

Exception: Unless constructed lawfully.

(64) Section 404.6 of the International Property Maintenance Code is revised to read as follows:

404.6 Efficiency unit. Nothing in this section shall prohibit an efficiency living unit from meeting the following requirements:

1. A unit occupied by not more than two occupants shall have a clear floor area of not less than 220 square feet (20.4 m2). A unit occupied by three occupants shall have a clear floor area of not less than 320 square feet (29.7 m2). These required areas shall be exclusive of the areas required by Items 2 and 3.

Exception: Unless constructed lawfully.

2. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches (762 mm) in front. Light and ventilation conforming to this Property Maintenance Code shall be provided.
3. The unit shall be provided with a separate bathroom containing a toilet, lavatory and bathtub or shower.
4. The maximum number of occupants shall be three.

(65) Section 502.5 of the International Property Maintenance Code is revised to read as follows:

502.5 Public toilet facilities. Public toilet facilities shall be maintained in a safe, sanitary and working condition in accordance with the International Plumbing Code as adopted and amended by the City. Except for periodic maintenance or cleaning, public access and use shall be provided to the toilet facilities at all times during occupancy of the premises.

(66) Section 503.1 of the International Property Maintenance Code is revised to include an Exception to read as follows:

Exception: Except as provided otherwise in state rules and regulations.

(67) Section 503.3 of the International Property Maintenance Code is revised to read as follows:

503.3 Location of employee toilet facilities. Employees shall have access to toilet facilities near the employees' working area. The required toilet facilities shall be located not more than one story above or below the employees' working area and the path of travel to such facilities shall not exceed a distance of 500 feet (152 m). Employee facilities shall either be separate facilities or combined employee and public facilities.

Exception: (1) No toilet facility is required at offsite work areas. (2) In multi-unit residential properties a toilet facility is not required if there is no onsite management office located on the property. (3) In multi-unit residential properties, where there is an onsite management office, there is no maximum travel distance to a toilet facility. (4) Facilities that are required for employees in storage structures or kiosks, which are located in adjacent structures under the same ownership, lease or control, shall not exceed a travel distance of 500 feet (152 m) from the employee's regular working area to the facilities.

(68) Section 505.1 of the International Property Maintenance Code is revised to read as follows:

505.1 General. Every sink, lavatory, bathtub or shower, drinking fountain, toilet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. Kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the International Plumbing Code as adopted and amended by the City.

Exceptions: Facilities constructed lawfully without hot water.

(69) Section 506.3 of the International Property Maintenance Code is revised to read as follows:

506.3 Grease interceptors/Grease traps. Refer to City Code §55-160 et seq. and International Plumbing Code as adopted and amended by the City.

(70) Section 602.3 of the International Property Maintenance Code is revised 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 to

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

Exception:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provide that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the International Plumbing Code as adopted and amended by the City.
2. In areas where the average monthly temperature is above 30°F (-1°C), a minimum temperature of 65°F (18°C) shall be maintained.

(71) Section 603.5 of the International Property Maintenance Code is revised to include an Exception to read as follows:

Exception: A supply of air for complete combustion of the fuel and for ventilation must be maintained as it was lawfully-installed.

(72) Section 604.2 of the International Property Maintenance Code is revised to include an Exception to read as follows:

Exception: Electric service may be maintained if installed lawfully.

(73) Section 604.3 of the International Property Maintenance Code is revised to read as follows:

604.3 Electrical system hazards. Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, to include but not limited to hazards associated with fire exposure, the code official shall require the defects to be corrected to eliminate the hazard.

(74) Section 604.3.1.1 of the International Property Maintenance Code is revised to read as follows:

604.3.1.1 Electrical equipment. Electrical distribution equipment, motor circuits, power equipment, transformers, wire, cable, flexible cords, wiring devices, ground fault circuit interrupters, surge protectors, molded case circuit breakers, low-voltage fuses, luminaires, ballasts, motors and electronic control, signaling and communication equipment that have been exposed to water shall be replaced in accordance with the provisions of the International Building Code as adopted and amended by the City.

Exception: The following equipment shall be allowed to be repaired where an inspection report from the equipment manufacturer or approved manufacturer's representative indicates that the equipment has not sustained damage that requires replacement:

1. Enclosed switches, rated a maximum of 600 volts or less;

2. Busway, rated a maximum of 600 volts;
3. Panelboards, rated a maximum of 600 volts;
4. Switchboards, rated a maximum of 600 volts;
5. Fire pump controllers, rated a maximum of 600 volts;
6. Manual and magnetic motor controllers;
7. Motor control centers;
8. Alternating current high-voltage circuit breakers;
9. Low-voltage power circuit breakers;
10. Protective relays, meters and current transformers;
11. Low- and medium-voltage switchgear;
12. Liquid-filled transformers;
13. Cast-resin transformers;
14. Wire or cable that is suitable for wet locations and whose ends have not been exposed to water;
15. Wire or cable, not containing fillers, that is suitable for wet locations and whose ends have not been exposed to water;
16. Luminaires that are listed as submersible;
17. Motors;
18. Electronic control, signaling and communication equipment.

(75) Section 604.3.2.1 of the International Property Maintenance Code is revised to read as follows:

604.3.2.1 Electrical equipment. Electrical switches, receptacles and fixtures, including furnace, water heating, security system and power distribution circuits, that have been exposed to fire, shall be replaced in accordance with the provisions of the International Building Code as adopted and amended by the City.

Exception: Electrical switches, receptacles and fixtures that shall be allowed to be repaired where an inspection report from the equipment manufacturer or approved manufacturer's representative indicates that the equipment has not sustained damage that requires replacement.

(76) Section 606.1 of the International Property Maintenance Code is deleted.

(77) Section 701.3 is added to read as follows:

701.3 Fire Break

(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.

(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-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 a public sidewalk or thirteen (13) feet above a public street has been removed; and all hazardous vegetation has been removed.

Exception: 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, but will be required along any improved right-of-ways adjacent to the property.

(78) Section 702.1 of the International Property Maintenance Code is revised to read as follows:

702.1 General. A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the International Fire Code as adopted and amended by the City.

(79) Section 702.1 of the International Property Maintenance Code is revised to read as follows:

702.2 Aisles. The required width of aisles in accordance with the International Fire Code, as adopted and amended and adopted by the City, shall be unobstructed.

(80) Section 702.3 of the International Property Maintenance Code is revised to read as follows:

702.3 Locked doors. All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the International Building Code as amended and adopted by the City, or the required security devices enumerated in the Texas Property Code.

Exception: double cylinder locking devices are allowed in single family and two family dwellings where not used as group homes, daycare, foster care homes, childcare, assisted living or where prohibited by law.

(81) Section 703 of the International Property Maintenance Code is revised to read as follows:

SECTION 703. FIRE-RESISTANCE RATINGS

Refer to International Fire Code as adopted and amended by the City.

(82) Section 704.4 of the International Property Maintenance Code is revised to read as follows:

SECTION 704. FIRE PROTECTION SYSTEMS

704.1 General. All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the International Fire Code as adopted and amended by the City. The duties of landlords to inspect and repair smoke alarms in residential dwelling units leased to others are governed by the TEXAS PROPERTY CODE – CHAPTER 92 – SUBCHAPTER F. SMOKE DETECTORS.

Sec. 13-21 Establishment of organization to enforce ~~the Corpus Christi~~ Property Maintenance Code; code official and building standards board.

(a) There is hereby established in the city an organization for the enforcement of the ~~Corpus Christi~~ Property Maintenance Code or of any rule or regulation concerning the health, safety, or general welfare adopted by the city as it relates to structures or premises, consisting of (1) a building standards board, and (2) the office of the code enforcement division.

(1) Building standards board.

(i) There is hereby created a building standards board hereinafter referred to as "the board" to be composed of seven (7) members, each of whom shall be a resident of the city. Such board shall be composed of one lawyer, and three (3) members chosen from the following: A realtor, an architect, an engineer, a general contractor, a home builder or a building materials dealer; and three (3) members at large from the residents of the city who are homeowners. This board shall be appointed by the city council.

(ii) Of the members first appointed, three (3) shall be appointed for a term of one (1) year, two (2) for a term of two (2) years, two (2) for a term of three (3) years, and thereafter they shall be appointed for terms of three (3) years. Vacancies shall be filled for an unexpired term in the manner in which original appointments are required to be made. The unexcused absence of any member from three (3) consecutive official meetings of the board shall automatically terminate his membership on the board.

(iii) Four (4) members of the board shall constitute a quorum. In varying the application of any provisions of this code or in making any decision, affirmative votes of the majority present, but not less than four (4) affirmative votes, shall be required. No board member shall act in a case in which he has a personal interest.

(iv) The board shall establish rules and regulations for its own procedure, not inconsistent with the provisions of this code. The board shall meet at regular intervals to be determined by the chairman, and shall meet for such hearings as are required to be held upon complaints filed by the official and for such hearings as are requested in writing by a citizen whose property is, or may be, affected adversely by the application of any provisions of this code.

(2) The office of the code enforcement division is created and established in accordance with the provisions of §103 of the ~~Corpus Christi~~ Property Maintenance Code, wherein the director of the code enforcement division, or such other city officer or employee as the City Manager may designate in writing, shall be known as the code enforcement official, hereinafter the "code official".

Sec. 13-22. Procedure for eliminating substandard conditions.

(A) *Notice of violation.* Whenever the code official determines that there are reasonable grounds to believe that there has been or continues to be a violation of the ~~Corpus Christi~~ Property Maintenance Code or of any rule or regulation concerning the health, safety, or general welfare adopted by the city as it relates to structures or premises, he shall give notice of such alleged violation to the owner of the property as per a method enumerated in subsection (D) below. Such notice shall:

(1) Be in writing.

(2) State the nature of the violation or violations.

(3) State the violation provision or provisions of the ~~Corpus Christi~~ Property Maintenance Code or any other relevant code of the city that is being violated and why the notice is being issued.

(4) State the penalty and penalty provision of the ~~Corpus Christi~~ Property Maintenance Code or any other relevant code of the city.

(5) State that the code official will take further action pursuant to the ~~Corpus Christi~~ Property Maintenance Code if the violation is not cured within 30 days of receipt of the notice specified in this subsection.

- (6) Include a description of the real property sufficient for identification
- (7) Inform property owner of the name and phone number of the code official or designee.
- (8) When a notice is provided under this section, the code official may inform the owner that if the owner commits another violation of the same subsection of this code on or before the first anniversary of the date of the notice, the City, without further notice, may proceed with the prosecution of said violation.

(B) *Action upon failure to comply with notice.* Whenever the owner, after notification as per subsection (A), informs the code official that he refuses to voluntarily comply with the requirements of ~~this code~~ the ~~Corpus Christi~~ Property Maintenance Code or to voluntarily cure the defect or defects brought to his attention by the code official, or whenever the alleged violation or violations are not cured within 30 days of receipt of the notice described in subsection (A), or within such further time as may be agreed between the code official and the owner or occupant, or whenever the notice pursuant to subsection (A) is given as per the method enumerated in subsection (D) (3), and 30 days have elapsed from the date of first publication, the code official:

- (1) May proceed to enforce the penalty provision of this section or the ~~Corpus Christi~~ Property Maintenance Code in municipal court; and,
- (2) Alternatively or additionally, the code official shall present a complaint to the building standards board.

(C) *Building standard board procedure.* Upon presentation of a complaint by the code official, the board shall hold a hearing upon the complaint not less than 10 days nor more than 45 days after the complaint is filed with the chairman, and the code official shall give reasonable notice of at least 10 days, as per a method enumerated in subsection (D) below, of said hearing, to the owner, and, if the premises are to be vacated, to the occupant, if different from the owner. Such notice of the board hearing shall:

- (1) Be in writing.
- (2) State the time, date, and place of the hearing.
- (3) State the nature of the violation or violations.
- (4) State the violation provision or provisions of the ~~Corpus Christi~~ Property Maintenance Code or of any other relevant code of the city that is being violated.
- (5) State the remedy to be sought at the hearing by the code official.
- (6) State that the owner, or the occupant, if the premises are to be vacated, shall come before the board at the hearing and show cause why the remedy to be sought by the code official should not be granted.

- (7) Include a description of the real property sufficient for identification.
- (8) Inform property owner of the right to appeal.
- (9) Include a statement of the City's right to file a lien.

The city may hire a professional for the purpose of determining the identity and address of a property owner, lienholder, mortgagee, or other person or entity with an interest in the property, to which the city is required to give notice under this section. The city has the power to cause the expense thereof to be assessed on the real estate of the lot or lots upon which such expense is incurred on filing with the county clerk of Nueces County a statement by the mayor, city health officer, or the code official of the city, of such expenses. The city shall have a lien thereon to secure the expenditure so made and ten (10) per cent interest on the amount from the date of such payment. For such expenditures and interest, as aforesaid, suit may be instituted in the name of the city, and the statement of expenses so made, as aforesaid, or a certified copy thereof, shall be prima facie proof of the amount expended in such work.

(D) *Method of notice.* Service of any notice required by this code article or the ~~Corpus Christi~~ Property Maintenance Code shall be accomplished by any of the following enumerated methods:

- (1) By delivery to the owner or by leaving the notice at the usual place of abode of the owner with a person of suitable age and discretion: or
- (2) By depositing the notice in the United States post office by certified mail, return receipt requested, addressed to the owner, agent, or person in control of said structure or premises at his last known address, postage prepaid thereon; or
- (3) Where the owner is unknown or his whereabouts is unknown, or where service of notice has failed under subsections (1) and (2), by an official notice in a generally circulated and recognized Corpus Christi newspaper, to be published twice within a ten-day period.
- (4) If the notice is returned showing that the letter was not delivered or unclaimed, a copy thereof shall be posted in a conspicuous place on the front door of each improvement situated on the affected property or as close to the front door as practicable. The original letter which was not delivered or unclaimed shall be kept on file in the Code Enforcement Division.

(E) The provisions of subsection (B) do not preclude a person who has received notice under subsection (A) from requesting and receiving a hearing before the board under subsection (C) prior to, or instead of, a complaint being filed by the code official. Said request shall be in writing and directed to the chairman of the building standards board. A hearing requested under this subsection shall be held as soon as possible and in any

event no later than 30 days from date written request for hearing is received by the chairman.

(F) *Provision for emergency.* 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 code official, in accordance with §109 of the ~~Corpus-Christi~~ Property Maintenance Code.

(G) *Technical Construction Codes applicable.* Where a structure or premises is requested or ordered, after hearing, to be repaired pursuant to this code or the ~~Corpus-Christi~~ Property Maintenance Code, such repair, rehabilitation or restoration shall become subject to the provisions of the Technical Construction Codes, found at §14-201 et seq of this City Code, as such provisions pertain to the repair of existing buildings, including but not restricted to the requirement of obtaining a permit from the building official under said building code.

(H) *Hearings and orders.*

(1) The following decisions may be made by the building standards board upon the hearing in ordering the repair, vacation, or demolition of any building or structure:

(a) If the substandard building or structure can reasonably be repaired so as to be in compliance with this code or the ~~Corpus-Christi~~ Property Maintenance Code, it shall be ordered repaired within 30 days, or such longer time period as the board may decide in the circumstances. Such order must state that the repairs be in compliance with section 13-226(G).

(b) If the substandard building or structure is so damaged, decayed, dilapidated, unsanitary, unsafe, or vermin-infested that it creates a serious hazard to the health or safety of the occupants or the public, it shall be ordered to be vacated within a prescribed time and shall be placarded to prevent occupancy until the building or structure is brought up to all minimum standards of this code or the ~~Corpus-Christi~~ Property Maintenance Code, within 30 days or such longer time period as the board may decide in the circumstances at the hearing.

(c) If the structure or premises cannot be repaired because of the refusal of owner or its intrinsic state of disrepair or both and is dilapidated or substandard, it shall be ordered removed or demolished and removed from the premises within 30 days or such longer time period as the board may decide in the circumstances at the hearing. The board's decision

shall be in writing and shall indicate the vote upon it. Every decision shall be promptly filed in the office of the code official and shall be open to public inspection; notice of their decision shall be sent as per section 13-226 (D) and a copy of said notice shall be kept posted in the office of the code official for two (2) weeks after filing. The board shall in every case reach a decision without unreasonable or unnecessary delay.

(2) If, after the decision of the board as per (a) above, to either repair, rehabilitate, remove or demolish any building or structure, the owner refuses or fails to comply with the decision of the board within 30 days of the date of the board's decision, or such longer time period as the board may have allowed at the hearing, or within such extension of time as may be authorized by the board in writing pursuant to section 13-237 below, the code official may repair or demolish such building or structure and clean up the premises and remove all related debris by doing work itself or causing the work to be done and pay therefor, and shall charge the expenses incurred in doing or having such work done to the owner of such property as herein provided. The city, in addition to the foregoing remedy, has the power to cause the expense thereof to be assessed on the real estate of the lot or lots upon which such expense is incurred on filing with the county clerk of Nueces County a statement by the mayor, city health officer, or the code official of the city, of such expenses. The city shall have a lien thereon to secure the expenditure so made and ten (10) per cent interest on the amount from the date of such payment. For such expenditures and interest, as aforesaid, suit may be instituted in the name of the city, and the statement of expenses so made, as aforesaid, or a certified copy thereof, shall be prima facie proof of the amount expended in such work.

The city may punish any owner or occupant or interested party for violating the provisions of this code, ordinances and regulations of the city by such proceedings and penalties as are provided for criminal actions.

Sec. 13-23 Hardships.

Where the literal application of the requirements of this code or the ~~Corpus Christi~~ Property Maintenance Code would cause undue hardship, exception may be granted by the board at the hearing held. Such exception shall be made in writing and only when it is clearly evident that reasonable safety and sanitation is assured, and such exception shall be conditioned in such manner as to achieve that end. Such conditions may include restrictions not generally specified by this code or the ~~Corpus Christi~~ Property Maintenance Code. Exception granted in accordance with this subsection may be subject to review by the city council.

Sec. 13-24. Appeals.

(a) Whenever it is claimed that the decision of the building standards board is erroneous, or that the decision of the board would cause undue hardship, the owner or occupant, or his duly authorized agent, may appeal from the decision of the board to the city council.

The decision of the board is final unless notice of appeal to the city council is given.

Notice of appeal from the decision of the board shall be in writing and filed with the city secretary within 30 days from the rendition of the decision of the board. The appeal shall state specifically the error alleged to have been committed by the board.

(b) When an appeal is pending, all orders of the board shall be suspended in their operation. The city council, on appeal, may vary the application of any provision of this code to any particular case when the enforcement thereof would do manifest injustice and would be contrary to the spirit and purpose of this code, the ~~Corpus Christi~~ Property Maintenance Code or public interest or when, in its opinion, the decision of the board should be modified or reversed.

(1) A decision of the city council to vary the application of any provision of this code or the ~~Corpus Christi~~ Property Maintenance Code, or to modify an order of the board in whole or in part shall specify in what manner such modification is made, the conditions upon which it is made and the reasons therefor.

(2) If the decision of the city council reverses or modifies the refusal, order, or disallowance of the board or varies the application of any provision of this code, or the ~~Corpus Christi~~ Property Maintenance Code, the code official shall immediately take action in accordance with such decision.

(c) The decision of the city council shall be final unless the aggrieved party appeals by instituting suit for that purpose in any court having jurisdiction within 15 days from the date on which the decision of the city council was rendered.

Sec. 13-25 Disposition of items of personal property in buildings to be demolished.

In the event there are items of personal property in the premises to be demolished, according to the provisions of section 13-2~~26~~, additional notice as per section 13-2~~26~~ (D) shall be given to the effect that if such items of personal property are not removed from the premises within 30 days, they shall be placed in storage for a period of 90 days. During this period they may be redeemed by the owner after all costs incurred in placing the items in storage and all accumulated storage fees have been paid. In the event that the property is not redeemed within 90 days the city may cause the same to be sold at auction. The proceeds of the sale shall be used to pay for any

costs incurred in the storage of the property and any excess amount shall be set off against the cost of demolition to be charged to the owner.

Secs. 13-26 —13-37. Reserved.

ARTICLE II. ~~CORPUS-CHRISTI~~ PROPERTY MAINTENANCE CODE

SECTION 2: If for any reason, any section, paragraph, subdivision, clause, phrase, word, or provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word, or provision of this ordinance, for it is the definite intent of this City Council that every section, paragraph, subdivision, clause, phrase, word, or provision hereof be given full force and effect for its purpose.

SECTION 3: A violation of the Property Maintenance Code or the regulations implemented under the Property Maintenance Code constitutes a strict liability offense in accordance with Property Maintenance Code Section 106.3(a) and any violation is punishable by a fine not to exceed \$500.00, the amount authorized by Section 12.23 of the Texas Penal Code and Section 1-6 of the Corpus Christi Code of Ordinance.

SECTION 4: Publication shall be made in the official publication of the City of Corpus Christi, as required by the City Charter of the City of Corpus Christi.

SECTION 5: This ordinance takes effect on October 1, 2016.

SECTION 6: The changes in property maintenance regulations made by the Property Maintenance Code apply only to violations occurring on or after the effective date of the Property Maintenance Code. Any violations occurring before the effective date of the Property Maintenance Code are governed by the property maintenance regulations in effect at the time the violation occurred, and the former regulations are continued in effect for that purpose. For purposes of this section, a violation occurred before the effective date of this ordinance if any part of the violation occurred before that date.

That the foregoing ordinance was read for the first time and passed to its second reading on this the _____ day of _____, 2016, by the following vote:

Nelda Martinez	_____	Brian Rosas	_____
Rudy Garza	_____	Lucy Rubio	_____
Michael Hunter	_____	Mark Scott	_____
Chad Magill	_____	Carolyn Vaughn	_____
Colleen McIntyre	_____		

That the foregoing ordinance was read for the second time and passed finally on this the _____ day of _____, 2016, by the following vote:

Nelda Martinez	_____	Brian Rosas	_____
Rudy Garza	_____	Lucy Rubio	_____
Michael Hunter	_____	Mark Scott	_____
Chad Magill	_____	Carolyn Vaughn	_____
Colleen McIntyre	_____		

PASSED AND APPROVED, this the _____th day of _____, 2016.

ATTEST:

Rebecca Huerta
City Secretary

Nelda Martinez
Mayor