

**AN ORDINANCE OF THE CITY OF SEAGOVILLE, TEXAS**

**ORDINANCE NO. 07-2019**

**AN ORDINANCE OF THE CITY OF SEAGOVILLE, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 21, ARTICLE 21.02, DIVISION 10, PROPERTY MAINTENANCE CODE, SECTIONS 21.02.501, 21.02.502 AND 21.02.504 TO PROVIDE FOR THE ADOPTION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE, 2018 EDITION, AND THE AMENDMENTS THERETO; PROVIDING A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00); PROVIDING FOR SEVERABILITY; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALING CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the International Code Council (ICC) has developed a set of comprehensive and coordinated international model construction codes (known generally as the "International Codes") which includes the International Property Maintenance Code; and

**WHEREAS**, the City of Seagoville has been involved in the development process of the International Codes, through participation with the North Texas Chapter of the International Code Council and through the regional review process by the Regional Codes Coordinating Committee of the North Central Texas Council of Governments (NCTCOG); and

**WHEREAS**, the creation of the 2018 editions of the International Codes by the ICC was in conjunction with the International Conference of Building Officials (ICBO); and

**WHEREAS**, the 2018 editions of the International Codes, including the International Property Maintenance Code, have been reviewed by the NCTCOG and City staff; and

**WHEREAS**, the City's building and construction codes are intended to be updated periodically, with the 2018 editions of the International Codes, including the Property Maintenance Code, being the most current published building and construction codes for which local amendments have been developed; and

**WHEREAS**, the City Council of the City of Seagoville has determined that it is in the best interest of the citizens of the City of Seagoville to adopt the 2018 edition of the International Property Maintenance Code and to adopt local amendments to said code in order to account for unique local practices and/or conditions relating to the design and construction of structures within the City;

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

**SECTION 1.** That Chapter 21 of the Seagoville Code of Ordinances be, and the same is, hereby amended by amending Article 21.02, Division 10, Property Maintenance Code, Sections 21.02.501, 21.02.202, and 21.02.504 by deleting all references to the 2012 Edition and providing

for the adoption of the International Property Maintenance Code, 2018 Edition and the amendments thereto, which shall read as follows:

**“ARTICLE 21.02 TECHNICAL AND CONSTRUCTION CODES AND STANDARDS**

....

**Division 10. Property Maintenance Code**

**Sec. 21.02.501 Adopted**

A certain document, a copy of which is on file in the office of the city secretary of the city, being marked and designated as the International Property Maintenance Code, 2018 Edition, including appendix, as published by the International Code Council, be and is hereby adopted as the property maintenance code of the city. Each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the city are hereby referred to, adopted, and made a part hereof, as if fully set out in this article, with the additions, insertion, deletions and changes, if any, prescribed in Section 21.02.504 of this Article.

**Sec. 21.02.502 Referenced standards adopted**

International Property Maintenance Code, 2018 edition; referenced standards.

**Sec. 21.02.503 Purpose**

.....

**Sec. 21.02.504 Amendments**

Section 101.1; amend as follows:

**101.1 Title.** These regulations shall be known as the *Property Maintenance Code of the City of Seagoville*, hereinafter ... *{Remainder unchanged}*

Section 103.5; amend as follows:

**103.5 Fees.** The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be ~~as indicated in the following~~ accordance with City's master fee schedule.

Section 107.1; amend 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 section 107.2 and 107.3 herein to the person responsible for the violation as specified in this code. Notices for condemnation procedures shall comply with Section 108.3. In the notice herein provided for the city shall have the right to inform the property owner or agent having charge that if he or she commits another violation of the same kind or nature any time within one year from original notice, the city may institute the

appropriate proceedings at law or to correct or abate such violation without further notice at the owner's expense and assess the expense against the property.

**Exception:** Weeds in excess of 24 inches (610 mm) in height that are a danger to the health, life or safety of any person, may be immediately abated without notice. Notice shall be not later than the tenth day after the city causes the work to be done under this section, the city shall give notice to the property owner in the manner required by this section.

Section 110.4 Salvage materials; delete this section.

Section 112.4; amend as follows:

**112.4 Failure to comply.** Any person ... *{bulk of paragraph unchanged}* shall be in violation of this code and guilty of a Class C misdemeanor, liable to a fine of not less than [AMOUNT] dollars or more than [AMOUNT] dollars.

Section 201.3 Terms defined in other codes. Delete reference to ICC Electrical Code and replace with reference to adopted electrical code.

Section 202 Definitions, add definition for junked vehicle as follows:

**JUNK VEHICLE.** Any vehicle that is self-propelled and:

- (1) is wrecked, dismantled or partially dismantled, or discarded; or
- (2) is inoperable and has remained inoperable for more than 72 hours, if the vehicle is on public property; or 30 consecutive days, if the vehicle is on private property.

See also Motor vehicles in Property Maintenance Code Section 302.8.

Section 302.3 Sidewalks and driveways; add a sentence as follows:

Repairs and maintenance shall be the responsibility of the property owner to maintain free from obstructions, trip hazards or dilapidated conditions from the edge of street or alley pavement.

Section 302.4 Weeds; delete the first sentence and replace as follows:

**302.4. Weeds.** All premises and exterior property shall be maintained free from weeds or plant growth in excess of twelve (12) inches in height. *{Remainder unchanged}*

Section 302.4; add new subsection 302.4.1 as follows:

**302.4.1 Trees, shrubs, vegetation.** It shall be unlawful for any person, firm, or corporation owning, claiming, occupying or having supervision or control of any real property, occupied or unoccupied, within the corporate city limits to permit bushes, trees, shrubs, vegetation or plant substances(s) or any part(s) thereof, whether living or not, that has its roots on said real

property, to hang, overhang, grow into or grow over any street, alleyway within the city, if said growth is overhanging below fourteen (14) feet from a point on a vertical line with the starting point on a horizontal plane of the street or alleyway and no plant or tree growth be allowed within twelve (12) inches of the edge of any street or alleyway. Sidewalks shall have a clearance of eight (8) feet from a point on a vertical line with a starting point at the horizontal plane of the sidewalk. When such growth exists it shall be deemed a nuisance and a danger to public safety. It shall be the duty of the person named as owner of the property to abate the nuisance so that the overhang is not below the set minimum(s) clearances as stated above.

Section 302.8 Motor vehicles, amend as follows:

302.8 Motor vehicles. Except as provided for in other regulations, ~~an~~ inoperative, or ~~unlicensed, or unregistered~~ motor vehicles shall ~~not~~ be parked, kept or stored on any premises, and ~~no~~ vehicles shall ~~not~~ at any time be in a state of ~~major~~ disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved paint spray booth and within a zoning district where spray painting of vehicles is an allowed use.

**Exception:** A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes. Work on vehicles at a residence can only be conducted on those vehicles legally registered in the resident's name and no others. Any noise that disturbs the adjacent residential environment would not be allowed to continue.

Section 302; add subsection 302.10 as follows:

**302.10 Other exterior property conditions.** Unless authorized within a zoning district and under conditions thereof, or within the extraterritorial jurisdiction of the city, it shall be unlawful of any person to allow, permit, conduct or maintain objectionable, unsightly or unsanitary conditions, items, situations or events on any portion of a lot or tract, outside of an enclosed or covered patio or other projecting overhang that includes, but is not limited to:

- 1) Furniture, appliance and other items left outside that were or are not intended for outdoor use that includes broken or damaged lawn furniture, outdoor structure(s), lawn and garden accessories and sculpture.
- 2) Building materials or any item by itself used in construction that is not serving its intended purpose where there is not an active building permit.
- 3) Clothing, papers, broken glass, scrap materials, pipe, barrels, piles or stacks of unused brick or stone, uninstalled fence and/or fence materials.
- 4) Brush, trash, wood piles, fallen trees or large parts of trees such as the trunk or main branches, dead trees or other dead vegetation.

- 5) Lawn equipment in whole or in part where such is kept outside and unprotected from the elements.
- 6) Unlicensed and/or inoperable trailers.
- 7) Boats not on trailers for longer than 30 days.
- 8) Any condition, situation, event or action as described herein where items are covered by tarpaulin(s) or other such cover.
- 9) Parts typically associated with trucks, cars, motorcycles, boats, farm equipment, construction equipment or other vehicle that includes but is not limited to body parts, tires, wheels, batteries, upholstered items, engines, drive train components, plows, disks, rakes and other such items.
- 10) A boat on a trailer, car, truck, trailers or other vehicle with axle(s) not currently licensed and/or registered.
- 11) Any vehicle elevated up off the ground for a period of more than 72 hours.
- 12) Cargo containers placed on any residential property and cargo containers placed on any commercial property without an active building permit is prohibited.
- 13) Semi-trucks and/or trailers or parts thereof on a property or in front of a property used as or zoned for residential use, located on property used or zoned for nonresidential use, other than where permitted within the approved zoning district and subject to items and conditions thereof where such is not conducting business or has not conducted business for more than 24 hours.
- 14) Commercial vehicles, as that term is used and under conditions and/or terms established under section 17.04.004 of the City's Code of Ordinances parked on a property or in front of a property used as or zoned for residential use or where located anywhere where such vehicle is not conducting work at the time related to the vehicle other than where permitted within the approved zoning district and subject to terms and conditions thereof.
- 15) Construction equipment in whole or in part where the equipment is not being used for its intended purpose on the property where parked or stored unless otherwise allowed within that zoning district subject to terms and conditions thereof.
- 16) Where outdoor storage and/or display is allowed, accumulation of trash and/or debris and items or material that is not orderly stacked.
- 17) Vehicles may only be parked on those approved surfaces as outlined in section 17.04.092 of the City's Code of Ordinances.
- 18) Signs of all types not included within the approved sign ordinance 03-10.

- 19) Any vehicular sign used as a source of advertising for a business within city limits not in compliance with sign ordinance 03-10.
- 20) The placing or accumulation of any material or item in any area of a property that does or could provide nesting, harborage or feeding for vermin or pest, or that could negatively affect the environment's ecological system from runoff areas emitting an odor or odors for longer than 24 hours that a person of reasonable sensibilities may distinguish from ambient odors, seepage of fuels, oils, chemical or organic compounds into the soils and similar such events.
- 21) The accumulation of materials that emit any gases, noxious fumes, or odors to such extent that the same or any of them shall by reason of such offensive odors become a source of endangerment to the health, safety and welfare to immediate surrounding property or to persons living or passing in the vicinity within the city.
- 22) Any trailer, boat or recreational vehicle left parked on any public street or right-of-way not connected to a legally registered motor vehicle will be considered in violation.
- 23) Other situations as determined by the director of development services or their designee.

Section 303.2, Enclosures, amend follows:

Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier ~~not less than~~ at least 48 inches (1 219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Horizontal members shall not be constructed in such a manner to create a ladder effect. All such ~~Gates and doors openings directly into such barriers enclosure~~ shall be equipped with self-closing and latching devices designed to keep and capable of keeping doors securely closed at all times when not actually in use. It shall be unlawful to maintain a swimming pool, spa or hot tub in the city limits of Seagoville that is not properly fenced. Where the self-latching device is less than 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. An existing pool enclosure shall not be removed, replaced, or changed in a manner that reduces its effectiveness as a safety barrier.

**Exception:** Spas or hot tubs with a safety cover that complies with ASTM F1346 shall be exempt from the provisions of this section.

Section 304.3, amend as follows:

**304.3 Premises identification.** Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property and visible from the rear alley. These numbers shall contrast with their background. Address numbers shall be Arabic numerals ~~or alphabet letters. Numbers~~ Each character shall not be less than a

minimum of 4-6 inches (102-152 mm) in height-high with a minimum stroke width of 0.75-inch (12.7 19 mm), provided the building is within 100 feet of the road. If the building sets back greater than 100 feet each character shall not be less than 12 inches (51 mm) in height and not less than 1 inch (25 mm) in width. Apartment building numbers must be 12 inches (51 mm) in height with unit numbers 6 inches (12.7 mm) in height. Where access is by means of a private road and the building address cannot be viewed from the public way, a monument, pole, or other approved sign or means shall be used to identify the structure. Address identification shall be maintained.

Section 304.14; amend as follows:

**304.14 Insect screens.** During the period from May 1 to October 31, every door, window, and ... *{Remainder unchanged}*

Section 602.3; amend as follows:

**602.3 Heat supply.** Every *owner and operator ... {bulk of paragraph unchanged} ...* during the period from October 1 to May 31 to maintain ... *{Remainder unchanged including exceptions}*

Section 602.4; amend as follows:

**602.4 Occupiable work spaces.** Indoor ... *{bulk of paragraph unchanged} ...* during the period from October 1 to May 31 to maintain ... *{Remainder unchanged including exceptions}*”

**SECTION 2.** Any person, firm or corporation violating any of the provisions of this ordinance or the provisions of the Code of Ordinances of the City of Seagoville, Texas, as amended hereby, shall be deemed guilty of a misdemeanor and, upon conviction in the municipal court of the City of Seagoville, Texas, shall be subject to a fine not to exceed the sum of Two Thousand (\$2,000.00) dollars for each offense, and each and every day such offense shall continue shall be deemed to constitute a separate offense.

**SECTION 3.** That all provisions of the Ordinances of the City of Seagoville, Texas, in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions of the Ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

**SECTION 4.** That should any word, sentence, paragraph, subdivision, clause, phrase or section of this ordinance, or of the Code of Ordinances, as amended hereby, be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance or the Code of Ordinances, as amended hereby, which shall remain in full force and effect.

**SECTION 5.** An offense committed before the effective date of this Ordinance is governed by prior law and the provisions of the Ordinances of the City of Seagoville, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

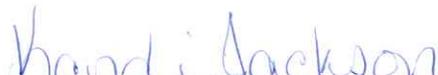
**SECTION 6.** That this ordinance shall take effect immediately from and after its passage as the law and charter in such cases provide.

**PASSED AND ADOPTED** by the City Council for the City of Seagoville at a meeting on the 28th day of January, 2019, at which a quorum was present, and for which due notice was given.

**APPROVED:**

  
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DENNIS K. CHILDRESS, MAYOR

**ATTEST:**

  
\_\_\_\_\_  
KANDI JACKSON, CITY SECRETARY

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
VICTORIA W. THOMAS, CITY ATTORNEY  
(cdb 01.19.2019 TM105570)