

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS, AMENDING ORDINANCE NO. 16-12-103, EXHIBIT A (ADOPTING THE 2015 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE); PROVIDING A PENALTY CLAUSE, SAVINGS/REPEALING CLAUSE, SEVERABILITY CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the City Council of the City of Frisco, Texas (“City Council”) has investigated and determined that it would be advantageous, beneficial and in the best interest of the citizens of the City of Frisco, Texas (“Frisco”) to amend Ordinance No. 16-12-103, Exhibit A (Adopting the 2015 Edition of the International Property Maintenance Code), as set forth below.

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

SECTION 1: Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2: Amendment to Ordinance No. 16-12-103, Exhibit A (Adopting the 2015 Edition of the International Property Maintenance Code). Ordinance No. 16-12-103, Exhibit A (Adopting the 2015 Edition of the International Property Maintenance Code) is hereby amended as set forth below:

**“Exhibit A
CITY OF FRISCO DELETIONS/ADDITIONS
2015 INTERNATIONAL PROPERTY MAINTENANCE CODE¹**

The following deletions and additions of the 2015 International Property Maintenance Code, as amended by Frisco, are hereby approved and adopted (*i.e.* deletions evidenced by ~~striketrough~~ and additions evidenced by underline)²:

Chapter 1. Scope and Administration of the 2015 International Property Maintenance Code is amended as follows:

Section 101 General of the 2015 International Property Maintenance Code is amended as follows:

...

¹ Unless otherwise expressly provided herein, all phrases, words and/or terms used herein shall have the same meaning ascribed to the same in the 2015 International Property Maintenance Code (regardless of whether such phrases, words and/or terms are italicized herein).

² Other italicized and bold notations are provided throughout for informational purposes only. By way of example only, “[*Paragraph remains unchanged.*]”.

Section 101.2 Scope. The provisions of this code shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, a reasonable level of safety from fire and other hazards, and for a reasonable level of sanitary maintenance; the obligations of persons, owners, tenants and agents responsible for or claiming or having supervision or control of all existing residential and nonresidential structures and all existing premises ~~the responsibility of owners, an owner's authorized agent, operators and occupants;~~ the occupancy of existing structures and premises, and for administration, enforcement and penalties.

...

Section 106 Violations of the 2015 International Property Maintenance Code is amended as follows:

Section 106.4 Violation Penalties. Any person, owner, tenant or agent responsible for or claiming or having supervision or control of any existing residential or nonresidential structure or any existing premises ~~owner of record~~ who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the time limits provided by the City of Frisco. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Citations; Work or Improvements by Frisco; Charges against Person, Owner, Tenant or Agent. If the owner or person responsible for the violation fails or refuses to comply with the demand for compliance in the notification within the requirements of such notification, the City of Frisco may:

- A. issue citations as provided in Section 107 Notices and Orders, as it currently exists or may be amended; and
- B. do work or make improvements required to abate the violation(s), pay for the work done or improvements made, and charge the expenses to the property owner or person responsible for the violation ~~owner of the property~~ as provided herein. The property owner or person responsible for the violation will have twenty (20) days to reimburse the City of Frisco from the completion date of such work to abate the violation(s) ~~at property~~.

Assessment of Expenses; Lien.

- A. In the event the owner or person responsible for the violation fails or refuses to pay such expenses charged to the owner or person responsible for the violation, within twenty (20) days after the abatement work is completed, a lien may be obtained. The lien and other expenses incurred by the City of Frisco may be filed against the property. Expenses will include, but not be limited to the following:

- Fees for service work to abate violation(s),
- Administrative Fee of \$150.00,
- fees to file lien,
- fees to release lien,
- postage fees,
- courier fees,
- legal fees, and
- any other fees charged to the City of Frisco. To obtain a lien, the Mayor, Mayor’s designee, or the City of Frisco’s Code Enforcement Official, health authority, or other authorized City official or employee must file a statement of the expenses incurred to correct the condition of the real property with the County Clerk of the County in which the property is located. The statement must also state the name of the owner or person responsible for the violation, if known, and the legal description of the property. The lien attaches upon filing of the statement with the County Clerk.

B. The City of Frisco’s lien shall be a priority lien on such property, second only to tax liens and liens for street improvements. The lien amount shall include simple interest, which shall accrue at the rate of ten percent (10%) per annum on the date the expenses were incurred by the City of Frisco. The City of Frisco may bring suit for foreclosure to recover the expenditures and the interest due.

Section 107 Notices and orders of the 2015 International Property Maintenance Code is amended as follows:

Section 107.3 Method of Service. Such notice shall be deemed to be properly served if a copy thereof is:

1. Delivered personally to the property owner and/or to the person responsible for the violation in writing;
2. Sent by certified or first-class mail addressed to the property owner at the property owner’s address as recorded in the appraisal district records of the appraisal district in which the property is located or sent by certified or first-class mail ~~letter~~ addressed to the person responsible for the violation;
3. If the City mails a notice to the property owner or to the person responsible for the violation in accordance with this section, and the United States Postal Service returns the notice as “refused”, “unclaimed”, or if the address required by subsection 107.3(2) was used and the notice is returned as “not deliverable as addressed” (or equivalent marking), the validity of the notice is not affected, and is considered as delivered; or
4. If personal service of the property owner or to the person responsible for the violation cannot be obtained:

- I. By publication in the City’s official newspaper at least once;
- II. By posting on or near the front and rear door if alley is served of each building on the property to which the violation relates; or
- III. By posting a notice to a placard attached to the building or stake driven into the ground on the property to which the violation relates.

...

Chapter 3 General Requirements of the 2015 International Property Maintenance Code is amended as follows:

...

Section 302.4 Vegetation & Weeds. Premises and exterior property shall be maintained free from weeds or plant growth in excess of twelve (12) inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs ~~provided;~~ and vegetation that creates a nuisance as defined in the City of Frisco Nuisance Abatement Ordinance, Ordinance No. 01-09-62, as it currently exists or may be amended, excluding ~~Vegetation shall exclude~~ cultivated flowers and gardens located on private property. Landscape beds shall be maintained, weed free, and as originally planted. Landscape beds not maintained shall be presumed to be a nuisance. The person, owner, tenant or agent responsible for or claiming or having supervision or control of premises and exterior property ~~Property owner~~ may elect to make landscape bed improvements or remove landscape beds at a property, unless otherwise required. Trees and shrubs and the like shall be maintained as required ~~defined~~ by the City of Frisco Engineering Thoroughfare Design Standards Ordinance as it relates to ~~for~~ restrictions and limitations of improvements and landscaping in visibility easements and public ways. Trees and shrubs shall be maintained and not encroach or hang over a public street or alley by more than fourteen (14) feet. Sidewalks shall have a clearance of eight (8) feet above the sidewalk for clear passageway. Vegetation shall not encroach into a pedestrian walkway or vehicular traveled way. It shall be the duty of the person, owner, tenant or agent responsible for or claiming or having supervision or control of premises and exterior property ~~any owner of real property~~, including property with an agriculture exemption, within the City of Frisco to be maintained free from weeds or plant growth in excess of twelve (12) inches within:

1. The parkway between the property line and the curb;
2. The abutting right-of-way or easement between any fence, wall or barrier and the curb or pavement if such exists or the centerline of such right-of-way;
3. The area between a fence, wall, or barrier and within any abutting drainage channel easement to the top of such channel closest to the property;
4. The area outside the property to a distance of ten (10) feet from the property line if such area is part of or adjacent to a drainage easement or creek;

5. Any area directly across an alley or traveled way that borders the property which is between the edge of the alley or traveled way and a screening wall or other barrier; or
6. One hundred (100) feet adjacent of another property line for agriculture exempt property, free and clear of the vegetation over twelve (12) inches.

Upon failure of the person, owner, tenant or agent responsible for or claiming or having supervision or control of premises and exterior property ~~the property owner having ownership of a property~~ when the violation was initially observed and requested to abate said violation after service of a notice of violation, the owner or person responsible for the violation shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the City of Frisco. Upon failure to comply with the notice of violation, any duly authorized employee of or official of the City of Frisco or agent hired by the City of Frisco shall be authorized to enter upon the property in violation and correct the violation thereon. All costs of such corrections shall be paid by the owner or person responsible for the violation ~~responsible for the property~~ to the City of Frisco at the rates and fees referenced in Section 106.4 until such fee is reimbursed for services rendered.

...”

SECTION 3: Savings/Repealing. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portion of conflicting ordinances shall remain in full force and effect.

SECTION 4: Penalty Provision. Any person, firm, corporation or business entity violating this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction therefore, shall be fined a sum not exceeding TWO THOUSAND AND NO/100 DOLLARS (\$2,000.00), and each and every day that such violation continues shall be considered a separate offense; provided, however, that such penal provision shall not preclude a suit to enjoin such violation. Frisco retains all legal rights and remedies available to it pursuant to local, state and federal law.

SECTION 5: Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional and/or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Frisco hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, regardless of whether any one or more sections, subsections, sentences, clauses or phrases is declared unconstitutional and/or invalid.

SECTION 6: Effective Date. This Ordinance shall become effective upon its passage and publication as required by the City Charter and by law.

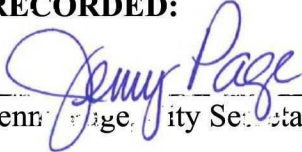
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DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS, on this 16th day of May, 2017.

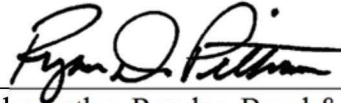


~~Maher Maso, Mayor~~
Jeff Cheney, Mayor

**ATTESTED AND CORRECTLY
RECORDED:**


Jenny Page, City Secretary

APPROVED AS TO FORM:



Abernathy, Roeder, Boyd & Hullett, P.C.
Ryan D. Pittman, City Attorneys

Dates of Publication: May 19 & 26, 2017, *Frisco Enterprise*

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