

**CITY OF CANTON, TEXAS**

**ORDINANCE NO. 2016-08**

**AN ORDINANCE AMENDED ORDINANCE NO. 2015-10 AND ANY AMENDMENTS THERETO ADOPTING VARIOUS INTERNATIONAL AND STANDARD CODES RELATING TO INSPECTION ACTIVITIES OF THE CITY OF CANTON, TEXAS AND ESTABLISHING AMENDMENTS AND DELETIONS TO THE 2006 INTERNATIONAL PROPERTY MAINTENANCE CODE ADOPTED BY THE CITY OF CANTON; PROVIDING FOR ENFORCEMENT AND ADMINISTRATION OF BUILDING AND PROPERTY MAINTANCE PROVISIONS AS PROVIDED FOR IN SAID CODES; PROVIDING A PENALTY NOT TO EXCEED \$2000.00 FOR EACH VIOLATION THEREOF; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE**

**WHEREAS**, the State of Texas has adopted standard building codes and encourages uniform standards be adopted by cities across the state; and

**WHEREAS**, the City of Canton has previously adopted various International Model Codes and the National Electrical Code through Ordinance No. 2015-10; and

**WHEREAS**, Sections 54.001 and 54.002 of the Texas Local Government Code permit the imposition of a fine or penalty for the violation of a rule, ordinance, or police regulation that governs fire safety, zoning, or public health and sanitation in an amount not to exceed \$2,000 per violation; and

**WHEREAS**, the City Council finds that regulating the construction and maintenance standards of buildings is required to protect the public safety, health, and general welfare;

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

**SECTION 1.** The City Council hereby adopts this amendment to Ordinance No. 2015-10 to repeal Section 2 "Penalties" of that ordinance and replace it with the following:

**"SECTION 2. PENALTIES.**

Any person, firm, or corporation found guilty of violating any of the provisions of this ordinance (and/or any code adopted hereunder) shall be subject to a fine not to exceed two thousand dollars (\$2,000), together with the costs of such prosecution. Each day during which a violation occurs shall be considered a separate offense."

**SECTION 2.** The 2006 edition of the *International Property Maintenance Code*, a publication of the International Code Council, has been previously adopted by the City of Canton through Ordinance No. 2015-10. The City now makes the following deletions, additions and amendments to the Code:

**“DELETIONS, ADDITIONS, AND AMENDMENTS TO CHAPTER 1 OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE, (2006 Edition):**

**Subsection 101.1, *Title*, is changed to read as follows:**

These regulations shall be known as the *Property Maintenance Code of the City of Canton, Texas*, hereinafter referred to as “this code.”

**Subsection 101.3, *Intent* is amended by adding the following to the end of the existing section:**

Repairs, alterations, additions to and change of occupancy in existing buildings shall comply with the building codes adopted by the City of Canton.

**Subsection 102.3, *Application of Other Codes*, is changed to read as follows:**

Repairs, additions or alterations of a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the building codes adopted by the City of Canton. Nothing in the Code shall be construed to cancel, modify or set aside any provision of the City of Canton zoning ordinance.

**Subsection 103.4, *Liability*, is deleted in its entirety.**

**Subsection 103.5, *Fees*, is deleted in its entirety.**

**Subsection 104.1, *General*, is changed to read as follows:**

The code official or the City Manager’s designee(s) is hereby authorized and directed to enforce the provisions of this code. The code official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

**Subsection 106.2, *Notice of violation*, is deleted in its entirety.**

**Subsection 106.3, *Prosecution of violation*, is deleted in its entirety.**

**Subsection 106.4, *Violation penalties*, is deleted in its entirety.**

**Subsection 107.4, *Penalties*, is deleted in its entirety.**

**Subsection 108.1.1, *Unsafe Structures*, is amended by adding the following to the end of the existing section:**

Notwithstanding anything in this Section to the contrary, the City expressly retains all statutory powers and rights to address unsafe structures.

**Subsection 109.6, *Hearing*, is changed to read as follows:**

Any person ordered to take emergency measures shall comply with such order forthwith. Any affect person shall thereafter, upon petition directed to the City Council (acting as the “Council Hearing Panel”) be afforded a hearing as described in this code.

**Subsection 111.1, *Application for Appeal*, is changed to read as follows:**

Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the City Council, sitting as the “Council Hearing Panel,” provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means. An appeal does not preclude or abate criminal enforcement for a violation of this code.

**Subsection 111.2, *Membership of board*, is re-captioned as “*Appeal Board Procedures*,” and is changed to read as follows:**

The procedures for appeal shall be the same as those adopted in Section 151.02(A)-(D), *Public Hearing to be Conducted by City Council*, of the City Code of Ordinances.

**Subsections 111.2.1 to 111.2.5, are deleted in their entirety.**

**Subsection 111.3, *Notice of Meeting*, is changed to read as follows:**

The Council Hearing Panel shall meet upon notice from the chairperson or City Secretary, within thirty (30) days of the filing of an appeal, or at stated periodic meetings.

**Subsection 111.4, *Open Hearing*, is changed to read as follows:**

All hearings before the Council Hearing Panel shall be open to the public. The appellant, the appellant’s representative, any City enforcement personnel and any person whose interests are directly affected shall be given an opportunity to be heard. The presentation of information to the Council Hearing Panel shall not require compliance with strict rules of evidence, but only relevant information shall be received by the Council Hearing Panel.

**Subsection 111.4.1, *Procedures*, is deleted in its entirety.**

**Subsection 111.5, *Postponed hearing*, is deleted in its entirety.**

**Subsection 111.6, *Board Decision*, is re-numbered Subsection 111.5, and is re-captioned “*Council Hearing Panel Decision*,” and is changed to read as follows:**

The Council Hearing Panel shall modify or reverse the decision of the code official only by a concurring vote of a majority of the panel hearing the matters. The decision of the Council Hearing Panel shall be documented and copies shall be furnished to the appellant and to the code official.

The code official shall take immediate action in accordance with the decision of the Council Hearing Panel.

**Subsection 111.7, *Court Review*, is deleted in its entirety.**

**Subsection 111.8, *Stays of enforcement*, is deleted in their entirety.”**


**SECTION 3.** Any provision of any prior ordinance of the City, whether codified or uncodified, which is in conflict with any provision of this Ordinance is hereby repealed to the extent of the conflict; however, all other provisions of the Code of Ordinances of the City, whether codified or uncodified, which are not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

**SECTION 4.** It is the intent of the City Council that each word, paragraph, sentence, subdivision, clause, phrase or section of this Ordinance be deemed severable, and should such word, paragraph, sentence, subdivision, clause, phrase or section be declared invalid or unconstitutional for any reason, such declaration of invalidity or unconstitutionality shall not be construed to affect the validity of those provisions of this Ordinance left standing, or the validity of any other ordinance of the City.

**SECTION 5.** All sections of Ordinance No. 2015-10 not expressly amended or modified herein are ratified and confirmed and shall remain in full force and effect. The City Manager of the City of Canton is hereby authorized and directed to cause a true and correct copy of this caption, penalties, and effective date of this ordinance to be published in a newspaper of general circulation in the City of Canton prior to its effective date. Following the publication, the ordinance shall be in full force and effect.

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Canton, Texas, this 19th day of April 2016.

THE CITY OF CANTON, TEXAS

  
Lou Ann Everett, Mayor

ATTEST:

  
Debra Johnson, City Secretary

