

CITY OF FORNEY, TEXAS

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF FORNEY, TEXAS, AMENDING CHAPTER 3 OF THE CODE OF ORDINANCES OF THE CITY OF FORNEY, TEXAS, BY AMENDING ARTICLE 3.02, DIVISION 11, “PROPERTY MAINTENANCE CODE,” ADOPTING THE 2021 EDITION OF THE *INTERNATIONAL PROPERTY MAINTENANCE CODE* BY THE AMENDMENT OF SECTION 3.02.501, “ADOPTION,” AND ESTABLISHING AMENDMENTS TO THE 2021 EDITION OF THE *INTERNATIONAL PROPERTY MAINTENANCE CODE* IN ACCORDANCE WITH THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS’ RECOMMENDED AMENDMENTS, LOCAL AMENDMENTS AND INDUSTRY STANDARDS THROUGH THE AMENDMENT OF SECTION 3.02.502, “AMENDMENTS”; PROVIDING A PENALTY; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the International Code Council (“ICC”) has developed a set of comprehensive and coordinated national model construction codes (known as the “International Codes”), and the City of Forney, Texas (“City”) has been involved throughout the development process of the International Codes, through 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 *International Property Maintenance Code* has been prepared by the ICC and in addition to review by the NCTCOG, has been reviewed by City staff; and

WHEREAS, the 2021 edition of the *International Property Maintenance Code* is intended to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises; and

WHEREAS, the provisions of the 2021 edition of the *International Property Maintenance Code* will apply to all existing residential and nonresidential structures and all existing premises and establish minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; and

WHEREAS, the provisions of the 2021 edition of the *International Property Maintenance Code* also address the maintenance responsibility of owners, operators and occupants of existing structures and premises, and provide for administration, enforcement and penalties for violations of said code; and

WHEREAS, the current Property Maintenance Code in the City is the 2018 edition of the *International Property Maintenance Code*, and the City’s Property Maintenance Code should be updated to the most current, published codes available; and

WHEREAS, the City Council of the City of Forney, Texas (“City Council”) has determined that it is in the best interest of the citizens of the City of Forney to adopt the 2021 edition of the *International Property Maintenance Code*, as set forth herein and as that code is specifically modified by this Ordinance.

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

Section 1. FINDINGS INCORPORATED

All of the above premises are found to be true and correct factual and legislative determinations of the City of Forney and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

Section 2. AMENDMENT OF ORDINANCE

From and after the effective date of this Ordinance, Chapter 3, Article 3.02, Division 12, of the Code of Ordinances of the City of Forney, Texas, entitled "Property Maintenance Code," is hereby amended by renaming the Division to "Division 11" and by amending Sections 3.02.501, entitled "Adoption," and 3.02.502, entitled "Amendments," in their entirety and replacing said provisions with new Sections 3.02.501, entitled "Adoption of *International Property Maintenance Code*," and 3.02.502, entitled "*International Property Maintenance Code Amendments*," to read as follows:

"Sec. 3.02.451 Adoption of *International Property Maintenance Code*.

The *International Property Maintenance Code*, 2021 edition, a copy of which is on file in the offices of the City of Forney, is hereby adopted and designated as the Property Maintenance Code of the City, the same as though the provisions of the *International Property Maintenance Code*, 2021 edition, were copied at length in this section, subject to the deletions, amendments, and additions provided in section 3.02.502.

Sec. 3.02.452 *International Property Maintenance Code Amendments*.

The following amendments repeal and reenact or add sections to the *International Property Maintenance Code*, 2021 edition, adopted by Section 3.02.501 of this Code for the purpose of consistency with specific past practices and the recommendations of the North Central Texas Council of Governments, and all sections not expressly amended remain in full force and effect as adopted.

- (1) Section 101.1 of the *International Property Maintenance Code*, 2021 edition, is hereby amended to read as follows:

101.1. Title. These regulations shall be known as the Property Maintenance Code for the City of Forney and shall be cited as such. It is referred to herein as the "this code."

Section 3. PENALTY CLAUSE

Any person, firm or corporation violating any of the provisions or terms of this Ordinance or the Code of Ordinances as amended hereby shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense, and each and every day such violation shall continue shall constitute a separate offense.

Section 4. SEVERABILITY CLAUSE

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation of this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

Section 5. REPEALER CLAUSE

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, but all other provisions of the 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 6. EFFECTIVE DATE

Upon its passage and publication as required by law, this Ordinance shall become effective on January 1, 2023.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Forney, Texas, on this the _____ day of _____, 2022.

Amanda Lewis, Mayor

ATTEST:

Laura Calcote, Interim City Secretary

APPROVED AS TO FORM AND LEGALITY:

Jennifer Barnes Smith, City Attorney