

ORDINANCE NO. 2025-03-19

AN ORDINANCE OF THE CITY OF LANCASTER, TEXAS REPEALING THE INTERNATIONAL PROPERTY MAINTENANCE CODE (2015 EDITION) AND ADOPTING THE INTERNATIONAL PROPERTY MAINTENANCE CODE (2021 EDITION) WITH LOCAL AMENDMENTS; REPEALING ARTICLE 14.09 OF THE CITY'S CODE OF ORDINANCES; PROVIDING A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000). PROVIDING FOR SEVERABILITY; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALING CLAUSE (WITH AN EXCEPTION FOR PENDING PROSECUTIONS); AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City has previously adopted the International Property Maintenance Code 2015 edition with local amendments; and

WHEREAS, the City Council of the City of Lancaster, Texas, has determined that it is in the best interest of the City to update the City's Property Maintenance Code by adopting the 2021 edition of the International Property Maintenance Code, with local amendments.

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

SECTION 1. That Section 6.04.301 of the Code of Ordinances be hereby repealed in its entirety and replaced as follows:

"§ 6.04.301 Adoption

A certain document, a copy of which is on file in the office of the City Secretary, being marked and designated as the International Property Maintenance Code, 2021 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, insertions, deletions and changes, if any, prescribed in section 6.04.302 of this article."

SECTION 2. That Section 6.04.302 of the Code of Ordinances be hereby repealed in its entirety and replaced with the following:

"6.04.302 Exceptions and Amendments.

The International Property Maintenance Code, 2021 edition, adopted in this Article shall be subject to local exception and amendments which are as follows:

101.1 Title

These regulations shall be known as the Property Maintenance Code of Lancaster, Texas, hereinafter referred to as "this code."

103.1 Creation of Agency

The Neighborhood Services Department and its Code Compliance Department is hereby created and the official in charge thereof shall be known as the code official. The function of the agency, in addition to other duties as assigned by the City Manager, shall be the implementation, administration, and enforcement of the provisions of this code.

103.2 Appointment

The code official shall be appointed by the City Manager or the City Manager's delegate(s).

Section 107 Means of Appeal, and **Section 108 Board of Appeals** are deleted in its entirety and replaced with the following:

SECTION 107 MEANS OF APPEAL

107.1. General

Any appeal of orders, decisions, or determinations made by the code official relative to the application of this code shall be heard by the City's Property Standards and Appeals Board as provided for by the City's Code of Ordinances.

SECTION 108 BOARD OF APPEALS, is repealed in its entirety.

Section 109, Violations, is amended by replacing sub-sections 109.2 and 109.3 with the following:

109.2 Notice of Violation

The code official may, but is not required to, serve a notice of violation or order upon the person, firm, or corporation responsible for a violation of any of the provisions of this code. Such notice may direct the discontinuance of the illegal action or condition or the abatement of the violation.

109.3 Prosecution of Violation

The code official, any code enforcement officer, or any law enforcement official of the City may issue a citation regarding any violation of this code, regardless of whether a notice has been previously issued. Any of those persons may also request the legal counsel of the jurisdiction to institute an appropriate proceeding at law or in equity to restrain, correct, or abate such violation, or to require the removal or termination of the unlawful occupancy of the property in violation of the provisions of this code.

A new **Section 114, Liens**, is added as follows:

SECTION 114 LIENS

114.1 Liens

For work which has been done at City expense to abate a violation of this code, the code official or his or her designee(s) may tender a demand for payment via certified mail, return receipt requested or hand delivery to the property in question with a detailed description of the costs incurred for abatement. The actual cost of abatement may include an administrative fee as authorized by the City Council. In the event that there are obstructions such as trees, shrubs, bushes, brush, excavations, foundations, demolished structures, or any other similar obstructions which must be addressed to abate the violation, an additional charge shall be levied, assessed and collected against such premises. In the event said statement has not been paid within thirty (30) days, the City Manager or his or her designee(s) may file a statement of expenses with the County Clerk, including the name of the property owner and the legal description of the property. The statement shall act as a lien on any lot, tract, or parcel of land upon which such expense was occurred. The lien obtained is security for the abatement expenses, and interest accrues thereon at the rate of ten percent (10%) on the total

amount from the date the lien was filed. This remedy is cumulative of any other remedies

Section 201, General, is amended by adding the following new subsection:

201.6. Conflicting definitions

Where a conflict may exist between a definition and other definitions of the same activity or item in adopted ordinances of the City, the most restrictive shall apply.

Section 202, Definitions, is amended by amending the following new definition:

INOPERABLE MOTOR VEHICLE. A vehicle that meets the definition of a "junked vehicle" under Article 14.10 of the City's Code of Ordinances.

Section 302, EXTERIOR PROPERTY AREAS, is amended by adding a new Section 302.10, Other exterior property conditions.:

Section 302.4, Weeds, is amended by amending Section 302.4, Weeds and adding a new section 302.4.1, Trees, scrub, vegetation as follows:

Section 302.4 Weeds. Premises and exterior property shall be maintained free from weeds or plant growth in excess of twelve (12) inches in height. Noxious weeds are prohibited. Weeds shall be defined as all grasses, annual plants, and vegetation, other than trees or shrubs, however, this term shall not include cultivated flowers and gardens maintained in good order.

Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 109 of this code. Upon failure to comply with the notice of violation by taking corrective action, any duly authorized employee of the City or a contractor hired by the City shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property. This remedy is in addition to any other remedies available to the City under state law or other ordinances.

Section 302.4.1. Trees, scrub, 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 substance(s) or any part(s) thereof, whether living or not, that has any part of its roots on said real property, to hang, overhang, grow into or grow over any street, sidewalk, or 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, or eight (8) feet from a point on a vertical line with a starting point at the horizontal plane of the sidewalk. No plant or tree growth shall be allowed within twelve (12) inches of the edge of any street, sidewalk, or alleyway. When such growth exists is shall be deemed to be 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 clearance(s) as stated above.

Section 302.8, Motor Vehicles, is amended as follows:

302.8 Motor Vehicles

Except as provide for in other regulations, inoperative or unlicensed motor vehicles, shall not be parked, kept or stored on any premises, and

Section 302.10 Other exterior property conditions.

- (a) Generally. All exterior property and premises shall be maintained in a clean, safe and sanitary condition.
- (b) Objectionable, unsightly or unsanitary conditions. Unless authorized within a zoning district and under conditions thereof, or within the extraterritorial jurisdiction of the city, it shall be unlawful for 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 structure, visible from a public street or adjacent property, or under a carport or covered patio or other projecting overhang that includes, but is not limited to:
 - (1) Furniture, appliances 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) Containers intended for chemicals, including gas tanks and cylinders, unless being currently used and not for a period longer than 48 hours;
 - (5) Brush, trash, wood piles, fallen trees or large parts of trees such as the trunk or main branches, dead trees or other dead vegetation;
 - (6) Lawn equipment in whole or in part where such is kept outside and unprotected from the elements;
 - (7) Unlicensed and/or inoperable trailers;
 - (8) Boats not on trailers for longer than 30 days;
 - (9) Any condition, situation, event or action as described herein where item(s) are covered by tarpaulin(s) or other such cover including the tarpaulin(s) or other such cover;
 - (10) Parts typically associated with trucks, cars, motorcycles, boats, farm equipment, construction equipment or other vehicles 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;
 - (11) A boat, personal watercraft, truck, trailer, vehicles with axle(s), other titled vehicles, or vehicles regulated in accordance with article 14.10 of the Code of Ordinances;
 - (12) Any vehicle or part thereof elevated or raised off the ground for maintenance or repair for a period longer than 72 hours;

- (13) Storage containers of any type, with the exception of approved type and location of waste containers, where used for personal items, inventory or other storage exceeding 72 hours;
 - (14) Semi trucks and/or trailers or parts thereof on a property or in front of a property used as or zoned for residential use, [or] located on property used or zoned for nonresidential use, other than where permitted within the approved zoning district and subject to terms and conditions thereof, where such is not conducting business or has not conducted business for more than 24 hours;
 - (15) Commercial vehicles, as that term is used and under conditions and/or terms established under article 22.06, division 4, of the 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 that time related to the vehicle other than where permitted within the approved zoning district and subject to terms and conditions thereof;
 - (16) 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;
 - (17) Farm equipment or appurtenances on property other than zoned for agricultural use unless permitted within the appropriate zoning district subject to terms thereof;
 - (18) Where outdoor storage and/or display is allowed, accumulation of trash and debris and items or material that is not orderly stacked;
 - (19) A boat, personal watercraft, truck, tractor, trailer, motorcycle, a vehicle regulated in accordance with article 14.10 of the Code of Ordinances, or any other vehicle as defined in chapter 541 of the Texas Transportation Code, located upon an unimproved or improved surface, other than an improved surface built in accordance with the city's standards and currently maintained in compliance with the city's standards and the Code of Ordinances;
 - (20) Signs of all types, with exception of a fence installer's sign, placed on any fence or wall;
 - (21) A vehicle parked at a location found not to be doing business at that location where such is determined by the city to be used for off-premises advertising;
 - (22) 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 pests, 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, chemicals or non-organic compounds into the soils, and similar such events;
 - (23) 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; and
 - (24) Other situations as determined by the director of community development or designee.
- (c) Grading and drainage. With the exception of an area designed for and intended as temporary storage of stormwater runoff, where such is otherwise maintained and kept as an approved dry-bottom detention facility, retention area, reservoir, state- or federal-

designated conservation area, floodplains, wetlands and marsh areas, unless approved by the responsible jurisdiction, all premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

302.10 Other

APPENDIX B, BOARD OF APPEALS is repealed in its entirety.

Section 602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from November 1st to April 30th to maintain a minimum temperature of 65°F (18°C) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which person are primarily engaged in vigorous physical activities.

SECTION 3. Article 14.09 (Property Maintenance Code) of the City's Code of Ordinances, consisting of Sections 14.09.001 – 14.09.039, inclusive, is hereby repealed in its entirety.

SECTION 4. Except as expressly amended herein Chapter 6, Section 4, Division 7 of the Code of Ordinances of Lancaster, Texas, as amended, and Chapter 14 of the Code of Ordinances of Lancaster, Texas shall remain in full force and effect, save and except as expressly amended by this ordinance. The repeal of the International Property Maintenance Code (2015 ed.) shall not affect any prosecution of any citation or violation open as of the effective date of this Ordinance.

SECTION 5. If any article, paragraph, subdivision, clause or provision of this ordinance or the Code of Ordinances be adjudged invalid or held unconstitutional for any reason, such judgment or holding shall not affect the validity of this ordinance as a whole or any part or provision thereof, or of the Code of Ordinances, other than the part so declared to be invalid or unconstitutional.

SECTION 6. Any person, firm or corporation violating any of the provisions of this ordinance or the Code of Ordinances of the City of Lancaster, Texas, shall be deemed guilty of a misdemeanor and, upon conviction in the municipal court of the City of Lancaster, 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 7. This ordinance shall take effect immediately the date of passage and is provided by law.

DULY PASSED and approved by the City Council of the City of Lancaster, Texas, on this the 24th day of March 2025.

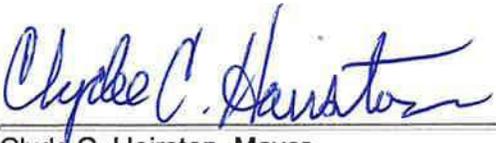
ATTEST:

APPROVED:

ORDINANCE NO. 2025-03-19



Sorangel O. Arenas, City Secretary



Clyde C. Hairston, Mayor

APPROVED AS TO FORM:



David T. Ritter, City Attorney