

Ordinance No. 01-2021

Ordinance establishing a Downtown Property Maintenance District and adopting portions of the 2015 International Property Maintenance Code to be applied to said District by amending Chapter 22 of the Code of Ordinances by creating Article XIV; providing a repealer clause; providing for inclusion; providing for severability; and setting an effective date

WHEREAS, City Council has previously determined the redevelopment of downtown was part of the City's long term Strategic Plan; and,

WHEREAS, a volunteer working group of Downtown owners/stakeholders met to develop and finalize Downtown Property Maintenance Code; and,

WHEREAS, this ordinance amendment provides for a Property Maintenance Code for the downtown commercial areas as defined by the Downtown Property Maintenance District; and,

WHEREAS, staff has incorporated the proposals of the volunteer working group to create a Property Maintenance Code; and,

WHEREAS, staff believes this Property Maintenance Code will help increase community life safety as well as beautify downtown as part of the City's long term Strategic Plan; and,

WHEREAS, the City Council concurs with staff's recommendation to amend the Code of Ordinances at Chapter 22, creating Article XIV, Division 1, and Division 2.

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

Chapter 22 of the Wichita Falls Code of Ordinances is hereby amended by the addition of language in creating Article XIV, Division 1, and Division 2 which shall hereafter read as follows:

ARTICLE XIV. – Downtown Property Maintenance District

Division 1 – Boundaries and Map

Sec. 22-731. District Boundaries

(a) The Downtown Property Maintenance District shall include all areas within the boundaries of the following:

Starting at the northeast corner of Broad Street and Wichita River Trail, heading east following the north side of the Wichita River Trail to intersection of the Wichita River Trail and the BSNF railroad;

Continuing South following the west side of the BSNF railroad to the intersection of BSNF railroad and Ohio Avenue to the intersection of Ohio Avenue and 6th Street;

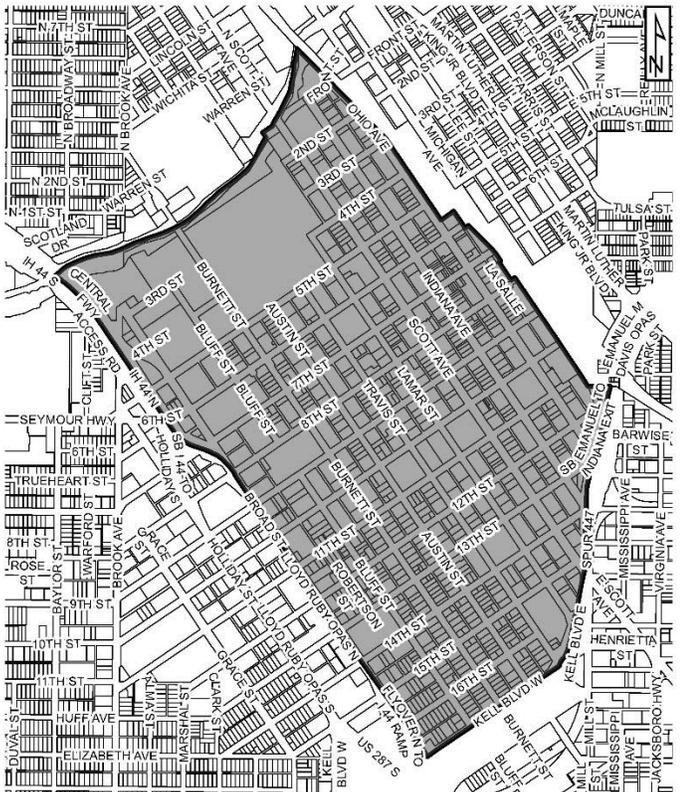
Continuing East along 6th street to the intersection of 6th Street and the alley to the intersection of 7th street and La Salle;

Continuing East along 7th street to the intersection of 7th street and the west side of the BNSF railroad;

Continuing south along the west side of the BNSF railroad to the intersection of the BNSF railroad and Spur 447 Overpass;

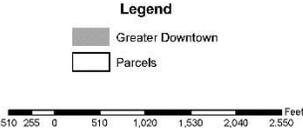
Continuing southeast along the northern side of Spur 447 Overpass as it transitions into Kell Boulevard to the intersection of Kell Boulevard and east side of Central East Freeway;

Continuing north along the east side of Central East Freeway as it transitions into Broad Street to the intersection of Broad Street and the Wichita River Trail.



Downtown Property Maintenance District Map

CITY OF TAFT, TEXAS
 THIS MAP IS A REPRESENTATION OF THE PROPERTY MAINTENANCE DISTRICT MAP FOR THE CITY OF TAFT, TEXAS. IT IS NOT A LEGAL DOCUMENT AND SHOULD NOT BE USED FOR LEGAL PURPOSES. THE CITY OF TAFT, TEXAS, PLANNING DIVISION IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THIS MAP. THE CITY OF TAFT, TEXAS, PLANNING DIVISION IS NOT RESPONSIBLE FOR ANY DAMAGES, INCLUDING CONSEQUENTIAL DAMAGES, ARISING FROM THE USE OF THIS MAP. THE CITY OF TAFT, TEXAS, PLANNING DIVISION IS NOT RESPONSIBLE FOR ANY DAMAGES, INCLUDING CONSEQUENTIAL DAMAGES, ARISING FROM THE USE OF THIS MAP.



Secs. 22-732 – 22-740 Reserved.

Division 2 – Downtown Property Maintenance Code

Sec. 22-741. - Adopted.

The following portions of the 2015 International Property Maintenance Code, published by the International Code Council, are adopted by reference as though they were copied fully in this section:

(a) Chapter 3.

Sec. 22-742. – Applicability

This article shall only apply to Downtown Property Maintenance District, generally described in Division 1, Sec 22-731. This article does not apply to single-family structures, duplexes and accessory structures located on their associated lots within the area.

Sec. 22-743. - Changes, deletions and amendments.

The following changes, deletions and amendments are made to the specified sections in the 2015 International Property Maintenance Code adopted in Section 22-741. Where an adopted section of the 2015 International Property Maintenance Code has not been changed, deleted, or amended by this ordinance, it is adopted as worded in the 2015 International Property Maintenance Code.

The following sections or subsections are deleted in the entirety:

- Section 302.1 Sanitation,
- Section 302.3 Sidewalks and Driveways,
- Section 302.5 Rodent harborage,
- Section 302.6 Exhaust Vents,
- Section 302.8 Motor Vehicles,
- Section 302.9 Defacement of property,
- All of Section 303 Swimming Pools, Spas and Hot tubs,
- Section 304.3 Premises identification,
- Section 304.14 Insect screens,
- Section 304.18 Building security,
- All of Section 305 Interior Structure
- All of Section 306 Component serviceability,
- All of Section 307 Handrails and guardrails,
- All of Section 308 Rubbish and garbage,
- All of Section 309 Pest Elimination.

Sec. 22-744. – Modification Procedure

- (a) Where existing conditions require a modification from the standards and regulations herein contained because of a distinct and unusual condition that does not prevail on other properties located in the Downtown Property Maintenance District, the Director of Development Services, hereinafter Director, may approve a modification from specific standards to permit the equitable treatment of the structure or tract in light of the unusual condition.
- (b) The Director may authorize a modification from these regulations when in his/her opinion deprivation of use of the property will result from requiring strict compliance. The applicant shall have the responsibility of proving that the strict application of this ordinance creates a deprivation of use of property. The following conditions must be present for consideration:
1. There are special circumstances or conditions affecting the property involved such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of his property; and,
 2. The granting of the modification will not be detrimental to the public health, safety or welfare, or injurious to other property in the area; and,
 3. The granting of the modification will not have the effect of preventing the orderly subdivision of other properties in the area in accordance with the provisions of City Code; and,
 4. A more appropriate solution exists which is not currently allowed in this chapter; and,
 5. The granting of the modification is harmonious with the engineered design of the infrastructure or structure on adjacent property
- (c) The modification may be granted only when in harmony with the general purpose and intent of this chapter so that the public health, safety, and welfare may be secured and substantial justice is done. Economic hardship to the applicant shall not be deemed to constitute a deprivation of use.
- (d) In granting a modification, the Director may require such conditions as will, in his/her judgment, secure substantially the objectives of the standards or requirements so varied or modified and maintain the spirit and intent of the standards herein set forth

Sec. 22-745 – 22-755 Reserved

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

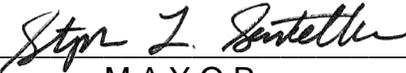
2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

3. It is the intention of the City Council of the City of Wichita Falls, Texas, that the provisions of this ordinance shall become a part of the Code of Ordinances of the City of Wichita Falls, Texas, and that sections of this ordinance may be renumbered or relettered to accomplish such intention.

4. Should any word, phrase, paragraph, section or portion of this ordinance or the Code of Ordinances, as amended hereby, be 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.

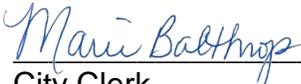
5. This ordinance shall become effective on October 1, 2021.

PASSED AND APPROVED this the 2nd day of February, 2021.



MAYOR

ATTEST:



City Clerk

CHAPTER3
GENERAL REQUIREMENTS
SECTION301
GENERAL

301.1 Scope.

The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and *exterior property*.

301.2 Responsibility.

The *owner* of the *premises* shall maintain the structures and *exterior property* in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy *premises* that are not in a sanitary and safe condition and that do not comply with the requirements of this chapter.

301.3 Vacant structures and land.

Vacant structures and *premises* thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

All land operated as a parking lot in the *Downtown Revitalization Area* shall follow the maintenance standards and comply with those standards outlined in the City of Wichita Falls Zoning Ordinance

302.2 Grading and drainage.

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.

Exception: *Approved* retention areas and reservoirs.

302.4 Weeds.

It shall be the duty of the occupant and/or owner of every property whether occupied or vacant, within the greater downtown area to cut and remove or destroy by lawful means all such weeds, grass, or rank, poisonous or noxious vegetation from sidewalks and parking lots not intended or designated for landscaping, tree planting and/or sod.

302.7 Accessory structures.

Accessory structures, including *detached* garages, fences and walls, shall be maintained structurally sound and in good repair.

SECTION304
EXTERIOR STRUCTURE

304.1 General.

The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

304.1.1 Unsafe conditions.

The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the *International Building Code* or the *International Existing Building Code* as required for existing buildings:

1. The *anchorage* of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all loads;
2. Structures or components thereof that have reached their limit state;
3. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight;

4. Structural members that have evidence of *deterioration* ;
5. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly *anchored* ;
6. Exterior walls that are not *anchored* to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly *anchored* ;
7. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of *deterioration*, fatigue or without proper anchorage;
8. Flooring and flooring components with defects that affect serviceability or flooring components that show signs of *deterioration* or fatigue, are not properly *anchored* ;
9. Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored;
10. Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly *anchored* ;
11. Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including *guards* and handrails, are not structurally sound, not properly *anchored*; or
12. Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly *anchored*.

Exceptions:

1. Where substantiated otherwise by an *approved* method.
2. Demolition of unsafe conditions shall be permitted here *approved* by the *code official*.

304.2 Protective treatment.

Exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight.

304.4 Structural members.

Structural members shall be maintained free from *deterioration*, and shall be capable of safely supporting loads.

304.5 Foundation walls.

Foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

304.6 Exterior walls.

Exterior walls shall be free from holes, breaks, and loose or rotting materials so as to be maintained in a weatherproof, secure and structurally sound manner. These areas are also to be properly surface coated where required to prevent deterioration.

304.7 Roofs and drainage.

The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or *deterioration* in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

304.8 Decorative features.

Cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair

with proper anchorage and in a safe condition.

304.9 Overhang extensions.

Overhang extensions including, but not limited to, canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly *anchored* so as to be kept in a sound condition.

304.10 Stairways, decks, porches and balconies.

Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

304.11 Chimneys and towers.

Chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. Exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

304.12 Handrails and guards.

Every handrail and *guard* shall be firmly fastened and capable of supporting loads and shall be maintained in good condition.

304.13 Window, skylight and door frames.

Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

304.13.1 Glazing.

Glazing materials shall be maintained free from cracks and holes so as to be maintained in a weatherproof, secure and structurally sound manner.

304.13.2 Openable windows.

Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware when required by the building code.

304.15 Doors.

Exterior doors, door assemblies, operator systems and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 1010.1.8 of the 2015 International Building Code.

304.16 Basement hatchways.

Every *basement* hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

304.17 Guards for basement windows.

Every *basement* window that is openable shall be supplied with rodent shields, storm windows or other *approved* protection against the entry of rodents.

304.18.2 Windows.

Operable windows located in whole or in part within 6 feet (1828 mm) above ground level or a walking surface below that provide access to a *dwelling unit, rooming unit* or *housekeeping unit* that is rented, leased or let shall be equipped with a window sash locking device.

304.18.3 Basement hatchways.

Basement hatchways that provide access to a *dwelling unit, rooming unit* that is rented, leased or let shall be equipped with devices that secure the units from unauthorized entry.

304.19 Gates.

Exterior gates, gate assemblies, operator systems if provided, and hardware shall be maintained in good condition. Latches at all entrances shall tightly secure the gates

