

Housing Codes and Related Codes for Houston, TX

On July 21, 2007

Texas Municipalities Referencing International Property Maintenance Code

- Addison*
- Alamo Heights
- Alice
- Alvin
- Amarillo
- Angleton
- Aransas Pass
- Baytown
- Beaumont
- Boerne
- Bryan
- Burkburnett*
- Burleson*
- Burnet
- Canton*
- Copperas Cove
- Del Rio*
- Duncanville
- Euless
- Flatonia*
- Fort Worth
- Fredericksburg
- Friendswood*
- Frisco
- Gainesville*
- Georgetown
- Gonzales*
- Gun Barrel City*
- Harker Heights*
- Harlingen*
- Hedwig Village
- Helotes
- Hereford*
- Hewitt
- Hidalgo*
- Highland Village
- Hillsboro*
- Hurst
- Kaufman
- Kilgore*
- League City*
- Little Elm
- Lorena
- McKinney
- Melissa*
- Mesquite*
- Milford*
- Mineola*
- Missouri City
- Mount Pleasant*
- Murphy
- Nassau Bay
- New Braunfels
- Odessa
- Orange
- Pasadena
- Pearland
- Pflugerville*
- Pharr
- Pilot Point*
- Plano
- Port Aransas
- Port Arthur
- Princeton
- Richardson
- Richland
- Roanoke
- Rosenberg
- Saginaw*
- San Juan*
- San Marcos
- San Saba*
- Santa Fe
- Schertz
- Seagoville
- Sealy
- Selma
- Shenandoah
- Sinton*
- South Houston
- Stockdale*
- Texarkana
- Texas City
- Universal City
- Waco
- Webster
- West University Place
- Westworth Village*
- Wharton
- Winnsboro*
- Wyle

Texas municipalities that have referenced the International Property Maintenance (IPMC) code.¹ Municipalities noted with an asterisk reported to the International Code Council that they adopted the IPMC.²

¹ Based on a July 21, 2007 search of Texas ordinances on www.municode.com that used the phrase “International Property Maintenance Code.”

² Based on a July 21, 2007 download of spreadsheet from International Code Council at www.iccsafe.org/government/adoption.html

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City of Houston Healthy Homes Provisions of Housing and Health Codes³

ARTICLE IX. COMPREHENSIVE URBAN REHABILITATION AND BUILDING MINIMUM STANDARDS⁴

DIVISION 1. GENERALLY

Sec. 10-316. Title.

This article is, and may be cited as, the "Houston Comprehensive Urban Rehabilitation and Building Minimum Standards Code."

Sec. 10-317. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- *Balcony* means a landing or porch projecting from the wall of a building that serves as a required exit.
- *Basement* means any floor level below the first story in a building, except that a floor level in a building having only one floor level shall be classified as a first story if the floor level is not more than four feet below grade for more than 50 percent of the total perimeter, or not more than eight feet below grade at any point.
- *Bathroom* means an enclosed space containing one or more bathtubs, showers, or both, that may also contain toilets, lavatories, or fixtures serving similar purposes.
- *Certificate of compliance* means a document issued by the building official after inspections have been performed verifying compliance with all applicable provisions of the Construction Code or other laws.
- *Dangerous building* means a substandard, damaged or deteriorated building or improvement that has one or more of the defects or conditions listed in section 10-361 of this Code.
- *Department* means the police department or its successor.
- *Director* means the director of the department or any other person who is specifically designated in writing by the director to perform any function under this chapter on behalf of the director of the department.
- *Family* means an individual or two or more persons related by blood, marriage, adoption, or legal guardianship or a group of not more six than persons (excluding servants) who need not be related by blood, marriage, or adoption living together.
- *Garage* means a building or portion thereof in which a motor vehicle containing flammable or combustible liquids or gas in its tank is stored, repaired, or kept.
- *Garbage* means the animal and vegetable waste resulting from the handling, preparation, cooking, and consumption of food, or any other putrescent waste.
- *Good operating condition* means free of leaks, safe, sanitary, and operating in substantially the manner intended.

³ <https://secure.municode.com/eCommerce/mcsGateway.aspx?stateID=43>

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- *Imminent danger to health and safety* means a condition violating the terms of this article which the director has determined (i) currently constitutes a hazard to the health of the occupant of a building or any other person, and (ii) requires immediate action to abate or cure such condition. Without limitation, specific examples of imminent danger to health and safety are (A) a building, or any portion of a building, which is reasonably expected to collapse at any time, and (B) conditions which could reasonably be expected to lead directly to the transmission of serious disease.
- *Kitchen* means a space used for cooking or preparation of food.
- *Sanitary* means any condition of good order and cleanliness that precludes the probability of disease transmission.
- *Stairway* means any stairs or steps having two or more risers serving any building or portion thereof.
- *Substandard*, in connection with a structure, means being in violation of the terms of division 3 of this article.
- *Vector conditions* means conditions caused by the accumulation of refuse, vegetation, water or other matter creating breeding and living places for insects, ectoparasites, rodents or other pests.
- *Ventilation* means the process of moving or circulating air by natural or mechanical means to or from any space, regardless of whether such air may have been conditioned.
- *Watertight* means made or assembled so that water cannot enter or escape.
- *Weatherproof* means able to withstand exposure to weather without damage.

Sec. 10-318. Scope.

- (a) The provisions of this article shall apply to the construction, re-construction, alteration, repair, renewal, equipping, use and occupancy, maintenance, removal, securing, vacating and demolition of every structure or building or any appurtenances connected or attached thereto.
- (b) Without limitation of the above, the provisions of this article shall apply to all buildings regardless of when they were constructed, altered or repaired, except as may be otherwise provided herein.

Sec. 10-319. Article supplemental.

The provisions of this article shall be cumulative of all other ordinances, laws and applicable regulations. Without limitation of the generality of the foregoing, any action to secure, repair or demolish a structure that is ordered pursuant to this article must comply with all applicable requirements of division 4 of article VII of chapter 33 of this Code.

Sec. 10-320. Penalty for violations.

Unless a different penalty is specifically provided elsewhere in this article, any person violating any provision of this article shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined not less than \$200.00 nor more than \$2,000.00. Each day a violation continues shall constitute a separate offense. It shall be an affirmative defense to prosecution under this article that compliance with this article or any order issued pursuant hereto was prevented as a result of the time for review and appeal following application for a certificate of appropriateness for mandatory repair pursuant to section 33-249 of this Code.

Sec. 10-321. Powers and duties of neighborhood protection official.

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- (a) The neighborhood protection official has responsibility for the enforcement of this article, as more particularly provided herein.
- (b) The neighborhood protection official, upon presentation of proper identification to the owner, agent or tenant in charge of a property, may enter the premises at any reasonable time; provided that, in cases of emergency where extreme hazards are known to exist that may involve imminent injury to persons, loss of life or severe property damage, the neighborhood protection official may enter the premises at any time upon presentation of proper identification. Whenever the neighborhood protection official is denied admission to inspect any premises, inspection shall be made only under authority of a warrant issued by magistrate authorizing the inspection for violations of this article. In applying for such a warrant, the neighborhood protection official shall submit to the magistrate an affidavit setting forth the reason to believe that a violation of this article exists with respect to the property sought to be inspected and the reasons for such belief. The affidavit shall designate the location of the property sought to be inspected and the name of the person believed to be the owner, operator or occupant thereof. If the magistrate finds that probable cause exists for a search of the premises in question the magistrate shall issue a warrant authorizing the search, and describing the premises with sufficient certainty to identify it. Any warrant so issued shall constitute authority for the neighborhood protection official to enter and inspect and gather evidence by any reasonable means including photography, video tape, and procuring samples and specimens of the premises described therein. It shall be unlawful for any person to interfere with or refuse to permit entry or inspection pursuant to a warrant.

Sec. 10-322. Alternative notices posted.

If the official charged with posting a notice or placard on property reasonably believes it will present a danger to post any notice or placard in the manner otherwise required, the official charged with posting such notice or placard may post such notice or placard in any manner reasonably likely to accomplish the intent of such notice or placard.

Sec. 10-323. Landlord/tenant.

The terms of this article shall not be construed to alter the terms of any lease or other agreement between landlord and tenant or others relating to property that is the subject of this article; provided that no provision of any lease or other agreement shall be construed to excuse compliance with this article by any person. It is the intent of this article to identify the parties the city will hold responsible for compliance with and violations of this article, rather than to determine the rights and liabilities of persons under agreements to which the city is not a party.

DIVISION 3. MINIMUM STANDARDS

Sec. 10-341. Minimum standards generally; penalty; responsibilities of owners and occupants.

- (a) It shall be unlawful for any person to knowingly allow or suffer a building, structure or property of which he has ownership, control or possession to be kept or used in violation of this division.
- (b) Both owners and occupants are subject to all penal provisions of this division as they apply to such parties.
- (c) Every owner of a building shall be responsible for maintaining in a clean and sanitary condition the shared or public areas of the building and premises thereof.

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- (d) Every occupant of a dwelling or dwelling unit shall keep in a clean, sanitary condition that part of the dwelling, dwelling unit and premises thereof that the occupant occupies or controls.
- (e) The owner or occupant of a building or property shall not use the building or property for the open storage of any dead trees, trash, or refuse, or of any glass or building material, or of any inoperable icebox, refrigerator, stove, motor vehicle or boat, or any similar items. For the purposes of this section, "inoperable" means being in a state of disrepair or otherwise reasonably incapable of being used for its intended purpose, and in the case of a motor vehicle, unlicensed. It shall be the duty and responsibility of every owner or occupant to keep the property clean and to remove from the premises all such items described above. It is an affirmative defense to prosecution for storage of an inoperable vehicle or other prohibited item hereunder that a person is licensed by the proper authorities, pursuant to applicable statute, ordinance or regulation, to store such vehicle or item in the manner in which it was being stored at the time of citation therefor.
- (f) A violation of this division shall not of itself create a negligence per se standard or otherwise expand existing liability in tort for either landlord or tenant.
- (g) No person shall occupy or let to another for occupancy, any building, structure or portion thereof that has been ordered vacated pursuant to this division.
- (h) The provisions of this division shall apply to manufactured homes and house trailers to the extent allowed by law.

Sec. 10-344. Responsibilities of occupant.

- (a) An occupant, in connection with the portion of a building under the occupant's control, shall:
 - (1) Keep the premises free from rubbish, garbage and other conditions that would encourage infestation of insects, ectoparasites, rodents or pests;
 - (2) Remove any animal over which the occupant has ownership, control or possession from the premises if the presence of the animal is a health hazard;
 - (3) Install plumbing fixtures, heating equipment, electrical and mechanical equipment that the occupant supplies, in accordance with applicable codes and laws; and
 - (4) Not alter a building or its facilities so as to create a violation of this division.
- (b) With respect to single-family residential buildings, if the owner shows that the building was treated to eliminate insects, ectoparasites, rodents and other pests by a duly licensed exterminator within either (i) two weeks before the date the resident took occupancy, or (ii) the preceding six months if there has been more than one residential lease during the preceding six months, then the resident of the building shall be responsible for keeping the interior of the building free from insects, ectoparasites, rodents and other pests.

Sec. 10-345. Retaliation against residents prohibited.

An owner or operator commits an offense by retaliating against a resident for reporting potential violations of this division. Without limitation of the foregoing, the actions constituting retaliation set forth in section 92.057 of the Texas Property Code, as may be amended from time to time, are hereby incorporated by reference and shall constitute events of retaliation under this section. In addition, the defenses to prosecution set forth under section 92.057 of the Texas Property Code shall constitute defenses to prosecution hereunder.

Sec. 10-346. Enforcement of minimum standards.

Upon discovery of a violation of this division, the neighborhood protection official may issue a municipal citation to the violator, enforceable in municipal court. The neighborhood protection official shall first issue a written warning to the violator instructing the violator of the violation and providing an

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opportunity to cure the violation, unless it is determined, based upon the nature of the violation, that immediate action is required to protect the health, safety, and welfare of the public. Failure to give such notice shall not preclude the issuance of a municipal citation for the violation.

Sec. 10-350. Certificate of compliance.

The building official shall issue a certificate of compliance after receipt by the building official of an inspection report that shows no violation exists or that violations previously found to exist have been eliminated. A certificate of compliance shall be effective and continue in force thereafter until the neighborhood protection official makes further inspection and determines that a violation of this division exists.

ARTICLE XI. NEIGHBORHOOD NUISANCES

Sec. 10-451. Nuisances, generally.

- (a) Whatever is dangerous to human health or welfare, or whatever renders the ground, the water, the air, or food a hazard to human health is hereby declared to be a nuisance.
- (b) The following specific acts, conditions, and things are declared to constitute public nuisances and are hereby prohibited and made unlawful:
 - (1) The deposit or accumulation of any foul, decaying, or putrescent substance or other offensive matter in or upon any lot, street, or in or upon any public or private place in such a way as to become offensive or objectionable; the overflow of any foul liquids, or the escape of any gases, dusts, fumes, mists, and sprays to such an extent that the same, or any one of them, shall become, or be likely to become, hazardous to health or a source of discomfort to persons living or passing in the vicinity, or that the same shall by reason of offensive odors become a source of discomfort to persons living or passing in the vicinity thereof.
 - (2) A polluted well, or cistern, spring or stream, or the pollution of any body of water used for drinking purposes.
 - (3) The maintenance of any privy, vault or cesspool, except as provided in this Code.
 - (4) Keeping any building or room in such state of uncleanness or the crowding of person in any building or room in such a manner as to endanger the health of the persons dwelling therein, or so that there shall be less than 400 cubic feet of air to each adult, and 150 cubic feet of air to each child under 12 years of age occupying such building or room. To the extent of any conflict between the requirements of this item and those established in section 10-331 of this Code, the more restrictive shall apply.
 - (5) Allowing cellars to be used as sleeping rooms.
 - (6) A building or portion of a building occupied as a dwelling which is not lighted and ventilated by means of at least one window, opening to the outer air, in each room, or any such building which is not provided with a plentiful supply of pure water.
 - (7) The accumulation of manure, unless it is in a properly constructed pit or receptacle.
 - (8) The maintenance, in a public place, of a roller towel for the use of more than one person.

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- (9) The slopping or feeding of cattle or other animals on distillery swill, unless the enclosure wherein such slopping or feeding is done is provided with means for preventing and removing the unsanitary conditions associated with such slopping or feeding.
- (10) Permitting the existence of weeds, brush, rubbish, and all other objectionable, unsightly, and insanitary matter of whatever nature covering or partly covering the surface of any lots or parcels of real estate situated within the city; permitting such lots or parcels of real estate, as aforesaid, to have the surface thereof filled or partly filled with holes or be in such condition that the same holds or is liable to hold stagnant water therein, or from any other cause be in such condition as to be liable to cause disease or produce, harbor, or spread disease germs of any nature or tend to render the surrounding atmosphere unhealthy, unwholesome, or obnoxious.

Such lots or parcels of real estate in addition to those grounds within their respective boundaries shall be held to include all lots or parcels of ground lying and being adjacent to and extending beyond the property line of any such lots or parcels of real estate to the curblin of adjacent streets, where a curblin has been established, and 14 feet beyond the property line where no curblin has been established on adjacent streets, and also to the center of adjacent alleys.

The word "weeds" as herein used shall include all rank and uncultivated vegetable growth or matter which has grown to more than nine inches in height or which, regardless of height, is liable to become an unwholesome or decaying mass or a breeding place for mosquitoes or vermin. The word "brush" as herein used shall include all trees or shrubbery under seven feet in height which are not cultivated or cared for by person owning or controlling the premises. The word "rubbish" shall include all refuse, rejected tin cans, old vessels of all sorts, useless articles, discarded clothing and textiles of all sorts, and in general all litter and all other things usually included within the meaning of such term. The words "any and all other objectionable, unsightly, or insanitary matter of whatever nature" shall include all uncultivated vegetable growth, objects and matters not included within the meaning of the other terms as herein used, which are liable to produce or tend to produce an unhealthy, unwholesome or unsanitary condition to the premises within the general locality where the same are situated, and shall also include any species of ragweed or other vegetable growth which might or may tend to be unhealthy to individuals residing within the general locality of where the same are situated.

The provisions of this item (10) shall not be applicable to a "natural area," and it shall also constitute an affirmative defense to prosecution in any criminal proceeding that is initiated under this item (10) that the property or affected portion thereof is a "natural area" that is being maintained in accordance with a permit issued under section 32-10 of this Code and regulations issued thereunder, and further provided that:

- a. The natural area is maintained and managed so that no weeds or debris are allowed to accumulate and create an imminent hazard to health or safety; and
- b. The natural area is regularly mowed so as to prevent uncontrolled vegetation growth within ten feet of a public roadway and within five feet of a public sidewalk.

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- (11) Permitting the accumulation or collection of any water, stagnant, flowing, or otherwise, in which the mosquito breeds or which may become a breeding place for mosquitoes, unless such accumulation or collection of water is treated so as effectually to prevent such breeding.

The natural presence of well grown mosquito larvae, or of pupae, shall be evidence that proper precautions have not been taken to prevent the breeding of mosquitoes.

- (12) Permitting the detectible presence of urine or the presence of feces, vomit and other bodily fluids in or upon any property, including any sidewalk adjacent to any paved portion of a street abutting the property, that may be accessible to the public or in such a manner that the presence of any of the foregoing may be detected in the vicinity of the property.

- (c) It shall be unlawful for any owner, lessee, occupant, or any agent, representative, or employee of any owner, lessee, or occupant or any other person having ownership, occupancy, or control of any land, or improvements thereon, to permit, allow, or suffer any condition to exist on such property if such condition is prohibited or made unlawful under the provisions of this section. It shall be an affirmative defense to prosecution under section 10-451(b)(12) of this Code that the detectible presence of urine or the presence of feces, vomit or other bodily fluids in or on any property is specifically authorized or permitted by law or ordinance.

- (d) Except as provided below, whenever in this section an act is made or declared to be unlawful, the first violation by any person of any such provision shall be punishable by a fine of not less than \$50.00 nor more than \$1,000.00; the second violation by the same person of any such provision shall be punishable by a fine of not less than \$100.00 nor more than \$1,500.00; and the third and any subsequent violation by the same person of any such provision shall be punishable by a fine of not less than \$200.00 nor more than \$2,000.00. Provided, however, if a person is convicted of an offense under this section which offense is also a violation of the criminal provisions of any state law, such person shall be subject to the criminal penalties set out in state law. Each day any violation of this section continues shall constitute a separate offense.

The first violation of item 10-451(b)(12) of this Code shall be punishable by a fine of not less than \$200.00, nor more than \$1,000.00; the second violation by the same person of such provision shall be punishable by a fine of not less than \$400.00, nor more than \$1,500.00; the third and any subsequent violation by the same person of such provision shall be punishable by a fine of not less than \$600.00, nor more than the maximum amount allowed by law.