

ORDINANCE NO. O-1718-18

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTIONS 10-601 AND 10-602 OF ARTICLE VI OF CHAPTER 10 OF THE CODE OF THE CITY OF NORMAN SO AS TO ADOPT AND AMEND THE 2015 INTERNATIONAL PROPERTY MAINTENANCE CODE; AND REPEALING SECTIONS 10-603 THROUGH 10-700 IN THEIR ENTIRETY; AND PROVIDING FOR THE SEVERABILITY THEREOF.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA:

§ 1. That Sections 10-601 and 10-602 of Article VI. of Chapter 10 of the Code of the City of Norman, Oklahoma, be amended to read as follows:

**ARTICLE VI. INTERNATIONAL PROPERTY
MAINTENANCE CODE**

Sec. 10-601. Adoption of the 2015 International Property Maintenance Code and all amendments thereto.

(a) ~~Except as otherwise provided in this article, the 2003~~ The International Property Maintenance Code, 2015 edition, as published by the International Code Council, Inc., (hereinafter referred to as the "IPMC," Property Maintenance Code) is hereby adopted as the Property Maintenance Code of the City of Norman incorporated into the Code of the City with the same force and effect as if fully set out in this subsection with amendments thereto as prescribed in this section.

(b) The Property Maintenance Code shall not become effective until at least three (3) copies, including modifications prescribed in this section, thereof have been filed in the office of the City Clerk for examination by the public.

(c) The following sections of the IPMC are hereby amended, added, deleted, or substituted as noted:

- (1) **101.1 Title [Amended].** These regulations shall be known as the *Property Maintenance Code* of the City of Norman, hereinafter referred to as "this code."
- (2) **SECTION 103 CODE COMPLIANCE [Substitute].**
- (3) **103.1 General [Amended].** Code Compliance is hereby created and the official in charge thereof shall be known as the *code official*.
- (4) **103.5 Fees [Deleted].** IPMC Section 103.5 is hereby deleted without substitution.
- (5) **107.3 Method of service [Amended].** Such notice prescribed in Section 107.1 shall be deemed properly served if the notice is delivered personally or mailed to either the property owner, owner's authorized agent, or mortgage holder. If the notice is mailed, the City shall obtain a receipt of mailing from the postal service indicating the date of mailing and the name and address of the recipient. Additionally, the code official shall post a Code Violation Notice on the affected property.
- (6) **SECTION 111 MEANS OF APPEAL [Deleted].** IPMC Section 111 is hereby deleted in favor of the provisions of Section 2-203 of the Code of the City of Norman.

(7) **112.4 Failure to comply [Amended].** Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

(8) ~~(e) Add Section 302.3.1 Legal non-conforming gravel driveways and parking areas [Added].~~ Gravel driveways and parking areas have been prohibited by the Zoning Ordinance (Chapter 22) of the City of Norman since 1966. It is presumed by the City that ~~that~~ all gravel driveways and parking areas are of an illegal, non-conforming status. ~~It is the duty of the property owner to prove the legal non-conforming status of their driveway.~~ Any such parking area or driveway must have been in existence prior to March 1973. In order for such parking areas to maintain their legal non-conforming status, the following procedures ~~should~~ shall be followed:

~~Evidence shall be provided that documents the existence of the non-conforming surface before 1973. One (1) method would be to utilize the City's photographic archives to document the location and extent of surfacing.~~

1. Gravel surfaces must be kept substantially free of any grass or weeds.
2. Gravel surfaces may not be expanded beyond established borders. ~~The best method to ensure compliance would be to create permanent or semi-permanent borders that could~~ property owner shall ensure that a clear line of demarcation exists at the edges of the gravel drive ~~that is obvious and can be visually verified from the street or sidewalk.~~ ~~should~~ shall complaints arise.
4. In order to comply with the requirement that parking areas be substantially mud- and dust-free, gravel ~~should~~ shall be maintained so that at least three (3) inches of material covers the entire parking and driveway area.

~~If a complaint is received that~~ an owner is violating any provision of this section, a notice of violation will be sent. Failure to correct the violation within the prescribed time frame will result in the filing of charges. Upon conviction or a plea of nolo contendere, the property will lose its non-conforming status as a gravel parking surface. If the owner fails to file a complete application for a special exception for gravel surfacing from the Board of Adjustment within ten (10) days of that court decision, the loss of that non-conforming status is considered final. If a special exception is not granted by the Board of Adjustment, the gravel parking area and driveway must be removed or brought into compliance with the current ordinance within one hundred eighty (180) days.

(9) **302.4 Weeds [Amended].** Premises and exterior property shall be maintained free from weeds or plant growth in excess of 12 inches. Noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

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 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction 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.

(10) **303.2 Enclosures [Amended].** Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely

surrounded by a fence or barrier not less than 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

Exception:

1. A swimming pool with a power safety cover or a spa or hot tub with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this section.
2. Swimming pools, spas and hot tubs on lots in excess of 2 acres shall be exempt from the provisions of this section.

- (11) **304.14 Insect screens [Amended].** Every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of minimum 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

- (12) **602.3 Heat supply [Amended].** Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat to maintain a minimum temperature of 68⁰ F (20⁰ C) in all habitable rooms, bathrooms and toilet rooms.

Exception: When the outdoor temperature is below the winter outdoor design temperature of 130 F (-10.560 C), maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity.

- (13) **602.4 Occupiable work spaces [Amended].** Indoor occupiable work spaces shall be supplied with heat to maintain a minimum temperature of 68⁰ F (20⁰ 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 persons are primarily engaged in vigorous physical activities.

Sec. 10-602. ~~Amendments to the 2003 International Property Maintenance Code. Penalties.~~

- (a) ~~Amend Chapter 1, Section 107.3(2) as follows: Notice shall be given to the property owner or mortgage holder and the City shall obtain a receipt of mailing from the postal service indicating the date of mailing and the name and address of the mailee. Any person, firm, or corporation convicted of violating any provision of this article or of failing to act or comply with the rules and regulations enacted pursuant to this article; shall be punished by~~

a monetary fine of not less than fifty dollars (\$50.00) nor more than seven hundred fifty dollars (\$750.00), or by imprisonment for a period not to exceed sixty (60) days, or by both such fine and imprisonment for each such violation or failure to comply. Each time such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

~~(b) Amend Chapter 1, Section 107.3(3) as follows: A copy of the notice shall also be posted on the property to be affected. Each day that a violation or failure to comply exists shall constitute a separate and distinct offense, and any one (1) or more of such offenses may be set out in any complaint or information filed.~~

~~(c) Amend Chapter 1, Section 111 MEANS OF APPEAL as follows: delete sections 111.1 through 111.8 and replace with new section 111.1 which states "All appeals shall be made in accordance with Chapter 4, Article XVI of the Code of Ordinances for the City of Norman, Oklahoma.~~

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§ 2. That Sections 10-603 through 10-700 of Article VI. of Chapter 10 of the Code of the City of Norman, Oklahoma, be repealed in their entirety.

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§ 3. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

ADOPTED this _____ day of _____, 2017.

NOT ADOPTED this _____ day of _____, 2017.

(Mayor)

(Mayor)

ATTEST:

(City Clerk)