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ORDINANCE NO. 1018

AN ORDINANCE AMENDING THE NICHOLS HILLS CITY CODE REGARDING ADOPTION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE; REPEALING ALL CONFLICTING ORDINANCES OR PARTS OF ORDINANCES; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

**EMERGENCY ORDINANCE**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NICHOLS HILLS, OKLAHOMA:

Section 1. Chapter 8, of the Nichols Hills City Code, is hereby amended, with the creation of a new Article XII, with new language underlined, to wit:

**Article XII. International Property Maintenance Code.**

**Sec. 8-487. Adoption of International Property Maintenance Code, 2012, as amended.**

- (a) That certain document, three copies of which are on file in the office of the city clerk, being marked and designated as the International Property Maintenance Code, Second Printing, 2012, as published by the International Code Council, Inc., is hereby adopted as the property maintenance code of the city and each and all of the regulations, provisions, penalties, conditions and terms of such International Property Maintenance Code are hereby adopted and by reference made a part hereof, as if fully set out in this article, with the additions, insertions, deletions and changes, if any, prescribed in subsection (b) of this section.
- (b) The International Property Maintenance Code adopted in this article is amended and changed in the following respect:

Section 101.1. Title. Insert "City of Nichols Hills, Oklahoma" in the first line in place of "(NAME OF JURISDICTION)."

Section 103.5 Fees. Change to read: "The City Council shall establish from time to time by resolution fees for activities and services performed by the department in carrying out its responsibilities under this code, which shall be as indicated in the city fee schedule."

Section 104.3 Right of entry. Change to Read: "Whenever the code official deems it desirable to make an inspection of premises in the City, in order to determine the existence of violations of any provision of this Code pertaining to the health, welfare, or safety of the public, he shall be allowed entrance to the premises for these purposes if any of the following

conditions exist:

- (1) Entry is by permission or at the request of the occupant of the premises or of the person in apparent charge; or
- (2) where an imminent danger to health, welfare, or safety exists; or
- (3) following an accident where an immediate inspection is required to determine if an imminent danger to health, welfare, or safety exists.

If entry is refused or delayed by the occupant or person in apparent charge of the premises, or if the conditions stated in this section do not exist, then the code official may apply to a proper magistrate for a search warrant to authorize entry into the designated premises for the purpose of making an inspection to determine the existence of a violation of any provisions of this Code pertaining to the health, welfare or safety of the public. Probable cause for the purpose of a search warrant issued pursuant this section shall be:

- (1) *Routine inspection.* That the inspection of the designated premises is part of a routine area inspection being conducted;
- (2) *Knowledge of violation.* That the applicant for the warrant has knowledge of a violation or knowledge of facts which would indicate a violation of any provision of this Code pertaining to the health, safety or welfare of the public, and such applicant has stated the facts upon which his knowledge is based;
- (3) *Inspection after alteration, remodeling or improvement.* That the inspection is for the purpose of inspecting, during the course, or upon completion of, alteration, remodeling or improvements in the premises;
- (4) *Checking conditions after accident.* That the inspection is for the purpose of checking the conditions existing in the premises following an accident or casualty therein where an inspection is required to determine if an imminent danger to health and safety exists;
- (5) *Licensing of buildings and structures.* That the inspection is for the purpose of checking the conditions existing in any building or structure requiring a license before occupancy upon application for or renewal of such license.”

Section 107.2 Form. Change to read: “Such notice prescribed in Section 107.1 shall be in accordance with all of the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code.
5. Inform the property owner of the right to a hearing.
6. Include a statement of the right to file a lien in accordance with Section 106.3.
7. Include the notice provisions as required by Title 11, Oklahoma Statutes, Sections 22-111, 22-112, 22-112.1, and 22-112.2, where applicable.”

Section 107.3 Method of service. Change to read: “Such notice shall be deemed to be properly served if a copy thereof is:

1. Delivered personally;
2. Sent by certified or first-class mail addressed to the last known address;
3. If the notice is returned showing that the letter was not delivered, notice may be given by posting a copy of the notice on the property or by publication, one time not less than ten (10) days prior to any hearing or action by the municipality; or
4. Served in accordance with Title 11, Oklahoma Statutes, Sections 22-111, 22-112, 22-112.1, and 22-112.2, where applicable.”

Section 107.5 Penalties. Change to read: “Penalties for noncompliance with orders and notices shall be as set forth in Section 106.4, and Chapter 1, Section 1-17 of the Nichols Hills City Code.”

Section 109.6 Hearing. Change to read: “Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon filing written notice of appeal with the city clerk, be afforded a hearing as described in this code.”

Section 110 Demolition. Change to read: “The city may cause dilapidated buildings within the city limits to be torn down and removed in accordance with the provisions of Chapter 8, Sections 8-335 et seq. of the Nichols Hills City Code and in accordance with Title 11, Oklahoma Statutes, Sections 22-112 and 22-112.1.”

Section 111.1 Application for appeal. Change to read: “Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the Board of Adjustment, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.”

Delete Section 111.2; Section 11.2.1; Section 111.2.2; Section 111.2.3; Section 111.2.4; Section 111.2.5; Section 111.3; Section 111.4; Section 111.4.1; Section 111.5; and Section 111.6.1.

Section 111.6. Change to read: “Board of Adjustment decision. The Board of Adjustment shall modify or reverse the decision of the code official only by a concurring vote of a majority of the total number of Board members.”

Section 111.6.1 Records and copies. Change to read: “The decision of the Board of Adjustment shall be recorded. Copies shall be furnished to the appellant and to the code official.”

Section 111.6.2 Administration. Change to read: “The code official shall take immediate action in accordance with the decision of the Board of Adjustment.”

Section 111.8 Stays of enforcement. Change to read: “Appeals of notice and orders (other than Imminent Danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the Board of Adjustment.”

Section 302.3 Sidewalks and driveways. Change to read: “All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions. A sidewalk, walkway, stairs, driveway, or parking space is considered in an improper state of repair if there is presence of major and significant cracks, ruts, depressions or other breakages on the surface.”

Section 302.4 Weeds. Change to read: “All premises and exterior property shall be maintained free from weeds or plant growth in excess of eight inches. All 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.”

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.”

*Section 302.8 Motor vehicles.* Change to read: “No inoperative or unlicensed motor vehicle shall be parked, kept or stored on any *premises* except for within a garage or enclosed structure, and no such vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled even if located within an enclosed structure.”

*Section 304.1.1(4)* Change to read: “Siding and masonry joints including joints between the exterior building covering and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight;”

*Section 304.2 Protective treatment.* Change to read: “All 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. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by a properly applied weather-resistant paint, stain or other waterproof finish. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. Primers shall be properly covered with a water-resistant finish coating. All siding and masonry joints, as well as those between the exterior building covering and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.”

Delete *Section 304.3; Section 304.14; Section 304.18.1; and Section 307.1.*

Delete Chapter 4.

Delete Chapter 5.

Delete Chapter 6.

Section 2. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 3. The provisions of this ordinance are severable and if any part or provision hereof shall be adjudged invalid by any court of competent jurisdiction, such adjudication shall not affect or impair any of the remaining parts or provisions hereof.

Section 4. SUMMARY OF CONTENTS OF INTERNATIONAL PROPERTY MAINTENANCE CODE, 2012, as amended. As required by Title 11, Oklahoma Statutes, Section 14-107(A), the contents of the International Property Maintenance Code, 2012, adopted in this ordinance, as amended, are hereby summarized as follows: See attached and incorporated Exhibit A, entitled "Summary of Contents of International Property Maintenance Code, 2012, as Amended."

Section 5. EMERGENCY SECTION. WHEREAS, in the judgment of the Council it is necessary for the preservation of the peace, health, welfare and safety of the City of Nichols Hills, Oklahoma, and of the inhabitants thereof that the provisions of this ordinance be put into full force and effect immediately, and therefore an emergency is hereby declared to exist by reason whereof this ordinance shall take effect and be in full force from and after its passage as provided by law.

PASSED by the Council of the City of Nichols Hills, Oklahoma, on the 12<sup>th</sup> day of August, 2014.

APPROVED by the Mayor of the City of Nichols Hills, Oklahoma, on the 12<sup>th</sup> day of August, 2014.

ATTEST:

Kristi Hort  
City Clerk



Gody Clements  
Mayor

Reviewed as to Form and Legality

Jim Michael Welles  
City Attorney

STATE OF OKLAHOMA )  
                                  )SS  
COUNTY OF OKLAHOMA)

I, the undersigned, the duly qualified and acting City Clerk of the City of Nichols Hills, Oklahoma, in the County and State aforesaid, do hereby certify that the above foregoing is a true and correct copy of Adoption of International Property Maintenance Code 2012 as the same appears of the record in my office.

In testimony whereof, I have hereunto subscribed my name and affixed the corporate seal of the City of Nichols Hills, Oklahoma, this the 9<sup>th</sup> day of Sept 2014

Kristi Hort  
City Clerk

**Exhibit A**

**Summary of Contents of International Property Maintenance Code, 2012, as Amended**

Preface

Effective Use of the International Property Maintenance Code

Legislation

Chapter 1 - Scope and Administration

Chapter 2 - Definitions

Chapter 3 - General Requirements

Chapter 7 - Fire Safety Requirements

Chapter 8 - Referenced Standards

Appendix A - Boarding Standard