

CITY OF COCKRELL HILL, TEXAS

ORDINANCE NO. 2005-A

AN ORDINANCE OF THE CITY OF COCKRELL HILL, TEXAS, AMENDING THE CITY OF COCKRELL HILL CODE OF ORDINANCES, TITLE XI, "BUILDING REGULATIONS," TO ADD CHAPTER 117 PROVIDING FOR THE REGISTRATION OF RESIDENTIAL RENTAL PROPERTY; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00); PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City finds it necessary to adopt a residential rental registration ordinance to establish and organize an inspection program of residential rental units within the City in order to ensure that tenants are provided with residential dwellings that meet city and state life, safety, health, fire and zoning ordinances, regulations and codes; and to provide a more efficient system for compelling both absentee and local landlords to correct violations and to maintain rental units in proper condition for the benefit and protection of tenants within the City; and

WHEREAS, the City Council of the City of Cockrell Hill, Texas, finds that the most efficient system to provide for inspections of residential rental units is a creation of a program requiring the registration of all residential rental units within the City so that an orderly inspection can be made by appropriate city officials and to ensure that such rental units are in accordance with local and state requirements.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COCKRELL HILL, TEXAS:

Section 1. That all of the above premises are hereby found to be true and correct and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

Section 2. The Code of Cockrell Hill, Title XI, is amended and a new Chapter 117 shall be established and shall read as follows:

"CHAPTER 117 RENTAL REGISTRATION

§ 117.01 . Definitions.

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

Building official means the City Secretary for the City of Cockrell Hill, Texas, or designee.

Owner means the person claiming, or in whom is invested, the ownership, dominion, or title of real property including but not limited to: holder of fee-simple title, holder of life estate, holder of leasehold estate for an interim term of five (5) years or more; a buyer under contract for deed; a mortgagee, receiver, executor or trustee in control of real property; but not including the holder of a leasehold estate or a tenancy for initial term of less than five (5) years.

Person means an individual, corporation, business trust, estate, trust, partnership or association, two or more persons having a joint interest, or any other legal or community entity.

Property manager means a person whom for compensation has managing control of a rental unit.

Rent means the offering, holding out or actual leasing of a rental unit to an occupant other than the owner and generally involves the payment of a rental amount although other forms of consideration may be involved or no consideration at all may be involved.

Rental unit means a single family dwelling unit, duplex dwelling unit, and a town home dwelling unit, or portion thereof that is rented or offered for rent as a residence.

Tenant means any person who rents or Leases a rental unit for living or dwelling purposes with the consent of the landlord.

§ 117.02 Rental Registration.

- (a) Each owner of a rental unit within the City shall register each such rental unit with the building official before March 1, 2005; and shall renew such registration annually on the date prescribed by the building official pursuant to Section 117.03 (a). Separate registration shall be required for each rental unit.
- (b) Each new owner of a rental unit within the City shall make application for registration with the building official within ten (10) days after the date of acquiring ownership of a rental unit.
- (c) Application for rental registration shall be made upon a form provided by the City for such purpose, and shall include at least the following information:
 - (1) Owners name, address, and work and home telephone number, drivers license number, of identification card number and state of issuance of the owner;

- (2) If owner is a partnership, the name of all partners, the principal business address, and telephone number of each partner;
 - (3) If owner is a corporation, the person registering must state whether it is organized under the laws of this state or is a foreign corporation, and must show the mailing address, business location, telephone number, name of the main individual in charge of the local office of such corporation, if any, and the names of all officers and directors or trustees of such corporation, and, if a foreign corporation, the place of incorporation;
 - (4) Name, address, and telephone number of the property manager;
 - (5) Street address of the rental unit;
 - (6) Name, drivers license number or identification number and state of issuance for each primary or principal tenant;
 - (7) Number of persons occupying the rental unit;
 - (8) Whether there has been a change of occupancy or an additional tenant of the rental unit since the date of last registration; and
 - (9) Signed by the owner or owner's agent.
- (d) No fee shall be charged for the registration of a rental unit.
 - (e) The building official shall within thirty (30) days after receipt of the registration application, either issue a certificate of registration or notify the owner that the application does not comply with the requirements of this Chapter.
 - (f) A certificate of registration shall be valid for a period of twelve (12) calendar months following issuance thereof provided however the initial certificate of registration for a rental unit shall not expire until the date of renewal of registration established by the building official pursuant to Section 117.03 (a).
 - (g) It is an offense for an owner to fail to register and/or to renew the registration for the owner's rental units within the City, and each and every day that the owner continues to fail to register and/or renew the registration of the owner's rental units within the city shall constitute a separate offense.

- (h) It shall be unlawful for any person to file a false registration application with the building official.

§ 117.03 Renewal of Registration.

- (a) Recognizing that the initial implementation of this Chapter may be difficult because of the number of rental units, the inspections of rental units and limited manpower, the building official, may by administrative order, divide the City into two or more geographical areas and establish annual registration dates for rental units located within each geographical area. A copy of the geographical designation shall be on file in the office of the building official.
- (b) A registered owner of a rental unit within the City, or the owner's agent shall renew the registration for each rental unit on or before the date prescribed by Section 117.03 (a).
- (c) The building official shall send each registered owner of a rental unit within the City a renewal notice for registration accompanied by a registration application to be completed and returned by the owner.
- (d) A registered owner of a rental property, or the owner's agent shall, upon receipt of the renewal notice, complete and return a completed registration application for each rental unit within thirty (30) days after receipt of the renewal notice. If an owner does not receive a renewal notice, it is the owner's responsibility to nonetheless renew the registration for each rental unit within the City. It is an offense for an owner to fail to file a completed annual registration application for each rental unit on or before the dates specified in the renewal notice.

§ 117.04 Inspection.

The building official may inspect, or cause to be inspected, a rental unit to determine compliance with applicable state and local laws if the renewal of a registration for a rental unit indicates that a change of occupancy of one or more tenants has occurred at a rental unit or at any other time when authorized by law.

§ 117.05 Penalty.

- (a) Any person violating any of the provisions of this Chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed \$2,000.00 for each offense.
- (b) A separate offense shall be deemed committed upon each day during or on which a violation or failure to comply occurs or continues to occur.

- (c) • Allegation and evidence of a culpable mental state is not required for the proof of a violation of this Chapter.”

Section 3. If any section, Chapter, paragraph, sentence clause, phrase or word in this ordinance or application thereto any person or circumstances is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance; and the City Council hereby declares it would have passed such remaining portions of this ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

Section 4. That all provisions of the Ordinances of the City of Cockrell Hill, Texas, in conflict with the provisions of this Ordinance be and the same are hereby amended, repealed, and all other provisions of the Ordinances of the City not in conflict with the provisions of this Ordinance shall remain in full force and effect.

Section 5. This ordinance shall become effective, and be in full force and effect, from and after the date of its passage, and it is accordingly so ordained.

PASSED AND APPROVED the ____ day of January, 2005.

C. P. Slayton, Mayor

ATTEST:

John Hubbard, City Secretary

APPROVED AS TO FORM:

Robert F. Brown, City Attorney