

ORDINANCE NO. 2011 B

AN ORDINANCE OF THE CITY OF COCKRELL HILL, TEXAS AMENDING THE CODE OF ORDINANCES BY REPEALING CHAPTER 117, "RENTAL REGISTRATION" IN ITS ENTIRETY; ADOPTING A NEW CHAPTER 97 REGARDING PROPERTY MAINTENANCE; ADOPTING THE 2006 INTERNATIONAL PROPERTY MAINTENANCE CODE; PROVIDING AMENDMENTS TO THE 2006 INTERNATIONAL PROPERTY MAINTENANCE CODE; ADOPTING A RENTAL REGISTRATION AND INSPECTION PROGRAM; PROVIDING A PENALTY FOR VIOLATION OF THIS ORDINANCE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALING CAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Cockrell Hill, Texas ("City Council"), seeks to promote the health, safety and general welfare of the citizens of the City of Cockrell Hill, Texas ("City"), and the best interests of the City; and

WHEREAS, pursuant to Texas Local Government Code, Section 51.001, the City Council is authorized to adopt an ordinance that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, pursuant to Texas Local Government Code, Section 51.012, the City Council is authorized to adopt an ordinance, not inconsistent with state law, which the City Council considers proper for the government, interest, welfare or good order of the City; and

WHEREAS, the City Council enacted Chapter 117 of the Code of Ordinances, establishing a rental registration process and requiring inspections;

WHEREAS, the City Council finds it necessary to repeal Chapter 117 and establish a new Chapter 97 providing for property maintenance standards by adopting the 2006 International Property Maintenance Code, to include a rental registration process of rental units within the City to ensure that tenants are provided with structures and dwellings that meet City and State life, safety, health, fire and zoning ordinances, regulations and codes.

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

Section 1. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

Section 2. Chapter 117, Title XI of the City of Cockrell Hill Code of Ordinances is hereby repealed in its entirety.

Section 3. The Code of Ordinances of the City of Cockrell Hill be, and the same is, hereby amended by adding a new Title IX, Chapter 97, entitled "Property Maintenance," which shall read as follows:

"CHAPTER 97 PROPERTY MAINTENANCE

§ 97.01 Property Maintenance Code

The 2006 Edition of the International Property Maintenance Code ("IPMC") is hereby adopted and made a part hereof for all purposes, the same as if fully copied in full herein, with the exception of such sections hereof, which are hereafter deleted, modified or amended.

§ 97.02 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, and are in addition to those definitions set forth in section 202 of the IPMC.

BOARDINGHOUSE, ROOMING HOUSE, LODGING HOUSE AND TOURIST HOUSE. Building arranged or used for the lodging, with or without meals, for compensation, by individuals who are not members of the family.

CITY. The City of Cockrell Hill, Texas.

FENCE. Any wall or structure more than 18 inches in height erected or maintained for the purposes of enclosing, screening, restricting access to or decorating the surrounding lot, parcel, building or structures.

FRONT YARD. Open, unoccupied space on a lot facing a street and extending across the front of a lot between the side yard lines.

GRAFFITI. Words, phrases, designs, symbols, letters, or drawings written, painted, or scratched on sidewalks, fences, walls, windows, walls of buildings, trees, or other structures or items.

HIGH-RISK ITEMS. Unsafe or unsanitary plumbing, electrical hazards, unsanitary conditions, missing or inoperable smoke detectors, structural hazards, inadequate heat (as required by the International Building Code), improperly secured premise, inadequate exits.

HOTEL. A room or rooms in any building or structure kept, used, maintained, advertised or held out to the public to be an inn, motel, hotel, apartment hotel, lodging house, boarding house, rooming house, tourist house, dormitory or place, where sleeping, rooming, office, conference or exhibition accommodations are furnished for lease or rent, whether with or without meals.

LANDLORD. Any owner, resident or non-resident, who leases or rents any single family dwelling, two-family dwelling, multifamily dwelling, town home, dormitory, boardinghouse, lodging house, tourist house, rooming unit or combination of any such rental unit as defined herein.

MULTIFAMILY DWELLING. A building or portion thereof containing more than two dwelling units.

NUISANCE. The following shall be defined as nuisances whatever is dangerous to human life or is detrimental to health, as determined by the building official or his designee, including but not limited to the following:

1. Any public nuisance known at common law.
2. Any attractive nuisance which may prove detrimental to children whether in a building, on the premises of a building, or upon an unoccupied lot. This includes any abandoned wells, shafts, basements, or excavations; abandoned refrigerators and motor vehicles; inoperative vehicles; any structurally unsound fences or structures; un-fenced privately owned playground equipment; or any lumber, trash, fences, brush, debris or vegetation which may be hazardous for children;
3. Graffiti of any type;
4. Any high-risk item;
5. Any tree, shrub, or other plant which creates a hazard or risk of damage or destruction to persons or property;
6. Any substandard condition under this chapter.

PERSON. An individual, corporation, partnership or any other group acting as a unit and/or as a legal entity.

PERMANENT RESIDENT. Any person who occupies or has the right to occupy any room or rooms in a hotel or motel for at least thirty (30) consecutive days.

PROPERTY MANAGER. A person other than the owner that has managing control of a rental property.

REAR YARD. A space unoccupied by principle structure extending for the full width of the lot between a principle structure and the rear lot.

RENT. 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 PROPERTY. Any single family dwelling, two-family dwelling, multifamily dwelling, town home, dormitory, boardinghouse, lodging house, tourist house, rooming unit or combination of any such rental unit as defined herein.

RENTAL UNIT. An individual unit within a(n) attached single-family dwelling, two-family dwelling, multifamily dwelling, town home, dormitory, boardinghouse, lodging house, tourist house, rooming house, condominium, or combination of any such dwelling, or portion thereof, or a detached single-family dwelling, that is rented, leased to own with owner financing or similar arrangement in which the title is not transferred or offered for rent.

REPAIR. The replacement of existing work with the same kind of material used in the existing work, not including additional work that would change the structural safety of the building, or that would affect or change required exit facilities, a vital element of an elevator, plumbing, gas piping, wiring or heating installations, or that would be in violation of a provision of law or ordinance. The term "repair" or "repairs" shall not apply to any changes of construction.

REPAIR, FENCE. The construction or repair of fifty percent (50%) or less of the perimeter of an existing fence.

REPLACE, FENCE. The construction, reconfiguration, relocation or repair of fifty percent (50%) or more of the perimeter of an existing fence.

SIDE YARD. An open unoccupied space on the same lot with the building, situated between the building and the side line of the lot, and extending through the street or the front line shall be deemed a side yard.

SINGLE-FAMILY DWELLING, ATTACHED. A building located on a separately platted lot with use and occupancy identical to other single-family dwellings except without the required yard setbacks in front, side or rear. This is a structure that has one or more walls extending from ground to roof separating it from adjoining structures and sometimes referred to as townhouses.

SINGLE-FAMILY DWELLING, DETACHED. A building designed for one family in a single dwelling unit. This shall include manufactured homes as defined herein.

TWO-FAMILY DWELLING (DUPLEX). A building containing two dwelling units.

TRASH AND DEBRIS. All manner of refuse including, but not limited to: mounds of dirt; piles of leaves, grass and weed clippings; paper trash; useless fragments of building material; building materials that have not been in use in over 30 days; rubble; furniture other than furniture designed for outside use; useless household items and appliances; items of salvage, such as scrap metal and wood; old barrels; tires; objects that hold water for an extended time; tree and brush trimmings and other miscellaneous wastes or rejected matter.

VEHICLE. Any and every device in, upon or by which a person or property is or may be transported, drawn or moved upon a street, highway, waterway or airway and shall include but is not limited to any automobile, bus, truck, tractor, motorhouse, farm machinery, motorcycle, scooter, moped, all-terrain vehicle, boat, boat trailer, aircraft, recreational vehicle, golf cart, go-cart, trailer, fifth wheel trailer, camper, camper shell, wheeled towing frame, semi-tractor, semi-tractor trailer, truck bed mounted on a chassis and mobile home. This definition does not include non-motorized bicycles, small engine lawn mowers and devices of similar scale.

VEHICLE, INOPERATIVE. A vehicle without a motor, including but not limited to trailers, campers, camper shells, and wheeled towing frames, that is not in operating condition because it is wrecked, dismantled, partially dismantled, dilapidated or has one or more flat tires.

VEHICLE, SPECIAL. A vehicle designed and used primarily for recreational uses. A special vehicle shall be, but is not limited to, the following: motor home, motorhouse, camper, camper shell, boat on or off of a trailer, recreational vehicle, fifth wheel trailer or any similar vehicle.

VEHICLE, UTILITY. A vehicle designed and used primarily for utilitarian uses. A utility vehicle shall be, but is not limited to, the following: trailer, tractor, farm machinery, boat trailer without a boat, truck bed mounted on a chassis, wheeled towing frame, utility trailer, boxed trailer, flat-bed trailer, car carrier, panel truck or other similar vehicle.

URBAN NUISANCE. A premises or structure that is dilapidated, substandard, or unfit for human habitation and a hazard to the public health, safety, and welfare; regardless of its structural condition, is unoccupied by its owner, lessees, or other invitees and is unsecured from unauthorized entry to the extent that it could be entered or used by vagrants or other uninvited persons as a place of harborage or could be entered or used by children; or boarded up, fenced, or otherwise secured in any manner if: the structure constitutes a danger to the public even though secured from entry; or the means used to secure the structure are inadequate to prevent unauthorized entry or use of the structure.

§ 97.03 Amendments.

The following sections of the IPMC are hereby amended to read as follows:

1. Section 101.1 shall be amended to read as follows:

101.1 Title. These regulations shall be known as the Property Maintenance Code of City of Cockrell Hill, hereinafter referred to as "this code."

2. Section 102.3 shall be amended to read as follows:

102.3 Application of other codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the International Building Code, International Fuel Gas Code, International Mechanical Code and NFPA 70, as set forth in section 150.01 of the Code of Ordinances. Nothing in this code shall be construed to cancel, modify or set aside any provision of the City of Cockrell Hill Zoning Ordinance or the City of Cockrell Hill Code of Ordinances, as each may be amended from time to time. In the event of a conflict between the City's Code of Ordinances, as amended, and this code, the more restrictive provision shall apply.

3. Section 103.1 shall be amended to read as follows:

103.1 General. The department of property maintenance inspection, also referred to as the Building Inspection Department of the City of Cockrell Hill ("department"),

Hereinafter is hereby created and the executive official in charge thereof shall be known as the code official.

4. Section 103.5 shall be amended to read as follows:

103.5 Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as indicated in the fee schedule as established by resolution of the City of Cockrell Hill; such fees shall be charged for compliance with this code.

5. Section 107.1 shall be amended to read as follows:

107.1 Notice to owner(s) or to person(s) responsible. Whenever the code official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Sections 107.2 and 107.3 to the owner(s) or to person(s) responsible for the violation as specified in this code. Notices for condemnation procedures shall also comply with Section 108.3.

6. Section 107.3 shall be amended to read as follows:

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

1. Delivered personally; or
2. Posting a notice of violation in a conspicuous place in or about the structure or on a placard attached to a stake driven into the ground on the property to which the violation relates, if the property contains no buildings; or
3. Sent certified or first class mail addressed to the last known address; or
4. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.

7. Section 111.1 shall be amended to read as follows:

111.1 Application for appeal. Any person directly affected by a decision of the building official or a notice or order issued under this code shall have the right to appeal to the board of adjustments prior to the expiration of the period for compliance in said order. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted there under 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. There shall be a filing fee for an appeal to board of adjustments in an amount determined from time to time by resolution of the city council.

8. Sections 111.2 through 111.8 shall be deleted.

9. Section 112.4 shall be amended to read as follows:

112.4 Failure to comply. 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 liable to a fine of not less than the amount of the permit fee required by code and not to exceed Two Thousand Dollars (\$2,000.00) per occurrence.

10. Section 302.2 shall be amended to read as follows:

302.2 Grading and drainage. All 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. Furthermore, no filling, excavation or other improvement shall be performed or constructed on any property which will have an adverse effect on an existing drainage pattern on an adjacent property.

Exception: Approved retention areas and reservoirs.

11. Section 302.3 shall be amended to read as follows:

302.3 Sidewalks and driveways. 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, mud, debris, frozen precipitation or other obstruction that would impair or prevent their use.

12. Section 302.4 shall be amended to read as follows:

302.4 Weed(s), brush and other material over 12 inches high. It shall be unlawful for any person owning or occupying any real property within the corporate limits of the city to permit weed(s) or any other combustible material to grow to a height greater than 12 inches upon any such real property including but not limited to alleys, city right-of-way and utility easements. All vegetation, not regularly cultivated, and which exceeds 12 inches in height shall be presumed to be a fire hazard and constitute a nuisance.

Exception: With respect to lots, tracts or parcels of land designated for agricultural use by the appropriate County Appraisal District and/or lots, tracts or parcels zoned Agricultural District as per the City of Cockrell Hill Zoning Map, the provisions of this section shall not apply to any area greater than 50 feet from any property line and right-of-way line of such street or thoroughfare. Furthermore, crop shall not grow to a height greater than 4 feet.

13. Add Sections 302.4.1 thru 302.4.11 to read as follows:

302.4.1 Groundcover. All groundcover including but not limited to grass, weed(s), ivy, and other decorative groundcovers shall be maintained by mowing, trimming, and/or edging so as to be in conformance with Section 302.4 of this section and shall be maintained so as not to encroach over the edge of sidewalks, pedestrian ways, driveways, flatwork, curbs, and street pavement. This shall not preclude the use of permeable pavement or permeable flatwork techniques that incorporate groundcover in their design provided the areas are maintained in accordance with this section.

302.4.2 Objectionable matter. It shall be the lawful duty of any person owning or occupying real property, within the corporate limits of the city, to keep such property free from rubbish, and other objectionable, unsightly, or unsanitary manner. It shall further be the lawful duty of any person owning any building, establishment, or real property, to keep such improvements or property free from filth, carrion, or other impure or unwholesome matter.

302.4.3 Stagnant water. It shall be unlawful for any person owning or occupying real property, within the corporate limits of the city, to permit stagnant water therein, and it shall be the duty of said persons to fill up, drain, or regrade any lot, ground or yard which has stagnant water therein.

302.4.4 Notice to owner(s) or to person(s). Notice shall be given in the manner prescribed in Sections 107.2 and 107.3 to the owner(s) or to person(s) responsible for the violation as specified in this code.

302.4.5 Subsequent violations within one year. The city, in the notice of violation, may inform the owner(s) or person(s) responsible in the manner prescribed in Sections 107.2 and 107.3 that if the owner commits another violation of the same kind or nature that poses a danger to the public health and safety on or before the first anniversary of the date of the notice, the city without further notice may correct the violation at the owners expense and assess the expense against the property. If a violation covered by a notice under this subsection occurs within the one year period, and the city has not been informed in writing by the owner of an ownership change, then the city without notice may take any action permitted by this code and assess expenses as provided by this code.

302.4.6 City may perform work and charge expenses. If the owner or occupant of property in the city does not comply with a requirement in this code within ten days of notice of a violation, the city may do the work or make the improvements required and pay for the work done and improvements made and charge the expenses to the owner of the property. The expenses incurred by the city, with city council approval, pursuant to the correcting of conditions as set forth in this code, shall be assessed against the real estate on which the work is done or improvements made.

302.4.7 Expenses of compliance. In the event that it becomes necessary for the city to go onto property and do, or cause to be done, the work necessary to compel compliance with the requirements of this code, the following expenses shall be charged, levied, assessed and collected against such property:

1. Actual costs of necessary work;
2. \$100.00 administrative fee; and
3. Ten percent interest per year.

302.4.8 Assessments of expenses. In the event the owners of premises upon which work was performed by the city and charges incurred, fails or refuses to pay such charges and expenses within 60 days after the work was done, the city tax assessor and collector shall file with the county clerk of Dallas County a lien statement which describes the expenses the city has incurred pursuant to the provision of this code, the name of the owner, if known, and the legal description of the property. This lien is security for the expenditures made and interest occurring at the rate of ten percent on the amount due from the date of payment by the municipality. This lien is inferior only to tax liens and liens for street improvements.

302.4.9 Foreclosure. The city may bring a suit for foreclosure in the name of the city to recover the expenditures and interest due in any lien obtained pursuant to this code.

302.4.10 Additional authority to abate dangerous weed(s).

302.4.10.1 Notwithstanding the other provisions to this code, the city may abate, without notice, weed(s) that have grown higher than 48 inches and are an immediate danger to the health, life, or safety of any person.

302.4.10.2 If the city abates weed(s) under this section, the city shall give notice to the property owner in a manner required by Sections 107.2 and 107.3 not later than the tenth day after the date that the city abates weed(s) under this section. This notice shall contain:

- a. An identification, which is not required to be a legal description, of the property;
- b. A description of the violations of the ordinance that occurred on the property;
- c. A statement that the city abated the weeds; and
- d. An explanation of the property owner's right to request an administrative hearing about the city abatement of the weeds.

302.4.10.3 The city shall conduct an administrative hearing on the abatement of weeds under this section if, not later than the 30th day after the date of the abatement of the weed(s), the property owner files with the city a written request for a hearing.

302.4.10.4 An administrative hearing conducted under this section shall be conducted no later than the 20th day after the date a request for hearing is filed. The owner may testify or present any witnesses or written information relating to the city's abatement of the weed(s).

302.4.10.5 Expenses under this section may be assessed in liens created under the same conditions expressed in this code. The grant of authority in this section is in addition to all other powers granted by this code.

302.4.11 Maintenance of subdivision. Within the boundaries of a subdivision plat, the homeowner's association shall be responsible for maintaining all common areas, and shall be considered the owner or occupant of the common areas for purposes of this code.

14. Section 302.7 shall be amended to read as follows:

Section 302.7 Accessory structures. All accessory structures, including detached garages, carports, awnings, patio covers, sheds, storage buildings, retaining walls, fences and walls, shall be maintained structurally sound and in good repair.

15. Add Sections 302.7.1 and 302.7.2 to read as follows:

Section 302.7.1 Portable storage container(s) and/or unit(s). It shall be unlawful for any person, occupant, or owner to place on any public street or city right-of-way a portable storage container(s) and/or unit(s) including, but not limited to, PODS, Mobile Mini, Smart Box, and Mini Storage units. Furthermore, such portable storage container(s) and/or unit(s) shall not be placed on any property within the City for a period longer than forty-five (45) consecutive days.

Section 302.7.2 Fences and retaining walls. All fences and retaining walls shall be maintained reasonably plumb and structurally sound. Fences and retaining walls that are broken, loose, damaged, missing parts (i.e. pickets, slates, posts, wood rails, brick, and panels) shall be repaired, replaced or removed. Each structural and decorative member of a fence or a retaining wall shall be free of deterioration and be compatible in size, material, and appearance with the remainder of the fence or retaining wall. A fence or retaining wall that has deteriorated to a condition that is likely to fall or if any portion of the fence is more than 15 degrees out of vertical alignment shall be repaired, replaced, or removed. Fences or retaining walls shall not be externally braced in lieu of replacing or repairing steel posts, columns, or other structural members.

16. Add Section 302.8.1 to read as follows:

Section 302.8.1 Parking regulations. No vehicle, special vehicle, and/or utility vehicle shall be parked on any lot unless parked on an approved surface as determined by the building official. Certain vehicles, such as, but not limited to any trailer, boat, boat trailer, stock trailer, camper trailer, semitrailer, mobile home, truck tractor, recreational vehicle

or bus shall not be parked on any public street within any residential area of the city for a period longer than two hours.

17. Add Section 302.10 to read as follows:

Section 302.10 Glare. Exterior lights placed or erected on private property shall be shielded, placed or erected so as not to create a traffic hazard or a public nuisance.

18. Add Section 302.11 to read as follows:

Section 302.11 Trees, shrubs and plants. Trees, shrubs, and plants shall not obstruct the access to or from any door or window of any structure which is used, or is required by the City Code of Ordinances or City Zoning Ordinance, as each may be amended, to be used, for ingress or egress. Trees, shrubs, or plants that are dead and/or which are hazardous to persons or property shall be removed. Foliage of hedges, trees, and shrubs in public rights-of-way shall be maintained by the property owner adjacent to the right-of-way, such that the minimum overhang above a sidewalk shall be seven (7) feet. The minimum overhang above a street, alley, or public driveway shall be fourteen (14) feet.

19. Add Section 302.12 to read as follows:

Section 302.12. Nuisances. All properties shall be maintained free of any type of nuisance.

20. Add Section 302.13 to read as follows:

Section 302.13 Erosion Control. The unpaved areas of property shall be maintained with grass, ground cover, or other type of landscaping to such an extent that the soil, when wet, will not be picked up and spread to sidewalks or adjacent private or public property and is not subject to erosion during rains.

21. Add Section 302.14 to read as follows:

Section 302.14 Antennas, towers, stacks, etc. Antennas, towers, stacks, satellite dishes, and similar structures must be maintained structurally sound, free of deterioration, firmly secured, and must comply with applicable requirements of the City Zoning Ordinance, as amended.

22. Add Section 302.15 to read as follows:

Section 302.15 Residential Outside Storage. It shall be unlawful for any person to allow, permit, conduct or maintain any outside storage on any portion of a lot or tract, unless screened from public view. Prohibited outside storage shall include, but is not limited to, the following: Building and landscape material (exception: allowed only during an active remodeling permit) including firewood, chemicals; items associated with a home occupation; or other matter associated with nonresidential activity, appliances and

or furniture not designed for outdoor use; appliances designed for outdoor use but not currently installed; tools, equipment not connected with a residential use; lawn maintenance equipment; motor vehicle parts and/or accessories; other items or personal property which are not customarily used or stored outside and which are not made of a material that is resistant to damage or deterioration from exposure to the outside environment; or trash, garbage or other refuse.

23. Section 304.3 shall be amended to read as follows:

Section 304.3 Premises identification. [F] Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property and rear alleyway where such alleyway exists. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm)

24. Section 304.15 Doors shall be amended to read as follows:

Section 304.15 Doors. All exterior doors, garage doors, door assemblies 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 702.3.

25. Add Section 304.19 Burglar bars to read as follows:

Section 304.19 Burglar bars. Burglar bars shall comply with requirements of the building code and other codes or ordinances of the city. Burglar bars on windows of bedrooms of residential structures shall be constructed and mounted in such a way so as to be operable and openable from the interior of the residence.

§ 97.04 Rental Registration Program.

A. General. The City of Cockrell Hill recognizes a need for an organized inspection program of residential rental units within the city in order to upgrade rental units to meet city and state life safety, health, fire and zoning codes within the city and to provide a more efficient system for compelling both absentee and local landlords to correct violations and to maintain, in proper condition, rental property within the city. The city recognizes that the most efficient system to provide for rental inspections is the creation of a program requiring the registration of all residential rental units within the city so that orderly inspection schedules can be made by city officials.

B. Registration requirements. No person shall hereafter occupy, allow to be occupied or let to another person for occupancy any residential rental property within the city for which a registration statement has not been properly made and filed with the building inspection department of the city. Registration shall be made upon forms furnished by the city for such purpose and shall specifically require the following minimum information:

1. Name, address and phone number of the property owner.
2. Name, address and phone number of the designated local property manager if the property owner lives outside the metropolitan area.
3. The street address of the rental property.
4. The number and types of units within the rental property (dwelling units or sleeping rooms).
5. The maximum number of occupants permitted for each dwelling unit or sleeping room.
6. The name, phone number and address of the person authorized to make or order repairs or services for the property, if in violation of city or state codes, if the person is different than the owner or local manager.
7. The rental role with the name of each occupant.

C. Manner of registering. The registration must be made on or before January 30th, and annually thereafter by the property owner or designated local property manager in the office of the building inspection department of the city.

D. Transfer of property. Every new owner of rental property (whether as fee owner or contract purchaser) shall be required to furnish to the building inspection department the new owner's name, address and phone number and the name, address and phone number of the owner's designated local manager before taking possession of the rental property. No registration fee shall be required of the new owner during the year in which possession takes place provided that the previous owner has paid all registration fees and has complied with all requirements of this chapter and any notices from the city concerning violations of health, zoning, fire or safety codes of the city. If any change in the type of occupancy as originally registered is contemplated by the new owner, a new registration statement will be required.

E. Inspection required. All rental units that rent to permanent residents and dormitories shall be inspected systematically for compliance with this chapter and all other applicable laws.

Exception: The provisions of this section shall not apply to:

1. Dwellings, buildings, structures and uses owned and operated by any governmental agency;
2. Dwellings, buildings, structures and uses licensed and inspected by the state;
3. Hotels that do not rent to permanent residents;

- 4 Where a nonresidential business or activity, or a state-licensed and state-inspected use occupies a portion of a building and premises which would be otherwise subject to this chapter, the provisions of this chapter shall be applicable to the residential and common or public areas of such building and premises.

F. Frequency of inspections. All rental units subject to this chapter shall be inspected at least once every two years.

G. Inspection of multifamily: An annual inspection shall be conducted of each multifamily dwelling as follows: ten percent (10%) of the entire multifamily dwelling for multifamily dwellings with more than five (5) rental units and fifty percent (50%) of the entire multifamily dwelling for multifamily dwellings with less than five (5) rental units. As a result of such inspection, a list of all violations found in each rental unit, if any, shall be maintained by the inspection department. For each additional rental unit that fails due to a high risk item, one additional rental unit will be inspected. Any re-inspection shall require an additional fee as established by resolution of the City Council. High risk item re-inspections shall be conducted within three business days.

H. Rental Registration Certificate required. No person shall rent, lease or let for occupancy any dwelling subject to this division without having a valid, current rental registration certificate for that dwelling.

I. Inspection procedure. If, upon completion of the inspection, the premises are found to be in compliance with all applicable city codes and ordinance and the appropriate fee has been paid, the city shall issue a rental registration certificate for the premises. However, if, upon completion of the inspection, the premises are found to be in violation of one or more provisions of applicable city codes and ordinances, the city shall provide written notice of such violation and shall set a re-inspection date before which such violation shall be corrected. If such violation has been corrected within that period, the city shall issue a rental registration certificate for the premises. If such violations have not been corrected within that period, the city shall not issue the rental registration certificate and may take any action necessary to enforce compliance with applicable city codes and ordinances. If such uncorrected violations do not pose an immediate threat to the health, safety, and welfare of the occupants, the city manager or designee may authorize the occupancy of the premises for a period not to exceed 90 days.

J. Request for inspection. The owner or occupant of any dwelling subject to this section 97.04 may request inspections of said dwelling at any time.

K. Certificate expiration date. The rental registration certificate issued pursuant to this division shall expire two years from the date of the inspection. The rental registration certificate shall have the expiration date prominently displayed on its face.

L. Certificate transferability. A rental registration certificate issued pursuant to this division shall be transferable to succeeding owners; provided that within five days of the transfer, the transferor shall provide written notice of said transfer to the Building Official or

designee. Such notice shall contain the name and address of the succeeding owners. The failure to provide such notice may result in the suspension or revocation of the certificate of occupancy.

M. Certificate availability. Upon the request of an existing or prospective tenant, the owner or the owner's agent shall produce the rental registration certificate.

N. Suspension or revocation of certificate. If the Building Official or designee, after a hearing before the City Council of Cockrell Hill determines that any person has failed to comply with this chapter or any applicable city code or ordinance, the Building Official or designee may suspend or revoke the rental registration certificate held by that person. Such a hearing shall be held not less than seven calendar days after notice of time, place, and subject of the hearing has been sent to the certificate holder at the holder's last known address or business address. The city's representative shall present evidence in support of the suspension or revocation, and the certificate holder shall be permitted to rebut such evidence and present any other evidence that is, in the discretion of the City Council of Cockrell Hill, relevant and material. Based upon the evidence presented at the hearing, City Council of Cockrell Hill will direct the building official to issue a written decision. The suspension or revocation of any rental registration certificate shall not release or discharge the certificate holder from paying any fees due to the city, nor shall such certificate holder be released from prosecution for violating any code or ordinance.

O. Maintenance of records. All records, files, and documents pertaining to this chapter shall be maintained by the building inspection department and made available to the public as allowed or required by state law or city ordinance.

P. Exemptions. The provisions of this section shall not apply to hospital units, nursing units or retirement-home units licensed by the state located within the city, all of which shall be specifically exempt from registration under this section.

Q. Fees. A fee schedule as established by resolution of the city shall be charged for compliance with this chapter.

R. Nuisance, injunction. Any violation of this chapter is hereby declared to be a nuisance. In addition to any other relief provided by this chapter, the city attorney may apply to a court of competent jurisdiction for an injunction to prohibit the continuation of any violation of this chapter. Such application for relief may include seeking a temporary restraining order, temporary injunction and permanent injunction.

S. Other actions, prosecution, court cases. Nothing in this chapter shall prevent the city from taking action under any of its city fire, housing, zoning or other health safety codes for violations thereof to seek injunctive relief or criminal prosecution of such violations in accordance with the terms and conditions of the particular ordinance or code under which the city would proceed against the property owner, designated property manager or occupant of any rental unit covered by this section."

Section 4. If any section, article paragraph, sentence, clause, phrase or word in this Ordinance, or application thereto any persons 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 5. 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 6. Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction in the municipal court of the City of Cockrell Hill, Texas, shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense. Every day a violation occurs shall constitute a separate offense.

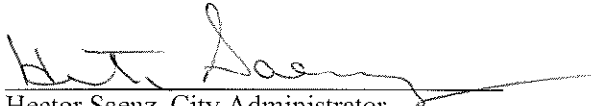
Section 7. This Ordinance shall become effective from and after its date of passage and publication in accordance with law.

PASSED AND APPROVED the 22 day of March, 2011.



Luis Carrera, Mayor
City of Cockrell Hill, Texas

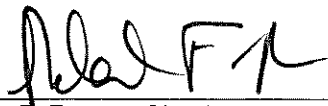
ATTEST:



Hector Saenz, City Administrator
City of Cockrell Hill, Texas

[SEAL]

APPROVED AS TO FORM:



Robert F. Brown, City Attorney
City of Cockrell Hill, Texas