



City of Lake Dallas

Rental Registration Program Committee

City Hall

212 Main Street, Lake Dallas, TX 75065

This meeting will be conducted via teleconference

Wednesday, May 26, 2020 at 6:00 p.m.

Pursuant to Governor Greg Abbott's temporary suspension of various provisions of the Texas Open Meetings Act, and in an effort to protect the health and safety of the public, members of the public will not be admitted to the meeting room to attend the meeting. Members of the public who desire to listen to proceedings of the meeting may dial the following toll-free number and, when prompted, enter the following Meeting ID #, beginning at 5:45 p.m. to join the meeting:

Toll Free Number: 877 853 5257
Meeting ID#: 814 0553 7042
Password: 984275

Any person wishing to provide comments during Item 2 – Citizen Agenda & Public Comment, or on any matter to be considered on this agenda, should email such comments to the City Secretary at cdelcambre@lakedallas.com by 2:00 p.m. on Wednesday, May 26, 2020.

Agenda

1. **Call to Order and Determination of Quorum.**
2. **Citizen Agenda & Public Comment.**
An opportunity for citizens to address the Rental Registration Program Committee on matters which are not scheduled for consideration by the Rental Registration Program Committee. In order to address the Committee, please send your comments to the City Secretary before 2:00 p.m. on the date of this meeting. Comments sent by e-mail will be read aloud so that they are included in the recorded record of the meeting. In keeping with the Committee's procedures for limiting speaking time to five (5) minutes per speaker, any written comments provided for this item should be kept short enough so that they can be read aloud in five (5) minutes or less.
3. **Receive a report, hold a discussion, and Act on the recommendation of revisions to Chapter 22, Article II "MINIMUM HOUSING AND BUILDING STANDARDS CODE" of the City Code of Ordinances.**

- 4. Receive a report, hold a discussion, and Act on the recommendation of implementing a Rental Registration Program.**
- 5. Announcements and Future Agenda Items**
- 6. Adjournment of Regular Meeting**

I certify that the above notice of this meeting was posted on the bulletin board at City Hall of the City of Lake Dallas, Texas on or before May 21, 2020 at 5:00 p.m.



Codi Delcambre, City Secretary

If you plan to attend this public meeting and you have a disability that requires special arrangements, please contact City Secretary's Office at (940) 497-2226 ext. 102 or fax (940) 497-4485 at least two (2) working days prior to the meeting so that appropriate arrangements can be made.



Rental Registration Program Proposal

DESCRIPTION:

Receive a report and hold a discussion regarding the proposal of a Rental Registration Program for the City of Lake Dallas, Texas.

BACKGROUND INFORMATION:

According to the Home Rule Charter, the City of Lake Dallas has the power to pass and enforce ordinances that may be expedient for the protection and maintenance of good government, the peace and welfare of the city, the performance of functions of the city and the order and security of the residents of the city as per Article 2, Section 2.01(11). The City Council has the authority to provide by ordinance for the exercise of the police powers of the city, as per Article 3, Section 3.07(11). Police Power is the inherent power of a government to exercise reasonable control over persons and property within its jurisdiction in the interest of the general security, health, safety, morals, and welfare except where legally prohibited. Although the City of Lake Dallas Vision 2030 Comprehensive Plan does not explicitly call for a rental registration program, it does call for the consideration of an advocacy program to aid code compliance to assist in improving the neighborhoods within the City of Lake Dallas. The two sections of the City of Lake Dallas' Home Rule Charter provide the authority of the City to pursue a proposal for a rental registration program.

The Rental Registration Program is an efficient and useful tool for identifying and remedying dangerous code violations in rental properties. Rental registration programs require non-owner-occupied rental properties to register with the city by submitting a simple form identifying basic information about the property, such as how to reach the landlord in the event of an emergency. A nominal annual fee is typically required as part of the registration to recover costs. The City then inspects each property/unit according to an inspection checklist, checking for major code violations and life-threatening conditions.

Codes such as those found in the 2015 International Property Maintenance Code (IPMC), will need to be adopted for the Rental Registration Program. The IPMC has been adopted by several cities to protect the health, safety, and welfare of the citizens of the city by establishing minimum standards and regulations on the maintenance of structures, buildings and properties within the

city. Minimum standards are established with respect to utilities, facilities, and other physical components essential to make structures safe, sanitary, and fit for human use and habitation. The Rental Registration Program gives municipal inspectors the authority to enforce minimum standards for the exterior of all properties, and the interior of rental residential units. Rental residential properties that fail the initial inspection are subject to re-inspections.

Without a mechanism in place to proactively conduct interior inspections and identify the most dangerous properties, code compliance officers must rely on a complaint driven inspection process—a strategy that has proven to be ineffective. This is especially the case in communities with large low-income, immigrant populations, since these tenants are more likely to avoid reporting code violations for fear of retaliation¹.

One of the lessons localities have drawn from the foreclosure crisis is that it is crucial to prevent concentration of blighted properties, in part because poorly maintained, substandard housing can have a negative effect on neighboring property values. By addressing housing conditions proactively, and by quickly identifying and targeting exterior substandard conditions alongside interior code violations, proactive rental registration programs can ensure that properties don't become blighted, thereby preserving property values. From a financial standpoint, this benefits landlords, property owners and homeowners.

Upon reviewing best practices nationwide, most of the registration programs in the U.S. require mandatory registration and inspections of all rental properties or a subset of the properties, regardless of whether the properties have a history of code violations. The Landlords, tenants and the community will benefit by²:

- Documenting and recording the conditions of the rental properties.
- Educating owners and tenants about their rights and responsibilities
- Insuring that tenants are provided with basic safe and sanitary housing.
- Promoting healthy homes that can protect children and seniors.
- Identifying dangerous structures and eliminating hazards.

PUBLIC MEETINGS

Staff researched multiple existing, successful programs in drafting the proposed Rental Registration Program. Staff also held two meetings, on January 19 and 21, to share the proposed program with stakeholders to gather input on the proposed program. Both meetings were well attended by property managers, landlords and a couple of tenants. During the meetings staff presented the reason for the request for the proposed rental registration program, the components of the program, proposed fees for registration and inspection, and the benefits for the rental registration program. After staff's presentation, the participants of the meeting

¹ An Analysis of Rental Property Registration in Austin, TX

² Community Development Clinic, Texas Problem Properties Toolkit: A Resource to Help Texas Communities Address Problems Created by Vacant and Abandoned Properties

provided feedback, concerns and questions. The information below was gathered from both public meetings.

REGISTRATION:

- A registration program is not needed because the City can figure out who the landlords are in the City.

INSPECTION:

- It is not fair that to single family property owners that the city is proposing to inspect only 10% of multi-family apartments.
- Units should only be inspected when the tenet moves into the building.
- Landlord does not want the City to inspect the rental properties.
- Landlords are concerned that the renters destroy property and do not have to pay for repairs.
- Not in favor of the city inspecting units that have been built to code or that are currently occupied.
- An inspection should only be triggered at the change of tenancy.
- Section 22 already covers the minimum standards in Lake Dallas. Why is the program needed?

FEES:

- The program is too complex and should be simplified and be more affordable to landowners.
- The fees should be \$8.00 Complaint based fees for registration.
- The proposed fees are aggressive.
- Charge \$5.00 an inspection. Not every year.
- How will the program affect current rents? Will my rent go up?

GENERIC PROGRAM COMMENTS:

- The City should form a committee with landlords, tenants to get more input on the creation of the program.
- Renters should be allowed to participate in a forum to discuss their view on the rental registration program.
- The one code officer that the City has is already being overworked. Another task will require another code officer or new employee.
- The City of Seattle is currently being sued in a class action lawsuit due to their rental registration program which allows inspectors to inspect a property without a warrant. The Institute for Justice suit isn't challenging the ability to have such a system, or to enter into a unit when they have suspicion of a problem. The issue is that, as it's written now, the statue allows inspectors to enter a perfectly fine unit with no just cause; there's no intervening presence of a judicial officer to judge if the city has a reason to enter someone's home without their consent.
- The City of Lake Dallas does not need any more laws to enforce.

- The City of Lake Dallas should be bringing businesses into the City, not additional programs.
- The City should share information in Spanish, not only English.
- The program can help landlords by making them aware of landlord/tenant laws. The City needs to include these laws into the rental registration program.
- A proposal was that the landlords can take pictures of their properties and if the City gets a complaint then the City can contact the property owner and the property owner can share the pictures with the city instead of having a new program started.
- As a tenant, the program is aggressive. The current codes address tenant/landlord issues. More communication is needed between tenants and landlords.
- The City of Lake Dallas is already known as being difficult to deal with. This program will reinforce that thought.
- The program has been in the works for quite some time and none of the landlords were notified until now is of great concern and not close to good ethics and planning. Nor is it fair to landlords.

PROPOSED RENTAL REGISTRATION PROGRAM

Staff recommends a Rental Registration Program that:

- Requires the registration and inspection of all single-family, duplex, manufactured housing and multi-family rental residential units in the city.
- Only ten percent (10%) of the units in multi-family properties will be required to be inspected annually (this is recommended due to staffing constraints).

REGISTRATION REQUIRED

Every residential rental property in the City must be registered and have a Rental Permit issued before it can be legally occupied. This includes all single family, two-family, manufactured housing rental units and multi-family rental buildings. Registration fees are annual, unless the property qualifies for the no impact registration program and at that point the property will not have to register the next year. Properties must register yearly, upon change in ownership or tenancy. Permits are good for one calendar year, expiring on the last day of the registration month in which the permit was issued. Rental property owners are responsible for renewing their permits prior to the expiration of the permit. Permits not renewed within the last day of the registration month will be subject to a late fee. Permits may be suspended or revoked for failure to maintain the property to the required standards. Permits may not be transferred between properties. Permits are valid only for the unit for which it issued.

INSPECTIONS

Upon tenant change-out, each rental unit is subject to a health and safety inspection performed by an inspector. Inspections will be conducted by the Code Compliance Officer. The property owner or agent is responsible for scheduling the health and safety inspection with the

Department of Development Services. The scope of the inspection will include a visual inspection of the exterior of the structure and the interior of the structure. The inspection must be scheduled and completed within 30 days of the new occupancy or utility service activation via Lake Cities Municipal Utility Authority (LCMUA).

If a condition is believed to exist that requires attention, the City will contact the property owner or the property owner's agent and request that the condition be corrected. All contact should be made according to Chapter 92 of the Texas Property Code. All corrections must be completed in a reasonable time. If corrections are not made then a citation can be issued to the property owner.

RENTAL REGISTRATION AND INSPECTION FEES

Residential rental dwelling unit registration fees:

- Initial Annual Registration fee is free for the first 90 days of the initiation of the Program
- Single-Family Dwelling Units – \$50.00
- Duplexes – \$50.00
- Manufactured Housing – \$50.00
- Multifamily rental units containing 3 and more dwelling units – \$50.00 X (10% of the units)
- Late registration fee (per rental unit) – \$100.00.

Residential property inspection fees:

- Initial Inspection – NO CHARGE
- 1st Re-inspection – NO CHARGE
- Each violation identified after 2nd Re-inspection – \$120.00
- No Inspection fee will be charged if an inspection is conducted and no violations are found.

NO IMPACT REGISTRATION STATUS

Well-maintained rental property with no outstanding violations of any applicable laws may qualify to participate in a No Impact Registration Status. Qualifying properties will not be subject to inspections for a calendar year after the first year of mandatory inspection, if conditions of the rental property do not deteriorate during that time to the point where the rental property would no longer meet eligibility standards for the No Impact Registration Status. This program serves two purposes: It strategically allocates the city's limited resources to those properties that are most in need of inspections. It also serves as an incentive for property owners to ensure that their property complies with applicable codes. Every two (2) years the property must register and the exterior be inspected again.

RIGHTS AND RESPONSIBILITIES OF THE LANDLORD AND TENANT

Landlord and Tenant Rights and Responsibilities are spelled out in the Texas Property Code, Chapter 92. Landlords have a legal obligation to ensure their rental properties do not pose a

threat to the tenants' health or safety. If a landlord fails to repair problems that impact their tenants' health, safety or security in a reasonable time (generally 7 days), tenants must follow specific steps to seek a remedy. Tenants shall ensure that the part of the property which the tenant occupies or controls is maintained in a clean and sanitary condition and shall take reasonable precautions to prevent damage to the property.

EXAMPLES OF SUBSTANDARD CONDITIONS



Walkway to 2nd floor becoming detached from support posts



Mold on interior walls and floors



Missing tiles, rotting wall, mildew and mold

EXAMPLE OF COMMON INSPECTION ITEMS

The inspector will look for the following common items during inspections:

All Areas:

- No holes in walls, floors or ceilings
- Walls and roof in good structural condition
- No conditions exist that would materially affect the physical health or safety of an ordinary tenant
- Weed and trash issues
- Exit doors and emergency rescue openings, such as bedroom windows, must be operable from the inside without a key, card or special tool or knowledge

Electrical:

- Light Fixtures Operational
- Electrical Outlets have cover plates
- No bare light bulbs
- No extension cords used as permanent wiring
- No bare wires
- Electrical Panels labeled, have access and no apparent damage
- GFI plugs in exterior, garage, kitchen and washrooms

Plumbing:

- Operational water heater
- *(Must be capable of delivering water at a temperature of at least 120° F and have working T&P valve, pan and drains)*
- Operational bathtub/shower, toilet, sinks with no leaks
- *(Hot and cold water must be supplied to all fixtures, except toilet, which requires only cold water)*

Bedrooms:

- Operational smoke alarms inside all bedrooms and outside sleeping areas with a minimum of one alarm on each floor 2nd point of exit from bedrooms through windows of adequate size without permanent bars

Heating:

- Operational Heating Equipment

Building Exterior:

- Roof and Gutters in good condition
- Good condition of paint (no peeling paint)
- Exterior doors are weather tight and lockable
- Any garage door electric openers must have safety switch
- Windows are free of cracks, weather tight and lockable

Property Maintenance:

- Fence in good condition (not rotted and not leaning)
- Accessory structures structurally sound
- No large accumulation of trash and debris
- Driveway is in good repair
- No infestation of insects and rodents
- No rotten or unprotected wood on exterior surfaces
- No significant trip hazards in driveway or sidewalk
- Swimming pools, hot tubs and spas:
 - *Fences and gates must meet code requirement*
 - *Alarm on door to pool, hot tub or spa area*
- *Water cannot be stagnant*

Staff has found some issues and challenges with the proposed program based on input received at the public meetings. For example, requiring the inspection of an occupied unit could pose some problems for the City, property owner and tenant. Staff will continue to reach out to stakeholders as we refine the proposed program. Staff is seeking council direction on next steps for the proposed program.

FINANCIAL CONSIDERATION:

None, discussion only

RECOMMENDED MOTIONS:

None, discussion only

ATTACHMENT(S):

None

CITY STAFF – PROPOSED CHAPTER 22 REDLINE REVISIONS

ARTICLE II. MINIMUM HOUSING AND BUILDING STANDARDS CODE

DIVISION 1. GENERALLY

Sec. 22-31. Legislative finding of fact.

It is found and declared that there exists in the city structures used for human habitation and nonresidential purposes which are and may become in the future substandard with respect to structure, equipment or maintenance, and further that such conditions, together with inadequate provision for light and air, insufficient protection against fire hazards, lack of proper heating, insanitary conditions, and overcrowding, constitute a menace to the health, safety, morals, welfare and reasonable comfort of its citizens. It is further found and declared that the existence of such conditions, factors or characteristics will, if not remedied, create slum and blighted areas requiring large-scale clearance, and further that, in the absence of corrective measures, such areas will experience a deterioration of social values, a curtailment of investment and tax revenue, and an impairment of economic values. It is further found and declared that the establishment and maintenance of minimum structural and environmental standards are essential to the prevention of blight and decay and the safeguarding of public health, safety, morals and welfare. (Ordinance 193, part 1, sec. 2, 1985; Code 1989, sec. 15.12.020)

Commented [DR1]: DELETE – UNNECESSARY

Sec. 22-32. Purpose.

(a) The purpose of this article is to:

- (1) Protect the public health, safety, morals and welfare of the citizens of the city by establishing minimum standards governing the construction, use, occupancy and maintenance of dwellings, dwelling units, roominghouses, rooming units, premises and all nonresidential structures;
- (2) Establish minimum standards governing utilities, facilities and other physical components and conditions essential to make dwellings, dwelling units, roominghouses, rooming units, and all nonresidential structures and premises safe, sanitary, and fit for human use and habitation;
- (3) Fix certain responsibilities and duties of owners, operators, agents and occupants of dwellings, dwelling units, roominghouses, rooming units, and all nonresidential structures;
- (4) Authorize and establish procedures for the inspection of dwellings, dwelling units, roominghouses, rooming units, and all nonresidential structures; and
- (5) Condemn and order the vacation of those dwellings, dwelling units, roominghouses, rooming units, and all nonresidential structures unfit for human use, occupancy and habitation;
- (6) Fix penalties for the violation of the provisions of this article.

Commented [DR2]: DELETE - UNNECESSARY

(b) This article is declared to be remedial and essential to the public interest, and it is intended that this article be liberally construed to effectuate the purposes as stated in this section.

(Ordinance 193, part 1, sec. 3, 1985; Code 1989, sec. 15.12.030)

Sec. 22-33. 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:

Accessory structure means a structure the use of which is incidental to that of the main building and which is attached to the main building or located on the same premises.

Approved means approved by the administrator designated by the city council under the provisions of this article or the rules and regulations adopted pursuant to this article, or approved by an authority designated by law or by this article.

Basement means the portion of the building that is partly underground which has more than half its height measured from clear floor to ceiling above the average finished grade of the ground adjoining the building.

Bathroom means enclosed space containing one or more bathtubs, showers, or both, and which may also include toilets, lavatories or fixtures serving similar purposes.

Bedroom Any room or space used or intended to be used for sleeping purposes in either a dwelling or sleeping unit.

Commented [DR3]: NO DEFINITION EXISTING. IPMC DEFINITIONS

Board means the board of adjustment of the city.

Boardinghouse means a lodginghouse where meals are provided by the operator.

Building means a combination of any materials, whether portable or fixed, having a roof to form a structure affording shelter for persons, animals or property. The word shall be construed, when used in this article, as though followed by the words "or part or parts thereof" unless the context clearly requires a different meaning.

Building code means the current building code of the city.

Cellar means the lowermost portion of the building partly or totally underground having half or more of its height, measured from clear floor to ceiling, below the average finished grade of the adjoining ground.

~~City inspector means the director empowered to enforce this article.~~

Commented [DR4]: DELETE – RECOMMEND USING CODE OFFICIAL

Code Official The official who is charged with the administration and enforcement of this code, or any duly authorized representative.

Commented [DR5]: NO DEFINITION EXISTING. IPMC DEFINITIONS

Condemn To adjudge unfit for occupancy.

Commented [DR6]: NO DEFINITION EXISTING. IPMC DEFINITIONS

Deterioration To weaken, disintegrate, corrode, rust or decay and lose effectiveness.

Commented [DR7]: NO DEFINITION EXISTING. IPMC DEFINITIONS

Dwelling means a nonmobile building containing not more than two dwelling units occupied exclusively for residential uses.

Dwelling premises means the land, dwelling units and auxiliary buildings on the land used or intended to be used in connection with a dwelling.

Dwelling unit means one or more rooms with living, cooking, sanitary, and sleeping facilities, arranged for one family with whom may reside not more than four lodgers or boarders.

Commented [DR8]: CHAPTER 22. DELETE & REPLACE WITH IPMC

Dwelling unit A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Commented [DR9]: IPMC DEFINITIONS

Easement That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall be permitted to be for use under, on or above said lot or lots.

Commented [DR10]: NO DEFINITION EXISTING. IPMC DEFINITIONS

Exterior Property The open space on the premises and on adjoining property under the control of owners or operators of such premises.

Commented [DR11]: NO DEFINITION EXISTING. IPMC DEFINITIONS

Extermination means the control and elimination of insects, rodents, and vermin by eliminating their harborage places; by removing, or making inaccessible, materials that may serve as their food; by poisoning, spraying, fumigating or trapping; or by any other approved means of pest elimination.

Floor space means the total area of all habitable space.

Garbage means the animal, vegetable, and mineral wastes resulting from the handling, preparation, cooking and consumption of food.

Grade means the natural surface of the ground, or surface ground after completion of any change in contour.

Gross floor area means the total square foot area of all floors in a building measured to the outside faces of exterior walls or to the line of an omitted wall, whichever includes the largest area.

Habitable space means space occupied by one or more persons for living, sleeping, eating or cooking, excluding all other rooms or spaces. ~~kitchenettes, bathrooms, toilet rooms, laundries, pantries, dressing rooms, storage spaces, foyers, hallways, utility rooms, heater rooms, boiler rooms, and basement or cellar recreation rooms.~~

Commented [DR12]: COMMITTEE RECOMMENDS ADDING THIS LANGUAGE

Harborage means any location where pests seek shelter including, but not limited to, cardboard boxes, piles of clothing, and similar places where pests can hide, take up shelter and reproduce.

Commented [DR13]: COMMITTEE RECOMMENDS DELETING THIS LANGUAGE

Commented [DR14]: NEW DEFINITION PASSED BY COUNCIL ON 3/29/2019

Infestation means the presence, within or contiguous to a dwelling unit, roominghouse, rooming unit or premises, of insects, rodents, vermin or other pests.

Commented [DR15R14]: COMMITTEE UNDECIDED. REVISIT

Infestation The presence, within or contiguous to, a structure or premises of insects, rodents, vermin or other pests.

Commented [DR16]: CHAPTER 22 DELETE AND REPLACE WITH IPMC

Commented [DR17]: IPMC DEFINITION

Kitchen means space, 60 square feet or more in floor area with a minimum width of five feet used for cooking or preparation of food and deemed habitable space.

Kitchenette means space, less than 60 square feet in floor area used for cooking or preparation of food and not deemed habitable space.

Lodging unit means any room or group of rooms which form a single and separate habitable unit within a lodginghouse or boardinghouse and used or intended to be used for living and sleeping, but not for cooking.

Lodginghouse means any dwelling which contains one or more lodging units, and in which space is occupied or intended to be occupied by five or more persons who are not husband and wife, son or daughter, mother or father, sister or brother of the owner or operator.

- (1) Building containing three or more dwelling units;
- (2) Building containing living, sanitary and sleeping facilities occupied by one or two families and more than four lodgers residing with either one of such families;
- (3) Building with one or more sleeping rooms other than a one-family or two-family dwelling used or occupied by permanent or transient paying guests or tenants.

Nonresidential structure means a structure which is used for other than residential purposes or a part of such structure; or a structure part of which is used for other than nonresidential purposes; and where applicable the premises on which such structures are situated.

~~Occupant means any person over one year of age living, sleeping, cooking or eating in or having actual possession of a dwelling or rooming unit.~~

Commented [DR18]: CHAPTER 22 DELETE AND REPLACE WITH TPC 92.016

Occupant Means a person who has the landlord's consent to occupy a dwelling but has no obligation to pay the rent for the dwelling.

Commented [DR19]: COMMITTEE RECOMMENDS DEFINITION FROM TEXAS PROPERTY CODE 92.016.

Open space area means an area on a lot that is open and unobstructed to the sky except for the ordinary projections of cornices and eaves.

~~Operator means any person who has charge, care or control of a multiple residence or roominghouse in which dwelling units or rooming units are let or offered for occupancy.~~

Commented [DR20]: CHAPTER 22 DELETE AND REPLACE WITH IPMC

Operator Any person who has charge, care or control of a structure or premises that is let or offered for occupancy.

Commented [DR21]: IPMC DEFINITION

Outside design temperature means temperature based on the average of the low temperature recorded in the area, either during the last 25 years or as long as temperature records have been kept.

~~Owner means the owner of the freehold of the premises or lesser estate in the premises, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, or other person in control of a building.~~

Commented [DR22]: CHAPTER 22 DELETE AND REPLACE WITH IPMC

Owner Any person, agent, operator, firm or corporation having legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise

having control of the property, including the guardian of the estate of any such person, and the executor of administrator of the estate of such person if ordered to take possession of real property by a court.

Commented [DR23]: IPMC DEFINITION

Person An individual, corporation, partnership or any other group acting as a unit.

Commented [DR24]: NO EXISTING CHAPTER 22. IPMC DEFINITION

Pest An annoying or troublesome person, animal, or thing; nuisance.

Commented [DR25]: COMMITTEE RECOMMENDED ADDING DEFINITION. DICTIONARY.COM

Plumbing means and includes all of the following supplied facilities, equipment and devices: gas pipes; water pipes; toilets; lavatories; sinks; laundry tubs; installed dishwashers; garbage disposal units; installed clothes-washing machines; catch basins; wash basins; bathtubs; showerbaths; waste, sewer pipes and sewage system; septic tanks; drains; vents; traps; and any other fuel-burning or water-using fixtures and appliances, together with all connections to water, waste, and sewer or gas pipes.

Potable water means water duly approved as satisfactory and safe for drinking.

Premises means a lot, plot or parcel of land, including the buildings or structures.

Public sewer means a sewer operated by a public authority or public utility and available for public use.

Residential uses means a private garage, domestic storage, and customary home occupations conducted in the dwelling by the occupants, such as the practice of a profession.

Rooming unit means any room or group of rooms forming a single habitable unit used or intended to be used for living or sleeping but not for cooking purposes.

Roominghouse means a building which contains one or more rooming units and in which space is occupied or intended to be occupied by five or more persons who are not husband or wife, son or daughter, mother or father, or sister or brother of the owner or operator.

~~**Rubbish** means all combustible and noncombustible waste, except garbage.~~

Commented [DR26]: CHAPTER 22 DELETE AND REPLACE WITH IPMC

Rubbish Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

Commented [DR27R26]: COMMITTEE RECOMMENDS KEEPING EXISTING CHAPTER 22 LANGUAGE.

Commented [DR28]: IPMC DEFINITION

Sewage means waste from a flush toilet, bath, sink, lavatory, dishwashing machine or laundry machine or the water-carried waste from any other fixture, equipment or machine.

Stagnant water means non-moving ~~or flowing~~ water serving as an incubator for bacteria and parasites or breeding ground for insects.

Commented [DR29]: COMMITTEE RECOMMENDS DELETION OF 'OR FLOWING'

Commented [DR30]: DEFINITION ADDED PER ORDINANCE PASSED ON MARCH 29, 2019

Commented [DR31R30]: COMMITTEE UNDECIDED. REVISIT.

Structure means that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

Tenant A person, corporation, partnership or group who occupies land or property rented from a landlord.

Commented [DR32]: NO EXISTING DEFINITION. COMMITTEE RECOMMENDS THIS LANUGAGE

(Ordinance 193, part 1, sec. 4, 1985; Code 1989, sec. 15.12.040; Ordinance 96-12, sec. 1, adopted 11/21/96)

Sec. 22-34. Applicability.

Every portion of a building or premises, residential and nonresidential, shall comply with the provisions of this article, irrespective of when such building shall have been constructed, altered or repaired, and irrespective of any permits or licenses which shall have been issued for the use or occupancy of the building or premises, for the construction or repair of the building or for the installation or repair of equipment or facilities prior to the effective date of the ordinance codified in this article. This article establishes minimum standards for the initial and continued use and occupancy of all buildings and does not replace or modify standards otherwise established for the construction, repair, alteration or use of the building equipment or facilities except as provided in [section 22-192](#). (Ordinance 193, part 1, sec. 5, 1985; Code 1989, sec. 15.12.050)

Sec XXX.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 Energy Conservation Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Residential Code, International Plumbing Code* and NFPA 70. Nothing in this code shall be construed to cancel, modify or set aside any provision of the International Zoning Code.

Commented [DR33]: IPMC 102.3

Commented [DR34R33]: COMMITTEE RECOMMENDS REMOVING. STAFF RECOMMENDS KEEPING.

Secs. 22-35–22-60. Reserved.

DIVISION 2. MINIMUM REQUIREMENTS

Sec. 22-61. Land area requirements.

All land areas, improved and unimproved, shall be reasonably free from holes and excavations, sharp protrusions, and other objects or conditions which might be a potential cause of personal injury. Walks, steps and driveways that contain holes or other hazards shall be filled, repaired or replaced as the need indicates. All wells, cesspools or cisterns shall be securely closed. Trees, limbs, shrubs or other plant life that constitute a hazard shall be removed. (Ordinance 193, part 1, sec. 22, 1985; Code 1989, sec. 15.12.060)

Sec. 22-62. Land to be kept free of rubbish and garbage.

~~All land areas shall be kept free from organic and inorganic material that might become a health, accident or fire hazard as defined in this article. All land areas, improved and unimproved, shall be kept clean at all times. Metal containers with covers shall be provided for the temporary storage of garbage and rubbish. Disposal of rubbish and other refuse by means of incineration shall be done in accordance with all regulations of the city. Materials of a flammable nature shall be safely stored as provided in the fire code or be removed from the premises. (Ordinance 193, part 1, sec. 23, 1985; Code 1989, sec. 15.12.070)~~

Commented [DR35]: DELETE AND REPLACE WITH IPMC. LANGUAGE ABOUT METAL CONTAINERS INACCURATE. FIRE REFERENCE ADDRESSED IN FIRE CODE.

Exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property that such occupant occupies or controls in a clean and sanitary condition. REFERENCE 42-74

Commented [DR36]: EXISTING SECTION 42-74 OF LAKE DALLAS MUNICIPAL CODE

Commented [DR37]: IPMC SECTION 302.1

Sec. 22-63. Discharge of sewage.

Sewage must be discharged into a public sewer system except as provided in [section 22-89](#). Discharge of sewage shall not be permitted upon the surface of the ground or into natural or artificial surface drainageways. (Ordinance 193, part 1, sec. 24, 1985; Code 1989, sec. 15.12.080)

Sec. 22-64. Stormwater drainage.

Stormwater shall be properly drained to prevent recurrent or excessive ponding or the entrance of water into any basement or cellar. The ground surrounding the structure shall, when practical, be graded away from the building and foundation. Conductors or drainpipes, where utilized, shall function properly. Stormwater sewers, dry wells, or other satisfactory drainage systems shall be used where required by the building code, or by any other ordinance. (Ordinance 193, part 1, sec. 25, 1985; Code 1989, sec. 15.12.090)

Sec. 22-65. Weeds and plant growth.

Exterior property areas shall be kept cut or mowed to prevent weeds, brush or other plant growth from becoming a health or fire hazard. Weeds, brush and other plant growth shall be cut or mowed on all exterior property areas whenever such weeds, brush or other plant growth are allowed to grow to an extent determined to be a fire or health hazard, or contrary to [section 42-74](#) [section 110-31](#). All sidewalks, driveways, and entrances used for ingress and egress shall be free from weeds, brush, overhanging or protruding limbs of trees and other plant growth. Any limbs of trees that have become rotted or decayed to the point of being dangerous to persons shall be removed. (Ordinance 193, part 1, sec. 26, 1985; Code 1989, sec. 15.12.100) REFERENCE 110-31

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Commented [DR40]: EXISTING SECTION 110-31 OF LAKE DALLAS MUNICIPAL CODE

Sec. 22-66. Land areas to be free of insect and rodent harborage.

All land areas shall be kept reasonably free from sources of insect, vermin and rodent breeding, harborage and infestation. Where insect, rodent or vermin breeding areas, harborage or infestation exist, such areas, harborage or infestation shall be eliminated. (Ordinance 193, part 1, sec. 27, 1985; Code 1989, sec. 15.12.110) CROSS REFERENCE 42-75

Commented [DR41]: STRIKE 'REASONABLY'

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Commented [DR43]: ADD CROSS REFERENCE LANGUAGE FROM NEW 'STAGNANT WATER' ORDINANCE APPROVED ON MARCH 29, 2019

Sec. 22-67. Domestic animals and pets.

Domestic animals and pets shall not be kept on any premises in such manner so as to create insanitary conditions or constitute a nuisance. Domestic animals and pets shall be maintained in accordance with applicable regulations of the city. Insanitary conditions, inappropriate types and excessive numbers of pets or animals constitute conditions which may be considered a nuisance under this section. (Ordinance 193, part 1, sec. 28, 1985; Code 1989, sec. 15.12.120)

Sec. 22-68. Depreciation of surrounding property.

All land areas shall be so maintained as not to cause a substantial depreciation in property values in the immediate neighborhood. Exterior property areas shall be kept free from objects, materials and conditions which will have an adverse effect on adjacent premises by reducing the desirability of living conditions in the immediate neighborhood and causing a substantial depreciation in property values. (Ordinance 193, part 1, sec. 29, 1985; Code 1989, sec. 15.12.130)

Sec. 22-69. Structural requirements.

Requirements in this division shall pertain to both accessory and primary structures. Accessory structures and fences located on all land areas shall be kept in good repair, free from health, fire and accident hazards and vermin, insect, and rodent harborage. Accessory structures shall be kept structurally sound and in good repair or removed from the premises. Effective rodentproofing or extermination must be done, where necessary, in these structures. The exterior of such structures shall be made weather-resistant through the use of decay-resistant materials or the application of paint or other preservatives. Privies, except as provided in section 22-90, shall be removed from the premises or demolished. (Ordinance 193, part 1, sec. 30, 1985; Code 1989, sec. 15.12.140)

Sec. 22-70. Foundation and walls.

The foundation and walls of every structure shall be structurally sound and shall be maintained in good repair. Foundations and walls shall be considered to be in good repair and structurally sound if found free from damage or defects and capable of bearing imposed loads as required by the building code; provided that whenever hollow masonry blocks are used as supporting piers, such piers shall be anchored to the concrete footing with a five-eighths-inch steel dowels and the hollow pier filled with concrete. (Ordinance 193, part 1, sec. 31, 1985; Code 1989, sec. 15.12.150)

Sec. 22-71. Exterior stairs, porches, landings and railings.

The stairs, porches, landings and railings affixed to the exterior of every structure shall be kept in good repair and structurally sound. Railings shall be provided for stairs and balconies and, where necessary, for porches and accessible roofs. Stairs and porches shall be considered to be in good repair and structurally sound when found to be free of holes, cracks and capable of supporting imposed loads. Properly balustraded railings shall be provided when there is clear danger of accident or personal injury and must be capable of bearing normally imposed loads. (Ordinance 193, part 1, sec. 32, 1985; Code 1989, sec. 15.12.160)

Sec. 22-72. Structures to be weathertight and watertight.

Every structure shall be so maintained that it will be weathertight and watertight. Exterior walls, roofs and all openings around doors, windows, chimneys and all other parts of the structure shall be so maintained as to keep water from entering the structure and to prevent undue heat loss. Damaged materials must be repaired or replaced. All parts of the structure that show evidence of dry rot or deterioration shall be replaced and refinished to be in conformity with the rest of the structure. (Ordinance 193, part 1, sec. 33, 1985; Code 1989, sec. 15.12.170)

Sec. 22-73. Protective coating for wood surfaces required.

All exterior wood surfaces of a structure that are not of a species inherently resistant to decay shall be treated periodically with a protective coating or other preservative to prevent structural deterioration. Exterior wood surfaces shall be adequately protected against deterioration through the periodic application of approved protective coatings. (Ordinance 193, part 1, sec. 34, 1985; Code 1989, sec. 15.12.180)

Sec. 22-74. Entablatures, cornices, belt courses.

All cornices, entablatures, belt courses, corbels, terracotta trim, wall facings, and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition. (Ordinance 193, part 1, sec. 35, 1985; Code 1989, sec. 15.12.190)

Sec. 22-75. Chimneys.

All chimneys, cooling towers, smokestacks and similar appurtenances shall be maintained structurally in safe, sound and good repair; and all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating material such as paint or similar surface treatment. (Ordinance 193, part 1, sec. 36, 1985; Code 1989, sec. 15.12.200)

Sec. 22-76. Structures to be verminfree and rodentfree.

The exterior of every structure shall be so maintained as to be verminfree and rodentfree. (Ordinance 193, part 1, sec. 37, 1985; Code 1989, sec. 15.12.210)

Sec. 22-77. Screening required.

Every openable window, ~~door and other openings to outdoor space~~ in the exterior of every structure shall be effectively protected against the entrance of insects. Every opening except bulkheads used for ingress and egress from a structure used for human habitation directly to or from outdoor space shall be supplied with either a self-closing device or a self-closing screen door; and every openable window in every habitable room, bathroom, toilet room or compartment and every other opening to outdoor space shall be equipped with approved screening of a standard mesh for effective protection against insects. (Ordinance 193, part 1, sec. 38, 1985; Code 1989, sec. 15.12.220)

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Sec. 17-157. - Light.

(a) *Habitable spaces.* Every habitable space shall have at least one (1) window of approved size facing directly to the outdoors or to a court.

~~(b) *Common halls and stairways.* Every common hall and stairway in residential occupancies, other than in one and two family dwellings, shall be well lighted at all times. In occupied buildings other than residential occupancies, interior and exterior means of egress, including stairways, shall be illuminated at all times at floors, landings, and treads.~~

~~(c) *Other spaces.* All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe occupancy of the space and utilization of the appliances, equipment and fixtures.~~

~~(d) *Exterior lighting.* Exterior illumination must be operational.~~

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Sec. 22-78. Cross-ventilation required.

Cellar, basements and crawl spaces in every structure shall be reasonably free from dampness to prevent conditions conducive to decay or deterioration of the structure. Cross-ventilation shall be provided in every basement, cellar and crawl space consisting of at least one window, opening or vent located near each corner of the structure. The aggregate ventilation area shall not be less than one square foot for every 100 lineal feet of wall space or one percent of the total area of the enclosed space, whichever is greater. (Ordinance 193, part 1, sec. 39, 1985; Code 1989, sec. 15.12.230)

Sec. XX-XXX. - Ventilation.

Habitable spaces. Every habitable space shall have at least one (1) openable window. Exception: A window is not required in a bathroom equipped with a mechanical ventilation system. The ventilation system shall not recirculate the air but discharge to the outdoors.

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Commented [DR51]: COMMITTEE RECOMMENDS STRIKING

Sec. 22-79. Supporting structural members to be sound.

Supporting structural members of every structure shall be structurally sound and capable of bearing the load safely. Supporting structural members shall be considered to be structurally sound if such members are capable of bearing imposed loads safely and if there is no evidence of deterioration. (Ordinance 193, part 1, sec. 40, 1985; Code 1989, sec. 15.12.240)

Sec. 22-80. Chimneys, flues, vents.

Chimneys and all flue and vent attachments shall be structurally sound and free from defect, performing the function for which they were designed and are used. Chimneys, flues, gas vents or other draft-producing equipment shall provide sufficient draft to develop the rated output of the connected equipment, extended through the roof a minimum of 12 inches. Chimneys, flue linings, where required, flues, gas vents, and their supports shall be structurally safe, durable, smoketight, and capable of withstanding the action of flue gases. (Ordinance 193, part 1, sec. 41, 1985; Code 1989, sec. 15.12.250)

Sec. 22-81. Interior stairs, landings, steps and railings.

Interior stairs of every structure shall be structurally sound and free from defects. Railings shall be provided for stairs, balconies, landings and stairwells. Treads or risers that evidence excessive wear or are broken, warped or loose shall be repaired. Stairs shall be securely fastened to support normally imposed loads. Properly balustraded railings capable of bearing normally imposed loads shall be placed on the open portions of stairs, balconies, landings and stairwells. Stairs in multiple residences shall comply with applicable sections of the building code. (Ordinance 193, part 1, sec. 42, 1985; Code 1989, sec. 15.12.260)

Sec. 22-82. Floors, walls and ceilings.

Floors, walls and ceilings of every structure shall be structurally sound and maintained in a clean and sanitary condition. They shall be free from cracks, breaks, loose plaster and similar conditions. Floors shall be considered to be structurally sound where capable of safely bearing imposed loads and shall be maintained in a clean and sanitary condition. Walls and ceilings shall be considered to be structurally sound and in good repair when clean, free from cracks, breaks, loose plaster and similar conditions. (Ordinance 193, part 1, sec. 43, 1985; Code 1989, sec. 15.12.270)

Sec. 22-83. Bathroom floors.

Bathroom, shower room, and toilet room or compartment floors of every structure shall be water-resistant. The floor surface of every bathroom, shower room, and toilet room or compartment shall be covered with an approved floor covering. Such floors shall be kept in a dry, clean and sanitary condition. (Ordinance 193, part 1, sec. 44, 1985; Code 1989, sec. 15.12.280)

Sec. 22-84. Interior of structures to be free of rubbish and garbage.

The interior of every structure shall be maintained free from rubbish and garbage and other refuse that might become a health, accident or fire hazard. Metal containers with tightfitting covers shall be provided for the temporary storage of rubbish, garbage and other refuse. Disposal of garbage by garbage disposal units shall be in accordance with all applicable regulations of the city. Materials of a flammable nature shall be stored so as to comply with the fire code or be removed from the premises. (Ordinance 193, part 1, sec. 45, 1985; Code 1989, sec. 15.12.290)

Sec. 22-85. Interior of structures to be free of insect and rodent harborage.

The interior of every structure shall be free from insect, rodent and vermin infestation. Where insect, rodent or vermin infestation, harborage or breeding areas exist, such areas, harborage or infestation shall be eliminated. Articles of value shall be stored in such a manner as not to constitute pestilential harborage. (Ordinance 193, part 1, sec. 46, 1985; Code 1989, sec. 15.12.300)

Sec. 22-86. Potable water supply required.

Every structure shall be supplied with a potable water supply. There shall be adequate water supply and pressure at all installed hot and cold water outlets. All required facilities in every dwelling unit and roominghouse shall be connected to a source of potable water. The supply and pressure shall be sufficient at all times for the operation of all installed plumbing fixtures and equipment. Where water is not supplied from a public source, the source and system utilized shall be approved by the city or the state. (Ordinance 193, part 1, sec. 47, 1985; Code 1989, sec. 15.12.310)

Sec. 22-87. Hot water supply required.

Every structure shall have an adequate supply of hot water, properly connected to plumbing fixtures requiring hot water. Water-heating equipment shall be installed according to the applicable regulations of the city. Such equipment shall be properly maintained and capable of delivering water at a constant minimum temperature of 120 degrees Fahrenheit at all times at each hot water outlet. (Ordinance 193, part 1, sec. 48, 1985; Code 1989, sec. 15.12.320)

Sec. 22-88. Plumbing fixtures required.

Every structure shall have the following plumbing fixtures properly installed and maintained: kitchen sink, toilet, bathtub or shower, and lavatory. Kitchen sinks, bathtubs, showers and lavatories shall be properly connected to both hot and cold-water lines. All nonresidential structures shall have plumbing installed and maintained to all the requirements of the building code pertaining to the installation and maintenance of such items. (Ordinance 193, part 1, sec. 49, 1985; Code 1989, sec. 15.12.330)

Sec. 22-89. Plumbing to be connected to sewer lines.

All plumbing fixtures installed within a structure shall be connected to sewer lines that discharge into a public sewer system if the lot or tract containing the structure lies within 100 feet of a sanitary sewer main. Plumbing fixtures not connected to a public sewer system shall be connected to an approved sewage disposal system. Such private sewage disposal systems shall be constructed and repairs or additions made in accordance with the applicable regulations of the city. No sewage from a plumbing system shall be discharged into the waters of

the state unless specially approved by the authority having jurisdiction in accordance with the laws of the state. (Ordinance 193, part 1, sec. 50, 1985; Code 1989, sec. 15.12.340)

Sec. 22-90. Privies not permitted.

No privy or dry closet shall be constructed or maintained in the city without the written approval of the county health officer or his deputy. (Ordinance 193, part 1, sec. 51, 1985; Code 1989, sec. 15.12.350)

Sec. 22-91. Heating facilities requirements.

Every structure occupied during normal heating periods shall have heating facilities capable of maintaining a minimum inside temperature of 70 degrees Fahrenheit based on outside design temperatures at a point three (3) feet above the floor in all habitable rooms, bathrooms, and toilet and shower rooms or compartments. (Ordinance 193, part 1, sec. 52, 1985; Code 1989, sec. 15.12.360)

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Sec. xx-xx. Cooling facilities requirements.

If refrigerated air equipment is provided in rental units, it shall be maintained in operable condition and must be capable of maintaining a maximum inside temperature that is 20° lower than the outside temperature or 81° F, whichever is warmer, in each room of a structure intended for human occupancy from May 1 through October 1. If provided refrigerated air equipment becomes in need of repair, a reasonable length of time will be required to allow for repair of said equipment. If no refrigerated air equipment is provided then screens shall be provided on all operable windows.

Commented [DR55]: NEW LANGUAGE – CITY OF DENTON. NO EXISTING LANGUAGE IN CHAPTER 22

Sec. 22-92. Electrical service requirement.

Every structure shall be provided with electrical service if available within 300 feet. (Ordinance 193, part 1, sec. 53, 1985; Code 1989, sec. 15.12.370)

Sec. 22-93. Cooking facilities to meet codes standards.

Where cooking facilities are provided, they shall meet the requirements of the building code, the electrical code, and all other regulations of the city. (Ordinance 193, part 1, sec. 54, 1985; Code 1989, sec. 15.12.380)

Sec. 22-94. Refrigerated space regulations.

In every structure where perishable foods are kept, refrigerated space for their storage or appropriate utility connections shall be provided. Where refrigeration equipment is not provided, adequate space and utility connections shall be provided. (Ordinance 193, part 1, sec. 55, 1985; Code 1989, sec. 15.12.390)

Sec. 22-95. Means of egress to meet standards.

Every dwelling unit and rooming unit shall have exits in accordance with the building code and fire code. Exits which cannot be cut off in case of fire shall be regarded as a minimum essential. These exits shall be of such nature that they can safely be used by women, children, the infirm, aged and physically handicapped when necessary. At least one (1) window per sleeping room shall be easily openable and capable of being held in an open

position. If there is an operable exterior door in the room, this section does not apply. (Ordinance 193, part 1, sec. 56, 1985; Code 1989, sec. 15.12.400)

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ARTICLE 13 DIV 2

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Sec. xx-xx. Building Security

All doors, windows, or other openings that allow access to the interior of an occupied structure from the exterior shall be provided with operable and properly maintained locking security devices that require no special knowledge or effort to use. Exterior doors providing access from the interior of a structure to the exterior shall be equipped with a doorknob lock, single-cylinder dead bolt, or sliding door pin lock with a bar. All operable windows within a structure are required to be equipped with a locking security device. In addition, the locking device for any window which opens in any part within six (6) feet of the ground level or above a walking surface must operate without a key, and open only from the interior. All unoccupied structures must be secured from unauthorized entry by means of locking or boarding up all possible access points to the interior of the structure until such time as the structure may be safely re-occupied or is repaired or demolished.

Commented [DR58]: DENTON CODE CHAPTER 17
ARTICLE 13 DIV 2

Sec. 22-96. Water and sewer installation and maintenance to meet standards.

(a) Every water line, plumbing fixture and drain installed in a structure shall be properly installed, connected, and maintained and capable of performing the function for which it was designed. Water lines, plumbing fixtures and drains shall be maintained in working order and must be kept free from obstructions, leaks and defects; any repairs and replacement of such fixtures must be made in accordance with the plumbing code of the city.

(b) Every stack, waste line and sewer line located in a structure and every connecting sewer line shall be so installed and maintained as to function properly and not be a source of structural deterioration or a health hazard. All stacks, waste lines and sewer lines shall be kept free from obstructions, leaks and defects. All necessary repairs and replacements shall be made in accordance with the plumbing code and other applicable regulations of the city.

(Ordinance 193, part 1, sec. 57, 1985; Code 1989, sec. 15.12.410)

Sec. 22-97. Heating equipment.

(a) Installation.

(1) Every heating, cooking and water-heating device located in a structure shall be properly installed, connected and capable of performing the function for which it was designed.

(2) All heating, cooking and water-heating equipment burning solid fuels shall be rigidly connected to a chimney or flue; and such heating equipment burning liquid or gaseous fuels shall be rigidly connected to a supply line, and where required, to a chimney, flue or vent. Heating equipment shall be installed in a manner which will avoid the dangerous concentration of fumes and gases.

(3) Heating equipment shall not be forced to operate beyond the safe capacity for which it was designed. Where necessary, exposed heating risers, heating ducts and hot water lines shall be covered with an insulating material or guard. Repairs and installations shall be made in accordance with the applicable regulations of the city.

(b) Maintenance and operation. Every heating, cooking and water-heating device shall be so maintained and operated as to be free from fire, health and accident hazards. All fuel-burning equipment, components and accessories shall be free from leaks and obstructions and function properly. Repairs shall be made in accordance with the applicable local regulations of the city. Unvented fuel-burning heaters shall not be permitted as the sole source of heating for any room or space. All heating devices or appliances shall be of an approved type, and at no time, shall cooking appliances be used to provide space heating to meet the requirements of this article.

(Ordinance 193, part 1, secs. 58, 59, 1985; Code 1989, secs. 15.12.420, 15.12.430)

Sec. 22-98. Storage of fuels.

All fuels stored on the premises for the operation of heat-producing equipment shall be stored in a safe manner. Fuels shall be stored so as to comply with state law and provisions of the fire code. No fuel, oil, gasoline or highly flammable fuel shall be stored within any structure used for human habitation except in a manner approved by the fire marshal of the city. (Ordinance 193, part 1, sec. 60, 1985; Code 1989, sec. 15.12.440)

Sec. 22-99. Maintenance of electrical wiring and devices.

(a) Electrical wiring and devices shall be so designed, installed and maintained as not to be a potential source of ignition of combustible material or an electrical hazard.

(b) The rating or setting of overcurrent devices shall not be in excess of the carrying capacity of the circuit conductor. Defective or unsafe wiring and equipment shall be repaired or replaced. No temporary wiring shall be installed as a permanent method of wiring. Extension cords shall be run directly from portable electric fixtures or appliances to outlets and shall not lie under floor coverings or extend through doorways, transoms or other openings through structural elements. When the capacity of circuits within a building is insufficient to carry the load imposed by normal use of appliances and fixtures as indicated by the nameplate rating of such appliances, additional circuits shall be provided or the use of excessive appliances discontinued. Necessary repairs, alterations and installations shall be made in accordance with the building code of the city.

(Ordinance 193, part 1, sec. 61, 1985; Code 1989, sec. 15.12.450)

Secs. 22-100–22-120. Reserved.

DIVISION 3. BOARDINGHOUSES, LODGINGHOUSES AND LODGING UNITS

Sec. 22-121. Definitions.

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

Dwelling means lodginghouse or boardinghouse.

(Ordinance 193, part 1, sec. 62, 1985; Code 1989, sec. 15.12.460)

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ARTICLE 13 DIV 2

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require some type of ventilation and approved to code or
AHJ. 2018 IFC Chapter 10.

Sec. 22-122. Requirements.

Every boardinghouse, lodginghouse and lodging unit, as specified in this division, located within the city shall comply with the following requirements: The provisions of [sections 22-61](#) through [22-99](#) and [section 22-191](#) shall be applicable to each lodginghouse and boardinghouse and lodging unit. (Ordinance 193, part 1, sec. 62, 1985; Code 1989, sec. 15.12.460)

Sec. 22-123. Application for certificate of occupancy.

(a) Every owner or operator of a lodginghouse or boardinghouse shall make application for a certificate of occupancy card. Upon receipt of an application for an occupancy card, an inspection shall be made of the lodginghouse or boardinghouse for which such application has been made; and if the lodginghouse or boardinghouse complies with all of the provisions of this division, the building department shall issue a certificate of occupancy to the applicant. Occupancy certificates shall be renewed annually, and application for renewal shall be made during the two-month period preceding the anniversary date of the previously issued certificate.

(b) Certificates of occupancy shall designate the maximum number of persons who may occupy a lodginghouse or boardinghouse and each lodging unit in the lodginghouse or boardinghouse, and the owner or manager shall designate the room number assigned to each unit.

(c) The operator shall display the certificate of occupancy at all times in a conspicuous place near the main entrance of the lodginghouse or boardinghouse. No person shall alter, tamper or remove any such certificate of occupancy from the lodginghouse or boardinghouse without written permission of the ~~city inspector~~ code official, who shall keep a duplicate of the certificate in his files.

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(Ordinance 193, part 1, sec. 63, 1985; Code 1989, sec. 15.12.470; Ordinance 03-23, sec. 1, adopted 9/25/03)

Sec. 22-124. Numbering of units.

The owner or operator of a lodginghouse or boardinghouse containing six or more lodging units within such dwelling shall place or cause to be placed a number on the outside of the main door of each unit. The number on the outside of the door to the lodging unit shall correspond to the number for that unit designated on the occupancy record card for that particular lodginghouse or boardinghouse. No two lodging units shall bear the same number. The maximum number of persons who may occupy the lodging unit shall be posted in each such unit and shall not be changed without the written approval of the ~~city inspector~~ code official or his representative. (Ordinance 193, part 1, sec. 64, 1985; Code 1989, sec. 15.12.480)

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Sec. 22-125. Flush toilet and lavatory basin required.

Every lodginghouse and boardinghouse shall be supplied with at least one approved flush toilet and lavatory basin in good working condition for each eight persons or fraction thereof residing within the lodginghouse or boardinghouse. In counting such persons, members of the operator's family who share the use of such sanitary facilities shall be included; but the occupants of any lodging units that are otherwise provided with an approved flush toilet and lavatory basin shall be excluded. All such sanitary facilities shall be located within the lodginghouse or boardinghouse as to be directly accessible to all persons sharing such facilities without entering another lodging unit. (Ordinance 193, part 1, sec. 65, 1985; Code 1989, sec. 15.12.490)

Sec. 22-126. Bathtub or showerbath required.

Every lodginghouse and boardinghouse shall be supplied with at least one bathtub or showerbath in good working condition for each eight persons or fraction thereof residing within a lodginghouse or boardinghouse. In counting such persons, members of the operator's family who share the use of such sanitary facilities shall be included but occupants of any lodging units who are otherwise provided with an approved bathtub or showerbath shall be excluded. All such sanitary facilities shall be so located within the lodginghouse or boardinghouse as to be directly accessible to all persons sharing such facilities without entering another lodging unit. (Ordinance 193, part 1, sec. 66, 1985; Code 1989, sec. 15.12.500)

Sec. 22-127. Water and sewer lines to be connected to city lines.

Every kitchen sink, lavatory, basin, flush toilet, and bathtub or showerbath required under the provisions of this division shall be properly connected to a water line of the Lake Cities Municipal Utility Authority, or its successor, if such water line lies within 100 feet of the lodginghouse or boardinghouse premises, and to a sanitary sewer line if such sewer line lies within 100 feet of the lodginghouse or boardinghouse premises. If a city water line does not lie within 100 feet of the lodginghouse or boardinghouse premises, the kitchen sink, lavatory, basin, flush toilet, and bathtub or showerbath shall be properly connected to an adequate supply of safe, potable water approved by the county health officer or his deputy. If a city sewer line does not lie within 100 feet of the lodginghouse or boardinghouse premises, the kitchen sink, lavatory, basin, flush toilet, and bathtub or showerbath shall be connected through an approved sewer connection to an adequate septic tank or other waste disposal system approved by the county health officer or his deputy. (Ordinance 193, part 1, sec. 67, 1985; Code 1989, sec. 15.12.510)

~~**Sec. 22-128. Hot and cold water required.**~~

~~Every kitchen sink, lavatory, basin, and bathtub or showerbath required under this division shall be supplied with hot and cold water properly connected as required in [section 22-127](#) and the plumbing code. (Ordinance 193, part 1, sec. 68, 1985; Code 1989, sec. 15.12.520)~~

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~~**Sec. 22-129. Impervious flooring required.**~~

~~(a) The floor surface of every bathroom, toilet room or compartment shall be constructed of material impervious to water; or if constructed of material not impervious to water, it shall be covered with fitted linoleum or painted or varnished so as to make the floor surface reasonably impervious to water.~~

~~(b) All such floors shall be kept in a dry, clean and sanitary condition by the operator.~~

~~(Ordinance 193, part 1, sec. 69, 1985; Code 1989, sec. 15.12.530)~~

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Sec. 22-130. Responsibility for rubbish and garbage storage and disposal.

The operator shall be responsible for the supply, maintenance and cleanliness of storage containers as required by [chapter 42, article III](#). The occupant shall be responsible for the removal of all rubbish and garbage from the lodging unit and the storage of such waste in a clean, nonfire hazardous and sanitary manner by placing it in containers, as required by [chapter 42, article III](#). (Ordinance 193, part 1, sec. 70, 1985; Code 1989, sec. 15.12.540)

Sec. 22-131. Heating facilities requirements.

~~Every lodginghouse, boardinghouse, and lodging unit shall be supplied heating facilities which bear the seal of approval of an approved, nationally recognized testing agency and which heating facilities are used in the manner for which they were designed and approved. Such heating facilities shall be installed in compliance with all ordinances of the city and the provisions of this article, and shall be capable of safely and adequately heating all habitable rooms, bathrooms, and toilet rooms or compartments within its walls to a temperature of at least 70 degrees Fahrenheit at three feet above the floor level in the center of the room when the outside temperature is 20 degrees Fahrenheit. Doors, windows and other parts of the lodginghouse, boardinghouse or lodging unit shall be constructed and maintained so as to prevent abnormal heat losses. (Ordinance 193, part 1, sec. 71, 1985; Code 1989, sec. 15.12.550)~~

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Sec. 22-132. Screening required.

~~Every opening which is used for ventilation purposes from a lodginghouse, boardinghouse and lodging unit directly to or from outdoor space shall be equipped with screening which shall be provided by the owner. All screening required under this section shall not be less than 16 meshes to the inch and shall be installed and maintained in a manner affording complete protection against entry in the lodginghouse, boardinghouse or lodging unit of flies, mosquitoes and other insects. (Ordinance 193, part 1, sec. 72, 1985; Code 1989, sec. 15.12.560)~~

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Sec. 22-133. Operator responsible for clean and sanitary maintenance.

The operator shall be responsible for the clean, non-fire-hazardous, and sanitary maintenance of all walls, floors and ceilings in every lodging unit and every common area of the lodginghouse or boardinghouse. (Ordinance 193, part 1, sec. 73, 1985; Code 1989, sec. 15.12.570)

Sec. 22-134. Operator responsible for pest extermination.

The operator shall be responsible for the extermination of rodents, vermin or other pests within every portion of the lodginghouse or boardinghouse and in any portion of the structure that is leased or occupied by him; however, whenever infestation also occurs in any other portion of the structure or whenever infestation is caused by failure of the owner to carry out the provisions of this article, extermination shall be the responsibility of the owner. (Ordinance 193, part 1, sec. 74, 1985; Code 1989, sec. 15.12.580)

Sec. 22-135. Operator responsible for maintenance of plumbing and equipment.

The operator shall be responsible for the exercise of proper care and cleanliness in the use and operation of all plumbing fixtures, sanitary facilities, appliances and equipment. The owner of these plumbing fixtures, sanitary facilities, appliances and equipment shall be responsible for their maintenance in absence of written agreement to the contrary. (Ordinance 193, part 1, sec. 75, 1985; Code 1989, sec. 15.12.590)

Sec. 22-136. Sleeping space requirements.

In every dwelling unit and in every rooming and lodging unit, every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor area, and every room occupied for sleeping purposes by more than one occupant shall contain at least 50 square feet of floor area for each occupant 12 years of age and

over and at least 35 square feet of floor area for each occupant under 12 years of age. (Ordinance 193, part 1, sec. 76, 1985; Code 1989, sec. 15.12.600)

Sec. 22-137. Cooking prohibited.

No cooking shall be permitted in any lodging unit. (Ordinance 193, part 1, sec. 77, 1985; Code 1989, sec. 15.12.610)

Sec. 22-138. Approved means of egress required.

Each story of a lodginghouse or boardinghouse shall have two approved and unobstructed means of egress, and there shall be unobstructed access from each lodging unit to be the means of egress. (Ordinance 193, part 1, sec. 78, 1985; Code 1989, sec. 15.12.620)

Secs. 22-139–22-160. Reserved.

DIVISION 4. BOARD OF ADJUSTMENT

Sec. 22-161. Jurisdiction.

(a) When in its judgment the public convenience, health, welfare, safety or morals will be substantially served and the appropriate use of the neighboring property will not be substantially or permanently injured, the board of adjustment may, in specific cases after public notice and public hearing and subject to appropriate conditions and safeguards, take action relative to the continuance, discontinuance or abatement of nuisances, blighted, deteriorated, obsolete and substandard structures within the meaning of this article, provided that in enforcing the ordinances pertaining to substandard buildings, the city will comply with the requirements of V.T.C.A., Local Government Code sec. 214.001.

- (1) Hear and decide appeals where it is alleged there is any error, requirement, decision or determination made by the building department or consider, on its own motion, plans, surveys and specifications for any proposed repair of structures coming under the board's jurisdiction;
- (2) Require the repair of substandard structures subject to certain requirements pertaining to the structure or premises as may be deemed necessary to protect adjoining property owners;
- (3) Hold public hearings to determine whether any structure is in violation of the standards set out in this article and, if so, require that the building or structure be vacated, secured, repaired, removed or demolished by the owner within a reasonable time and to require that the occupants of the structure be relocated within a reasonable time;
- (4) Require the demolition of structures deemed to be substandard, dilapidated, unfit for human use and habitation, and a hazard to the public health, safety and welfare;
- (5) Require the abatement of any substandard structure or any nuisance by repair, rehabilitation, demolition, removal or vacation.

(b) A variance to the requirements of this article may be granted when literal interpretation would result in an unreasonable or unnecessary hardship and such variance would not be contrary to the public interest.

(Ordinance 193, part 1, sec. 12, 1985; Code 1989, sec. 15.12.630; Ordinance 94-03, sec. 1, 1994)

Sec. 22-162. Operation procedure.

The board of adjustment shall adopt rules to govern its proceedings provided that such rules are not inconsistent with this article or state law. Meetings of the board shall be held at the call of the chairman or in his absence, the vice-chairman or a designated acting chairman or at such other times as the board may determine. The chairman or acting chairman may administer oaths and compel the attendance of witnesses. (Ordinance 193, part 1, sec. 13, 1985; Code 1989, sec. 15.12.640)

Sec. 22-163. Public meetings.

All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question or if absent or failing to vote indicating such fact and shall keep a record of its meetings and other official actions, all of which shall be immediately filed in the office of the ~~city inspector code official~~ and shall be a public record. (Ordinance 193, part 1, sec. 14, 1985; Code 1989, sec. 15.12.650)

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Sec. 22-164. Appeals.

Appeals to the board may be taken by any person aggrieved or by any officer, department or board of the city affected by any decision of the ~~city inspector code official~~. Such appeal shall be taken within ten days after the decision has been rendered by the ~~inspector code official~~ by filing in the city hall a notice of appeal specifying the grounds of appeal. The ~~inspector code official~~ shall cause all documents constituting the records upon which the action was appealed from to be forwarded to the board. (Ordinance 193, part 1, sec. 15, 1985; Code 1989, sec. 15.12.660)

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Sec. 22-165. Stay of proceedings.

An appeal shall stay all proceedings in furtherance of the action appealed from unless the ~~inspector code official~~ certifies to the satisfaction of the board that by reason of facts stated in the certificate, a stay would cause imminent peril to life or property. (Ordinance 193, part 1, sec. 16, 1985; Code 1989, sec. 15.12.670)

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Sec. 22-166. Notice of intent to demolish.

Whenever the ~~inspector code official~~ or his designated representative has taken all necessary steps prescribed under this article and has not been successful in requiring compliance on structures that are unfit for human use or habitation or that are obsolete, dilapidated or substandard, he shall issue a notice of intent to demolish to the board and to the owner, occupant, agent, lessee, lessor or any other person provided for by [section 22-164](#). The notice of intent to demolish shall cause the board to make an examination of the case and render a decision. If the board upholds the intent to demolish by the ~~inspector code official~~, the board shall issue an order to demolish the substandard structure. (Ordinance 193, part 1, sec. 17, 1985; Code 1989, sec. 15.12.680)

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Sec. 22-167. Notice of hearing.

The board shall hold a public hearing on all appeals made to it, and written notice of such public hearing shall be sent to the applicant and others who are owners of real property lying within 200 feet of the property on which the appeal is made. Such notice shall be given not less than ten days before the date set for hearing to all such owners who have rendered their property for city taxes as the ownership appears on the last city tax roll. Such notice may be served by depositing it properly addressed and postage paid in the United States post office. Notice shall also be given by publishing the notice in the official newspaper of the city at least ten days prior to the date set for the hearing, which notice shall state the time and place of such hearings. (Ordinance 193, part 1, sec. 18, 1985; Code 1989, sec. 15.12.690)

Sec. 22-168. Hearings.

At a public hearing relative to any appeal, any interested party may appear in person, by his agent or by his attorney. The burden of proof shall be on the applicant to establish the necessary facts to the satisfaction of the board that the order of the ~~city inspector~~ code official should be set aside or qualified. (Ordinance 193, part 1, sec. 19, 1985; Code 1989, sec. 15.12.700)

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Sec. 22-169. Appeal to court of competent jurisdiction.

It is not the intent of this article to declare, and it does not so declare, anything to be a nuisance which is not such in fact. Any person to whom any order is directed, or against whose property any action is taken or proposed to be taken under the terms and provisions of this article shall have the right to appeal such order or action to any court of competent jurisdiction after having first exhausted the remedies provided by this article and provided that such action is filed within 30 days after the decision of the board has been publicly announced, or entered in the minutes at a public meeting. (Ordinance 193, part 1, sec. 21, 1985; Code 1989, sec. 15.12.710)

Secs. 22-170–22-190. Reserved.

DIVISION 5. ENFORCEMENT

Sec. 22-191. Declaration of nuisance; applicability of building code.

(a) Any structure, building or premises in violation of the minimum standards set forth in this article or in violation of the ~~currently adopted building code~~ ~~Uniform Housing Code, 2003 edition~~, is substandard and declared to be a nuisance. The failure of the owner, lienholder, mortgagee or tenant to maintain any premises or structure in accordance with the minimum standards set forth in this article shall be grounds for the enforcement authority to declare the property substandard.

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(b) All buildings which are determined to be substandard as defined in this article are declared to be prima facie public nuisances to the extent of such substandard condition, and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedures provided in this article.

(c) Whenever any occupied structure, building or property is determined to be substandard and is in such condition as to make it dangerous to the life, limb, property or safety of the occupants, or is deemed unfit for human habitation or use and to constitute a hazard to the public health, safety and welfare, the ~~city inspector~~ code official shall may order such building, structure or property vacated.

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(d) Whenever the provisions of this article require the construction, installation, alteration or repair of a dwelling, lodginghouse or boardinghouse or of its facilities, utilities or equipment, the required work shall be done in full compliance with the applicable provisions of the building code of the city except as provided in [section 22-193](#).

(Ordinance 193, part 1, sec. 79, 1985; Code 1989, sec. 15.12.720; Ordinance 94-03, sec. 2, 1994; Ordinance 07-07, sec. 1, adopted 3/8/07)

Sec. 22-192. Authority to act on nuisances.

Nothing in this article shall be deemed to abolish or impair any existing remedies of the city or its officers or agencies relating to the removal or abatement of nuisances or to the removal or demolition of any buildings which are deemed to be dangerous, unsafe or insanitary. (Ordinance 193, part 1, sec. 80, 1985; Code 1989, sec. 15.12.730)

Sec. 22-193. Conflicts with other ordinance provisions.

In any case where a provision of this article is found to be in conflict with a provision of any zoning, subdivision, building, fire, safety or health ordinance or any regulation adopted pursuant to any such ordinance provision, or any other ordinance provision, code or regulation of the city, the provision which establishes the higher standard for the promotion of the health, safety and welfare of the people shall prevail. (Ordinance 193, part 1, sec. 81, 1985; Code 1989, sec. 15.12.740)

Sec. 22-194. Issuance of permits or licenses to conform to article.

All departments, officials and employees of the city which have the duty or authority to issue permits or licenses in regard to the construction, installation, repair, use or occupancy of dwellings, dwelling premises, or dwelling fixtures, equipment or facilities shall conform to the provisions of this article except as provided in [section 22-193](#). Any permit or license issued in conflict with the provisions of this article, except as provided in [section 22-193](#), shall be null and void. For each new residential building permit issued, the city shall collect an additional ten percent of the permit fee to be used for park development and maintenance. (Ordinance 193, part 1, sec. 82, 1985; Code 1989, sec. 15.12.750; Ordinance 07-20, sec. 1, adopted 8/23/07)

Sec. 22-195. Shift of responsibilities allowed.

Nothing in this article shall prevent an owner, operator or occupant from shifting the responsibility of the one to the other, provided that the primary and final responsibility in every case shall remain upon the person designated in this article. (Ordinance 193, part 1, sec. 83, 1985; Code 1989, sec. 15.12.760)

Sec. 22-196. Duties of the ~~city inspector~~ code official.

The ~~city inspector~~ code official shall have the authority to enforce any and all ordinances of the city pertaining to code enforcement, rehabilitation, conservation, demolition, clearance or redevelopment programs necessary for the elimination of blighting, deteriorating, deteriorated or dilapidated conditions existent within the city. (Ordinance 193, part 1, sec. 7, 1985; Code 1989, sec. 15.12.780)

Sec. 22-197. Environmental surveys.

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The ~~city inspector~~ code official shall have the authority to make or cause to be made surveys in any area of the city to determine the general conditions of structures, the extent of deterioration, lack of facilities, maintenance, unsafe and insanitary conditions, the extent of overcrowding, land use, and other relevant factors necessary to implement the purposes of this article. (Ordinance 193, part 1, sec. 9, 1985; Code 1989, sec. 15.12.790)

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Sec. 22-198. Inspection of structures.

The ~~city inspector~~ code official shall be authorized to make or cause to be made inspections to determine the condition of any structure and premises in order to safeguard the health, safety, morals and welfare of the public. The ~~inspector~~ code official or his designated representatives shall be authorized to enter any structure or premises at any reasonable time. (Ordinance 193, part 1, sec. 85, 1985; Code 1989, sec. 15.12.800)

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Sec. 22-199. Access to structures for authorized personnel.

The owner, operator, agent or occupant of every structure or premises shall give personnel authorized in [section 22-198](#) access to such structure and premises for the purpose of such inspection at any reasonable time. (Ordinance 193, part 1, sec. 86, 1985; Code 1989, sec. 15.12.810) ~~If entry is refused, the code official shall have recourse to the remedies provided by law to secure entry.~~

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Sec. 22-200. ~~Inspector~~ code official identification.

~~Inspectors~~ code officials and authorized personnel of the city shall be supplied with official identification and upon request shall exhibit such identification when entering any structure or premises. (Ordinance 193, part 1, sec. 87, 1985; Code 1989, sec. 15.12.820)

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Sec. 22-201. Notice of violation.

Whenever the ~~city inspector~~ code official determines that there has been a violation or that there are reasonable grounds to believe that there has been a violation or alleged violation of this article or any rule or regulation adopted pursuant to this article, he shall give notice of such violation or alleged violation to the person responsible for such violation. Such notice shall be in writing, ~~include a description of the real estate sufficient for identification,~~ specify the alleged violation, provide a reasonable time for compliance and include a statement of the city's right to file a lien if city abatement is performed. (Ordinance 193, part 1, sec. 88, 1985; Code 1989, sec. 15.12.830)

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Sec. 22-202. Demolition as compliance.

Any owner of a building receiving a notice of violation stating that such building does not comply with the provisions of this article may demolish the building, and such action shall be deemed compliance. (Ordinance 193, part 1, sec. 89, 1985; Code 1989, sec. 15.12.840)

Sec. 22-203. Vacated dwelling to be made secure.

The owner, agent or operator of any structure which has been designated as unfit for human habitation or use and vacated pursuant to an order by the ~~city inspector~~ code official shall make such structure safe and secure in whatever manner the ~~inspector~~ code official or board may require. Any vacant building open at the doors and windows, if unguarded, shall be deemed dangerous to human life and a nuisance within the meaning of this

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article. (Ordinance 193, part 1, sec. 90, 1985; Code 1989, sec. 15.12.850) If said building or structure is not secured within seventy-two (72) hours after the date of issuance of notice to the owner or person in charge of the building or structure, the city inspector code official is authorized to secure the building or structure at the expense of the owner or person in charge of said building or structure, the cost of expense of the work required to secure such building or structure to be charged against the owner of the property as provided by state law.

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Sec. 22-204. Demolition or repair; notice of intent; hearing; order.

(a) Whenever the city inspector code official determines that a building is unfit for human habitation or use and constitutes a hazard to the public health, safety and welfare, or is otherwise in violation of the standards set forth in this article, he shall include within his notice of violation provided for in section 22-201 a statement of his intention to bring the violation before the board of adjustment for its consideration and decision if the requirements as specified in the Notice of Violation are not met.

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Commented [DR97R96]: Sec. 214.001. AUTHORITY REGARDING SUBSTANDARD BUILDING. (a) A municipality may, by ordinance, require the vacation, relocation of occupants, securing, repair, removal, or demolition of a building that is:
(1) dilapidated, substandard, or unfit for human habitation and a hazard to the public health, safety, and welfare;

(b) If the board upholds the intent to demolish or repair by the inspector code official and issues an order to vacate, secure, repair, remove or demolish the substandard structure, the order shall require the owner, lienholder or mortgagee to demolish or repair the building within 30 days from the date of the order, and shall state that the owner's, lienholder's or mortgagee's failure to comply with the order may result in the city's assessing civil penalties, performing the work, and assessing the penalties and expenses as a lien against the property. The failure of the order to state the foregoing shall not invalidate the order or any action taken pursuant to the order. If the owner, lienholder or mortgagee establishes at the hearing that the work cannot reasonably be performed within 30 days, the board may extend the completion date; however, the board shall establish specific time schedules for the commencement and performance of the work and shall further require that the owner, lienholder or mortgagee secure the property in a reasonable manner from unauthorized entry while the work is being performed. The board shall not allow any extensions of more than 90 days unless the owner, lienholder or mortgagee submits a detailed plan and schedule for the work at the hearing and establishes at the hearing that the work cannot reasonably be completed within 90 days because of the scope and complexity of the work. If an extension of more than 90 days is allowed, the owner, lienholder or mortgagee shall regularly submit progress reports to demonstrate compliance with the schedules established for commencement and performance of the work. The owner, lienholder or mortgagee has the burden of proof in all hearings under this section.

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(c) If the building is not vacated, secured, repaired, removed or demolished, or the occupants are not relocated within the allotted time, the city may vacate, secure, remove or demolish the building or relocate the occupants at its own expense, and, in addition, may impose civil penalties against the owner for failure to repair, remove or demolish the building. The city shall make a diligent effort to discover each mortgagee or lienholder having an interest in the building or in the property on which the building is located. The city shall send to each identified mortgagee or lienholder a notice containing:

- (1) An identification of the building and property on which it is located;
- (2) A description of the violation of city standards that is present at the building; and
- (3) A statement that the city will vacate, secure, remove or demolish the building or relocate its occupants if the ordered action is not taken within a reasonable time.

(d) If the board determines that its order has not been complied with by the owner, lienholder or mortgagee, the board or the ~~city inspector code official~~ shall immediately notify the city council, which shall determine whether the city should perform the work and incur the expense. If the city performs the work and incurs the expense, the city may assess the expenses and any civil penalties on the building or structure and assess a lien against the property on which the building or structure was located. The city may repair a building only to the extent necessary to bring the building in compliance with the minimum standards and only if the building is a residential building with ten or fewer dwelling units. Such repairs may not improve the building to the extent that the building exceeds minimum housing standards. The city may not assess a lien against property which is a homestead as protected by the state constitution. A notice of lien shall be filed, recorded and indexed in the office of the county clerk as soon as practical after the expenses were incurred or paid by the city. The notice shall contain the name and address of the owner, if the identity of the owner can be determined with a reasonable effort, a legal description of the real property on which the building was located, the amount of expenses incurred by the city and the amount of any civil penalties assessed against the owner and real property, and the balance due.

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RECOMMEND CODE OFFICIAL

(e) A copy of the notice of lien provided for in this section shall be provided to each owner, mortgagee and lienholder. The lien provided for in this section is a privileged lien subordinate only to liens for ad valorem taxes and previously recorded bona fide mortgage liens attached to the real property.

(Ordinance 193, part 1, sec. 91, 1985; Code 1989, sec. 15.12.860; Ordinance 94-03, sec. 3, 1994)

Sec. 22-205. Designation of unfit structures.

Any structure having any of the defects described below are deemed unfit for human habitation or use and shall be so placarded:

- (1) The structure lacks illumination, ventilation, sanitation, heat or other facilities adequate to protect the health and safety of the occupants or the public.
- (2) The structure is damaged, decayed, dilapidated, insanitary, unsafe or vermin-infested in such a manner as to create a serious hazard to the health and safety of the occupants or the public.
- (3) The structure, because of the location, general conditions, state of the premises or number of occupants, is so insanitary, unsafe, overcrowded or otherwise detrimental to health and safety that it creates a serious hazard to the occupants or the public. (Ordinance 193, part 1, sec. 92, 1985; Code 1989, sec. 15.12.870)

Sec. 22-206. Removal of placard prohibited.

No person shall deface or remove the placard from any structure which has been designated as unfit for human habitation until written approval is secured from the ~~city inspector code official~~ or the board. (Ordinance 193, part 1, sec. 93, 1985; Code 1989, sec. 15.12.880)

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RECOMMEND CODE OFFICIAL

Sec. 22-207. Recording of notice.

Whenever a notice or order has been issued for any infraction of this article, the ~~city inspector code official~~ may file a copy of such notice or order in the office of the county clerk to be filed in the deed records of the county.

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RECOMMEND CODE OFFICIAL

Such recording shall constitute sufficient notice of the impending action to any subsequent purchaser, transferee, grantee, mortgagee or lessee of the property affected. (Ordinance 193, part 1, sec. 94, 1985; Code 1989, sec. 15.12.890)

Sec. 22-208. Restraint on use of structure by owner.

No person shall occupy as owner-occupant or shall let to another for occupancy any building, dwelling, roominghouse, dwelling unit or rooming unit which does not comply with the minimum standards for safe and sanitary use as required by this article; and to do so knowingly, after notice of any violation of or under this article, is declared unlawful. (Ordinance 193, part 1, sec. 95, 1985; Code 1989, sec. 15.12.900)

Sec. 22-209. City liability.

No officer, agent or employee of the city shall render himself or become personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this article. Any suit brought against any officer, agent or employee of the city as a result of any act required or permitted in the discharge of his duties under this article shall be defended by the attorney for the city until the final determination of the proceedings. (Ordinance 193, part 1, sec. 96, 1985; Code 1989, sec. 15.12.910)

Sec. 22-210. Duties of the city attorney.

The city attorney shall, upon complaint of the ~~city inspector~~ code official or upon his own motion, institute appropriate action to restrain, prevent, enjoin, abate, correct or remove any violation and to take such other legal action as he deems necessary to carry out the terms and provisions of this article. The remedies provided for in this article shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law. Any and all remedies may be pursued concurrently or consecutively, and the pursuit of any remedy shall not be construed as an election or the waiver of the right to pursue any or all of the others. (Ordinance 193, part 1, sec. 98, 1985; Code 1989, sec. 15.12.920)

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Sec. 22-211. Violation; penalty.

Any person who knowingly and intentionally violates any provision of this article shall upon conviction be punished by a fine of not less than \$1.00 nor more than \$2,000.00. Each day such a violation continues shall constitute a separate offense. The term "person" as used in this section shall include owner, occupant, mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, agent or any other person, firm or corporation directly or indirectly in control of a building or structure. (Ordinance 193, part 1, sec. 97, 1985; Ordinance 94-03, sec. 4, 1994; Code 1989, sec. 15.12.930)

Secs. 22-212–22-240. Reserved.

**City of Lake Dallas
February 14, 2019**

**Proposed Rental Registration
Program City Council Discussion**



1

Rental Registration Program

- A tool for identifying and remedying dangerous code violations in rental properties.
- Requires registration of rental property with the City of Lake Dallas with basic information



2



What is the Purpose of the Rental Registration Program?

- Protect the Health, Safety and Welfare of the residents of the City of Lake Dallas
- Protect the integrity of surrounding residential structures (Property Valuation)
- Ability to inspect interior and exterior
 - Enhanced inspection of the exterior
 - Provide the ability to inspect the interior of a vacant structure



3



Past Forums to Discuss the Rental Registration Program

- City Council Workshops
 - October 26, 2017
 - October 25, 2018
- Public Meetings for Comment and Inquiries
 - January 19, 2019
 - January 21, 2019



4



Who Will be Impacted?

- All Rental Properties within the City of Lake Dallas
 - Single-Family
 - Duplex
 - Multi-Family
 - Manufactured Homes



5



Determination of Rental Properties

- Denton Central Appraisal District
- Lake Cities Municipal Utilities Authority
- Republic Waste Services



6

Who is Considered a Renter?

- *Tenant* means any person who occupies a dwelling unit for living or dwelling purposes with the landlord's consent.



7

How Will the Program Look?

- Registration
 - Every residential rental property
 - Fees are annual
 - Fees are due by the last day of the registration month
 - Exception: No Impact Registration – 1 calendar year
 - Must register property upon:
 - Yearly
 - Change of tenancy
 - Change of ownership
 - Permits are valid only for the unit issued, except multi-family



8

How it will Work?

- Visual Inspections conducted by the Code Compliance Officer
 - Annual, Change of Tenancy, and or Complaint Driven
 - Building Official and/or Fire Marshall, if necessary
- Follow the Dangerous Structure process if necessary



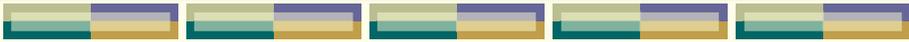
9

2015 International Property Maintenance Code

- To **protect** the **health, safety, and welfare** of the citizens of the city by establishing minimum standards and regulations by regulating use and maintenance of structures, buildings and properties within the city.
- Minimum standards are established with respect to utilities, facilities, and other physical components essential to make structures safe, sanitary, and fit for human use and habitation.
- The International Property Maintenance Code will need to be adopted and some of Chapter 22, Article II Minimum Housing and Building Standards Code, which was adopted in 1989, will need to be repealed.



10



Proposed Fee Structure

Rental Dwelling Unit Registration Fees:

- Single-Family Dwelling Units – \$50.00
- Duplexes – \$50.00
- Manufactured Housing – \$50.00
- Multifamily rental units – \$50.00 x 10% of the units (due to manpower constraints)
- Initial annual registration fee is **Free for the first 90 days** of the initiation of the Program
- Late registration fee (per rental unit) – \$100.00



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Proposed Fee Structure

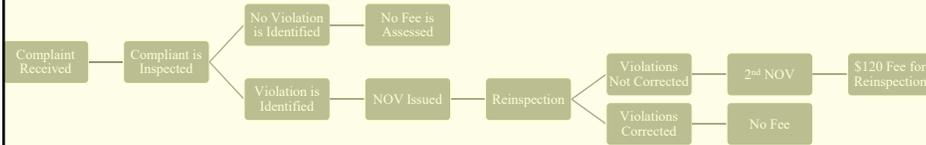
Rental Dwelling Unit Inspection Fees:

- Initial Inspection – NO CHARGE
- Reinspection Fee – \$120.00
- No inspection fee will be charged if an inspection is conducted and no violations are found



12

Inspection Flow Chart



Breakdown of Program Costs

Personnel Cost	\$18,167
Vehicle Cost	\$733
Operation Cost (multiplier)	<u>\$830</u>
Total	\$19,730
Cost per unit (assuming 150 units)	\$131.53

Registration fees and inspection fees will not cover these costs.





Benefits of the Program

- Landlords, Tenants and Community
 - Documenting and recording the conditions of the rental properties.
 - Educating owners and tenants about their rights and responsibilities
 - Insuring that tenants are provided with safe and sanitary housing.
 - Protecting Property Values
 - Identifying dangerous structures and elimination of hazards.



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Grouping of Comments from Public Meeting

- Registration
- Inspection
- Fees
- Generic Program Comments



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In Conclusion

What the Program is...

- To protect the health, safety and welfare of all residents
- To gain Compliance
- To protect the integrity of surrounding residential structures (Property Valuation)

What the Program is not...

- To generate additional revenue
- To Penalize property owners and renters

Questions/Directions/Next Steps