

ORDINANCE NO. O-03-16

AN ORDINANCE OF THE CITY OF GLENN HEIGHTS, TEXAS, AMENDING CHAPTER 3 OF THE GLENN HEIGHTS CODE OF ORDINANCES TO ADD ARTICLE 3.20, "RENTAL REGISTRATION REGULATIONS", SECTIONS 3.20.001 THROUGH 3.20.010; PROVIDING FOR DEFINITIONS; PROVIDING THE POWERS AND DUTIES OF THE BUILDING OFFICIAL AS THE DESIGNATED ADMINISTRATOR; PROVIDING FOR THE ESTABLISHMENT OF A RENTAL REGISTRATION PROGRAM FEE; PROVIDING A PENALTY OF FINE NOT TO EXCEED FIVE HUNDRED DOLLARS (\$500.00); PROVIDING FOR SEVERABILITY; PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The City Council of the City of Glenn Heights, deems it necessary for the purpose of promoting the health, safety and general welfare of the City and its residents, to adopt and enforce regulations regarding rental properties which are offered for lease, barter or rent in the City,

WHEREAS, The City Council finds that there is an increase in property maintenance and housing violations on property that is leased, bartered, or rented when compared with owner occupied properties,

WHEREAS, Violations of the minimum property maintenance and household standards can impact the safety, health and welfare of the residents and diminish property values in the City of Glenn Heights;

WHEREAS, The City Council finds that the annual registration and periodic inspection of rental unit buildings within the City can minimize potential negative impacts to the safety, health and welfare of the occupants of the buildings as well as the surrounding neighborhood; and

WHEREAS, The rental registration program shall be implemented City wide and shall apply to each single-family, two-family, manufactured home, and multi-family rental unit within the City.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GLENN HEIGHTS, TEXAS, THAT:

SECTION 1. The Chapter 3 of the Glenn Heights Code of Ordinances be, and the same is, hereby amended by adding Article 3.20, "Rental Registration Program Regulations", which shall read as follows:

Article 3.20.000 RENTAL REGISTRATION PROGRAM REGULATIONS

Division 1. General Provisions

Sec. 3.20.001 General

The City of Glenn Heights recognizes a need for a residential rental property registration and inspection program within the City to ensure compliance with City and State life safety, health, fire, and zoning codes and to further provide a means to encourage both absentee and local landlords to correct violations and to maintain their residential rental property in a safe and habitable condition for tenants.

Sec. 3.20.002 Definitions

For the purpose of this Article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Building. Any structure having a roof that is built, maintained, or intended for use for the shelter or enclosure of persons, animals, or property of any kind.

Building Official. The building official, or his/her designee, for the City of Glenn Heights, Texas.

City. The City of Glenn Heights, Texas, including all areas within its corporate limits.

City Council. The City Council of the City of Glenn Heights, Texas.

City Manager. The City Manager for the City of Glenn Heights, Texas, or his/her designee.

Dwelling. Any enclosed space wholly or partly used or intended to be used for human habitation, living, sleeping, cooking, eating, and sanitation and shall include any outhouse or appurtenance belonging thereto.

Dwelling unit. A room or group of rooms located within a dwelling forming a single habitable unit with facilities used or intended to be used by a single family for human occupancy such as living, sleeping, cooking, and eating purposes.

Family. Means one or more persons related by blood, adoption or marriage, living and cooking together as a single housekeeping unit. A number of persons, but not exceeding two, living and cooking together as a single housekeeping unit, though not related by blood, adoption or marriage, shall be deemed to constitute a family.

Landlord. Any person who leases, barter, or rents a rental unit to another.

Manufactured Home. Means a structure, transportable in one or more sections, which in the traveling mode is 8 body feet (2438 body mm) or more in width or 40 body feet (12 192 body mm) or more in length, or, when erected on site, is 320 square feet (30 m²) or more, and which is built on a permanent chassis and designed to be used as a *dwelling* with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein. This term shall include any structure that meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary (HUD) for such homes. For the purpose of this Article, a mobile home shall be considered a *manufactured home*.

Multi-Family rental unit. Means a multifamily structure containing three or more dwelling units located on a single lot designed to be occupied by three or more families living independently of one another, excluding hotels or motels.

Owner. Any person, agent, operator, firm or corporation having a 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 or administrator of the estate of such person if ordered to take possession of real property by a court.

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

Property manager. The owner or the person appointed or hired by the owner to be responsible for the daily operation of a rental unit.

Rent. The offering, holding out or actual leasing of a rental unit to a person other than the owner and generally involves the payment of an amount of money as consideration for the right to occupy the Rental Unit, although other forms of consideration or no consideration at all may be involved.

Rental unit. Means a single-family dwelling, two-family dwelling (duplex), and/or a multi-family dwelling, or portion thereof that is rented or offered for rent as a residence.

Single family dwelling. Means a freestanding building or manufactured home on one lot occupied by not more than one family.

Tenant. Any person who rents or leases a rental unit for living or dwelling purposes.

Two-Family dwelling (duplex). Means a freestanding building or manufactured home on one lot, having separate accommodations for and occupied by not more than two families, one family in each dwelling unit.

Sec. 3.20.003 Building Official, Power and Duties.

The building official is hereby designated as the administrator of the provisions of this Article. In addition to the powers and duties otherwise prescribed for the building official, as administrator of this Article, the building official shall have the authority to:

- 1) Administer and enforce all provisions of this ordinance.
- 2) Keep records of all licenses issued.
- 3) Adopt rules and regulations, not inconsistent with the provisions of this Article, with respect to the form and content of application for registration, the investigation of applicants, and other matters incidental or appropriate to his powers and duties as may be necessary for the proper administration and enforcement of the provisions of this Article.
- 4) Conduct periodic inspections of residential rental properties throughout the City to ensure compliance with this Article 3.20 and all other City ordinances and State laws related to the purpose and/or enforcement of this Article 3.20.

Division 2. Registration and Inspection

Sec. 3.20.004 Registration Required

- (a) Each owner of a rental unit within the City shall register each such rental unit with the City in accordance with procedures contained in this Article. A separate registration shall be required for each rental unit for each registration. Every owner of a rental unit as of the date of adoption of this Article shall complete an initial registration application and pay an initial registration fee on or before May 1, 2016.
- (b) Unless otherwise provided in Section 3.20.004, each owner of a rental unit within the City shall make application for registration with the City and schedule an inspection of said rental unit with the building official within thirty (30) days after the date of acquiring ownership of a rental unit or within thirty (30) days after the date an owner of a dwelling unit converts the dwelling unit into a rental unit.
- (c) Application for rental registration shall be made upon a form provided by the City for such purpose, and shall include, at a minimum, the following information:
 - (1) Owner's name, address, and work and home telephone number, driver's license number, or identification card number and state of issuance of the owner;
 - (2) If owner is a partnership, the names of all partners, the principal business address, and telephone number of each partner;
 - (3) If owner is a corporation, the Person registering must state whether the corporation is organized under the laws of this state or is a foreign corporation, and must show the mailing address, business location, telephone number, name of the main individual in charge of the local office of such corporation, if any, and the names of all officers and directors or

trustees of such corporation, and, if a foreign corporation, the place of incorporation;

- (4) Name, address and telephone number of the Property Manager or person having the authority to act on behalf of the owner;
- (5) Street address of the rental unit; and
- (6) Signature of the owner or owner's agent.

(d) The City shall, within thirty (30) days after receipt of the registration application, either issue a certificate of registration or notify the owner that the application does not comply with the requirements of this Article.

(e) Unless otherwise provided in this Article, a certificate of registration shall be valid for each rental unit until such time as there is a change in ownership for that unit. A change in ownership shall be deemed to have occurred upon any of the following:

- (1) Any change in the individual ownership of the unit;
- (2) Any change in the ownership of any entity(s) in whose name(s) the current registration for the unit is issued;
- (3) Where the unit is managed by a Property Manager, upon any change in the individual Property Manager and/or the Property Manager's ownership; or
- (4) Upon the dissolution of any entity(s) having ownership over the unit or upon said entity: (i) petitioning for reorganization under the Bankruptcy Code, (ii) being adjudged bankrupt, or (iii) becoming insolvent or having a receiver appointed due to the insolvency.

(f) A nonrefundable registration fee in an amount set forth in Appendix "A" of this code shall be paid to the City by the owner with at the same time as the registration application for each rental unit is submitted to the City.

(g) Any registration fee required to be paid under this Article shall be deemed late if received by the City after the due date established by the Article and/or the building official, as the case may be, and the owner shall be required to submit a non-refundable late registration fee in an amount set forth in Appendix "A" of this code.

(h) A nonrefundable inspection fee in an amount set forth in Appendix "A" of this code shall be paid to the City by the owner for the inspection of each rental unit at the same time the registration fee is paid. A certificate of registration shall not be issued for a rental unit until the registration and inspection fees for the unit are paid in full to the City. The inspection fee shall be required under this Article regardless of whether an inspection occurs and regardless of whether the owner or tenant has denied the building official access to the rental unit to complete the inspection.

(i) No rental unit may be occupied by a tenant without first having a valid certificate of registration. It is an offense for an owner of a rental unit within the City to permit or allow a tenant to occupy any rental unit without first being issued a valid certificate of registration for the rental unit in accordance with this Article. If an owner is required to

register more than one rental unit, the owner's failure to register any individual rental unit shall constitute a separate offense. Each and every day that the owner continues to fail to register a rental unit within the City shall also constitute a separate offense.

(j) It shall further be unlawful for any person to file a false rental registration application with the City.

Sec. 3.20.005 Change of Ownership Registration

(a) A certificate of registration issued under Section 3.20.004 shall remain in effect until such time as a change of ownership occurs in the manner defined in Section 3.20.004(e).

(b) Upon a change of ownership, the new owner of each rental unit shall complete a change of ownership registration application for each unit in the manner provided by this Article and deliver the same together with all applicable registration and inspection fees to the building official's office within thirty (30) days of the change in ownership. A change in ownership registration application submitted after thirty (30) days following the change of ownership shall be considered a late registration and the owner shall pay to the City a nonrefundable late registration fee in an amount set forth in Appendix "A" of this code.

(c) The building official shall not be required to send notice to an owner for a change of ownership registration required under this Section 3.20.005.

Sec. 3.20.006 Inspection Required Upon Change in Occupancy.

(a) The owner shall provide written notice to the building official upon each and every change in occupancy. A change in occupancy shall mean a change in all tenants occupying a rental unit. The notice required by this section shall clearly indicate whether there was a change in tenant(s) or whether the rental unit was vacated by the previous tenant(s) and is presently unoccupied.

(b) An inspection of the rental unit shall be required upon the City's receipt of written notice of a change in occupancy required to be submitted pursuant to Section 3.20.006(a). Inspections required under this Section 3.20.006 shall be performed in the same manner as and in accordance with the applicable inspection procedures established by this Article for the rental unit.

Sec. 3.20.007 Single, Two-Family Dwellings and Manufactured Home Inspections.

(a) The building official shall annually inspect the exterior of a single-family, two-family or manufactured home rental unit to determine compliance with applicable state and local laws. The building official shall provide written notice of the date and time that the exterior inspection will be conducted. Upon request and/or consent of the owner if the rental unit

is vacant, or tenant(s) if the rental unit is occupied, the building official may conduct an inspection of the interior of a rental unit.

(b) If the owner or tenant fails to make the exterior of the rental unit available for inspection, the building official may conduct the inspection from the public right-of-way. If the owner or tenant does not provide consent for the inspection and the building official must enter onto the property to conduct the inspection, the building official shall be required to obtain a warrant in the manner provided by Section 3.20.007(c) prior to entry on the property.

(c) The building official or his agent shall enforce the provisions of this Article upon presentation of proper identification to the owner or tenant in charge of any rental unit and with the owner or tenant's permission, may inspect the rental unit in accordance with this Section between the hours of 8:00 a.m. and 6:00 p.m. The building official's authority to conduct both exterior and interior inspections is subject to all limitations provided in state and federal law. If entry is refused by the owner or any occupant or if consent to enter the rental unit could not be obtained, the building official is authorized to seek a warrant permitting the building official's entry pursuant to Vernon's Ann. Texas C.C.P. [Art. 18.05](#), as the same may be amended from time to time. Any warrant issued will constitute authority for the building official to enter upon and inspect the premises described therein.

Sec. 3.20.008 Multi-Family Inspections.

(a) The building official shall inspect all building exteriors, all exterior and interior common areas of multi-family rental units to determine compliance with applicable state and local laws on an annual basis and at any other time(s) necessary to ensure compliance with this Article. Upon request and/or consent of the owner if the rental unit is vacant, or tenant(s) if the rental unit is occupied, the building official may conduct an inspection of the interior of a rental unit.

(b) Within thirty (30) days after the annual registration of a multi-family rental unit, the owner of the unit shall request the building official to conduct an inspection and shall make the unit available for inspection by the building official as provided in Section 3.20.008(a). The owner and the building official shall agree on a reasonable date and time for the required inspection. Upon each inspection by the building official, all building exteriors, all exterior common areas, interior common areas and all other inspected premises of the multi-family rental unit shall be in compliance with all applicable state laws and local ordinances.

(c) The building official or his agent shall enforce the provisions of this Article upon presentation of proper identification to the owner or tenant in charge of any rental unit and with the owner or tenant's permission, may inspect the rental unit in accordance with this Section between the hours of 8:00 a.m. and 6:00 p.m. The building official's authority to conduct interior inspections is subject to all limitations provided in state and federal law. If entry is refused by the owner or any occupant or if consent to enter the rental unit could not be obtained, the building official is authorized to seek a warrant permitting the building official's entry pursuant to Vernon's Ann. Texas C.C.P. [Art. 18.05](#), as the same may be

amended from time to time. Any warrant issued will constitute authority for the building official to enter upon and inspect the premises described therein.

Division 3. Penalty and Enforcement

Sec. 3.20.009 Penalty

- (a) It shall be unlawful for any person to be in violation of any provisions of this Article.
- (b) Any person, who shall violate a provision of this Article, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by law and, upon conviction, shall be punished by a fine not to exceed Five Hundred Dollars (\$500.00) for each offense. Each day that a violation continues shall constitute a separate offense.
- (c) Unless otherwise specified in this Article, no culpable mental state is required for the commission of an offense under this Article.

Sec. 3.20.010 Enforcement

- (a) Nothing in this Article shall prohibit the City from enforcing any administrative, civil and/or criminal enforcement remedies concurrently herewith or availing itself of any other remedy allowed by law in connection with the administration or enforcement of this Article.
- (b) The City may refuse to provide City utility service and/or approve an application for City utility service for a multi-family rental unit that is vacant at the time a registration application is required to be submitted for the unit until such time as the application is approved by the City and all applicable fees are paid.
- (c) The City may initiate termination of City utility services, or place a hold on reconnecting or reinstating utility services that have been terminated, as the case may be, to or for a dwelling unit that is substandard, or unfit for human habitation by certifying, in writing, that the dwelling unit or property is substandard or unfit for human habitation. Upon initiating a utility termination or hold, the city shall promptly notify the owner by written notice. The owner may appeal the request by serving the building official with a written notice of appeal within 5 days from the date the notice was mailed. Upon receipt of a timely appeal, the building official shall promptly review the owner's written notice of appeal for sufficiency and shall provide the owner with written information describing the appeal process. The City's determination upon appeal shall be in all things final and the owner shall not be entitled to further appeal under this subsection."

SECTION 2. That all provisions of the Ordinances of the City of Glenn Heights, Texas, in conflict with the provisions of this Ordinance be, and the same are hereby amended, repealed, and all other provisions of the Ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 3. If any article, paragraph or subdivision, clause or provision of this shall be judged invalid or held unconstitutional, the same shall not affect the validity of this Ordinance as a whole or any part or provision thereof, other than the part so decided to be valid or unconstitutional.

SECTION 4. Any person, firm, corporation or corporation violating any of the provisions or terms of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction in the municipal court of the City of Glenn Heights, Texas, shall be punished by a fine not to exceed the sum of Five Hundred Dollars (\$500.00) for each offense. Every day that a violation occurs shall constitute a separate offence.

SECTION 5. This ordinance shall take effect immediately from and after the publication of its caption, as the law in such cases provides.

DULY PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF GLENN HEIGHTS, TEXAS ON THIS THE 1ST DAY OF MARCH, 2016.

APPROVED:



Leon P. Tate, Mayor

ATTEST:



Juanita Willman, City Secretary

APPROVED AS TO FORM:



Whitt L. Wyatt, City Attorney
(ww: 2-15-16: TM 72264)