

Ordinances Governing
THE UNIFORM HOUSING CODE
in the
CITY OF ARLINGTON
TEXAS

Amended by Ordinance No. 13-024

(June 18, 2013)

(Chapter Designator: UNIFORM HOUSING)

ORDINANCE HISTORY

<u>Number</u>	<u>Date of Adoption</u>	<u>Comments</u>
85-14	01/29/85	Chapter revised in its entirety.
85-289	12/26/85	Articles XI through XV revised in their entirety.
86-102	05/13/86	Amend Article III, Section 304 .
88-22	01/26/88	Amend Article II, Section 201 .
88-47	03/15/88	Amend Article III, Section 304 .
89-107	09/19/89	Amend Article III, Section 304 , to change the phrase “apartment complexes” to multi-family dwelling complexes.”
91-115	12/17/91	Amend Article X, Section 1002 , to separate penalties for offenses under this Chapter, excluding offenses under Article XVI ; addition of Article XVI, Crime Prevention , relative to security measures for multi-family dwellings.
93-127	11/30/93	Amend Article XVI, Crime Prevention, Section 1601, Definitions , to revise the definitions “peephole” and “latch”; amend Section 1602, Preventive Measures, Subsection (C), Latches Required , to revise the requirement for window latches; amend Section 1605, Offenses, Subsection (D) , creating an offense for a landlord's failure to install window latches.
99-43	03/23/99	Amend Article II, Enforcement, Section 202., Substandard Buildings , relative to establishing procedures to abate pursuant to the dangerous buildings section of the “Construction” Chapter; amend Article XI, Appeals - Substandard Housing Abatement - Public Hearings Before the Housing Advisory and Appeals Board , by the amendment of the title of Article XI; amend Section 1102., General , delete Section 1103., Vacation and Demolition , delete Section 1104., Notice to Vacate , delete Article XII ,

ORDINANCE HISTORY

<u>Number</u>	<u>Date of Adoption</u>	<u>Comments</u>
		<u>Appeal</u> , and renumber remaining articles, amend Article XIII , <u>Enforcement</u> , delete Article XIV , <u>Performance of Demolition</u> , delete Article XV , <u>Recovery of Cost of Demolition</u> , and renumber remaining articles, relative to deleting provisions which have been updated to conform to current state law and incorporated into the dangerous buildings section of the Construction Chapter; amend Article XVI , <u>Crime Prevention</u> , relative to updating the reference to various subsections.
99-141	11/16/99	Amend Section 304. , <u>Multi-family Dwelling Complexes</u> , Subsection (a) relative to extended-stay hotels and motels.
00-059	5/16/00	Amend Article X , <u>Substandard Buildings</u> , Section 1001 , <u>Definitions</u> , relative to the amendment of definition of “Faulty Weather Protection.”
04-009	1/13/04	Amend Article I , <u>Title and Scope</u> , Section 103 , <u>Scope</u> , relative to the Building Code; amend Article II , <u>Enforcement</u> , Section 201 , <u>General</u> , Subsection (B), relative to designation of the Director of Neighborhood Services; Section 203 , <u>Housing Advisory and Appeals Board</u> , relative to the Housing Board of Appeals; amend Article III , <u>Permits and Inspections</u> , Section 303 , <u>Inspection</u> , relative to the Building Code; amend Article IV , <u>Definitions</u> , Section 401 , <u>Definitions</u> , relative to the definitions of “Building Code”, “Health Officer”, “Mechanical Code”, and “Health Authority”; amend Article V , <u>Space and Occupancy Standards</u> , Section 501 , <u>Location on Property</u> , relative to the Building Code; Section 504 , <u>Light and Ventilation</u> , Subsection (d) , relative to the Building Code; Section 505 , <u>Sanitation</u> , Subsection (e) , relative to the Building Code; amend Article VII , <u>Mechanical Requirements</u> , Section 701 , <u>Heating and Ventilation</u> , Subsection (a) , relative to the Building Code; amend

ORDINANCE HISTORY

<u>Number</u>	<u>Date of Adoption</u>	<u>Comments</u>
		Article VIII, <u>Exits</u>, Section 801, <u>General</u> , relative to the Building Code; amend Article IX, <u>Fire Protection</u>, Section 901, <u>General</u> , relative to the Building Code; amend Article X, <u>Substandard Buildings</u>, Section 1001, <u>Definitions</u>, Subsection (I) , relative to the Building Code; Section 1002, <u>Penalty</u> , relative to designation of the Director of Neighborhood Services; amend Article XI, <u>Appeals - Public Hearings Before the Housing Advisory and Appeals Board</u> , relative to designation of Housing Board of Appeals; amend Article XII, <u>Enforcement</u>, Section 1201, <u>Compliance</u> , relative to designation of the Director of Neighborhood Services.
06-086	08/22/06	Amend Article II, <u>Enforcement</u>, Section 201, <u>General</u>, Subsections (a) and (b) ; Article IV, <u>Definitions</u>, Section 401, <u>Definitions</u> , the term “Health Officer;” Article X, <u>Substandard Buildings</u>, Section 1002, <u>Penalty</u>, Subsection (d) ; Article XI, <u>Appeals - Public Hearings Before the Housing Board of Appeals</u>, Section 1101, <u>Housing Board of Appeals</u>, Subsections (c), (e), (f)(1) and (f)(3) ; Section 11.02, <u>General</u>, Subsection (a) ; Article XII, <u>Enforcement</u>, Section 1201, <u>Compliance</u>, Subsection (b) , relative to updating the reference to the Community Services Department.
07-099	12/18/07	Amend Article III, <u>Permits and Inspections</u>, Section 304, <u>Multi-Family Dwelling Complexes</u> , relative to inspections of multi-family dwelling complexes and extended-stay hotels and motels and strengthening enforcement of the ordinance requirement including requirement to remit inspection fees.
08-019	3/18/08	Amend Article III, <u>Permits and Inspections</u>, Section 304, <u>Multi-Family Dwelling Complexes</u> , relative to inspections of duplexes.

ORDINANCE HISTORY

<u>Number</u>	<u>Date of Adoption</u>	<u>Comments</u>
13-024	06/18/13	Amend Article X , <u>Substandard Buildings</u> , Section 1002 , <u>Penalty</u> , relative to penalties relating to the addition of Article XIV; by the addition of Article XIV , <u>Multi-Family License</u> , relative to the requirement of a license for multi-family buildings and providing for probationary status, denial, suspension, or revocation of multi-family licenses; and the addition of Article XV , <u>Penalty</u> , relative to civil and criminal penalties.

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ARTICLE I
TITLE AND SCOPE

Section 101. Title

These regulations shall be known as the "Uniform Housing Code", may be cited as such, and will be referred to herein as "this code."

Section 102. Purpose

The purpose of this code is to provide minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the use and occupancy, location and maintenance of all residential buildings and structures within this jurisdiction.

Section 103. Scope

- (a) Application. The provisions of this code shall apply to all buildings or portions thereof used, or designed or intended to be used, for human habitation. Such occupancies in existing buildings may be continued as provided in the Building Code, except such structures as are found to be substandard as defined in this code.

Where any building or portion thereof is used or intended to be used as a combination apartment house-hotel, the provisions of this code shall apply to the separate portions as if they were separate buildings.

Every rooming house or lodging house shall comply with all the requirements of this code for dwellings.

- (b) Alteration. Existing buildings which are altered or enlarged shall be made to conform to this code insofar as the new work is concerned and in accordance with the Building Code.
- (c) Relocation. Buildings or structures moved into or within this jurisdiction shall comply with the requirements in the Building Code for new buildings and structures. (Amend Ord 04-009, 1/13/04)

ARTICLE II
ENFORCEMENT

Section 201. General

- (a) Authority. The Building Official or the Director of Community Services or designees are hereby authorized to enforce all of the provisions of this code. For such purposes, they shall have the powers of a law enforcement officer.

- (b) Right of Entry. Whenever necessary to make an inspection to enforce any of the provisions of this code, or whenever the Director of Community Services or Building Official or an authorized representative has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building or premises unsafe, dangerous or hazardous, the Director of Community Services or Building Official or their authorized representative may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Director of Community Services or Building Official designees by this code, provided that if such building or premises be occupied, he shall first present proper credentials and request entry; and if such building or premises be unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If such entry is refused or if the owner or other person having charge or control of said premises cannot be located, the Director of Community Services or Building Official or their authorized representative shall have recourse to every remedy provided by law to secure entry.

When the Director of Community Services or Building Official or their authorized representative shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other person having charge, care or control of any building or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the Director of Community Services or Building Official or their authorized representative for the purpose of inspection and examination pursuant to this code.
(Amend Ord 06-086, 8/22/06)

- (c) Responsibilities Defined. Every owner remains liable for violations of duties imposed upon him by this code even though an obligation is also imposed on the occupants of his building, and even though the owner has, by agreement, imposed on the occupant the duty of furnishing required equipment or of complying with this code, except as otherwise provided by law.

Every owner, or his agents, in addition to being responsible for maintaining his building in a sound structural condition, shall be responsible for keeping that part of the building or premises which he occupies or controls in a clean, sanitary and safe condition including the shared or public areas in a building containing two (2) or more dwelling units.

Every owner shall, where required by this code, the health ordinance or the Health Officer, furnish and maintain such approved sanitary facilities as required, and shall furnish and maintain approved devices, equipment or facilities for the prevention of insect and rodent infestation, and where infestation has taken place, shall be responsible for the extermination of any insects, rodents or other pests when such extermination is not specifically made the responsibility of the occupant by law or ruling.

Every occupant of a dwelling unit, in addition to being responsible for keeping in a clean, sanitary and safe condition that part of the dwelling or dwelling unit or premises which he occupies and controls, shall dispose of all his rubbish, garbage and other organic waste in a manner required by the health ordinance and approved by the Health Officer.

Every occupant shall, where required by this code, the health ordinance or the Health Officer, furnish and maintain approved devices, equipment or facilities necessary to keep his premises safe and sanitary.
(Amend Ord 88-22, 1/26/88)

Section 202. Substandard Buildings

All buildings or portions thereof which are determined to be substandard as defined in City ordinances are hereby

declared to be public nuisances and may be abated in accordance with the procedure specified in the "Construction" Chapter of the Code of Ordinances of the City of Arlington, Texas, Article XVI, entitled "Dangerous Buildings". (Amend Ord 04-009, 1/13/04)

Section 203. Housing Board of Appeals

In order to provide for final interpretation of the provisions of this code and to hear appeals provided for hereunder, the Housing Board of Appeals shall act under the provisions of this Chapter. (Amend Ord 04-009, 1/13/04)

Section 204. Violations

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure or cause or permit the same to be done in violation of this code.

ARTICLE III

PERMITS AND INSPECTIONS

Section 301. General

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish any building or structure regulated by this code without first obtaining a separate permit for each building or structure from the Building Official in the manner and according to the applicable conditions prescribed in Article IV of the "Construction" Chapter of the Code of the City of Arlington.

Section 302. Fees

Whenever a building permit is required by Section 301 of this code, the appropriate fees shall be paid to the Building Official as specified in the Building Code.

Section 303. Inspection

All buildings or structures within the scope of this code and all construction or work for which a permit is required shall be subject to inspection by the Building Official in accordance with and in the manner provided by this code and the Building Code. (Amend Ord 04-009, 1/13/04)

Section 304. Duplexes, Multi-Family Dwelling Complexes and Extended-Stay Hotels and Motels

- (a) A fee is hereby authorized to be charged to the ownership of all duplexes, multi-family dwelling complexes and extended-stay hotels and motels, which terms are defined respectively as a building or portion thereof, arranged, designed or occupied as two (2) dwelling units not for transient use except owner occupied duplexes; a building or portion thereof, arranged, designed or occupied as three (3) or more dwelling units not for transient use except owner occupied dwelling units; or a building or portion thereof, arranged, designed or occupied as an extended-stay hotel or motel. An extended-stay hotel or motel shall be, for the purpose of this ordinance, any hotel

or motel which offers more than five (5) percent of its rental units for stays exceeding thirty (30) consecutive days. The authorized fees shall be used to provide for inspections to ensure compliance with the requirements of this chapter. The inspection and reinspection fees shall be established by resolution of the City Council and shall be the fees in effect at the time payment is made.

- (b) Except for the reinspection fees and duplex fees, the fees to be imposed shall be paid on a semi-annual basis upon all existing multi-family dwelling complexes and extended-stay hotels and motels with a valid Certificate of Occupancy. Billing periods shall be March through August (billable in September) and September through February (billable in March). Payments shall be due to the City within thirty (30) days from the billing date. For multi-family units and extended-stay hotel and motels completed after a billing period has commenced, fees shall be billed on a pro rata basis beginning with the date upon which a Certificate of Occupancy is issued. Thereafter, billing shall occur in accordance with the two (2) billing periods set forth above. Reinspection fees to be imposed may be billed monthly and payments shall be due to the City within thirty (30) days from the billing date. Duplex fees to be imposed shall be paid on an annual basis upon all existing duplexes. The billing period shall be September through August (billable in September). Payment shall be due to the City within thirty (30) days from the billing date. For duplex units completed after a billing period has commenced, fees shall be billed on a pro rata basis. Thereafter, billing shall occur in accordance with the annual billing period previously set forth above.
- (c) All fees, when collected, shall be placed in a separate account known as the Apartment Fee Assessment Account. All such fees are to be expended during the current succeeding years or so much thereof as may be necessary to cover the City's direct and indirect cost for administering the inspections as required by this chapter. Should there be an unexpended balance at the end of any year, the City shall adjust the fees for the succeeding year, so that the amount produced and paid to the City, together with the unexpended balance in the Apartment Fee Assessment Account, will be sufficient to pay the expenses of carrying out the provisions of this chapter. Any amount remaining in the Apartment Fee Assessment Account at the end of the

- year shall be carried over and expended in accordance with these provisions during the subsequent year or years.
- (d) All fees shall be applied to the year in which they were billed.
 - (e) It is a violation for any person, firm or corporation to fail to perform an act required by this Section including the requirement to remit inspection fees as required by the Section.
 - (f) Any person firm or corporation violating any of the provision of this Section shall be deemed guilty of a misdemeanor and each day that the violation continues shall be a separate offense. Each offense shall be punishable by a fine not to exceed Five Hundred Dollars (\$500).
 - (g) It is an affirmative defense to prosecution for the violation of failing to submit inspection fees as required in this Section that the person, firm or corporation charged with the violation ceased operations at the location subject to inspection before the end of the billing period.

(Amend Ord 08-019, 3/18/08)

ARTICLE IV

DEFINITIONS

Section 401. Definitions

For the purpose of this code, certain terms, phrases, words and their derivatives shall be construed as specified in either this chapter or as specified in the Building Code. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. Words in the singular include the plural, and the plural the singular. Words used in the masculine gender include the feminine, and the feminine the masculine. (Amend Ord 04-009, 1/13/04)

BUILDING CODE or CODE is as set forth in Article I of the Construction Chapter of the City of Arlington Code of Ordinances. (Amend Ord 04-009, 1/13/04)

EFFICIENCY DWELLING UNIT is a dwelling unit containing only one (1) habitable room and meeting the requirements of Section 503(b), Exception.

HEALTH AUTHORITY is the physician appointed by the Arlington City Council as required by law. (Amend Ord 04-009, 1/13/04)

HEALTH OFFICER is the legally designated Health Authority when required by law or the head of the Department of Community Services or his designee. (Amend Ord 06-086, 8/22/06)

HOT WATER is hot water supplied to plumbing fixtures at a temperature of not less than 110 degrees F.

MECHANICAL CODE is as set out in City of Arlington ordinances. (Amend Ord 04-009, 1/13/04)

NUISANCE The following shall be defined as nuisances:

1. Any public nuisance known at common law or in equity jurisprudence.
2. Any attractive nuisance which may prove detrimental to children whether in a building, on the premises of a building or upon an unoccupied lot. This includes any

- abandoned wells, shafts, basements or excavations; abandoned refrigerators and motor vehicles; or any structurally unsound fences or structures; or any lumber, trash, fences, debris or vegetation which may prove a hazard for inquisitive minors.
3. Whatever is dangerous to human life or is detrimental to health, as determined by the Health Officer.
 4. Overcrowding a room with occupants as described in Section 503.
 5. Insufficient ventilation or illumination as described in Section 504.
 6. Inadequate or unsanitary sewage or plumbing facilities as described in Section 505, Section 1001(b) and Section 1001(f).
 7. Uncleanliness, as determined by the Health Officer.
 8. Whatever renders air, food or drink unwholesome or detrimental to the health of human beings, as determined by the Health Officer.

ARTICLE V

SPACE AND OCCUPANCY STANDARDS

Section 501. Location on Property

All buildings shall be located with respect to property lines and to other buildings on the same property as required by the Building Code. Exit courts from apartment houses to the public way shall be not less than forty-four inches (44") in width and seven feet (7') in height. (Amend Ord 04-009, 1/13/04)

Section 502. Yards and Courts

- (a) Scope. This section shall apply to yards and courts having required windows opening therein.
- (b) Yards. Every yard shall be not less than three feet (3') in width for one-story and two-story buildings. For buildings more than two (2) stories in height, the minimum width of the yard shall be increased at a rate of one foot (1') for each additional story. Where yards completely surround the building, the required width may be reduced by one foot (1'). For buildings exceeding fourteen (14) stories in height, the required width of yard shall be computed on the basis of fourteen (14) stories.
- (c) Courts. Every court shall be not less than three feet (3') in width. Courts having windows opening on opposite sides shall be not less than six feet (6') in width. Courts bounded on three (3) or more sides by the walls of the building shall be not less than ten feet (10') in length unless bounded on one (1) end by a street or yard. For buildings more than two (2) stories in height, the court shall be increased one foot (1') in width and two feet (2') in length for each additional story. For buildings exceeding fourteen (14) stories in height, the required dimensions shall be computed on the basis of fourteen (14) stories.

Adequate access shall be provided to the bottom of all courts for cleaning purposes. Every court more than two (2) stories in height shall be provided with a horizontal air intake at the bottom not less than ten

(10) square feet in area and leading to the exterior of the building unless abutting a yard or public space. The construction of the air intake shall be as required for the court walls of the building, but in no case shall be less than one (1) hour fire resistive.

- (d) Projection into Yards. Eaves and cornices may project into any required yard not more than two inches (2") for each foot of yard width. Unroofed landings, porches and stairs may project into any required yard provided no portion extends above the floor level of a habitable room, and provided further that no such projection shall obstruct a required exit way.

Section 503. Room Dimensions

- (a) Ceiling Heights. Habitable space shall have a ceiling height of not less than seven feet (7'), six inches (6") except as otherwise permitted in this section. Kitchens, halls, bathrooms and toilet compartments may have a ceiling height of not less than seven feet (7') measured to the lowest projection from the ceiling. Where exposed beam ceiling members are spaced at less than forty-eight inches (48") on center, ceiling height shall be measured to the bottom of these members. Where exposed beam ceiling members are spaced at forty-eight inches (48") or more on center, ceiling height shall be measured to the bottom of the deck supported by these members provided that the bottom of the members is not less than seven feet (7') above the floor.

If any room in a building has a sloping ceiling, the prescribed ceiling height for the room is required in only one-half (1/2) the area thereof. No portion of the room measuring less than five feet (5') from the finished floor to the finished ceiling shall be included in any computation of the minimum area thereof.

If any room has a furred ceiling, the prescribed ceiling height is required in two-thirds (2/3) the area thereof, but in no case shall the height of the furred ceiling be less than seven feet (7').

- (b) Floor Area. Every dwelling unit shall have at least one (1) room which shall have not less than one hundred-fifty (150) square feet of floor area. Other

habitable rooms, except kitchens, shall have an area of not less than seventy (70) square feet. Where more than two (2) persons occupy a room used for sleeping purposes, the required floor area shall be increased at the rate of fifty (50) square feet for each occupant in excess of two (2).

EXCEPTION: Nothing in this section shall prohibit the use of an efficiency living unit within an apartment house meeting the following requirements:

1. The unit shall have a living room of not less than two hundred-twenty (220) square feet of superficial floor area. An additional one hundred (100) square feet of superficial floor area shall be provided for each occupant of such unit in excess of two (2).
 2. The unit shall be provided with a separate closet.
 3. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities each having a clear working space of not less than fifty inches (50") in front. Light and ventilation conforming to this code shall be provided.
 4. The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.
- (c) Width. No habitable room other than a kitchen shall be less than seven feet (7') in any dimension.

Each water closet stool shall be located in a clear space not less than thirty inches (30") in width and a clear space in front of the water closet stool of not less than twenty-four inches (24") shall be provided.

Section 504. Light and Ventilation

- (a) Natural Light and Ventilation. All guest rooms, dormitories and habitable rooms within a dwelling unit shall be provided with natural light by means of exterior glazed openings with an area not less than one-tenth (1/10) of the floor area of such rooms with a minimum of ten (10) square feet. All bathrooms, water closet

compartments, laundry rooms and similar rooms shall be provided with natural ventilation by means of openable exterior openings with an area not less than one-twentieth ($1/20$) of the floor area of such rooms with a minimum of one and one-half ($1\frac{1}{2}$) square feet.

All guest rooms, dormitories and habitable rooms within a dwelling unit shall be provided with natural ventilation by means of openable exterior openings with an area of not less than one-twentieth ($1/20$) of the floor area of such rooms with a minimum of five (5) square feet.

- (b) Origin of Light and Ventilation. Required exterior openings for natural light and ventilation shall open directly onto a street or public alley or a yard or court located on the same lot as the building.

EXCEPTION: Required windows may open into a roofed porch where the porch:

1. Abuts a street, yard or court; and
2. Has a ceiling height of not less than seven feet (7'); and
3. Has the longer side at least sixty-five percent (65%) open and unobstructed.

A required window in a service room may open into a vent shaft which is open and unobstructed to the sky and not less than four feet (4') in least dimension. No vent shaft shall extend through more than two (2) stories.

For the purpose of determining light and ventilation requirements, any room may be considered as a portion of an adjoining room when one-half ($1/2$) of the area of the common wall is open and unobstructed and provides an opening of not less than one-tenth ($1/10$) of the floor area of the interior room or twenty-five (25) square feet, whichever is greater.

- (c) Mechanical Ventilation. In lieu of required exterior openings for natural ventilation, a mechanical ventilation system may be provided. Such system shall be capable of providing two (2) air changes per hour in all guest rooms, dormitories, habitable rooms and in

public corridors. One-fifth (1/5) of the air supply shall be taken from the outside. In bathrooms, water closet compartments, laundry rooms and similar rooms a mechanical ventilation system connected directly to the outside, capable of providing five (5) air changes per hour, shall be provided.

- (d) Hallways. All public hallways, stairs and other exit-ways shall be adequately lighted at all times in accordance with the Building Code. (Amend Ord 04-009, 1/13/04)

Section 505. Sanitation

- (a) Dwelling Units. Every dwelling unit shall be provided with a bathroom equipped with facilities consisting of a water closet, lavatory and either a bathtub or shower.
- (b) Hotels. Where private water closets, lavatories and baths are not provided, there shall be provided on each floor for each sex at least one (1) water closet and lavatory and one (1) bath accessible from a public hallway. Additional water closets, lavatories and baths shall be provided on each floor for each sex at the rate of one (1) for every additional ten (10) guests or fractional number thereof in excess of ten (10). Such facilities shall be clearly marked for "Men" or "Women".
- (c) Kitchen. Each dwelling unit shall be provided with a kitchen. Every kitchen shall be provided with a kitchen sink. Wooden sinks or sinks of similarly absorbent material shall not be permitted.
- (d) Fixtures. All plumbing fixtures shall be connected to a sanitary sewer or to an approved private sewage disposal system. All plumbing fixtures shall be connected to an approved system of water supply and provided with hot and cold running water necessary for its normal operation.

All plumbing fixtures shall be of an approved glazed earthenware type or of a similarly nonabsorbent material.

- (e) Water Closet Compartments. Walls and floors of water closet compartments except in dwellings shall be finished in accordance with the Building Code. (Amend Ord 04-009, 1/13/04)
- (f) Room Separation. Every water closet, bathtub or shower required by this code shall be installed in a room which will afford privacy to the occupant. A room in which a water closet is located shall be separated from food preparation or storage rooms by a tight-fitting door.
- (g) Installation and Maintenance. All sanitary facilities shall be installed and maintained in safe and sanitary condition and in accordance with all applicable laws.

ARTICLE VI

STRUCTURAL REQUIREMENTS

Section 601. General

- (a) General. Buildings or structures may be of any type of construction permitted by the Building Code. Roofs, floors, walls, foundations and all other structural components of buildings shall be capable of resisting any and all forces and loads to which they may be subjected. All structural elements shall be proportioned and joined in accordance with the stress limitations and design criteria as specified in the appropriate sections of the Building Code. Buildings of every permitted type of construction shall comply with the applicable requirements of the Building Code.
- (b) Shelter. Every building shall be weather protected so as to provide shelter for the occupants against the elements and to exclude dampness.
- (c) Protection of Materials. All wood shall be protected against termite damage and decay as provided in the Building Code.

ARTICLE VII

MECHANICAL REQUIREMENTS

Section 701. Heating and Ventilation

- (a) Heating. Every dwelling unit and guest room shall be provided with heating facilities capable of maintaining a room temperature of 70 degrees F., at a point three feet (3') above the floor in all habitable rooms. Such facilities shall be installed and maintained in a safe condition and in accordance with the Building Code, the Mechanical Code and all other applicable laws. Unvented fuel burning heaters shall not be permitted. All heating devices or appliances shall be of an approved type. (Amend Ord 04-009, 1/13/04)
- (b) Electrical Equipment. All electrical equipment, wiring and appliances shall be installed and maintained in a safe manner in accordance with all applicable laws. All electrical equipment shall be of an approved type.

Where there is electrical power available within three hundred feet (300') of the premises of any building, such building shall be connected to such electrical power. Every habitable room shall contain at least two (2) supplied electric convenience outlets or one (1) such convenience outlet and one (1) supplied electric light fixture. Every water closet compartment, bath-room, laundry room, furnace room and public hallway shall contain at least one (1) supplied electric light fixture.

- (c) Ventilation. Ventilation for rooms and areas and for fuel burning appliances shall be provided as required in the Mechanical Code and in this code. Where mechanical ventilation is provided in lieu of the natural ventilation required by Section 504 of this code, such mechanical ventilating system shall be maintained in operation during the occupancy of any building or portion thereof.

ARTICLE VIII

EXITS

Section 801. General

Every dwelling unit or guest room shall have access directly to the outside or to a public corridor. All buildings or portions thereof shall be provided with exits, exitways and appurtenances as required by the Building Code.

Every sleeping room below the fourth (4th) story shall have at least one (1) operable window or exterior door approved for emergency egress or rescue. The units shall be operable from the inside to provide a full clear opening without the use of separate tools.

All egress or rescue windows from sleeping rooms shall have a minimum net clear opening of 5.7 square feet. The minimum net clear opening height dimension shall be twenty-four inches (24"). The minimum net clear opening width dimension shall be twenty inches (20"). Where windows are provided as a means of egress or rescue, they shall have a finished sill height not more than forty-four inches (44") above the floor. (Amend Ord 04-009, 1/13/04)

ARTICLE IX
FIRE PROTECTION

Section 901. General

All buildings or portions thereof shall be provided with the degree of fire resistive construction as required by the Building Code for the appropriate occupancy, type of construction and location on property; and shall be provided with the appropriate fire extinguishing systems for equipment required by the Building Code. (Amend Ord 04-009, 1/13/04)

ARTICLE X
SUBSTANDARD BUILDINGS

Section 1001. Definitions

- (a) General. Any building or portion thereof including any dwelling unit, guest room or suite of rooms, or the premises on which the same is located, in which there exists any of the following listed conditions to an extent that endangers the life, limb, health, property, safety or welfare of the public or the occupants thereof shall be deemed and hereby is declared to be a substandard building.
- (b) Inadequate Sanitation. Inadequate sanitation shall include but not be limited to the following:
1. Lack of or improper water closet, lavatory, bathtub or shower in a dwelling unit as described in Section 505.
 2. Lack of or improper water closets, lavatories and bathtubs or showers per number of guests in a hotel as described in Section 505.
 3. Lack of or improper kitchen sink as described in Section 505.
 4. Lack of hot and cold running water to plumbing fixtures in a hotel as described in Section 505.
 5. Lack of hot and cold running water to plumbing fixtures in a dwelling unit as described in Section 505.
 6. Lack of adequate heating facilities as described in Section 701.
 7. Lack of or improper operation of required ventilating equipment as described in Section 701.
 8. Lack of minimum amounts of natural light and ventilation required by this code as described in Section 504.
 9. Room and space dimensions less than required by this code as described in Section 503.

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10. Lack of required electrical lighting as described in Section 701.
 11. Dampness of habitable rooms as described in Section 601.
 12. Infestation of insects, vermin or rodents as determined by the Health Officer.
 13. General dilapidation or improper maintenance as described in Section 1001(1).
 14. Lack of connection to required sewage disposal system as described in Section 1001(f).
 15. Lack of adequate garbage and rubbish storage and removal facilities as determined by the Health Officer.
 16. Furnished appliances (provided by the owner) in inoperative condition.
- (c) Structural Hazards. Structural hazards shall include but not be limited to the following:
1. Deteriorated or inadequate foundations.
 2. Defective or deteriorated flooring or floor support.
 3. Flooring or floor supports of insufficient size to carry imposed loads with safety.
 4. Members of walls, partitions or other vertical supports that split, lean, list or buckle due to defective material or deterioration.
 5. Members of walls, partitions or other vertical supports that are of insufficient size to carry imposed loads with safety.
 6. Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or buckle due to defective material or deterioration.
 7. Members of ceilings, roofs, ceiling and roof supports, or other horizontal members that are of insufficient size to carry imposed loads with safety.

8. Fireplaces or chimneys which list, bulge or settle due to defective material or deterioration.
 9. Fireplaces or chimneys which are of insufficient size or strength to carry imposed loads with safety.
- (d) Nuisance. Any nuisance as defined in this code.
- (e) Hazardous Wiring. All wiring except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good condition and is being used in a safe manner.
- (f) Hazardous Plumbing. All plumbing except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good condition and which is free of cross connections and siphonage between fixtures.
- (g) Hazardous Mechanical Equipment. All mechanical equipment, including vents, except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good and safe condition.
- (h) Faulty Weather Protection, which shall include but not be limited to the following:
1. Deteriorated, crumbling or loose plaster.
 2. Deterioration or ineffective waterproofing of exterior walls, roof, foundations or floors, including broken windows or doors.
 3. Defective or lack of weather protection for exterior wall coverings, including lack of paint or weathering due to lack of paint or other approved protective covering.
 4. Severely peeling, flaking or chipped paint.
 5. Missing, broken, rotted, split, dilapidated or buckled exterior wall coverings, roof coverings or garage doors. (Amend Ord 00-059, 5/16/00)

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- (i) Fire Hazard. Any building or portion thereof, device, apparatus, equipment, combustible waste or vegetation which in the opinion of the Chief of the Fire Department would augment the spread and intensity of fire or explosion arising from any cause.
- (j) Faulty Materials of Construction. All materials of construction except those which are specifically allowed or approved by this code and the Building Code and which have been adequately maintained in good and safe condition.
- (k) Hazardous or Unsanitary Premises. Those premises on which an accumulation of weeds, vegetation, junk, dead organic matter, debris, garbage, offal, rat harborage, stagnant water, combustible materials and similar materials or conditions constitute fire, health or safety hazards.
- (l) Inadequate Maintenance. Any building or portion thereof which is determined to be an unsafe building in accordance with the Building Code. (Amend Ord 04-009, 1/13/04)
- (m) Inadequate Exits. All exits which do not meet the requirements of this code except those which conform with all applicable laws at the time of their construction and which have been adequately maintained and increased in relation to any increase in occupant load, alteration or addition or any change in occupancy. Lack of adequate exits shall exist when there is not at least one (1) bedroom window per bedroom below the fourth (4th) story capable of being opened to the maximum size intended.

When an unsafe condition exists through lack of or improper location of exits, additional exits may be required to be installed.
- (n) Inadequate Fire Protection or Fire Fighting Equipment. All buildings or portions thereof which are not provided with the fire resistive construction or fire extinguishing systems or equipment required by this code, except those buildings or portions thereof which conformed with all applicable laws at the time of their construction and whose fire resistive integrity and fire extinguishing systems or equipment have been adequately maintained and improved in relation to any increase in occupant load, alteration or addition or any change in occupancy.
- (o) Improper Occupancy. All buildings or portions thereof occupied for living, sleeping, cooking or dining purposes which were not designed or intended to be used for such occupancies.

- (p) Air Conditioning Equipment. Where air conditioning is furnished to the occupant of a rental unit, failure to design to a twenty (20) degree difference between inside and outside temperatures and to function to at least a fifteen (15) degree difference.

Section 1002. Penalty

- (a) A person commits a separate offense for each day a violation continues.
- (b) An offense under this chapter, excluding an offense under Article XIII or Article XIV, is punishable by a fine not to exceed \$2,000.00.
- (c) An offense under Article XIII or Article XIV is punishable by a fine not to exceed \$500.00.
- (d) The City Manager designee or designees is authorized to enforce this chapter.
(Amend Ord 13-024, 6/18/13)

ARTICLE XI

APPEALS - PUBLIC HEARINGS BEFORE THE
HOUSING BOARD OF APPEALS

Section 1101. Housing Board of Appeals

- (a) Board. There is hereby established a Board to be called the Housing Board of Appeals (herein called "the Board"), which shall consist of the Zoning Board of Adjustment members.
- (b) Term of Office. The term of office of such Board shall be as set out for the Zoning Board of Adjustment.
- (c) Records. The Director of Community Services or Building Official or a designee shall act as Secretary of the Board and shall make a detailed record of all its proceedings, which record shall set forth the reasons for the Board's Decisions, the vote of each member participating therein, the absence of a member and any failure of a member to vote. (Amend Ord 06-086, 8/22/06)
- (d) Procedure. The Board may establish rules and regulations for its own procedure not inconsistent with the provisions of this Chapter and the rules and regulations of the Zoning Board of Adjustment.
- (e) Board Decisions; Variations and Modifications.
 - 1. The Board, when appealed to, shall conduct a hearing, and after such hearing, may vary the application of any provision of this Code to any particular case when, in its opinion, the enforcement thereof would do manifest injustice, and would be contrary to the spirit and purpose of this Code or the public interest, or when, in its opinion, the interpretation of the Director of Community Services or Building Official or a designee should be modified or reversed.
 - 2. A decision of the Board to vary the application of any provision of this Code or to modify an order of the Director of Community Services or Building Official or a designee shall specify in what manner such variation or modification is made, the

conditions upon which it is made and the reasons therefor. (Amend Ord 06-086, 8/22/06)

(f) Board Decisions; Procedure.

1. Every decision of the Board shall be final, subject, however, to such remedy as the aggrieved party might have at law or in equity. The decision shall be in writing and shall indicate the vote upon the decision. Every decision shall be promptly filed in the office of the Director of Community Services and shall be open to the public for inspection. A true and correct copy of the decision shall be sent by mail or otherwise to the appellant, and a copy shall be publicly posted in the office of the Director of Community Services for two (2) weeks after the filing thereof. (Amend Ord 06-086, 8/22/06)
2. The Board shall in every case reach a decision without unreasonable or unnecessary delay.
3. If a decision of the Board reverses or modifies a refusal, order or disallowance of the Director of Community Services or Building Official or a designee, or varies the application of any provision of this Code, the Director of Community Services or Building Official or a designee shall immediately take action in accordance with such decision. (Amend Ord 06-086, 8/22/06)
4. Any person, firm or corporation aggrieved by any decision of the Board may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Unless such petition (appeal) shall be presented to the court within ten (10) days of the decision of the Board, the decision of the Board shall become final.

Section 1102. General

- (a) Commencement of Proceedings. Whenever the Director of Community Services or Building Official or a designee has inspected and has reason to believe that any building is a substandard building, he shall proceed

pursuant to Section 202 of this Code. This remedy shall be cumulative of the authority of the Director of Community Services or Building Official or a designee to issue citations for any violation of this ordinance; and in no event shall these provisions be construed as requiring the submission of a Public Hearing before the Housing Board of Appeals or Municipal Court as a prerequisite to the issuance of a citation under this Chapter. Any property owner affected hereunder may, however, request a Public Hearing before the Board as to the factual situation regarding the issuance of any citation under this Chapter. Such a Public Hearing shall be requested within ten (10) days of the date of the issuance of any citation. (Amend Ord 06-086, 8/22/06)

ARTICLE XII

ENFORCEMENT

Section 1201. Compliance

- (a) General. After any order of the Housing Board of Appeals made pursuant to this code shall have become final, no person to whom any such order is directed shall fail, neglect or refuse to obey any such order. Any such person who fails to comply with any such order is guilty of a misdemeanor.
- (b) Failure to Obey Order. If, after any order of the Housing Board of Appeals made pursuant to this code has become final, the person to whom such order is directed shall fail, neglect or refuse to obey such order, the Director of Community Services or his designee may (1) cause such person to be prosecuted under Subsection (a) of this section, or (2) institute any appropriate action to abate such building as a public nuisance. (Amend Ord 06-086, 8/22/06)

ARTICLE XIII

CRIME PREVENTION

Section 1301. Definitions

In this article:

"Deadbolt lock" shall mean a lock in a door operated from the exterior with a key and from the interior without a key, by knob or lever; which is mounted at a height not to exceed forty-eight inches (48") above the finished floor; which has a bolt which automatically locks into place when fully thrown; which has no springs to extend or retract it; and which has a bolt throw that is no less than one inch (1") in length.

"Landlord" shall mean a person who is the owner, lessor or person in control of a multifamily dwelling complex, or any unit thereof, but shall exclude a tenant.

"Latch" shall mean a lock on a window which is operable without a key and only from the interior.

"Lease" shall mean any written or oral agreement between a landlord and tenant that establishes or modifies the terms, conditions, rules or other provisions regarding the use and occupancy of a dwelling.

"Multi-family dwelling" shall mean a building, or any portion thereof, which contains three (3) or more dwelling units not for transient use, including dwelling units which are owner-occupied.

"Multi-family dwelling complex" shall mean one (1) or more multi-family dwellings occupying a common parcel of land, operating under a common name, and having a common owner, manager or homeowner's association, and shall include all common areas within and upon such land.

"Peephole" shall mean a permanently installed device in a door that provides clear one-way viewing and identification of persons or objects on the exterior side and which is made of a metal barrel with a lens of glass, acrylic, or other durable clear substance with an angle view of not less than 160 degrees.

"Pin lock" shall mean a locking device with the lock operated without a key or tool, and only from the interior, by inserting a pin or rod to prevent both vertical and horizontal movement of a sliding glass door.

"Publicly accessible area" shall mean an outdoor area to which all residents or substantial group of residents has reasonable access, including, but not limited to, parking areas, playgrounds, swimming pools, mail boxes, picnic or barbecue areas, tennis courts and common walkways.

"Rekey" shall mean to change a lock to prevent operation of the lock by the previous key, card or combination. Rekeying shall be accomplished by replacing the entire lock, altering the internal order of the tumblers of the lock or changing the combination or magnetic code which operates the lock.

"Tenant" shall mean a person who is authorized by lease to occupy a dwelling to the exclusion of others, and who is obligated to pay rent.

Section 1302. Preventive Measures

A. Deadbolts Required.

1. Each exterior door of a dwelling unit within a multi-family dwelling shall be equipped with a deadbolt lock. Sliding glass doors, screen doors and garage doors are exempt from this requirement. Doors between the living area of a dwelling unit and its garage are included.
2. Each strike plate of a required deadbolt lock shall be metal and secured by two (2) or more metal screws of a minimum length of three inches (3").
3. Each deadbolt lock and door knob lock shall be rekeyed between tenant occupancies.

B. Pin Locks Required.

1. Each exterior sliding glass door of a dwelling unit within a multifamily dwelling shall be equipped with a pin lock.

2. Pin locks that are installed after the effective date of this ordinance shall comply with the requirements of Subsection (B)(3).
 3. Pin locks shall be installed so that the pin passes through the frames of both the stationary and sliding halves of the door. A pin lock shall be installed not more than eighteen inches (18") from the bottom frame of the door.
- C. Latches Required. Each exterior vertically or horizontally opening window of a dwelling unit within a multi-family dwelling shall be equipped with an operative latch. Windows opening from a dwelling unit into a garage shall be included under this requirement.
- D. Peepholes Required.
1. Each exterior door of a dwelling unit within a multi-family dwelling shall be equipped with a peephole. Sliding glass doors, screen doors, garage doors, and doors between the living area of a dwelling unit and its garage are exempt from this requirement. A door with a vision panel that provides clear viewing and identification of persons and objects on the exterior side is exempt.
 2. Peepholes shall be installed centrally on the door, at a height not greater than sixty-six inches (66") from the finished floor.
- E. Exterior Lighting Required.
1. Each multi-family dwelling complex shall have exterior lighting in publicly accessible areas of the complex.
 2. All such lighting shall be controlled by a photo cell or seasonally-adjusted timer switch, not operable by individual residents of the complex.
 3. Lights shall be mounted at a height not less than nine feet (9') and not greater than thirty feet (30').
 4. a. Light intensity shall be a minimum of 0.4 foot candle power.

- b. The light intensity value does not represent the initial illumination of a light, but shall represent the maximum level of acceptable darkness in any publicly accessible area of a complex, when measured at a height not greater than three feet (3') from the ground.
- c. Lighting fixtures that have been identified as nonoperable shall be repaired to an operable state within seventy-two (72) hours of written notice.

F. Premises Identification Lighting Required.

- 1. Each building contained within a multi-family dwelling complex shall have exterior lighting that provides clear viewing and identification of the building numbers or addresses as required by Subsections 1303(A) and (B).
- 2. All such lighting shall be controlled by a photo cell or seasonally adjusted timer switch, not operable by individual residents of the complex.

Section 1303. Premises Identification

- A. On each building within a multi-family dwelling complex, a landlord shall install and maintain building numbers or addresses authorized by the City of Arlington, and so positioned as to be plainly readable from the public or private roadway fronting such building. Such numbers shall be of a color that contrasts with their background, and shall be a minimum of six inches (6") in height.
- B. Immediately below each building address or number, a landlord shall install and maintain the letters or numbers indicating the range of dwelling units within such building. Such numbers or letters shall be of a color that contrasts with their background, and shall be a minimum of four inches (4") in height.
- C. A landlord shall install and maintain the approved number or address for each dwelling unit at or upon the front door of such unit. Such number or address shall

be of a color that contrasts with its background, and shall be a minimum of two inches (2") in height.

- D. If the provisions of this section conflict with other provisions in the Code of the City of Arlington, as they pertain to premises identification within a multi-family dwelling complex, this section shall take precedence.

Section 1304. Compliance Deadlines

A. Security Devices.

1. Commencing June 1, 1992, deadbolt locks, strike plates, pin locks, latches and peepholes shall be installed in each dwelling unit of a multi-family dwelling complex in existence on the effective date of this ordinance, as its occupancy changes.
2. Deadbolt locks, strike plates, pin locks, latches and peepholes shall be installed in each dwelling unit of new construction of a multi-family dwelling complex before a tenant or owner occupies it.
3. Notwithstanding the above, all dwelling units of a multi-family dwelling complex shall be equipped with the deadbolt locks, strike plates, pin locks, latches and peepholes required by this article no later than December 1, 1993.

B. Lighting.

1. In existing multi-family dwellings, the premises identification lighting required by Subsection 1302(F) shall be installed by December 1, 1992.
2. The exterior lighting required by Subsection 1302(E) and the premises identification lighting required by Subsection 13.02(F) shall be installed in each new multi-family dwelling complex prior to its occupancy.

C. Premises Identification.

1. In existing multi-family dwellings, the premises identification required by this article shall be installed by December 1, 1992.

2. The premises identification required by this article shall be installed in new multi-family dwelling complexes prior to their occupancy.

Section 1305. Offenses

- A. A landlord commits an offense if he knowingly fails to install or maintain deadbolt locks, in accordance with the requirements of this article, in a dwelling unit of a multi-family dwelling complex.
- B. A landlord commits an offense if he knowingly fails to install or maintain strike plates, in accordance with the requirements of this article, in a dwelling unit of a multi-family dwelling complex.
- C. A landlord commits an offense if he knowingly fails to install or maintain pin locks, in accordance with the requirements of this article, in a dwelling unit of a multi-family dwelling complex.
- D. A landlord commits an offense if he knowingly fails to install or maintain window latches, in accordance with the requirements of this article, in a dwelling unit of a multi-family dwelling complex.
- E. A landlord commits an offense if he knowingly fails to install or maintain peepholes, in accordance with the requirements of this article, in a dwelling unit of a multi-family dwelling complex.
- F. A landlord commits an offense if he knowingly fails to install or maintain exterior lighting, in accordance with the requirements of this article.
- G. A landlord commits an offense if he knowingly fails to install or maintain premises identification lighting, in accordance with the requirements of this article, on a multi-family dwelling of a multi-family dwelling complex.
- H. A landlord commits an offense if he knowingly fails to rekey a deadbolt lock or door knob lock as required by Section 1302(A)(3).
- I. A landlord commits an offense if he knowingly fails to install or maintain premises identification, in

accordance with the requirements of this article, on a multi-family dwelling of a multi-family dwelling complex.

Section 1306. Defenses

- A. In a prosecution of a landlord for a violation of Subsection 1305(A), (B), (C), (D), (E) or (H), it shall be a defense that the landlord occupied the unit which was in violation of this article.
- B. In a prosecution of a landlord for a violation of this article, it shall be a defense that the landlord acted with reasonable diligence to correct the violation, but in no case shall reasonable diligence be deemed to exceed forty-eight (48) hours. (Amend Ord 99-43, 3/23/99)

ARTICLE XIV
MULTI-FAMILY LICENSE

Section 1401. Multi-Family License

- A. Definitions. For the purposes of this article, the following terms, words, and the derivations thereof shall have the meanings given herein.

“Administrator” shall mean the City Manager or his designee or designees.

“City or city” shall mean the City of Arlington, Texas

“License” shall mean an annual multi-family license.

“Multi-family” shall mean a building or structure as defined in the Zoning Chapter of the City of Arlington Code of Ordinances, as amended.

“Person or persons” shall mean every person, firm, partnership, corporation, association, partnership, co-partnership, social or fraternal organization, estate, trust, receiver, syndicate, or any other group or combination or entity acting as a unit; and shall include both singular and plural and the masculine shall include the feminine gender.

“Rent” shall mean the use of a residence granted to a person in exchange for consideration.

- B. Scope. This article shall apply to all existing multi-family residences, multi-family structures, and all existing multi-family premises regardless of the date of construction.
- C. Annual multi-family license required. No person shall own, manage, keep, maintain, rent, or otherwise make available for occupancy or use a multi-family structure without first obtaining a license from the Administrator. The owner or manager must annually license any multi-family location with the Administrator. Any person with more than one multi-family location shall obtain a license for each separate location. The fact that a person possesses other types of state or city permits, licenses or registrations does not exempt that person from the requirement of obtaining a multi-family license.

- D. A person commits an offense if the person operates or causes to operate a multi-family structure, building, complex or residence units without a valid license issued by the Administrator.
- E. Annual multi-family training required. The holder of a multi-family license shall attend annual training on code familiarization and crime prevention as established by the Administrator.
- F. A person commits an offense if the person operates or causes to operate a multi-family structure, building, complex or residence units and does not attend the annual training required by the Administrator.
- G. Multi-family license application.
 - 1. To obtain a multi-family license, the owner or manager of a multi-family structure must submit a completed application on a form provided by the Administrator. A multi-family license must be obtained annually. If the multi-family ownership changes or the information on the multi-family license application form changes, then in that event, a new multi-family license must be obtained no later than thirty (30) days from the date that the change of ownership occurred or thirty (30) days from the date the information became incomplete, inaccurate or obsolete.
 - 2. A person commits an offense if a new multi-family license is not obtained thirty (30) days from the date that the change of ownership occurred or thirty (30) days from the date the information became incomplete, inaccurate or obsolete.
 - 3. The following information is required for a multi-family license and shall be included in the license application:
 - a. Names, current addresses, email addresses and telephone numbers of all owners, managers, mortgage and lien holders, registered agents and insurance companies that insure the multi-family structure or location.
 - b. Copies of state issued driver's licenses and dates of birth of all owners and managers;
 - c. Complete legal description, street address, and location of the multi-family dwelling structure or structures;

- d. Proof of ownership and the name, street address, telephone number, driver's license, and email address of each person or entity with an ownership interest in the multi-family dwelling as well as the local contact for the multi-family dwelling;
 - e. Proof of property insurance for the multi-family dwelling;
 - f. Emergency contact for fire, police and code compliance or other city officials
 - g. Any additional information the Administrator determines necessary for the administration of the multi-family license.
- 4. Each multi-family license shall expire one year after issuance unless revoked or suspended earlier and may be renewed by application in accordance with this article. A multi-family license is nontransferable and cannot be used at different locations. A change of ownership of the multi-family dwelling complex shall require the new owner or manager or agent to obtain a new license for the multi-family location.
 - 5. If an application does not include all required information, the application will be considered incomplete.
 - 6. The Administrator shall issue a license no later than thirty (30) days after the license application is received if the multi-family location complies with the provisions of this chapter and federal, state and local laws.
- H. Multi-family dwelling license probationary status, denial, suspension, or revocation.
- 1. Probationary status. In addition to any other authority granted by this article or any other provision of the Arlington Code of Ordinances, the Administrator may place the license of a multi-family location on a probationary status if: (i) an owner or manager fails to correct a violation or violations of the city code of ordinances, state statute or applicable federal law, within the time specified in an Administrator or Administrator designee notice of violation, or (ii) any city inspection reveals a repeat violation of the same provision of the city code or applicable state or federal statute which had been identified within the preceding six (6) month period. The duration of the probationary status shall begin upon the

mailing of a notice by the Administrator of the initiation of the probationary status and shall continue until all previously identified code violations or previously identified code violation at the multi-family location has been corrected by the owner or manager or agent and the correction has been verified by the Administrator.

2. License denial, suspension or revocation. A multi-family license may be denied, suspended, or revoked for the following reasons:
 - a. A multi-family license applicant provides false or misleading information on a multi-family license application or the applicant omits required information;
 - b. Information provided with the license application is no longer accurate or becomes incomplete due to changes and the multi-family license holder fails to provide corrected information to the Administrator within thirty (30) days of the change;
 - c. The multi-family property has two or more criminal convictions, criminal deferred dispositions, or civil liable findings through civil adjudication within a twelve (12) month period for any conduct or condition at the multi-family dwelling that constitutes a violation of this article or federal, state, or local law;
 - d. Representing a multi-family property as available or otherwise making a residence available for occupancy or rent as a multi-family dwelling when the property does not hold a valid license;
 - e. The license holder is overdue in payment to the city for taxes, utility bills, fees, fines, or penalties relating to the property;
 - f. Activity at the location adversely affects traffic management or public safety;
 - g. The multi-family dwelling is sold or multi-family ownership interests are otherwise transferred in an amount of 51% or more of the ownership of the entire property and information about the new ownership interest or interests is not supplied to the Administrator within 30 days of the change or transfer or other action;

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(Amend Ord 13-024, 6/18/13)

1. Review by Administrator.

- a. Any multi-family license applicant who is denied a license, or person whose license is in probationary status, suspended or revoked (an “appellant”) may, within ten (10) business days of the service of notice of such determination, file a written appeal from such determination with the Administrator.
- b. The Administrator shall have twenty (20) business days from the date on which the appeal was received in which to serve appellant with a written decision affirming, modifying, or reversing the denial, suspension, or revocation, as applicable.
- c. Any notice or decision served to appellant shall be deemed served upon the appellant when it is personally delivered or on the date it is mailed by United States mail, with proper postage prepaid, to the name and address set forth on the application for license, whichever occurs first.

2. Any appeal filed pursuant to this article shall state succinctly the grounds upon which it is asserted that the determination should be modified or reversed and shall be accompanied by copies of the application for license, the written notice of the determination of the city, and any other information material to the determination.

3. Judicial review of any final decision of the city may be obtained through the filing of an appropriate action in a court of appropriate jurisdiction within thirty (30) calendar days after service on appellant of the decision. The applicant shall bear the burden of proof in court.

J. Offenses.

1. A person commits an offense if the person:

- a. Submits false documents, or otherwise makes a false statement of a material fact on an application for a license submitted under this article;
- b. Rents, leases, advertises or holds out for rent any residence at a multi-family dwelling location complex without a license; or

- c. Violates any other provision of this article.
- 2. In the prosecution of a civil violation or administrative adjudication of an offense under this article:
 - a. it is presumed that the applicant for the multi-family license and persons listed on the license with an interest in the multi-family location are responsible for violations under this article and for compliance with this article.
 - b. if a multi-family complex is being operated by a business entity, any or all of the following individuals may be prosecuted for or charged with an offense under this article:
 - (1) a director, officer, partner, member, employee, or other person authorized to act on behalf of the business; and
 - (2) any agent of the business who has duties of such responsibility that his or her conduct may reasonably be assumed to represent the policy of the business.

K. Penalty.

- 1. An offense under any provision of this article is a misdemeanor or civil violation punishable by a fine not to exceed five hundred dollars (\$500).
- 2. Unless a culpable mental state is explicitly stated in the definition of an offense, there shall be no requirement of a culpable mental state for any offense under this article.
- 3. Every day an offense occurs shall be a separate offense.

(Amend Ord 13-024, 6/18/13)

ARTICLE XV

PENALTY

Section 1501. Penalty

A person who violates any provision of this chapter by performing an act prohibited or by failing to perform an act required is guilty of a misdemeanor or civil violation; each day the violation continues shall be a separate offense.

1. If the definition of an offense under this chapter does not prescribe a culpable mental state, then a culpable mental state is not required. Such offense shall be punishable by a fine not to exceed five hundred dollars and no cents (\$500.00). Although not required, if a culpable mental state is in fact alleged in the charge of the offense and the offense governs fire safety, zoning, or public health and sanitation, including dumping of refuse, such offense shall be punishable by a fine not to exceed two thousand dollars and no cents (\$2,000.00).
2. If the definition of an offense under this chapter prescribes a culpable mental state and the offense governs fire safety, zoning, or public health and sanitation, including dumping of refuse, then a culpable mental state is required and the offense shall be punishable by a fine not to exceed two thousand dollars and no cents (\$2,000.00).

(Amend Ord 13-024, 6/18/13)

ORDINANCE NO. 99-43

AN ORDINANCE AMENDING THE **"UNIFORM HOUSING"** CHAPTER OF THE CODE OF THE CITY OF ARLINGTON, TEXAS, 1987, THROUGH THE AMENDMENT OF **ARTICLE II, ENFORCEMENT**, BY THE AMENDMENT OF **SECTION 202., SUBSTANDARD BUILDINGS**, RELATIVE TO ESTABLISHING PROCEDURES TO ABATE PURSUANT TO THE DANGEROUS BUILDINGS SECTION OF THE "CONSTRUCTION" CHAPTER; THROUGH THE AMENDMENT OF **ARTICLE XI, APPEALS - SUBSTANDARD HOUSING ABATEMENT - PUBLIC HEARINGS BEFORE THE HOUSING ADVISORY AND APPEALS BOARD**, BY THE AMENDMENT OF THE TITLE OF ARTICLE XI, BY THE AMENDMENT OF **SECTION 1102., GENERAL**, BY THE **DELETION** OF **SECTION 1103., VACATION AND DEMOLITION**, BY THE **DELETION** OF **SECTION 1104., NOTICE TO VACATE**, BY THE **DELETION** OF **ARTICLE XII, APPEAL**, AND THE **RENUMBERING** OF THE REMAINING ARTICLES, THROUGH THE AMENDMENT OF **ARTICLE XIII, ENFORCEMENT**, BY THE **DELETION** OF ARTICLE XIV, **PERFORMANCE OF DEMOLITION**, BY THE **DELETION** OF **ARTICLE XV, RECOVERY OF COST OF DEMOLITION**, AND THE **RENUMBERING** OF THE REMAINING ARTICLES, RELATIVE TO DELETING PROVISIONS WHICH HAVE BEEN UPDATED TO CONFORM TO CURRENT STATE LAW AND INCORPORATED INTO THE DANGEROUS BUILDINGS SECTION OF THE CONSTRUCTION CHAPTER; THROUGH THE AMENDMENT OF **ARTICLE XVI, CRIME PREVENTION**, RELATIVE TO UPDATING THE REFERENCE TO VARIOUS SUBSECTIONS; PROVIDING FOR A FINE OF UP TO **\$2000** FOR EACH OFFENSE IN VIOLATION OF THE ORDINANCE; PROVIDING THIS ORDINANCE BE CUMULATIVE; PROVIDING FOR SEVERABILITY; PROVIDING FOR GOVERNMENTAL IMMUNITY; PROVIDING FOR INJUNCTIONS; PROVIDING FOR PUBLICATION AND BECOMING EFFECTIVE TEN DAYS AFTER PUBLICATION

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

I.

That the **"Uniform Housing"** Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the amendment of Article II, Enforcement, by the amendment of **Section 202, Substandard Buildings**, so that hereafter said section shall be and read as follows:

Section 202. Substandard Buildings

All buildings or portions thereof which are determined to be substandard as defined in this code are hereby declared to be public nuisances and shall be abated in accordance with the procedure specified in the "Construction" Chapter of the Code of Ordinances of the City of Arlington, Texas, Article XVI, entitled "Dangerous Buildings".

Further, **Article XI, Appeals - Substandard Housing Abatement - Public Hearings Before the Housing Advisory and Appeals Board**, is hereby amended through the amendment of title of the Article, so that hereafter the title of Article XI shall be and read as follows:

ARTICLE XI

**APPEALS - PUBLIC HEARINGS BEFORE THE HOUSING ADVISORY
AND APPEALS BOARD**

Further, Article XI, is hereby amended through the amendment of **Section 1102., General**, so that hereafter said section shall be and read as follows:

Section 1102. General

- (a) Commencement of Proceedings. Whenever the Building Official has inspected or caused to be inspected any building and has reason to believe that such building is a substandard building, he shall proceed pursuant to Section 202 of this Code. This remedy shall be cumulative of the Building Official's authority to issue citations for any violation of this ordinance; and in no event shall these provisions be construed as requiring the submission of a Public Hearing before the Housing Advisory and Appeals Board as a prerequisite to the issuance of a citation under this Chapter. Any

property owner affected hereunder may, however, request a Public Hearing before the Housing Advisory and Appeals Board as to the factual situation regarding the issuance of any citation under this Chapter. Such a Public Hearing shall be requested within ten (10) days of the date of the issuance of any citation.

Further, Article XI is hereby amended through the **deletion** of **Section 1103.**, Vacation and Demolition.

Further, Article XI is hereby amended through the **deletion** of **Section 1104.**, Notice to Vacate.

Further, the "Uniform Housing" Chapter is hereby amended by the **deletion** of **Article XII**, Appeal, and the renumbering of the remaining articles.

Further, **Article XIII**, Enforcement, is hereby amended so that hereafter said article shall be and read as follows:

ARTICLE XII

ENFORCEMENT

Section 1201. Compliance

- (a) General. After any order of the Housing Advisory and Appeals Board made pursuant to this code shall have become final, no person to whom any such order is directed shall fail, neglect or refuse to obey any such order. Any such person who fails to comply with any such order is guilty of a misdemeanor.
- (b) Failure to Obey Order. If, after any order of the Housing Advisory and Appeals Board made pursuant to this code has become final, the person to whom such order is directed shall fail, neglect or refuse to obey such order, the Building Official may (1) cause such person to be prosecuted under Subsection (a) of this section, or (2) institute any appropriate action to abate such building as a public nuisance.

Further, the "Uniform Housing" Chapter is hereby amended by the **deletion** of **Article XIV, Performance of Demolition**.

Further, the "Uniform Housing" Chapter is hereby amended by the **deletion** of **Article XV, Recovery of Cost of Demolition**, and the renumbering of the remaining articles.

Further, **Article XVI, Crime Prevention**, is hereby amended so that hereafter said article shall be and read as follows:

ARTICLE XIII

CRIME PREVENTION

Section 1301. Definitions

In this article:

"Deadbolt lock" shall mean a lock in a door operated from the exterior with a key and from the interior without a key, by knob or lever; which is mounted at a height not to exceed forty-eight inches (48") above the finished floor; which has a bolt which automatically locks into place when fully thrown; which has no springs to extend or retract it; and which has a bolt throw that is no less than one inch (1") in length.

"Landlord" shall mean a person who is the owner, lessor or person in control of a multifamily dwelling complex, or any unit thereof, but shall exclude a tenant.

"Latch" shall mean a lock on a window which is operable without a key and only from the interior.

"Lease" shall mean any written or oral agreement between a landlord and tenant that establishes or modifies the terms, conditions, rules or other provisions regarding the use and occupancy of a dwelling.

"Multi-family dwelling" shall mean a building, or any portion thereof, which contains three (3) or more dwelling units not for transient use, including dwelling units which are owner-occupied.

"Multi-family dwelling complex" shall mean one (1) or more multi-family dwellings occupying a common parcel of land, operating under a common name, and having a common owner, manager or homeowner's association, and shall include all common areas within and upon such land.

"Peephole" shall mean a permanently installed device in a door that provides clear one-way viewing and identification of persons or objects on the exterior side and which is made of a metal barrel with a lens of glass, acrylic, or other durable clear substance with an angle view of not less than 160 degrees.

"Pin lock" shall mean a locking device with the lock operated without a key or tool, and only from the interior, by inserting a pin or rod to prevent both vertical and horizontal movement of a sliding glass door.

"Publicly accessible area" shall mean an outdoor area to which all residents or substantial group of residents has reasonable access, including, but not limited to, parking areas, playgrounds, swimming pools, mail boxes, picnic or barbeque areas, tennis courts and common walkways.

"Rekey" shall mean to change a lock to prevent operation of the lock by the previous key, card or combination. Rekeying shall be accomplished by replacing the entire lock, altering the internal order of the tumblers of the lock or changing the combination or magnetic code which operates the lock.

"Tenant" shall mean a person who is authorized by lease to occupy a dwelling to the exclusion of others, and who is obligated to pay rent.

Section 1302. Preventive Measures

A. Deadbolts Required.

1. Each exterior door of a dwelling unit within a multi-family dwelling shall be equipped with a deadbolt lock. Sliding glass doors, screen doors and garage doors are exempt from this requirement. Doors between the living area of a dwelling unit and its garage are included.
2. Each strike plate of a required deadbolt lock shall be metal and secured by two (2) or more

metal screws of a minimum length of three inches (3").

3. Each deadbolt lock and door knob lock shall be rekeyed between tenant occupancies.

B. Pin Locks Required.

1. Each exterior sliding glass door of a dwelling unit within a multifamily dwelling shall be equipped with a pin lock.
2. Pin locks that are installed after the effective date of this ordinance shall comply with the requirements of Subsection (B)(3).
3. Pin locks shall be installed so that the pin passes through the frames of both the stationary and sliding halves of the door. A pin lock shall be installed not more than eighteen inches (18") from the bottom frame of the door.

C. Latches Required. Each exterior vertically or horizontally opening window of a dwelling unit within a multifamily dwelling shall be equipped with an operative latch. Windows opening from a dwelling unit into a garage shall be included under this requirement.

D. Peepholes Required.

1. Each exterior door of a dwelling unit within a multi-family dwelling shall be equipped with a peephole. Sliding glass doors, screen doors, garage doors, and doors between the living area of a dwelling unit and its garage are exempt from this requirement. A door with a vision panel that provides clear viewing and identification of persons and objects on the exterior side is exempt.
2. Peepholes shall be installed centrally on the door, at a height not greater than sixty-six inches (66") from the finished floor.

E. Exterior Lighting Required.

1. Each multi-family dwelling complex shall have exterior lighting in publicly accessible areas of the complex.

2. All such lighting shall be controlled by a photo cell or seasonally-adjusted timer switch, not operable by individual residents of the complex.
3. Lights shall be mounted at a height not less than nine feet (9') and not greater than thirty feet (30').
4.
 - a. Light intensity shall be a minimum of 0.4 foot candle power.
 - b. The light intensity value does not represent the initial illumination of a light, but shall represent the maximum level of acceptable darkness in any publicly accessible area of a complex, when measured at a height not greater than three feet (3') from the ground.
 - c. Lighting fixtures that have been identified as nonoperable shall be repaired to an operable state within seventy-two (72) hours of written notice.

F. Premises Identification Lighting Required.

1. Each building contained within a multi-family dwelling complex shall have exterior lighting that provides clear viewing and identification of the building numbers or addresses as required by Subsections 1303(A) and (B).
2. All such lighting shall be controlled by a photo cell or seasonally adjusted timer switch, not operable by individual residents of the complex.

Section 1303. Premises Identification

- A. On each building within a multi-family dwelling complex, a landlord shall install and maintain building numbers or addresses authorized by the City of Arlington, and so positioned as to be plainly readable from the public or private roadway fronting such building. Such numbers shall be of a color that contrasts with their background, and shall be a minimum of six inches (6") in height.

- B. Immediately below each building address or number, a landlord shall install and maintain the letters or numbers indicating the range of dwelling units within such building. Such numbers or letters shall be of a color that contrasts with their background, and shall be a minimum of four inches (4") in height.
- C. A landlord shall install and maintain the approved number or address for each dwelling unit at or upon the front door of such unit. Such number or address shall be of a color that contrasts with its background, and shall be a minimum of two inches (2") in height.
- D. If the provisions of this section conflict with other provisions in the Code of the City of Arlington, as they pertain to premises identification within a multi-family dwelling complex, this section shall take precedence.

Section 1304. Compliance Deadlines

A. Security Devices.

- 1. Commencing June 1, 1992, deadbolt locks, strike plates, pin locks, latches and peepholes shall be installed in each dwelling unit of a multi-family dwelling complex in existence on the effective date of this ordinance, as its occupancy changes.
- 2. Deadbolt locks, strike plates, pin locks, latches and peepholes shall be installed in each dwelling unit of new construction of a multi-family dwelling complex before a tenant or owner occupies it.
- 3. Notwithstanding the above, all dwelling units of a multi-family dwelling complex shall be equipped with the deadbolt locks, strike plates, pin locks, latches and peepholes required by this article no later than December 1, 1993.

B. Lighting.

- 1. In existing multi-family dwellings, the premises identification lighting required by Subsection 1302(F) shall be installed by December 1, 1992.

2. The exterior lighting required by Subsection 1302(E) and the premises identification lighting required by Subsection 13.02(F) shall be installed in each new multi-family dwelling complex prior to its occupancy.

C. Premises Identification.

1. In existing multi-family dwellings, the premises identification required by this article shall be installed by December 1, 1992.
2. The premises identification required by this article shall be installed in new multi-family dwelling complexes prior to their occupancy.

Section 1305. Offenses

- A. A landlord commits an offense if he knowingly fails to install or maintain deadbolt locks, in accordance with the requirements of this article, in a dwelling unit of a multi-family dwelling complex.
- B. A landlord commits an offense if he knowingly fails to install or maintain strike plates, in accordance with the requirements of this article, in a dwelling unit of a multi-family dwelling complex.
- C. A landlord commits an offense if he knowingly fails to install or maintain pin locks, in accordance with the requirements of this article, in a dwelling unit of a multi-family dwelling complex.
- D. A landlord commits an offense if he knowingly fails to install or maintain window latches, in accordance with the requirements of this article, in a dwelling unit of a multi-family dwelling complex.
- E. A landlord commits an offense if he knowingly fails to install or maintain peepholes, in accordance with the requirements of this article, in a dwelling unit of a multi-family dwelling complex.
- F. A landlord commits an offense if he knowingly fails to install or maintain exterior lighting, in accordance with the requirements of this article.

- G. A landlord commits an offense if he knowingly fails to install or maintain premises identification lighting, in accordance with the requirements of this article, on a multi-family dwelling of a multi-family dwelling complex.
- H. A landlord commits an offense if he knowingly fails to rekey a deadbolt lock or door knob lock as required by Section 1302(A) (3).
- I. A landlord commits an offense if he knowingly fails to install or maintain premises identification, in accordance with the requirements of this article, on a multi-family dwelling of a multi-family dwelling complex.

Section 1306. Defenses

- A. In a prosecution of a landlord for a violation of Subsection 1305(A), (B), (C), (D), (E) or (H), it shall be a defense that the landlord occupied the unit which was in violation of this article.
- B. In a prosecution of a landlord for a violation of this article, it shall be a defense that the landlord acted with reasonable diligence to correct the violation, but in no case shall reasonable diligence be deemed to exceed forty-eight (48) hours.

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Two Thousand and No/100 Dollars (\$2000) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting

provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

7.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

8.

This ordinance shall become effective ten (10) days after first publication as described above.

PRESENTED AND GIVEN FIRST READING on the 16th day of March, **1999**, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 23rd day of March, **1999**, by a vote of 9 ayes

and 0 nays at a regular meeting of the City Council of the City of **Arlington, Texas.**

ORDINANCE NO. 99-141

AN ORDINANCE AMENDING THE **"UNIFORM HOUSING"** CHAPTER OF THE CODE OF THE CITY OF ARLINGTON, TEXAS, 1987, THROUGH THE AMENDMENT OF **ARTICLE III, PERMITS AND INSPECTIONS**, BY THE AMENDMENT OF **SECTION 304., MULTI-FAMILY DWELLING COMPLEXES**, SUBSECTION (a) RELATIVE TO EXTENDED-STAY HOTELS AND MOTELS; PROVIDING FOR A FINE OF UP TO **\$2000** FOR EACH OFFENSE IN VIOLATION OF THE ORDINANCE; PROVIDING THIS ORDINANCE BE CUMULATIVE; PROVIDING FOR SEVERABILITY; PROVIDING FOR GOVERNMENTAL IMMUNITY; PROVIDING FOR INJUNCTIONS; PROVIDING FOR PUBLICATION AND BECOMING EFFECTIVE TEN DAYS AFTER PUBLICATION

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

I.

That the **"Uniform Housing"** Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the amendment of Article III, Permits and Inspections, by the amendment of **Section 304, Multi-Family Dwelling Complexes**, Subsection (a), so that hereafter said subsection shall be and read as follows:

- (a) A fee is hereby authorized to be charged to the ownership of all multi-family dwelling complexes and extended-stay hotels and motels, which terms are defined as a building or portion thereof, arranged, designed or occupied as three (3) or more dwelling units not for transient use, or a building or portion thereof, arranged, designed or occupied as an extended-stay hotel or motel. An extended-stay hotel or motel shall be, for the purpose of this ordinance, any hotel or motel which offers more than five (5) percent of its rental units for stays exceeding thirty (30) consecutive days. The authorized fees shall be used to provide for inspections to ensure compliance with the requirements of this chapter. The fees shall be established by resolution of the City Council and shall be the fees in effect at the time payment is made.

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Two Thousand and No/100 Dollars (\$2000) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

7.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

8.

This ordinance shall become effective ten (10) days after first publication as described above.

PRESENTED AND GIVEN FIRST READING on the 9th day of November, **1999**, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 16th day of November, **1999**, by a vote of 8 ayes and 0 nays at a regular meeting of the City Council of the City of **Arlington, Texas**.

ORDINANCE NO. 00-059

AN ORDINANCE AMENDING THE **"UNIFORM HOUSING"** CHAPTER OF THE CODE OF THE CITY OF ARLINGTON, TEXAS, 1987, THROUGH THE AMENDMENT OF **ARTICLE X, SUBSTANDARD BUILDINGS**, BY THE AMENDMENT OF **SECTION 1001, DEFINITIONS**, RELATIVE TO THE AMENDMENT OF THE DEFINITION OF "FAULTY WEATHER PROTECTION"; PROVIDING FOR A FINE OF UP TO **\$2000** FOR EACH OFFENSE IN VIOLATION OF THE ORDINANCE; PROVIDING THIS ORDINANCE BE CUMULATIVE; PROVIDING FOR SEVERABILITY; PROVIDING FOR GOVERNMENTAL IMMUNITY; PROVIDING FOR INJUNCTIONS; PROVIDING FOR PUBLICATION AND BECOMING EFFECTIVE TEN DAYS AFTER PUBLICATION

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

I.

That the **"Uniform Housing"** Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the amendment of Article X, Substandard Buildings, by the amendment of **Section 1001, Definitions**, so that hereafter said definition shall be and read as follows:

- (h) Faulty Weather Protection, which shall include but not be limited to the following:
1. Deteriorated, crumbling or loose plaster.
 2. Deterioration or ineffective waterproofing of exterior walls, roof, foundations or floors, including broken windows or doors.
 3. Defective or lack of weather protection for exterior wall coverings, including lack of paint or weathering due to lack of paint or other approved protective covering.
 4. Severely peeling, flaking or chipped paint.

5. Missing, broken, rotted, split, dilapidated or buckled exterior wall coverings, roof coverings or garage doors.

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Two Thousand and No/100 Dollars (\$2000) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in

addition to any penal provision in this ordinance or in the Code of the City of Arlington.

7.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

8.

This ordinance shall become effective ten (10) days after first publication as described above.

PRESENTED AND GIVEN FIRST READING on the 9th day of May, **2000**, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 16th day of May, **2000**, by a vote of 7 ayes and 0 nays at a regular meeting of the City Council of the City of **Arlington, Texas**.

ORDINANCE NO. 04-009

AN ORDINANCE AMENDING THE **"UNIFORM HOUSING"** CHAPTER OF THE CODE OF THE CITY OF ARLINGTON, TEXAS, 1987, THROUGH THE AMENDMENT OF **ARTICLE I, TITLE AND SCOPE, SECTION 103, SCOPE**, RELATIVE TO THE BUILDING CODE; THROUGH THE AMENDMENT OF **ARTICLE II, ENFORCEMENT, SECTION 201, GENERAL**, SUBSECTION (b), RELATIVE TO DESIGNATION OF THE DIRECTOR OF NEIGHBORHOOD SERVICES; **SECTION 203, HOUSING ADVISORY AND APPEALS BOARD**, RELATIVE TO THE HOUSING BOARD OF APPEALS; THROUGH THE AMENDMENT OF **ARTICLE III, PERMITS AND INSPECTIONS, SECTION 303, INSPECTION**, RELATIVE TO THE BUILDING CODE; THROUGH THE AMENDMENT OF **ARTICLE IV, DEFINITIONS, SECTION 401, DEFINITIONS**, RELATIVE TO THE DEFINITIONS OF "BUILDING CODE", "HEALTH OFFICER", "MECHANICAL CODE", AND "HEALTH AUTHORITY"; THROUGH THE AMENDMENT OF **ARTICLE V, SPACE AND OCCUPANCY STANDARDS, SECTION 501, LOCATION ON PROPERTY**, RELATIVE TO THE BUILDING CODE; **SECTION 504, LIGHT AND VENTILATION**, SUBSECTION (d), RELATIVE TO THE BUILDING CODE; **SECTION 505, SANITATION**, SUBSECTION (e), RELATIVE TO THE BUILDING CODE; THROUGH THE AMENDMENT OF **ARTICLE VII, MECHANICAL REQUIREMENTS, SECTION 701, HEATING AND VENTILATION**, SUBSECTION (a), RELATIVE TO THE BUILDING CODE; THROUGH THE AMENDMENT OF **ARTICLE VIII, EXITS, SECTION 801, GENERAL**, RELATIVE TO THE BUILDING CODE; THROUGH THE AMENDMENT OF **ARTICLE IX, FIRE PROTECTION, SECTION 901, GENERAL**, RELATIVE TO THE BUILDING CODE; THROUGH THE AMENDMENT OF **ARTICLE X, SUBSTANDARD BUILDINGS, SECTION 1001, DEFINITIONS**, SUBSECTION (1), RELATIVE TO THE BUILDING CODE; **SECTION 1002, PENALTY**, RELATIVE TO DESIGNATION OF THE DIRECTOR OF NEIGHBORHOOD SERVICES; THROUGH THE AMENDMENT OF **ARTICLE XI, APPEALS - PUBLIC HEARINGS BEFORE THE HOUSING ADVISORY AND APPEALS BOARD**, RELATIVE TO DESIGNATION OF HOUSING BOARD OF APPEALS; THROUGH THE AMENDMENT OF **ARTICLE XII, ENFORCEMENT, SECTION 1201, COMPLIANCE**, RELATIVE TO DESIGNATION OF THE DIRECTOR OF NEIGHBORHOOD SERVICES; PROVIDING FOR A FINE OF UP TO \$2000 FOR

EACH OFFENSE IN VIOLATION OF THE ORDINANCE; PROVIDING THIS ORDINANCE BE CUMULATIVE; PROVIDING FOR SEVERABILITY; PROVIDING FOR GOVERNMENTAL IMMUNITY; PROVIDING FOR INJUNCTIONS; PROVIDING FOR PUBLICATION AND BECOMING EFFECTIVE TEN DAYS AFTER FIRST PUBLICATION

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the **"Uniform Housing"** Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the amendment of **Article I, Title and Scope, Section 103, Scope**, so that hereafter said section shall be and read as follows:

Section 103. Scope

- (a) Application. The provisions of this code shall apply to all buildings or portions thereof used, or designed or intended to be used, for human habitation. Such occupancies in existing buildings may be continued as provided in the Building Code, except such structures as are found to be substandard as defined in this code.

Where any building or portion thereof is used or intended to be used as a combination apartment house-hotel, the provisions of this code shall apply to the separate portions as if they were separate buildings.

Every rooming house or lodging house shall comply with all the requirements of this code for dwellings.

- (b) Alteration. Existing buildings which are altered or enlarged shall be made to conform to this code insofar as the new work is concerned and in accordance with the Building Code.
- (c) Relocation. Buildings or structures moved into or within this jurisdiction shall comply with the requirements in the Building Code for new buildings and structures.

Further, **Article II, Section 201**, Subsection (a), is hereby amended so that hereafter said subsection shall be and read as follows:

- (a) Authority. The Building Official or the Director of Neighborhood Services or designees are hereby authorized to enforce all of the provisions of this

code. For such purposes, they shall have the powers of a law enforcement officer.

Further, **Article II, Section 201**, Subsection (b), is hereby amended so that hereafter said subsection shall be and read as follows:

- (b) Right of Entry. Whenever necessary to make an inspection to enforce any of the provisions of this code, or whenever the Director of Neighborhood Services or Building Official or an authorized representative has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building or premises unsafe, dangerous or hazardous, the Director of Neighborhood Services or Building Official or their authorized representative may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Director of Neighborhood Services or Building Official designees by this code, provided that if such building or premises be occupied, he shall first present proper credentials and request entry; and if such building or premises be unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If such entry is refused or if the owner or other person having charge or control of said premises cannot be located, the Director of Neighborhood Services or Building Official or their authorized representative shall have recourse to every remedy provided by law to secure entry.

When the Director of Neighborhood Services or Building Official or their authorized representative shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other person having charge, care or control of any building or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the Director of Neighborhood Services or Building Official or their authorized representative for the purpose of inspection and examination pursuant to this code.

Further, **Article II, Section 202**, Substandard Buildings, is hereby amended so that hereafter said section shall be and read as follows:

Section 202. Substandard Buildings

All buildings or portions thereof which are determined to be substandard as defined in City ordinances are hereby declared to be public nuisances and may be abated in accordance with the procedure specified in the "Construction" Chapter of the Code of Ordinances of the City of Arlington, Texas, Article XVI, entitled "Dangerous Buildings".

Further, **Article II, Section 203, Housing Advisory and Appeals Board**, is hereby amended so that hereafter said section shall be and read as follows:

Section 203. Housing Board of Appeals

In order to provide for final interpretation of the provisions of this code and to hear appeals provided for hereunder, the Housing Board of Appeals shall act under the provisions of this Chapter.

Further, **Article III, Section 303, Inspection**, is hereby amended so that hereafter said section shall be and read as follows:

Section 303. Inspection

All buildings or structures within the scope of this code and all construction or work for which a permit is required shall be subject to inspection by the Building Official in accordance with and in the manner provided by this code and the Building Code.

Further, **Article IV, Definitions, Section 401, Definitions**, is hereby amended so that the first paragraph shall be and read as follows:

For the purpose of this code, certain terms, phrases, words and their derivatives shall be construed as specified in either this chapter or as specified in the Building Code. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. Words in the singular include the plural, and the plural the singular. Words used in the masculine gender include the feminine, and the feminine the masculine.

Further, **Article IV, Section 401**, is hereby amended so that the definitions of "Building Code", "Health Authority", "Health Officer", and "Mechanical Code" shall be and read as follows:

BUILDING CODE or CODE is as set forth in Article I of the Construction Chapter of the City of Arlington Code of Ordinances.

HEALTH AUTHORITY is the physician appointed by the Arlington City Council as required by law.

HEALTH OFFICER is the legally designated Health Authority when required by law or the head of the Department of Neighborhood Services or his designee.

MECHANICAL CODE is as set out in City of Arlington ordinances.

Further, **Article V, Space and Occupancy Standards, Section 501, Location on Property**, is hereby amended so that hereafter said section shall be and read as follows:

Section 501. Location on Property

All buildings shall be located with respect to property lines and to other buildings on the same property as required by the Building Code. Exit courts from apartment houses to the public way shall be not less than forty-four inches (44") in width and seven feet (7') in height.

Further, **Article V, Section 504, Light and Ventilation**, Subsection (d), is hereby amended so that hereafter said subsection shall be and read as follows:

- (d) Hallways. All public hallways, stairs and other exit-ways shall be adequately lighted at all times in accordance with the Building Code.

Further, **Article V, Section 505, Sanitation**, Subsection (e), is hereby amended so that hereafter said subsection shall be and read as follows:

- (e) Water Closet Compartments. Walls and floors of water closet compartments except in dwellings shall be finished in accordance with the Building Code.

Further, **Article VII, Mechanical Requirements, Section 701, Heating and Ventilation**, Subsection (a), is hereby amended so that hereafter said subsection shall be and read as follows:

- (a) Heating. Every dwelling unit and guest room shall be provided with heating facilities capable of maintaining

a room temperature of 70 degrees F., at a point three feet (3') above the floor in all habitable rooms. Such facilities shall be installed and maintained in a safe condition and in accordance with the Building Code, the Mechanical Code and all other applicable laws. Unvented fuel burning heaters shall not be permitted. All heating devices or appliances shall be of an approved type.

Further, **Article VIII, Exits, Section 801, General**, is hereby amended so that hereafter said section shall be and read as follows:

Section 801. General

Every dwelling unit or guest room shall have access directly to the outside or to a public corridor. All buildings or portions thereof shall be provided with exits, exitways and appurtenances as required by the Building Code.

Every sleeping room below the fourth (4th) story shall have at least one (1) operable window or exterior door approved for emergency egress or rescue. The units shall be operable from the inside to provide a full clear opening without the use of separate tools.

All egress or rescue windows from sleeping rooms shall have a minimum net clear opening of 5.7 square feet. The minimum net clear opening height dimension shall be twenty-four inches (24"). The minimum net clear opening width dimension shall be twenty inches (20"). Where windows are provided as a means of egress or rescue, they shall have a finished sill height not more than forty-four inches (44") above the floor.

Further, **Article IX, Fire Protection, Section 901, General**, is hereby amended so that hereafter said subsection shall be and read as follows:

Section 901. General

All buildings or portions thereof shall be provided with the degree of fire resistive construction as required by the Building Code for the appropriate occupancy, type of construction and location on property; and shall be provided with the appropriate fire extinguishing systems for equipment required by the Building Code.

Further, **Article X, Substandard Buildings, Section 1001, Definitions**, Subsection (1) is hereby amended so that hereafter said subsection shall be and read as follows:

- (1) Inadequate Maintenance. Any building or portion thereof which is determined to be an unsafe building in accordance with the Building Code.

Further, **Article X, Section 1002, Penalty**, is hereby amended so that hereafter said subsection shall be and read as follows:

Section 1002. Penalty

- (a) A person commits a separate offense for each day a violation continues.
- (b) An offense under this chapter, excluding an offense under Article XIII, is punishable by a fine not to exceed \$2,000.00.
- (c) An offense under Article XIII is punishable by a fine not to exceed \$500.00.
- (d) The Director of Neighborhood Services or Building Official or a designee is authorized to enforce this chapter.

Further, **Article XI, Appeals - Public Hearings Before the Housing Advisory and Appeals Board**, is hereby amended so that hereafter said article shall be and read as follows:

ARTICLE XI

**APPEALS - PUBLIC HEARINGS BEFORE THE
HOUSING BOARD OF APPEALS**

Section 1101. Housing Board of Appeals

- (a) Board. There is hereby established a Board to be called the Housing Board of Appeals (herein called "the Board"), which shall consist of the Zoning Board of Adjustment members.
- (b) Term of Office. The term of office of such Board shall be as set out for the Zoning Board of Adjustment.
- (c) Records. The Director of Neighborhood Services or Building Official or a designee shall act as Secretary of the Board and shall make a detailed record of all its proceedings, which record shall set forth the reasons for the Board's Decisions, the vote of each member participating therein, the absence of a member and any failure of a member to vote.

(d) Procedure. The Board may establish rules and regulations for its own procedure not inconsistent with the provisions of this Chapter and the rules and regulations of the Zoning Board of Adjustment.

(e) Board Decisions; Variations and Modifications.

1. The Board, when appealed to, shall conduct a hearing, and after such hearing, may vary the application of any provision of this Code to any particular case when, in its opinion, the enforcement thereof would do manifest injustice, and would be contrary to the spirit and purpose of this Code or the public interest, or when, in its opinion, the interpretation of the Director of Neighborhood Services or Building Official or a designee should be modified or reversed.
2. A decision of the Board to vary the application of any provision of this Code or to modify an order of the Director of Neighborhood Services or Building Official or a designee shall specify in what manner such variation or modification is made, the conditions upon which it is made and the reasons therefor.

(f) Board Decisions; Procedure.

1. Every decision of the Board shall be final, subject, however, to such remedy as the aggrieved party might have at law or in equity. The decision shall be in writing and shall indicate the vote upon the decision. Every decision shall be promptly filed in the office of the Director of Neighborhood Services and shall be open to the public for inspection. A true and correct copy of the decision shall be sent by mail or otherwise to the appellant, and a copy shall be publicly posted in the office of the Director of Neighborhood Services for two (2) weeks after the filing thereof.
2. The Board shall in every case reach a decision without unreasonable or unnecessary delay.
3. If a decision of the Board reverses or modifies a refusal, order or disallowance of the Director of Neighborhood Services or Building Official or a designee, or varies the application of any provision of this Code, the Director of Neighborhood Services or Building Official or a designee shall immediately take action in accordance with such decision.

4. Any person, firm or corporation aggrieved by any decision of the Board may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Unless such petition (appeal) shall be presented to the court within ten (10) days of the decision of the Board, the decision of the Board shall become final.

Section 1102. General

- (a) Commencement of Proceedings. Whenever the Director of Neighborhood Services or Building Official or a designee has inspected and has reason to believe that any building is a substandard building, he shall proceed pursuant to Section 202 of this Code. This remedy shall be cumulative of the authority of the Director of Neighborhood Services or Building Official or a designee to issue citations for any violation of this ordinance; and in no event shall these provisions be construed as requiring the submission of a Public Hearing before the Housing Board of Appeals or Municipal Court as a prerequisite to the issuance of a citation under this Chapter. Any property owner affected hereunder may, however, request a Public Hearing before the Board as to the factual situation regarding the issuance of any citation under this Chapter. Such a Public Hearing shall be requested within ten (10) days of the date of the issuance of any citation.

Further, **Article XII, Enforcement, Section 1201, Compliance**, is hereby amended so that hereafter said section shall be and read as follows:

Section 1201. Compliance

- (a) General. After any order of the Housing Board of Appeals made pursuant to this code shall have become final, no person to whom any such order is directed shall fail, neglect or refuse to obey any such order. Any such person who fails to comply with any such order is guilty of a misdemeanor.
- (b) Failure to Obey Order. If, after any order of the Housing Board of Appeals made pursuant to this code has become final, the person to whom such order is directed shall fail, neglect or refuse to obey such order, the Director of Neighborhood Services or his designee may (1) cause such person to be prosecuted under Subsection

(a) of this section, or (2) institute any appropriate action to abate such building as a public nuisance.

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Two Thousand and No/100 Dollars (\$2000) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

7.

The caption of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

8.

This ordinance shall become effective ten (10) days after first publication as described above.

PRESENTED AND GIVEN FIRST READING on the **6th** day of **January, 2004**, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the **13th** day of **January, 2004**, by a vote of **9** ayes and **0** nays at a regular meeting of the City Council of the City of Arlington, Texas.

Ordinance No. 06-086

An ordinance amending the “Uniform Housing Code” Chapter of the Code of the City of Arlington, Texas, 1987, through the amendment of Article II, Enforcement, Section 201, General, Subsections (a) and (b); Article IV, Definitions, Section 401, Definitions, the term “Health Officer;” Article X, Substandard Buildings, Section 1002, Penalty, Subsection (d); Article XI, Appeals – Public Hearings Before the Housing Board of Appeals, Section 1101, Housing Board of Appeals, Subsections (c), (e), (f)(1) and (f)(3); Section 11.02, General, Subsection (a); Article XII, Enforcement, Section 1201, Compliance, Subsection (b), relative to updating the reference to the Community Services Department; providing this ordinance be cumulative; providing for severability; providing for governmental immunity; providing for injunctions; providing for publication and becoming effective ten days after first publication

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the “Uniform Housing Code” Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the amendment of **Article II, Enforcement, Section 201, General, Subsections (a) and (b)**, relative to updating the reference to the Community Services Department so that said subsections shall be and read as follows:

- (a) Authority. The Building Official or the Director of Community Services or designees are hereby authorized to enforce all of the provisions of this code. For such purposes, they shall have the powers of a law enforcement officer.
- (b) Right of Entry. Whenever necessary to make an inspection to enforce any of the provisions of this code, or whenever the Director of Community Services or Building Official or an authorized representative has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building or premises unsafe, dangerous or hazardous, the Director of Community Services or Building Official or their authorized representative may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Director of Community Services or Building Official designees by this code, provided that if such building or premises be occupied, he shall first present proper credentials and

request entry; and if such building or premises be unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If such entry is refused or if the owner or other person having charge or control of said premises cannot be located, the Director of Community Services or Building Official or their authorized representative shall have recourse to every remedy provided by law to secure entry.

When the Director of Community Services or Building Official or their authorized representative shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other person having charge, care or control of any building or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the Director of Community Services or Building Official or their authorized representative for the purpose of inspection and examination pursuant to this code.

Further, **Article IV, Definitions**, is hereby amended by the amendment of **Section 401, Definitions**, the term "Health Officer," relative to updating the reference to the Community Services Department so that said term shall be and read as follows:

HEALTH OFFICER is the legally designated Health Authority when required by law or the head of the Department of Community Services or his designee.

Further, **Article X, Substandard Buildings**, is hereby amended by the amendment of **Section 1002, Penalty, Subsection (d)**, relative to updating the reference to the Community Services Department so that said subsection shall be and read as follows:

- (d) The Director of Community Services or Building Official or a designee is authorized to enforce this chapter.

Further, **Article XI, Appeals – Public Hearings Before the Housing Board of Appeals**, is hereby amended by the amendment of **Section 1101, Housing Board of Appeals, Subsections (c), (e), (f)(1) and (f)(3)**, relative to updating the reference to the Community Services Department so that said subsections shall be and read as follows:

- (c) Records. The Director of Community Services or Building Official or a designee shall act as Secretary of the Board and shall make a detailed record of all its proceedings, which record shall set forth the reasons for the Board's Decisions, the vote of each member participating therein, the absence of a member and any failure of a member to vote.

(e) Board Decisions; Variations and Modifications.

1. The Board, when appealed to, shall conduct a hearing, and after such hearing, may vary the application of any provision of this Code to any particular case when, in its opinion, the enforcement thereof would do manifest injustice, and would be contrary to the spirit and purpose of this Code or the public interest, or when, in its opinion, the interpretation of the Director of Community Services or Building Official or a designee should be modified or reversed.
2. A decision of the Board to vary the application of any provision of this Code or to modify an order of the Director of Community Services or Building Official or a designee shall specify in what manner such variation or modification is made, the conditions upon which it is made and the reasons therefor.

(f) Board Decisions; Procedure.

1. Every decision of the Board shall be final, subject, however, to such remedy as the aggrieved party might have at law or in equity. The decision shall be in writing and shall indicate the vote upon the decision. Every decision shall be promptly filed in the office of the Director of Community Services and shall be open to the public for inspection. A true and correct copy of the decision shall be sent by mail or otherwise to the appellant, and a copy shall be publicly posted in the office of the Director of Community Services for two (2) weeks after the filing thereof.
3. If a decision of the Board reverses or modifies a refusal, order or disallowance of the Director of Community Services or Building Official or a designee, or varies the application of any provision of this Code, the Director of Community Services or Building Official or a designee shall immediately take action in accordance with such decision.

Further, **Article XI** is hereby amended by the amendment of **Section 1102, General, Subsection (a)**, relative to updating the reference to the Community Services Department so that said subsection shall be and read as follows:

- (a) Commencement of Proceedings. Whenever the Director of Community Services or Building Official or a designee has inspected and has reason to believe that any building is a substandard building, he shall proceed pursuant to Section 202 of this Code. This remedy shall be cumulative of the authority of the Director of

Community Services or Building Official or a designee to issue citations for any violation of this ordinance; and in no event shall these provisions be construed as requiring the submission of a Public Hearing before the Housing Board of Appeals or Municipal Court as a prerequisite to the issuance of a citation under this Chapter. Any property owner affected hereunder may, however, request a Public Hearing before the Board as to the factual situation regarding the issuance of any citation under this Chapter. Such a Public Hearing shall be requested within ten (10) days of the date of the issuance of any citation.

Further, **Article XII, Enforcement**, is hereby amended by the amendment of **Section 1201, Compliance, Subsection (b)**, relative to updating the reference to the Community Services Department so that said subsection shall be and read as follows:

- (b) Failure to Obey Order. If, after any order of the Housing Board of Appeals made pursuant to this code has become final, the person to whom such order is directed shall fail, neglect or refuse to obey such order, the Director of Community Services or his designee may (1) cause such person to be prosecuted under Subsection (a) of this section, or (2) institute any appropriate action to abate such building as a public nuisance.

2.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

3.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

4.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

5.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

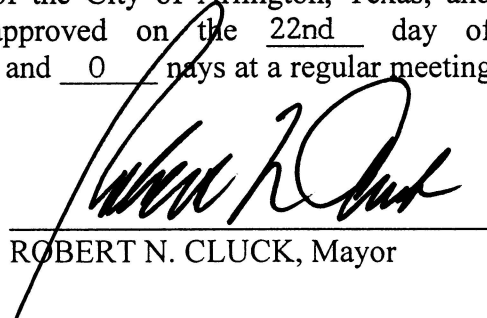
6.

The caption of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

7.

This ordinance shall become effective ten (10) days after first publication as described above.

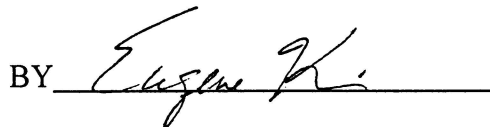
PRESENTED AND GIVEN FIRST READING on the 8th day of August, 2006, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 22nd day of August, 2006, by a vote of 9 ayes and 0 nays at a regular meeting of the City Council of the City of Arlington, Texas.


ROBERT N. CLUCK, Mayor

ATTEST:


BARBARA G. HEPTIG, City Secretary

APPROVED AS TO FORM:
JAY DOEGEY, City Attorney

BY 

Ordinance No. 07-099

An ordinance amending the “Uniform Housing Code” Chapter of the Code of the City of Arlington, Texas, 1987, through the amendment of Article III, Permits and Inspections, Section 304, Multi-Family Dwelling Complexes, relative to inspections of multi-family dwelling complexes and extended-stay hotels and motels and strengthening enforcement of the ordinance requirement including requirement to remit inspection fees; providing for a fine of up to \$500 for each offense in violation of the ordinance, providing this ordinance be cumulative; providing for severability; providing for governmental immunity; providing for injunctions; providing for publication and becoming effective ten days after first publication

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the “Uniform Housing Code” Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the amendment of **Article III, Permits and Inspections, Section 304, Multi-Family Dwelling Complexes**, so that the said section shall be and read as follows:

- (a) A fee is hereby authorized to be charged to the ownership of all multi-family dwelling complexes and extended-stay hotels and motels, which terms are defined as a building or portion thereof, arranged, designed or occupied as three (3) or more dwelling units not for transient use, or a building or portion thereof, arranged, designed or occupied as an extended-stay hotel or motel. An extended-stay hotel or motel shall be, for the purpose of this ordinance, any hotel or motel which offers more than five (5) percent of its rental units for stays exceeding thirty (30) consecutive days. The authorized fees shall be used to provide for inspections to ensure compliance with the requirements of this chapter. The inspection and reinspection fees shall be established by resolution of the City Council and shall be the fees in effect at the time payment is made.
- (b) Except for the reinspection fees, the fees to be imposed shall be paid on a semi-annual basis upon all existing multi-family dwelling complexes with a valid Certificate of Occupancy. Billing periods shall be March through August (billable in September) and September through February (billable in March). Payments shall be due to the City within thirty (30) days from the billing date. For multi-family units completed after a billing period has commenced, fees shall be billed on a pro rata basis beginning with the date upon which a Certificate of Occupancy is issued. Thereafter, billing shall occur in accordance with the two

(2) billing periods set forth above. Reinspection fees may be billed monthly and payments shall be due to the City within thirty (30) days from the billing date.

- (c) All fees, when collected, shall be placed in a separate account known as the Apartment Fee Assessment Account. All such fees are to be expended during the current succeeding years or so much thereof as may be necessary to cover the City's direct and indirect cost for administering the inspections as required by this chapter. Should there be an unexpended balance at the end of any year, the City shall adjust the fees for the succeeding year, so that the amount produced and paid to the City, together with the unexpended balance in the Apartment Fee Assessment Account, will be sufficient to pay the expenses of carrying out the provisions of this chapter. Any amount remaining in the Apartment Fee Assessment Account at the end of the year shall be carried over and expended in accordance with these provisions during the subsequent year or years.
- (d) All fees shall be applied to the year in which they were billed.
- (e) It is a violation for any person, firm or corporation to fail to perform an act required by this Section including the requirement to remit inspection fees as required by the Section.
- (f) Any person firm or corporation violating any of the provision of this Section shall be deemed guilty of a misdemeanor and each day that the violation continues shall be a separate offense. Each offense shall be punishable by a fine not to exceed Five Hundred Dollars (\$500).
- (g) It is an affirmative defense to prosecution for the violation of failing to submit inspection fees as required in this Section that the person, firm or corporation charged with the violation ceased operations at the location subject to inspection before the end of the billing period.

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Five Hundred and No/100 Dollars (\$500) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

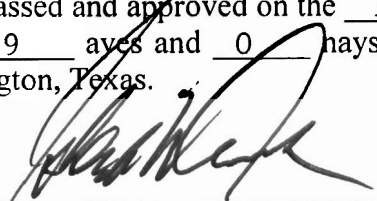
7.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

8.

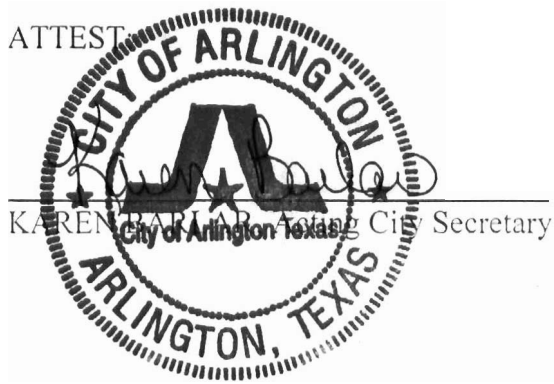
This ordinance shall become effective ten (10) days after first publication as described above.

PRESENTED AND GIVEN FIRST READING on the 4th day of December, 2007, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 18th day of December, 2007, by a vote of 9 ayes and 0 nays at a regular meeting of the City Council of the City of Arlington, Texas.



ROBERT N. CLUCK, Mayor

ATTEST



KAREN BARBARA, Acting City Secretary

APPROVED AS TO FORM:
JAY DOEGEY, City Attorney

BY 

Ordinance No. 08-019

An ordinance amending the “Uniform Housing Code” Chapter of the Code of the City of Arlington, Texas, 1987, through the amendment of Article III, Permits and Inspections, Section 304, Multi-Family Dwelling Complexes, relative to inspections of duplexes; providing for a fine of up to \$500 for each offense in violation of the ordinance, providing this ordinance be cumulative; providing for severability; providing for governmental immunity; providing for injunctions; providing for publication and becoming effective ten days after first publication

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the “Uniform Housing Code” Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the amendment of **Article III, Permits and Inspections, Section 304, Multi-Family Dwelling Complexes**, so that the said section shall be **titled** and read as follows:

Section 304. Duplexes, Multi-Family Dwelling Complexes and Extended-Stay Hotels and Motels

- (a) A fee is hereby authorized to be charged to the ownership of all duplexes, multi-family dwelling complexes and extended-stay hotels and motels, which terms are defined respectively as a building or portion thereof, arranged, designed or occupied as two (2) dwelling units not for transient use except owner occupied duplexes; a building or portion thereof, arranged, designed or occupied as three (3) or more dwelling units not for transient use except owner occupied dwelling units; or a building or portion thereof, arranged, designed or occupied as an extended-stay hotel or motel. An extended-stay hotel or motel shall be, for the purpose of this ordinance, any hotel or motel which offers more than five (5) percent of its rental units for stays exceeding thirty (30) consecutive days. The authorized fees shall be used to provide for inspections to ensure compliance with the requirements of this chapter. The inspection and reinspection fees shall be established by resolution of the City Council and shall be the fees in effect at the time payment is made.
- (b) Except for the reinspection fees and duplex fees, the fees to be imposed shall be paid on a semi-annual basis upon all existing multi-family dwelling complexes and extended-stay hotels and motels with a valid Certificate of Occupancy. Billing periods shall be March through August (billable in September) and September through February (billable in March). Payments shall be due to the City within thirty (30) days from the billing date. For multi-family units and extended-stay hotel and motels completed after a billing period has commenced,

fees shall be billed on a pro rata basis beginning with the date upon which a Certificate of Occupancy is issued. Thereafter, billing shall occur in accordance with the two (2) billing periods set forth above. Reinspection fees to be imposed may be billed monthly and payments shall be due to the City within thirty (30) days from the billing date. Duplex fees to be imposed shall be paid on an annual basis upon all existing duplexes. The billing period shall be September through August (billable in September). Payment shall be due to the City within thirty (30) days from the billing date. For duplex units completed after a billing period has commenced, fees shall be billed on a pro rata basis. Thereafter, billing shall occur in accordance with the annual billing period previously set forth above.

- (c) All fees, when collected, shall be placed in a separate account known as the Apartment Fee Assessment Account. All such fees are to be expended during the current succeeding years or so much thereof as may be necessary to cover the City's direct and indirect cost for administering the inspections as required by this chapter. Should there be an unexpended balance at the end of any year, the City shall adjust the fees for the succeeding year, so that the amount produced and paid to the City, together with the unexpended balance in the Apartment Fee Assessment Account, will be sufficient to pay the expenses of carrying out the provisions of this chapter. Any amount remaining in the Apartment Fee Assessment Account at the end of the year shall be carried over and expended in accordance with these provisions during the subsequent year or years.
- (d) All fees shall be applied to the year in which they were billed.
- (e) It is a violation for any person, firm or corporation to fail to perform an act required by this Section including the requirement to remit inspection fees as required by the Section.
- (f) Any person firm or corporation violating any of the provision of this Section shall be deemed guilty of a misdemeanor and each day that the violation continues shall be a separate offense. Each offense shall be punishable by a fine not to exceed Five Hundred Dollars (\$500).
- (g) It is an affirmative defense to prosecution for the violation of failing to submit inspection fees as required in this Section that the person, firm or corporation charged with the violation ceased operations at the location subject to inspection before the end of the billing period.

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Five Hundred and No/100 Dollars (\$500) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

8.

This ordinance shall become effective ten (10) days after first publication as described above.

PRESENTED AND GIVEN FIRST READING on the 4th day of March, 2008, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 18th

day of March, 2008, by a vote of 8 ayes and 0 nays at a regular meeting of the City Council of the City of Arlington, Texas.


ROBERT N. CLUCK, Mayor

ATTEST:


KAREN BAREAR, Acting City Secretary



APPROVED AS TO FORM:
JAY DOEGEY, City Attorney

BY 

Ordinance No. 13-024

An ordinance amending the "Uniform Housing Code" Chapter of the Code of the City of Arlington, Texas, 1987, through the amendment of Article X, Substandard Buildings, Section 1002, Penalty, relative to penalties relating to the addition of Article XIV; by the addition of Article XIV, Multi-Family License, relative to the requirement of a license for multi-family buildings and providing for probationary status, denial, suspension, or revocation of multi-family licenses; and the addition of Article XV, Penalty, relative to civil and criminal penalties; providing for a fine of up to \$2000 for each offense in violation of the ordinance; providing this ordinance be cumulative; providing for severability, governmental immunity, injunctions, publication, and becoming effective ten days after first publication

WHEREAS, the City Council of the City of Arlington finds that multi-family structures, buildings and complexes affect the character, values, and stability of residential neighborhoods; and

WHEREAS, the City Council finds that annual licensing of multi-family residences and mandatory training of multi-family managers or owners will facilitate understanding, and, if necessary, enforcement of state and local health and safety and aesthetic laws; and

WHEREAS, the City of Arlington is a home rule city with the power to enact ordinances to protect the health, safety and well-being of its citizens, tourists, and visitors; NOW THEREFORE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the "Uniform Housing Code" Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the amendment of **Article X**, Substandard Buildings, **Section 1002**, Penalty, so that said section shall be and read as follows:

Section 1002. Penalty

- (a) A person commits a separate offense for each day a violation continues.
- (b) An offense under this chapter, excluding an offense under Article XIII or Article XIV, is punishable by a fine not to exceed \$2,000.00.

- (c) An offense under Article XIII or Article XIV is punishable by a fine not to exceed \$500.00.
- (d) The City Manager designee or designees is authorized to enforce this chapter.

Further, the “**Uniform Housing Code**” Chapter is hereby amended by the addition of **Article XIV, Multi-Family License**, so that hereafter said article shall be and read as follows:

ARTICLE XIV

MULTI-FAMILY LICENSE

Section 1401. Multi-Family License

- A. Definitions. For the purposes of this article, the following terms, words, and the derivations thereof shall have the meanings given herein.

“Administrator” shall mean the City Manager or his designee or designees.

“City or city” shall mean the City of Arlington, Texas

“License” shall mean an annual multi-family license.

“Multi-family” shall mean a building or structure as defined in the Zoning Chapter of the City of Arlington Code of Ordinances, as amended.

“Person or persons” shall mean every person, firm, partnership, corporation, association, partnership, co-partnership, social or fraternal organization, estate, trust, receiver, syndicate, or any other group or combination or entity acting as a unit; and shall include both singular and plural and the masculine shall include the feminine gender.

“Rent” shall mean the use of a residence granted to a person in exchange for consideration.

- B. Scope. This article shall apply to all existing multi-family residences, multi-family structures, and all existing multi-family premises regardless of the date of construction.
- C. Annual multi-family license required. No person shall own, manage, keep, maintain, rent, or otherwise make available for occupancy or use a multi-family structure without first obtaining a license from the Administrator. The owner or

manager must annually license any multi-family location with the Administrator. Any person with more than one multi-family location shall obtain a license for each separate location. The fact that a person possesses other types of state or city permits, licenses or registrations does not exempt that person from the requirement of obtaining a multi-family license.

- D. A person commits an offense if the person operates or causes to operate a multi-family structure, building, complex or residence units without a valid license issued by the Administrator.
- E. Annual multi-family training required. The holder of a multi-family license shall attend annual training on code familiarization and crime prevention as established by the Administrator.
- F. A person commits an offense if the person operates or causes to operate a multi-family structure, building, complex or residence units and does not attend the annual training required by the Administrator.
- G. Multi-family license application.
 - 1. To obtain a multi-family license, the owner or manager of a multi-family structure must submit a completed application on a form provided by the Administrator. A multi-family license must be obtained annually. If the multi-family ownership changes or the information on the multi-family license application form changes, then in that event, a new multi-family license must be obtained no later than thirty (30) days from the date that the change of ownership occurred or thirty (30) days from the date the information became incomplete, inaccurate or obsolete.
 - 2. A person commits an offense if a new multi-family license is not obtained thirty (30) days from the date that the change of ownership occurred or thirty (30) days from the date the information became incomplete, inaccurate or obsolete.
 - 3. The following information is required for a multi-family license and shall be included in the license application:
 - a. Names, current addresses, email addresses and telephone numbers of all owners, managers, mortgage and lien holders, registered agents and insurance companies that insure the multi-family structure or location.
 - b. Copies of state issued driver's licenses and dates of birth of all owners and managers;

- c. Complete legal description, street address, and location of the multi-family dwelling structure or structures;
 - d. Proof of ownership and the name, street address, telephone number, driver's license, and email address of each person or entity with an ownership interest in the multi-family dwelling as well as the local contact for the multi-family dwelling;
 - e. Proof of property insurance for the multi-family dwelling;
 - f. Emergency contact for fire, police and code compliance or other city officials
 - g. Any additional information the Administrator determines necessary for the administration of the multi-family license.
4. Each multi-family license shall expire one year after issuance unless revoked or suspended earlier and may be renewed by application in accordance with this article. A multi-family license is nontransferable and cannot be used at different locations. A change of ownership of the multi-family dwelling complex shall require the new owner or manager or agent to obtain a new license for the multi-family location.
5. If an application does not include all required information, the application will be considered incomplete.
6. The Administrator shall issue a license no later than thirty (30) days after the license application is received if the multi-family location complies with the provisions of this chapter and federal, state and local laws.

H. Multi-family dwelling license probationary status, denial, suspension, or revocation.

1. Probationary status. In addition to any other authority granted by this article or any other provision of the Arlington Code of Ordinances, the Administrator may place the license of a multi-family location on a probationary status if: (i) an owner or manager fails to correct a violation or violations of the city code of ordinances, state statute or applicable federal law, within the time specified in an Administrator or Administrator designee notice of violation, or (ii) any city inspection reveals a repeat violation of the same provision of the city code or applicable state or federal statute which had been identified within the preceding six (6) month period. The duration of the probationary status shall begin upon the mailing of a notice by the Administrator of the initiation of the probationary status and shall continue until all previously identified code violations or previously identified code violation at the multi-family

location has been corrected by the owner or manager or agent and the correction has been verified by the Administrator.

2. License denial, suspension or revocation. A multi-family license may be denied, suspended, or revoked for the following reasons:

- a. A multi-family license applicant provides false or misleading information on a multi-family license application or the applicant omits required information;
- b. Information provided with the license application is no longer accurate or becomes incomplete due to changes and the multi-family license holder fails to provide corrected information to the Administrator within thirty (30) days of the change;
- c. The multi-family property has two or more criminal convictions, criminal deferred dispositions, or civil liable findings through civil adjudication within a twelve (12) month period for any conduct or condition at the multi-family dwelling that constitutes a violation of this article or federal, state, or local law;
- d. Representing a multi-family property as available or otherwise making a residence available for occupancy or rent as a multi-family dwelling when the property does not hold a valid license;
- e. The license holder is overdue in payment to the city for taxes, utility bills, fees, fines, or penalties relating to the property;
- f. Activity at the location adversely affects traffic management or public safety;
- g. The multi-family dwelling is sold or multi-family ownership interests are otherwise transferred in an amount of 51% or more of the ownership of the entire property and information about the new ownership interest or interests is not supplied to the Administrator within 30 days of the change or transfer or other action;
- h. If the multi-family license owner or manager fails to remove the probationary status within six (6) months, then the Administrator may suspend the license. While under suspension, no unoccupied unit in the complex may be occupied and no occupied unit shall be occupied by new tenants until the property has been in full compliance with the city code and all applicable laws for a minimum of 30 days. The license shall remain suspended until the multi-family property has been in full compliance with the city code and all applicable law for a minimum of thirty (30) days.

- i. The multi-family property is found to have one or more violations that constitute a danger to the health or safety of its tenants or the public at large and owner or manager fails to correct such violation or violations within the time specified in an Administrator notice of violation.
 3. Notice of multi-family license probationary status, denial, suspension, or revocation. The notice shall provide that the denial, suspension, probationary status initiation or revocation shall take effect at the expiration of the tenth business day after notification.
 4. Effect of suspension or probationary status. If a multi-family property has been on a suspended status or probationary status within the previous six (6) months, no multi-family unit may be occupied by new tenants until it has been in full compliance for thirty (30) days.
 5. Probationary status violation. A person commits an offense if the person holds a multi-family license and that multi-family license is placed in a probationary status by the Administrator. The per calendar month violation penalty shall be established in a resolution of the Arlington City Council which is hereby incorporated for all purposes.
 6. Suspension or revocation status violation. A person commits an offense if the person holds a multi-family license and the multi-family license is placed in a suspension or revocation status by the Administrator. The per calendar month fee violation shall be set out in a resolution of the Arlington City Council which is hereby incorporated for all purposes.
- I. Procedures for appeal of probationary status or license denial, suspension, or revocation.
1. Review by Administrator.
 - a. Any multi-family license applicant who is denied a license, or person whose license is in probationary status, suspended or revoked (an “appellant”) may, within ten (10) business days of the service of notice of such determination, file a written appeal from such determination with the Administrator.
 - b. The Administrator shall have twenty (20) business days from the date on which the appeal was received in which to serve appellant with a written decision affirming, modifying, or reversing the denial, suspension, or revocation, as applicable.

- c. Any notice or decision served to appellant shall be deemed served upon the appellant when it is personally delivered or on the date it is mailed by United States mail, with proper postage prepaid, to the name and address set forth on the application for license, whichever occurs first.
2. Any appeal filed pursuant to this article shall state succinctly the grounds upon which it is asserted that the determination should be modified or reversed and shall be accompanied by copies of the application for license, the written notice of the determination of the city, and any other information material to the determination.
3. Judicial review of any final decision of the city may be obtained through the filing of an appropriate action in a court of appropriate jurisdiction within thirty (30) calendar days after service on appellant of the decision. The applicant shall bear the burden of proof in court.

J. Offenses.

1. A Person commits an offense if the person:
 - a. Submits false documents, or otherwise makes a false statement of a material fact on an application for a license submitted under this article;
 - b. Rents, leases, advertises or holds out for rent any residence at a multi-family dwelling location complex without a license; or
 - c. Violates any other provision of this article.
2. In the prosecution of a civil violation or administrative adjudication of an offense under this article:
 - a. it is presumed that the applicant for the multi-family license and persons listed on the license with an interest in the multi-family location are responsible for violations under this article and for compliance with this article.
 - b. if a multi-family complex is being operated by a business entity, any or all of the following individuals may be prosecuted for or charged with an offense under this article:
 - (1) a director, officer, partner, member, employee, or other person authorized to act on behalf of the business; and

- (2) any agent of the business who has duties of such responsibility that his or her conduct may reasonably be assumed to represent the policy of the business.

K. Penalty.

1. An offense under any provision of this article is a misdemeanor or civil violation punishable by a fine not to exceed five hundred dollars (\$500).
2. Unless a culpable mental state is explicitly stated in the definition of an offense, there shall be no requirement of a culpable mental state for any offense under this article.
3. Every day an offense occurs shall be a separate offense.

Further, the “**Uniform Housing Code**” Chapter is hereby amended by the addition of **Article XV**, Penalty, so that hereafter said article shall be and read as follows:

ARTICLE XV

PENALTY

Section 1501. Penalty

A person who violates any provision of this chapter by performing an act prohibited or by failing to perform an act required is guilty of a misdemeanor or civil violation; each day the violation continues shall be a separate offense.

1. If the definition of an offense under this chapter does not prescribe a culpable mental state, then a culpable mental state is not required. Such offense shall be punishable by a fine not to exceed five hundred dollars and no cents (\$500.00). Although not required, if a culpable mental state is in fact alleged in the charge of the offense and the offense governs fire safety, zoning, or public health and sanitation, including dumping of refuse, such offense shall be punishable by a fine not to exceed two thousand dollars and no cents (\$2,000.00).
2. If the definition of an offense under this chapter prescribes a culpable mental state and the offense governs fire safety, zoning, or public health and sanitation, including dumping of refuse, then a culpable mental state is required and the offense shall be punishable by a fine not to exceed two thousand dollars and no cents (\$2,000.00).

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor or civil violation and upon conviction thereof shall be fined an amount not to exceed Two Thousand and No/100 Dollars (\$2000) for each offense, except as provided in Section 1 above. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

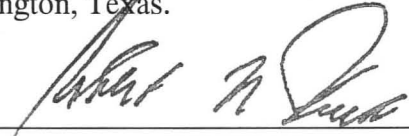
7.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

8.

This ordinance shall become effective ten (10) days after first publication as described above.

PRESENTED AND GIVEN FIRST READING on the 4th day of June, 2013, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 18th day of June, 2013, by a vote of 7 ayes and 2 nays at a regular meeting of the City Council of the City of Arlington, Texas.



ROBERT N. CLUCK, Mayor

ATTEST:



MARY W. SUPINO, City Secretary

APPROVED AS TO FORM:
JAY DOEGEY, City Attorney

BY _____