

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS AMENDING CHAPTER 158, “STANDARDS, REGISTRATION, AND INSPECTION REQUIREMENTS FOR MULTI-FAMILY DWELLING COMPLEXES,” OF TITLE XV, “LAND USAGE,” OF THE CODE OF MANSFIELD, TEXAS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATION; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AS REQUIRED BY LAW; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the City of Mansfield (“City”) is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and,

**WHEREAS**, the City, and the region, are growing very quickly, and must make provisions for the higher population densities necessary for the population growth; and,

**WHEREAS**, developers and landowners operate multi-family dwelling complexes within the City where many families and many persons may reside, sharing common areas and facilities, and affected by common deficiencies or hazards; and,

**WHEREAS**, violations of health and safety ordinances, rules, and regulations at such complexes may endanger multiple families, and so inspection and registration of such complexes is paramount to ensure safety of the residents therein; and,

**WHEREAS**, the City Council believes that it is in the best interests of the public and the City to facilitate the efforts to assure compliance with health and safety rules and regulations by the owners and operators of such complexes by passage of this Ordinance and creation of a new chapter of the Code of Ordinances.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, THAT:**

**SECTION 1.**

All of the declarations and findings contained in the preambles of this Ordinance are made a part hereof and shall be fully effective as a part of the ordained subject matter of this Ordinance.

**SECTION 2.**

Chapter 158, “Standards, Registration, and Inspection Requirements for Multi-Family Dwelling Complexes” of Title XV, “Land Usage” of the Code of Mansfield, Texas is hereby amended to read as follows:

## **GENERAL PROVISIONS**

### **§ 158.001 DEFINITIONS.**

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this chapter, shall have the meanings hereinafter designated. Where terms are not defined, they shall have their ordinary accepted meanings.

**BUILDING.** Any structure either temporary or permanent, having a roof or other covering, and designed, built or intended for the shelter or enclosure or partial enclosure of persons, animals, chattels or movable property of any kind or for an accessory use. Where independent units with separate entrances are divided by absolute fire separations, each unit so separated shall be deemed a building. This definition shall include structures wholly or partly enclosed with an exterior wall.

**BUILDING, ACCESSORY.** A building which:

- (1) Is subordinate to and serves a principal structure or a principal use;
- (2) Is subordinate in area, extent, and purpose to the principal structure or use served;
- (3) Is located on the same lot as the principal structure; and
- (4) Is customarily incidental to the principal structure or use. Any portion of a principal structure devoted or intended to be devoted to an accessory use is not an accessory structure.

**BUILDING OFFICIAL.** The officer or other designated authority charged with the administration and enforcement of the building code, or the building official's duly authority.

**CERTIFICATE OF OCCUPANCY.** A certificate issued by the city in accordance with all applicable laws, ordinances, or codes authorizing occupancy of the building.

**CITY.** The City of Mansfield.

**CRITICAL VIOLATION.** A minimum property maintenance code violation or a health code violation that is capable of causing or contributing to injury or illness of occupants.

**DWELLING UNIT.** A building or structure designed to be or occupied as a residence for humans.

**EQUIPMENT.** Any items used in connection with the operation of a multi-family dwelling complex, nursing or assisted living facility, or lodging establishment including but not limited to any washer, dryer, ice machine, fans, air-conditioning units, heaters, refrigerators, or cooking units.

**EXISTING BUILDING.** A building constructed in compliance with all codes at the time of construction, or one for which a legal building permit has been issued prior to the effective date

of this ordinance.

**FAMILY.** Any number of individuals living together as a single housekeeping unit, in which not more than four individuals are unrelated by blood, marriage or adoption.

**HABITABLE.** The space, floor area or room in a dwelling unit used for living, sleeping, cooking and eating but excludes bathrooms, laundry rooms, pantries, closets and other storage space, foyers, hallways and utility rooms.

**HOSPITAL.** A facility in which there are complete facilities for diagnosis, treatment, surgery, laboratory, X-ray, nursing, and the prolonged care of bed patients.

**HOT WATER.** Water heated to a temperature of at least 110 degrees Fahrenheit measured at the faucet outlet.

**IMPROPER.** Not approved, inadequate, deteriorated, defective, insufficient, or not in operating condition.

**LANDLORD.** The traditional meaning of owner or lessor, and additionally includes a management company, or managing agent, including an on-site manager or other property manager, of a multi-family dwelling complex. The term also includes owners of hotels, motels, condominiums, bed and breakfast establishments, inns, and extended stay lodging establishments.

**LEASE.** A contract or rental agreement granting use or occupation of property at a multi-family dwelling complex during a specified period, subject to various terms and conditions, in exchange for a specified rent.

**LIFE SAFETY VIOLATION.** A violation of the most recently adopted edition of the nuisance code, health code, fire code, or property maintenance code that represents an imminent threat of death or injury to persons on the premises of a multi-family dwelling.

**LODGING ESTABLISHMENT.** Any building, complex of buildings, or any other facility in which the public may, for a consideration, obtain sleeping accommodations. The term includes hotels, motels, condominiums, bed and breakfast establishments, inns, extended stays, apartments not occupied by permanent residents, vacation rentals, and all other facilities where rooms or sleeping facilities or space are furnished for consideration. The term “hotel” does not include hospitals, sanitariums, nursing or assisted living facilities, jails, prisons or detention centers, college dormitories or housing facilities of the type described in section 156.001(2) of the Texas Tax Code or an oilfield portable unit, as defined by section 152.001 of the Texas Tax Code. For purposes of this chapter, the term “lodging establishment” does not include a short-term rental. The term “lodging establishment” does not include a residence or portion of a residence rented to a member of the resident’s family.

**MINIMUM BUILDING STANDARDS.** The most recently adopted edition of the International Council of Codes, National Electrical Code, and other local amendments as adopted by the city.

**MULTI-FAMILY DWELLING COMPLEX.** A building or buildings containing 3 or more dwelling units owned by the same person or entity or person on a single platted lot, or if the land on which the building or buildings is not platted, then any building or buildings that provides 3 or more dwelling units owned by the same entity or person on a contiguous tract of land.

**NON-CRITICAL VIOLATION.** A minimum property maintenance code violation or minor health code violation that is not considered a life safety or critical violation.

**NURSING OR ASSISTED LIVING FACILITY.** A private home for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders, not containing equipment for surgical care or the medical treatment of disease or injury.

**OPERATING CONDITION.** Equipment maintained and free of leaks, safe, sanitary and in good working order.

**OWNER.** Any person holding title to a multi-family dwelling complex, according to the deed records in the county clerk's office of the county in which the complex is situated.

**PERSON.** Any individual, partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all federal, state, and local governmental entities.

**PROPERTY MANAGER.** A person who, for any form of consideration, has managing control of premises.

**REGULATORY COMPLIANCE DEPARTMENT.** The regulatory compliance department and its authorized representatives, acting through the city manager or their designated representatives.

**ROOMING/BOARDING HOUSE.** A building other than a hotel or multi-family dwelling where lodging is provided for compensation for three but not more than 12 persons, where meals may or may not be served, and where facilities for food preparation are not provided in the individual rooms. Where meals are served, they shall be served only to the residents of the boarding house.

**ZONING ORDINANCE.** The comprehensive zoning ordinance of the City as adopted and amended from time to time.

## **§ 158.002 PURPOSE.**

The purpose of this chapter is to establish safeguards to protect the life, health, safety, and property of the occupants of multi-family dwelling complexes, nursing or assisted living facilities, and lodging establishments, and the general welfare of the public by developing procedures to enforce the minimum building standards, and to provide equitable and practical criminal,

administrative, and civil remedies against property owners that do not maintain a rental registration license.

**§ 158.003      APPLICABILITY AND ADMINISTRATION.**

(A)      This chapter shall apply to all multi-family dwelling complexes, nursing or assisted living facilities, or lodging establishments located in the city which are now in existence, or which may hereafter be constructed or converted from other uses.

(B)      The Regulatory Compliance Manager and his or her authorized representatives are authorized to administer and enforce the provisions of this chapter and the minimum building standards code.

**REGISTRATION AND INSPECTIONS**

**§ 158.010      CERTIFICATE OF OCCUPANCY REQUIRED.**

(A)      No multi-family dwelling complex, nursing or assisted living facility, or lodging establishment shall be used or occupied, and no change in the existing occupancy classification as defined by the International Building Code or ownership of a multi-family dwelling complex, or any portion thereof, shall be made until the landlord has obtained a certificate of occupancy.

(B)      The certificate of occupancy for all multi-family dwelling complexes or lodging establishments shall be posted in a conspicuous place on the premises of the complex and shall not be removed except by the building official.

**§ 158.011      REGISTRATION REQUIRED FOR MULTI-FAMILY DWELLING COMPLEXES AND LODGING ESTABLISHMENTS.**

(A)      A landlord that operates a multi-family dwelling complex or lodging establishment must register with the Regulatory Compliance Department on an annual basis.

(B)      The rental registration license must be current and valid in order to rent or lease a multi-family dwelling unit in accordance with the provisions of this section.

(C)      The landlord of a multi-family dwelling complex or lodging establishment which is constructed after the effective date of this ordinance shall register the multi-family dwelling complex or lodging establishment within 30 days after the landlord receives its certificate of occupancy, and annually thereafter.

(D)      A registration is valid for 1 year starting January 1st until December 31st, and payment of the registration fee has been made, unless the ownership of the multi-family dwelling complex or lodging establishment changes.

(E)      If a change of ownership of the multi-family dwelling complex or lodging establishment occurs during the period that a registration is otherwise valid, the landlord of the

multi-family dwelling complex or lodging establishment shall have 30 days from the date the change of ownership occurred to file a new registration with the regulatory compliance department and pay a new registration fee.

(F) The registration shall be on a form prescribed by the regulatory compliance department, and such form shall, at a minimum, contain the following information about the multi-family dwelling complex or lodging establishment:

(1) The trade name, physical address, and business address.

(2) The names, addresses, and telephone numbers of the owner, property manager, resident manager, registered agent, and all federal, state, and local funding agencies; and the type of business entity which owns the multi-family dwelling complex or lodging establishment.

(3) The names and physical addresses of designated employees or authorized representatives who shall be assigned to respond to emergency conditions, and a telephone number where said employees can be contacted during any 24-hour period.

(a) For purposes of this paragraph, “emergency conditions” shall be defined as fires, natural disasters, floods, burst pipes, collapse hazard, violent crime, and other similar conditions as determined by the regulatory compliance department.

(b) A post office box shall not suffice for the address requirements of this subsection (F).

(4) The names, addresses, and telephone numbers of any mortgagees.

(5) A copy of a site plan depicting the total number of all buildings within the complex, including a description of the use of each building and the location of each building within the complex.

(6) The total number of dwelling units or guest rooms in a lodging establishment.

(7) The number and type of security systems and fire alarm systems maintained on the premises and the names and telephone numbers of the alarm companies which respond to alarms or relay alarms to emergency services.

(8) If the property is owned by a corporation, limited liability company, partnership, limited partnership, trust or real estate investment trust, the name and physical address of any of the following:

(a) For a corporation, a corporate officer;

(b) For a partnership, a general partner;

(c) For a limited liability company, the managing or administrative member;

(d) For a limited partnership, a general partner;

(e) For a limited liability partnership, a general partner;

(f) For a limited liability limited partnership, a general partner;

(g) For a trust, a trustee;

(h) For a real estate investment trust, a general partner or an officer; or

(i) For any other legal entity not named above, a duly authorized agent.

(9) If the property is owned by a person, other than an individual, who lives outside the State of Texas, the owner shall designate a registered agent, in the State of Texas, who will accept legal service on behalf of the owner. If the property is owned by a person who is an individual and who lives outside the State of Texas, the individual shall either designate a registered agent, in the State of Texas, who will accept legal service on behalf of the owner or provide a physical address where the owner may receive legal service. A designation of a registered agent under this section shall include the name and address of the agent.

(10) If any change in the information required by this section occurs, the owner shall notify the Regulatory Compliance Department within 30 days of the change, in a manner prescribed by the regulatory compliance department.

(11) A landlord commits an offense if the landlord knowingly operates a multi-family dwelling complex or lodging establishment which is not currently registered with the city under the provisions of this section.

#### **§ 158.012 LICENSE FEES REQUIRED FOR MULTI-FAMILY DWELLING COMPLEXES AND LODGING ESTABLISHMENTS.**

(A) The landlord of a multi-family dwelling complex or lodging establishment shall pay an annual registration fee for a rental license at a rate per dwelling unit or guest room to offset the city's cost of administration, registration, and inspections, and as set forth in the regulatory compliance department Fee Schedule.

(B) Fees shall be in accordance with a schedule approved by the City Council to include:

(1) A registration fee based upon the number of multi-family dwelling units or guest rooms which shall be:

(a) submitted annually with the registration form; and

(b) submitted with a new registration upon a change of ownership of the complex.

(C) (1) A late fee of \$200.00 shall be charged and due at time of payment if the annual registration fee is not paid by the due date.

(2) All rental registration fees are due before January 1st.

(D) An after-hours inspection fee of \$50 per hour with a two-hour minimum paid in advance shall be charged for inspections that occur Monday through Friday between the hours of 6:00 p.m. – 7:00 a.m., and anytime on Saturday or Sunday.

(E) A reinspection fee of \$100.00 shall be assessed for the third and each subsequent reinspection for each dwelling unit in which a previously noted but uncorrected violation exists.

(F) A reinstatement fee of \$200.00 for a multi-family dwelling complex or lodging establishment shall be assessed when there is a suspension or revocation registration status.

(G) The fee requirements described above shall not include a dwelling unit on a college, university, or seminary occupied by a student or a student and the student's family and in which the dwelling unit is owned by the respective college, university, or seminary, nor to a dwelling unit operated by a hospital, nursing or assisted living facility, detention center, shelter, or any government owned facility.

**§ 158.013 INSPECTION BY REGULATORY COMPLIANCE DEPARTMENT.**

(A) The regulatory compliance department may conduct:

(1) Inspections to verify a valid certificate of occupancy;

(2) Inspections based on indications of code violations, including complaints filed with the regulatory compliance department except where stated otherwise, that may result in:

(a) Periodic inspections; and

(b) Follow-up inspections.

(3) The following areas of a multi-family dwelling complex or lodging establishment shall be subject to inspection by the regulatory compliance department:

(a) All building exteriors;

(b) All public areas within a multi-family dwelling complex, nursing or assisted living facility, or lodging establishment;



(c) Unoccupied dwelling units; and

(d) Occupied dwelling units upon the consent of the tenant or the landlord when subject to a warrant issued by a court of competent jurisdiction.

(4) The regulatory compliance department may inspect portions of a multi-family dwelling complex, nursing or assisted living facility, or lodging establishment as frequently as the regulatory compliance department deems necessary due to landlord's failure to comply with the provisions of this chapter and with the minimum building standards. However, the regulatory compliance department shall schedule periodic inspections of multi-family dwelling complexes, nursing or assisted living facilities, or lodging establishments not less than once per calendar year.

(5) The landlord of a multi-family dwelling complex, nursing or assisted living facility, or lodging establishment shall make all exterior areas, interior public areas, and all vacant dwelling units of the complex available to the regulatory compliance department for inspections at all reasonable times.

(6) A multi-family dwelling complex, nursing or assisted living facility, or lodging establishment fails inspection if it does not score at least 70 points, out of a possible 100 points, according to the periodic inspection report scale as promulgated by the regulatory compliance department.

(7) The regulatory compliance department is authorized to make follow-up inspections of a multi-family dwelling complex, nursing or assisted living facility, or lodging establishment to inspect all areas included in the periodic inspection as well as occupied dwelling units, in such frequency and scope as the regulatory compliance department deems necessary to determine compliance with this chapter and with the minimum building standards.

(8) The landlord of a multi-family dwelling complex, nursing or assisted living facility, or lodging establishment shall timely correct all violations identified in an inspection report.

(9) Whenever a periodic inspection is made for an alleged violation at a multi-family dwelling complex, nursing or assisted living facility, or lodging establishment, the findings shall be recorded on a form prepared by the city. The landlord, owner, or property manager of the property shall be provided a copy of the inspection report, either in person or by mail. Notice of the alleged violation(s) shall be deemed given to an owner when a copy of the inspection report ("Notice"):

(a) Is delivered in person to the landlord, owner, or property manager;

or

(b) Two days after the copy of the inspection report is deposited with the US Postal Service and addressed to the landlord, owner, or property manager, with proper postage affixed. The inspection report may establish violation categories, which shall be corrected within a time specified in this section. The completed inspection report form is a public document

that shall be made available for public disclosure to any person who requests it according to law.

(B) A violation listed in a notice of violation issued under this section shall be corrected in accordance with the time specified in the notice of violation, subject to the following:

(1) A life safety violation shall be corrected within 24 hours of the issuance of the notice of violation;

(2) A critical violation shall be corrected within 72 hours of the issuance of the notice of violation; and

(3) A maximum of 30 days shall be allowed for the correction of a non-critical violation.

(C) In addition to other authority granted by this section, the regulatory compliance department has all rights and authority granted by Tex. Code of Criminal Procedure Article 18.05. Inspections shall comply with all federal, state, and local laws, regulations and ordinances.

(D) When considering a violation created by a tenant, the regulatory compliance department may consider the timeliness of the landlord's response to the violation, actions taken by the landlord to address a tenant's activities that may have caused the condition that was a violation, and actions taken by the landlord, owner, or property manager to prevent or reduce similar violations in the future.

(E) The regulatory compliance department is authorized to publish the results of inspections.

(F) A landlord commits an offense if a multi-family dwelling complex, nursing or assisted living facility, or lodging establishment under this chapter has one or more, in any combination, of the following conditions exists on the premises:

- (1) Inadequate sanitation;
- (2) Lack of a bathroom or the existence of an improper bathroom;
- (3) Lack of or an improper kitchen;
- (4) Lack of hot and cold running water to plumbing fixtures;
- (5) Lack of or improper required heating, mechanical ventilation or electric facilities;
- (6) Lack of required amounts of natural light and ventilation;
- (7) Lack of or improper space or floor area;
- (8) Lack of required electrical lighting;

- (9) Dampness of habitable space;
- (10) Infestation of insects, vermin, or rodents;
- (11) The existence of dead trees, tree limbs, holes, excavations, or other conditions reasonably capable of causing injury to a person;
- (12) Lack of or improper connection to required sewage disposal;
- (13) Lack of or improper garbage and rubbish storage and removal facilities;
- (14) Lack of or improper drainage to prevent standing or stagnant water on the premises;
- (15) Structural hazards;
- (16) Improper foundations;
- (17) Improper flooring or floor supports of insufficient size to carry imposed loads safely;
- (18) Members of walls, partitions or other vertical supports that split, lean, list, or buckle due to defective material, deterioration, improper construction, or insufficient size to carry imposed loads safely;
- (19) Members of ceilings, roofs, ceiling, and roof supports or other horizontal members which sag, split or buckle due to defective material, deterioration, improper construction, or insufficient size to carry imposed loads with safety;
- (20) Fireplaces or chimneys which list, bulge or settle due to defective material, deterioration, improper construction, or insufficient size or strength to carry imposed loads safely;
- (21) Lack of or improper required railings, stairs, steps and balconies;
- (22) Faulty or insufficient smoke detectors and/or carbon monoxide detectors;
  - (a) Each dwelling unit within a multi-family dwelling shall be equipped with at least one smoke alarm and carbon monoxide detector on each floor of the dwelling unit and a smoke detector within each sleeping room. In addition, if multiple sleeping rooms are served by the same corridor, at least one smoke alarm and carbon monoxide detector shall be installed in the corridor in the immediate vicinity of the sleeping rooms in compliance with the International Building Code (IBC), International Fire Code (IFC) and the International Property Maintenance Code (IPMC) as adopted. A smoke alarm and/or carbon monoxide detector may be either battery operated or hard wired.

(b) All required smoke alarms and carbon monoxide detectors shall be maintained in proper working order. It shall be unlawful for any occupant of a dwelling, or any individual, to render a smoke alarm and/or carbon monoxide detector inoperable by removal of the batteries or other source of power for the smoke alarm and/or carbon monoxide detector except during battery replacement or repairs to the smoke alarm.

(c) A lodging establishment shall be equipped with smoke detectors as required by Chapter 792 of the Texas Health and Safety Code.

(23) *Hazardous wiring.* Any wiring except that which conformed to all applicable laws in effect at the time of installation and which has been maintained in operating condition;

(24) *Failure of mechanical equipment.* All mechanical equipment, including heating facilities and cooling units shall be maintained in an operating condition;

(a) Every landlord of a multi-family dwelling complex shall provide heating facilities capable of maintaining a room temperature of 68 degrees Fahrenheit (20 degrees Celsius) in all habitable rooms.

(25) *Faulty weather protection.*

(a) Improper, crumbling, or loose plaster or wall coverings;

(b) Lack of or improper weather protection of exterior walls, roof, foundations, or floors, including broken windows and doors;

(c) Lack of or improper protective treatment for exterior wall coverings including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks, and fences, maintained in good condition; or

(d) Lack of or improper exterior wall coverings or roof coverings.

(26) *Inadequate exits.* Exit facilities of buildings or portions thereof shall conform with all applicable codes, ordinances, and laws at the time of construction. When an unsafe condition exists due to improper location of exits, additional exits may be required to be installed.

(27) *Improper occupancy.* Any building, or portion thereof, occupied for living, sleeping, cooking or dining purposes which was not designed or intended to be used for such occupancies.

(28) *Unsecured buildings.* Any building that is vacant and open. A building is open if any door, window or other opening is not securely closed to prevent unauthorized entry.

(29) *Stairway identification signs.* Any buildings or premises which does not meet the following standards:

(a) Stairway identification signs shall be provided at each floor landing in an interior exit stairway and ramp connecting more than three stories designating the floor level, the terminus of the top and bottom of the interior exit stairway and ramp and the identification of the stairway or ramp. The signage shall also state the story of, and the direction to, the exit discharge and the availability of roof access from the interior exit stairway and ramp for the fire department. The sign shall be located 5 feet (1524 mm) above the floor landing in a position that is readily visible when the doors are in the open and closed positions. In addition to the stairway identification sign, a floor-level sign in visual characters, raised characters and braille complying with ICC A117.1 shall be located at each floor-level landing adjacent to the door leading from the interior exit stairway and ramp into the corridor to identify the floor level.

(b) All stairway identification signage requirements shall be in compliance with the International Fire Code Section 1023.9.1, as amended.

(c) Where there is a conflict between the requirement of this section, another code or referenced standard, the most restrictive shall govern.

(d) Every building at a multi-family dwelling complex, nursing or assisted living facility, or lodging establishment shall have the premises identification properly installed and maintained. Each building will position the numbers or addresses to be plainly readable from the public or private roadway fronting such building. Immediately below each building address or number 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.

(e) Each dwelling unit upon or near the exterior front door shall have the dwelling unit number posted in a color that contrasts with the background.

#### **§ 158.014 PROBATIONARY STATUS, SUSPENSION AND REVOCATION OF REGISTRATION.**

(A) *Probationary status.*

(1) In addition to any other authority granted by this section or any other provision of the Code of Mansfield, Texas, the regulatory compliance department may place the registration of a multi-family dwelling complex or lodging establishment on probationary status if:

(a) A landlord fails to correct a violation of the Code of Mansfield, Texas or other applicable state statute within the time specified in a notice of violation; or

(b) Any inspection reveals a repeat violation of the same provision of the Code of Mansfield, Texas or other applicable state statute which had been identified within the

preceding 12-month period.

(2) The duration of the probationary status shall begin upon the mailing of a notice by the regulatory compliance department of the initiation of the probationary status and shall continue until both of the following conditions have been met:

(a) All previously identified code violations at the multi-family dwelling complex or lodging establishment have been corrected by the landlord and noted and approved by the regulatory compliance department;

(b) No additional code or statutory violations are identified at the multi-family residential complex or lodging establishment for 90 days after correction of the last violations as approved by the regulatory compliance department.

(3) The regulatory compliance department shall impose a \$200.00 reinspection fee on the landlord for each dwelling unit or guest room as long as the multi-family dwelling complex or lodging establishment remains on probationary status.

(4) The city shall report to the Texas Department of Aging and Disability Services or other applicable department any nursing or assisted living facility that regulatory compliance department finds:

(a) is established or operating in the city without a license;

(b) poses an immediate threat to the health and safety of a resident of the nursing or assisted living facility; or

(c) is otherwise violating a provision of Chapter 247, Texas Health and Safety Code, as amended, or any rule, regulation, or standard governing assisted living facilities promulgated by the Texas Department of Aging and Disability Services under Chapter 247, Texas Health and Safety Code, as amended.

(B) *Suspension of registration.*

(1) In addition to other authority granted by this section or any other provision of the Code of Mansfield, Texas, if a multi-family dwelling complex or lodging establishment remains on probationary status and fails to complete the requirements for removal from probationary status in subsection (A)(2) above within 180 days, the regulatory compliance department may place the registration of such complex or lodging establishment on suspended status. While on suspended status, no unoccupied unit in the complex may be occupied and no occupied unit shall be occupied by new tenants until the complex has been in full compliance with the Code of Mansfield, Texas and all applicable laws for a minimum of 30 days. The registration shall remain suspended until the complex or establishment has been in full compliance with the Code of Mansfield, Texas and all applicable laws for a minimum of 180 days.

(2) If a multi-family dwelling complex or lodging establishment has been on a

suspended status at a previous time within the previous 36 months, no dwelling unit in the complex or lodging establishment may be occupied by new tenants until it has been in full compliance for 90 days. The multi-family dwelling complex or lodging establishment shall remain on suspended status until it has been in full compliance with the city code and all applicable laws for 180 consecutive days.

(3) The regulatory compliance department shall impose a \$200.00 monthly administrative fee on the landlord for as long as the complex or lodging establishment remains on suspended status. In addition, a \$200.00 reinspection fee will be assessed to the landlord for each dwelling unit as long as the multi-family rental registration status remains suspended.

(C) *Revocation of registration.*

(1) In addition to other authority granted by this section or any other provision of the Code of Mansfield, Texas, the regulatory compliance department may revoke the registration of a multi-family dwelling complex or lodging establishment if:

(a) The multi-family dwelling complex or lodging establishment 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 the landlord fails to correct such violation(s) within the time specified in a notice of violation; or

(b) The multi-family dwelling complex or lodging establishment has more than one fire, life safety violation during any a 12-month period.

(2) A multi-family dwelling complex or lodging establishment whose registration has been revoked may not do business until such registration has been reinstated. A multi-family dwelling complex or lodging establishment whose registration has been revoked must be vacated within 60 days of such revocation. A landlord commits an offense each day or portion of a day the complex continues to offer a dwelling unit or guest room for a fee while its registration is revoked and each day any unit remains occupied after the expiration of 30 days from the date of revocation. If the city takes any enforcement action that mandates the involuntary relocation of tenants prior to the end of their contractual rental term, the city shall provide reasonable relocation expenses to eligible tenants. The cost of such relocation expenses shall be borne by the landlord. The failure to pay such expenses within 30 days from notice of same shall result in the city placing a lien on the property to secure such repayment.

(3) If the regulatory compliance department denies or revokes a rental registration license there shall be notification to the owner in writing by mailing the denial or revocation notice by certified mail to all owner and agent addresses identified in the registration application. The owner may appeal the decision to the city manager by filing a written request for appeal no later than 5:00 p.m. on the tenth day following the date of notice. If a rental registration license was denied or revoked, the registration or renewal shall not be considered by the regulatory compliance department until all application or inspection deficiencies that were the basis for the denial or revocation are corrected. The appeal hearing shall be held within ten calendar days after the date of filing the appeal and the action of the city manager after hearing all the evidence and

facts shall be final and conclusive as to all parties.

## **MINIMUM STANDARDS FOR MULTI-FAMILY DWELLING COMPLEXES**

### **§ 158.020 CRIME PREVENTION STANDARDS.**

(A) The landlord of a multi-family dwelling complex shall provide the following crime prevention measures:

(1) *Signs for emergencies and code violations.* A landlord of a multi-family dwelling complex shall post and maintain signs on the premises of the complex. The sign required by this section shall be a minimum of 12 inches (12”) by 24 inches (24”) . Sign facings shall be fabricated out of weather-proof material. The signs shall have a white background, with letters and numbers in a contrasting color. At each multi-family dwelling complex there shall be at least one sign posted at each entrance and exit point. The signs shall be prominently displayed in exterior, publicly accessible areas of the complex. If the complex has an on-site management office, one sign shall be on the exterior door or wall of the office.

(2) *Emergency numbers.* The names of designated employees or other authorized persons who shall be assigned to respond to emergency conditions, and a telephone number where said employees can be contacted during any 24-hour period. Emergency conditions shall include fire, natural disaster, flood, collapse hazard, burst pipes or violent crime; and

(3) *Lighting.*

(a) Exterior illumination shall be provided at appropriate points adjacent to all building entrances, including individual dwelling units. Lighting shall be sufficient to illuminate areas where hazards may reasonably exist and shall be operable between a half hour before sunset and a half hour after sunrise.

(b) Control mechanisms for such illumination shall be activated and deactivated by a photocell or seasonally adjusted timer switch, not operable by individual tenants of the complex except at individual dwelling units.

(c) A landlord shall repair all inoperable exterior lighting fixtures within a reasonable period of time after being notified that the fixture is not working. In no instance shall a reasonable period of time be deemed to mean more than seven days.

(4) *Vacant buildings secured.*

(a) All openings in vacant buildings and dwellings shall be closed and secured from unlawful entry by the installation and maintenance of appropriate locking devices and intact doors and windows which are proportioned to securely and completely fit the openings.

(b) Alternatively, with the approval of the regulatory compliance department, openings may be temporarily secured by means of the installation of proportioned



wood materials in good condition. The surfaces of such materials exposed to the weather shall be protected with the application of exterior grade paint, or a similar weather resistant finish, which blends with the background color of the building.

(5) *Security gate access.*

(a) A landlord of a multi-family dwelling complex which has unstaffed security gates which restrict vehicle access onto the premises shall provide master codes to the gates so that public safety vehicles and essential city personnel are allowed unrestricted entry onto the premises when responding to emergencies and calls for service and routine patrols.

(b) Prior to changing the master codes, the landlord shall notify the regulatory compliance department.

(c) All electrical or mechanically operated gates must be equipped with a Knox system gate access key switch as approved by the City of Mansfield Fire Department.

(d) The owner or person in control of any property which contains a security gate or barrier is responsible for any damage caused to emergency equipment by said security gates or barriers, which malfunctioned or operated improperly.

(e) Access through such security gates by fire trucks and fire personnel shall be provided as required by the fire code.

1. Fire lanes shall be maintained in good condition with clearly visible markings.

2. Fire apparatus access roads shall be continuously marked by painted lines of red traffic paint six inches (6") in width to show the boundaries of the lane. The words "NO PARKING FIRE LANE" or "FIRE LANE NO PARKING" shall appear in four inch (4") white letters at twenty-five feet (25') intervals on the red border markings along both sides of the fire lanes. Where a curb is available, the striping shall be on the vertical face of the curb.

3. Signs shall read "NO PARKING FIRE LANE" or "FIRE LANE NO PARKING" and shall be twelve inch (12") wide and eighteen inch (18") high. Signs shall be painted on a white background with letters and borders in red, using not less than 2" lettering. Signs shall be permanently affixed to a stationary post and the bottom of the sign shall be six feet, six inches (6'6") above finished grade. Signs shall be spaced not more than fifty feet (50') apart along both sides of the fire lane. Signs may be installed on permanent buildings or walls or as approved by the fire chief.

4. Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles, or used as loading zones. The minimum widths and clearances established in Section 503.2.1 and any area marked as a fire lane as described in Section 503.3 shall be maintained at all times.

(6) *Graffiti abatement.* A landlord shall remove graffiti from the landlord's multi-family dwelling complex as required by the Code of Mansfield, Texas.

(7) *Occupancy limits.* Every dwelling unit shall have at least one hundred fifty square feet (150 sq. ft.) of habitable floor area for the first occupant and one hundred square feet (100 sq. ft.) of habitable floor area for each additional occupant. Except for kitchens, habitable rooms shall have an area of not less than seventy square feet (70 sq. ft.). Where more than two persons occupy a room used for sleeping purposes the required floor area of seventy square feet (70 sq. ft.) shall be increased at the rate of fifty square feet (50 sq. ft.) for each occupant in excess of two.

(8) *Crime prevention.* The landlord at a multi-family dwelling complex shall not allow a resident to engage in any activity on or near the dwelling unit premises that would subject the resident to a penalty of a Class C misdemeanor that involves possession of drug paraphernalia, assault or disorderly conduct; Texas Penal Code Class A or B misdemeanors; Texas Penal Code Felony or Texas Health and Safety Code violation; or engage in any hazardous conduct that otherwise jeopardizes the health, safety and welfare of the landlord, or another tenant or which would involve imminent or actual serious property damage. Nothing in this provision shall be construed as requiring or encouraging the eviction or termination of a lease of a victim of domestic violence. Nothing in this provision is intended to relieve any tenant of an applicable responsibility to learn security plans, check safety devices, or report criminal activity to the landlord or to an appropriate law enforcement agency.

(B) A landlord commits an offense if the landlord knowingly violates any provision of this section or fails to comply with any provision of this section.

#### **§ 158.021 LODGING ESTABLISHMENTS.**

(A) The following additional standards shall apply to lodging establishments but do not apply to multi-family dwellings unless required by another provision of this code:

(1) Furnishings shall be maintained in good condition and clean. Furnishings with excessive wear, tears, or stains which present health and safety issues shall be replaced.

(2) After each occupancy, the guest room shall be vacuumed, the linens in the guest room shall be replaced with clean linens, smooth surfaces on all fixtures shall be cleaned and sanitized, and trash shall be removed from the room. Glasses, pitchers, ice buckets, coffee pots, and eating and cooking utensils (other than disposable, single-use utensils) shall be cleaned and sanitized.

(3) All rooms, furnishings, and bedding shall be free from an accumulation or infestation of insects or ectoparasites. If a lodging room becomes infested with insects of any type, the room shall not be occupied until the infestation is controlled. Lodging establishments shall, at a minimum, perform monthly pest control for all lodging rooms, or at more frequent intervals as required by the regulatory compliance department, in order to prevent infestation. Records of pest control treatments shall be made available for review on request by the regulatory compliance

department.

(4) Soap shall be provided in every lodging room by means of dispensed liquid or with new, individually wrapped bar soap. Used bar soap shall be removed from the lodging room when the guest ends the occupancy. Other toiletries provided by the lodging establishment which have been opened by the guest shall be removed when the guest ends the occupancy. Used soap and toiletries shall be discarded and shall not be used for any other purpose. A dispensed liquid soap shall be provided in all common and public bathrooms and toilets.

(5) Single service utensils and single service articles shall be replaced after each occupancy when visibly damaged or evidence of tampering or contamination exists.

(6) Ice provided to guests in any manner shall be produced only from potable water. Ice machines shall be free from visible trash and sediment. Ice shall not be made or stored in an owner's or manager's private refrigerator or private living areas. Ice that is not produced at the lodging establishment shall be obtained from an approved source and shall be properly labeled and protected from contamination during transportation and storage. Ice machines shall be of sanitary, durable, corrosion-resistant, and easily cleanable construction. Ice machines shall be kept sanitized and in good repair. Ice storage bins shall be drained into an approved sewage system and must have a physical air gap. When replacement of a self-service ice machine becomes necessary or additional machines are added, an automatic self-serve ice dispensing machine shall be installed instead. Ice machines shall be located in a place that provides protection from the elements and possible sources of contamination. Exterior ice machine locations shall have at a minimum, overhead protection. The area shall be kept clean and shall be free of accumulation of excessive moisture, drippage, or trash. An ice machine with a storage bin for ice shall be equipped with an ice scoop that is attached to the ice bin with a tether of easily cleanable material. The tether shall be of such a length to prevent the scoop from touching the ground and shall be maintained in a clean and sanitary condition.

(7) Lodging rooms shall be provided with clean linens for every bed in the room and enough towels for at least two occupants. All linens, towels, and laundry provided to a guest shall be provided in a clean, sanitary condition without excessive stains or damage. During laundering, clean linens, towels, and laundry shall be kept in separate carts and stored away from soiled linens, towels, and laundry. Clean linens, towels, and laundry shall be protected from dust, dirt, vermin, or other contamination.

(8) Lodging establishments with non-guest laundry facilities shall use the laundry only for the washing and drying of linens, towels, uniforms, and aprons necessary to the operation of the lodging establishment; other uses of the laundry are prohibited. Laundry equipment such as washers and dryers shall be of commercial-grade and shall be installed and used according to the manufacturer's instructions and specifications. Laundry facilities shall be separated from any other permanent living quarters by complete partitioning and solid self-closing doors. Traffic through or use by guests of a non-guest laundry facility is prohibited. Laundry facilities for the use of guests, if provided, shall be located separately from non-guest laundry facilities. Guest laundry facilities shall be clean and maintained in good repair.

(9) Lodging establishments shall in general be kept in a clean and sanitary condition and in good repair. Kitchen amenities in guestrooms with kitchens or kitchenettes shall be properly maintained and in good working order.

(10) The lodging establishment shall keep, for a period of no less than 90 days, records of the cleaning frequency of rooms that are used for extended guests stays. The records shall include information regarding the last cleaning performed and any room damage or repairs.

(11) No employee of a lodging establishment who is a carrier of or infected with a communicable disease (as specified by the CDC), or who is affected with a boil, an infected wound, or an acute respiratory infection, shall work in a lodging establishment in any capacity in which there is a likelihood that the employee may transmit the disease to other persons. Employees who work with or handle single service items, such as clean laundry, ice or beverages or who perform tasks that would contaminate their hands shall thoroughly wash their hands and exposed areas of their arms before starting work, after smoking, eating or using the toilet. Employees shall keep their fingernails trimmed evenly and clean. Employees involved in guest services and housekeeping functions shall wear clean clothing, in good repair. When performing cleaning functions that could bring the employee into contact with human waste or bodily fluids, the employee shall be provided protective gloves for optional use.

(12) Not more than ten percent of the lodging rooms in lodging establishment may be used for storage purposes. At least ninety percent of the lodging rooms in a lodging establishment shall be available for occupancy or occupied by a guest.

(13) A lodging room may not be occupied by more persons than allowed by section 91.15 (fire code) or section 150.008 (building code) which shall be calculated by taking into account the space taken up by luggage and other personal belongings of an occupant that are not stored in a closet, dresser or other building feature or furniture provided by the operator of the lodging establishment.

## **ENFORCEMENT**

### **§ 158.030 CRIMINAL ENFORCEMENT.**

A violation of this chapter is a misdemeanor punishable by a fine not to exceed \$2,000 in accordance with the city code. Each separate occurrence of a violation or each day that a violation continues shall constitute a separate offense. The failure to perform an act required by this chapter is a violation of this chapter.

### **§ 158.031 CIVIL ENFORCEMENT.**

(A) The city may invoke Tex. Local Government Code §§ 54.012 through 54.020, as amended, and petition the state district court or the applicable county court at law, through the city attorney, for either injunctive relief, civil penalties or both injunctive relief and civil penalties, whenever it appears that a person has violated, or continues to violate, any provision of this chapter.

(B) Pursuant to Tex. Local Government Code § 54.016, as amended, the city may obtain against the owner or the operator of a facility, a temporary or permanent injunction, as appropriate, that:

- (1) Prohibits specific conduct that violates this chapter; or
- (2) Requires specific conduct that is necessary for compliance with this chapter.

(C) Pursuant to Tex. Local Government Code § 54.017, as amended, the city may recover a civil penalty of not more than \$1,000 per day for each violation of any provision of this chapter that relates to any matter specified in subsection (a) above, if the city proves that:

- (1) The defendant was notified of the provisions of the chapter; and
- (2) After the defendant received notice of the chapter provisions, the defendant committed acts in violation of this chapter or failed to take action necessary for compliance with this chapter.

(D) The city may also institute suit to recover the cost of any actual damages incurred by the city, and any costs of response, remediation, abatement, and restoration incurred by the city as allowed under state or federal laws, or at common law.

(E) In determining the amount of civil liability, the court should take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the violation, corrective actions by the violator, the compliance history of the violator, and any other factors as justice requires.

### **SECTION 3.**

This ordinance shall be cumulative of all provisions of ordinances of the City of Mansfield, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

### **SECTION 4.**

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared void, ineffective, or unconstitutional by the valid judgment or final decree of a court of competent jurisdiction, such voiding, ineffectiveness, or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections hereof, since the same would have been enacted by the City Council without the incorporation of any such void, ineffective or unconstitutional phrase, clause, sentence, paragraph or section.

**SECTION 5.**

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 (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

**SECTION 6.**

All rights and remedies of the City of Mansfield are expressly saved as to any and all violations of the provisions of the Code of Mansfield, Texas, as amended, or any other ordinances affecting multi-family dwelling complexes which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

**SECTION 7.**

The City Secretary of the City of Mansfield is hereby directed to publish this Ordinance to the extent required by law.

**SECTION 8.**

This Ordinance shall take effect immediately upon and after its passage and the publication of the caption and penalty clause, as the law and charter in such cases provide.

**DULY PASSED ON THE FIRST AND FINAL READING BY THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, THIS 9<sup>TH</sup> DAY OF MAY, 2022.**

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**Michael Evans, Mayor**

**ATTEST:**

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**Susana Marin, City Secretary**

**APPROVED AS TO FORM AND LEGALITY:**

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**Allen Taylor, City Attorney**