

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS AMENDING SECTION 158.001 “DEFINITIONS” AND SECTION 158.013, “INSPECTION BY REGULATORY COMPLIANCE DEPARTMENT,” OF 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 Council has previously adopted regulations regarding inspection requirements for multi-family dwelling complexes; and,

WHEREAS, the City Council believes it is in the best interest of the public to amend those inspection requirements to include landscaping and screening features and to amend the definitions to exclude improvements which conformed with all applicable laws at the time of their construction and which have been adequately maintained.

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.

Section 158.001, “Definitions” of 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 by amending the definition of “Improper” to read as follows:

“IMPROPER. Not approved, inadequate, deteriorated, defective, insufficient or not in operating condition. The term does not include improvements which conformed with all applicable laws at the time of their construction and which have been adequately maintained.”

SECTION 3.

The following subsections of Section 158.013, “Inspection by Regulatory Compliance

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

“§ 158.013 INSPECTION BY REGULATORY COMPLIANCE DEPARTMENT.

(A) The regulatory compliance department may conduct:

...

(3) Inspections of the following areas of a multi-family dwelling complex or lodging establishment:

(a) All building exteriors, including landscaping and screening features pursuant to Chapter 155, Zoning;

...

(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 existing on the premises:

...

(11) The presence of deteriorating or unsightly landscaping or screening features and the existence of dead trees, tree limbs, holes, excavations, or other conditions reasonably capable of causing injury to a person or otherwise in violation of applicable provisions found in Chapter 99, Natural Resources Management, and Chapter 155, Zoning;

...”

SECTION 4.

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 5.

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 6.

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 7.

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 the inspection of 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 8.

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

SECTION 9.

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 25TH DAY OF JULY, 2022.

Michael Evans, Mayor

ATTEST:

Susana Marin, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Allen Taylor, City Attorney