

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS MODIFYING TITLE XV, “LAND USAGE” OF THE CODE OF ORDINANCES OF THE CITY OF MANSFIELD TO CREATE A NEW CHAPTER 158, “STANDARDS, REGISTRATION, AND INSPECTION REQUIREMENTS FOR MULTI-FAMILY DWELLING COMPLEXES,” AND THE SECTIONS THEREIN; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATION; 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.

Title XV, “LAND USAGE” of the Code of Ordinances of the City of Mansfield is hereby amended to create Chapter 158, “STANDARDS, REGISTRATION, AND INSPECTION REQUIREMENTS FOR MULTI-FAMILY DWELLING COMPLEXES” to read as follows:

GENERAL PROVISIONS

SECTION: 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, 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. 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 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 shall mean 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.

DIRECTOR. The Director of code compliance and the Director's authorized representatives, acting through the City Manager or their designated representatives.

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

EQUIPMENT means 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 means 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 means water heated to a temperature of at least 110 degrees Fahrenheit measured at the faucet outlet.

IMPROPER means 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.

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 means 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, trailer motels, 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 homes, 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 means applying 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 means a building or buildings containing three 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 three (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 means 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 means a person who, for any form of consideration, has managing control of premises.

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 of Mansfield as adopted and amended from time to time.

SECTION: 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.

SECTION: 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 of Mansfield which are now in existence or which may hereafter be constructed or converted from other uses.

(B) The Director and the Director's authorized representatives are authorized to administer and enforce the provisions of this Chapter and the minimum building standards code.

REGISTRATION AND INSPECTIONS

SECTION 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.

SECTION 158.012: 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 Code Compliance Department on an annually basis.

(B) 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 one (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 Director, and pay a new registration fee.

(F) The registration shall be on a form prescribed by the Director, 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 Director.

(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 establishments.

(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; and

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

(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 of Mansfield under the provisions of this section.

SECTION 158.013: 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 of \$35.00 per dwelling unit or guest room to offset the city's cost of administration, registration, and inspections.

(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) 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.

(a) January 1st is the due date for rental registration fee.

(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 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 home, assisted living facility, detention center, shelter, or any government owned facility.

SECTION 158.014: INSPECTION BY DIRECTOR.

(A) The Director may conduct:

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

(2) Inspections based on indications of code violations, including complaints filed with the Director 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 shall be subject to inspection by the Director:

(a) All building exteriors;

(b) All exterior and interior public areas;

(c) Vacant 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 Director may inspect portions of a multi-family dwelling complex, nursing

or assisted living facility, or lodging establishment as frequently as the Director deems necessary due to landlord's failure to comply with the provisions of this Chapter and with the minimum building standards. However, the Director 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 Director 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 Director.

(7) The Director 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 Director 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 Director 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 Director 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 Director 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 so as 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.

(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.

SECTION 158.015: 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 the City of Mansfield, the Director 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 City Code of Ordinances 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 City Code 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 Director 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 residential complex or lodging establishment have been corrected by the landlord and noted and approved by the Director; and

(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 Director.

(3) The Director 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.

(B) Suspension of registration.

(1) In addition to other authority granted by this section or any other provision of the code of the City of Mansfield, 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 Director 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 City Code 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 City Code and all applicable laws for a minimum of 180 days.

(2) If a complex or lodging establishment has been on a suspended status at a previous time within the previous 36 months, no unit in the complex or lodging establishment may be occupied by new tenants until it has been in full compliance for 90 days. The 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 Director 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 the City of Mansfield, the Director may revoke the registration of a multi-family dwelling complex if:

(a) The complex 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 complex has more than one fire, life and/or safety violation during any a 12-month period.

(2) A complex whose registration has been revoked may not do business until such registration has been reinstated. A complex whose registration has been revoked must be vacated within 30 days of such revocation. A landlord commits an offense each day or portion of a day the complex continues to offer a unit for rent while its registration is revoked and each day any unit remains occupied after the expiration of 30 days from the date of revocation.

(3) If the Director 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 Director 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 Director until all application or inspection deficiencies that were the basis for the denial or revocation are corrected.

MINIMUM STANDARDS FOR MULTI-FAMILY DWELLING COMPLEXES

SECTION 158.021: 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 by 24 inches. 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 photo cell 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 Director, 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

Director.

(c) All electrical or mechanically operated gates must be equipped with a KNOX System gate access key switch as approved by the 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.

(i) Fire lanes shall be maintained in good condition with clearly visible markings.

(ii) 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 25 feet 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.

(iii) Signs shall read "NO PARKING FIRE LANE" or "FIRE LANE NO PARKING" and shall be 12" wide and 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.

(iv) 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 City Code of Ordinances.

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

ENFORCEMENT

SECTION: 158.031 CRIMINAL ENFORCEMENT.

(A) 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.

SECTION: 158.032 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 the ordinance; or
- (2) Requires specific conduct that is necessary for compliance with the ordinance.

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

(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.

All ordinances of the City in conflict with the provisions of this Ordinance be, and the same are hereby, repealed and all other ordinances of the City not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 4.

Should any paragraph, sentence, subdivision, clause, phrase, or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole or any part or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional.

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.

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

SECTION 7.

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 AND ADOPTED ON THE FIRST AND FINAL READING, THIS
11TH DAY OF OCTOBER, 2021.**

Michael Evans, Mayor

ATTEST:

Susana Marin, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Allen Taylor, City Attorney