

ORDINANCE NO. 3544-02-2008

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, AMENDING CHAPTER 4, ARTICLE VI OF THE LEWISVILLE CITY CODE BY ESTABLISHING A RESIDENTIAL RENTAL INSPECTION PROGRAM; PROVIDING A REPEALER; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Lewisville has a substantial number of rented dwelling units located within property zoned and developed for single family residences, duplexes, and townhomes; and

WHEREAS, the City has a concern about these units being occupied and maintained according to all applicable City codes and ordinances; and

WHEREAS, the City finds that it is in the best interest of its citizens in the promotion and protection of the health, safety, morals and general welfare of the community that the City establish an inspection procedure applicable to leased or rented single family residences, duplexes, and townhomes;

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

Sec. 4-201. Definitions.

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Building Official means the Building Official for the City of Lewisville, Texas, or designee.

Calendar Year means January 1st through December 31st of a year.

Owner means the person claiming, or in whom is invested, the ownership, dominion, or title of real property including but not limited to: holder of fee-simple title, holder of life-estate, holder of leasehold estate for an interim term of five years or more; a buyer under contract for deed; a mortgagee, receiver, executor or trustee in control of real property; but not including the holder of a leasehold estate or a tenancy for initial term of less than five years.

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

Property manager means a person whom for compensation has managing control of a rental unit.

Rent means the offering, holding out or actual leasing of a rental unit to an occupant other than the owner and generally involves the payment of a rental amount although other forms of consideration may be involved or no consideration at all may be involved.

Rental unit means a single-family dwelling unit, duplex dwelling unit, and a townhome dwelling unit, or portion thereof that is rented or offered for rent as a residence.

Tenant means any person who rents or leases a rental unit for living or dwelling purposes with the consent of the owner.

Working Day(s) means Monday, Tuesday, Wednesday, Thursday and Friday (excluding City holidays) and begins at 8:00 a.m. on the next business day after an Application for a Certificate of Occupancy or a request for re-inspection is made with the City.

Sec. 4-202. Certificate of Occupancy.

(a) When a rental unit is vacated by a tenant, the owner of the unit must apply for and receive a Certificate of Occupancy from the Building Official prior to the unit being occupied by a new tenant.

(b) A new Certificate of Occupancy shall also be required for a dwelling unit prior to its original occupancy as a rental unit.

(c) Application for a Certificate of Occupancy as required by this section shall be made upon a form provided by the City for such purpose and shall include at least the following information:

(1) Owner's name, address, work and home telephone number, driver's license number, or identification card number and state of issuance of the owner;

(2) If owner is a partnership, the name of all partners, the principal business address, and telephone number of each partner;

(3) If owner is a corporation, the person registering must state whether it is organized under the laws of this state or is a foreign corporation, and must show the mailing address, business location, telephone number, name of the main individual in charge of the local office of such corporation, if any, and the names of all officers and directors or trustees of such corporation, and, if a foreign corporation, the place of incorporation;

(4) Name, address, and telephone number of the property manager;

(5) Street address of the rental unit;

(6) Name, driver's license number or identification number and state of issuance for each primary or principal tenant;

(7) Number of persons occupying the rental unit;

(8) Signature of the owner or owner's agent.

(d) No person shall make connections for water utilities to any rental unit that is required by this section to be inspected prior to occupancy, until the Building Official has issued a Certificate of Occupancy.

(1) In the event that the Building Official fails to complete the initial inspection of the rental unit within three (3) working days after receiving the Application for a Certificate of Occupancy or within two (2) working days after receiving a request for re-inspection, the owner or new tenant of the rental unit may make connections for water utilities.

(2) While the rental unit is vacant, the owner may connect the water utilities for maintenance purposes only without a Certificate of Occupancy.

Sec. 4-203. Inspection.

(a) Issuance of a Certificate of Occupancy will require an inspection by the Building Official to determine compliance with applicable City ordinances.

(1) If entry is refused thus prohibiting inspection of the rental unit, the Building Official shall have recourse to every remedy provided by law to secure entry, including but not limited to an inspection warrant.

(2) If deficiencies are found, the Building Official may prohibit occupancy of the unit until such time as the owner takes action needed to bring the unit into compliance.

(3) When the Building Official determines that a rental unit is in compliance with all applicable City ordinances, the Building Official shall issue a Certificate of Occupancy.

(4) When a rental unit passes two (2) inspections within two (2) calendar years and no complaints regarding property condition are received by the City during the same time period, that rental unit will not be required to file an Application for a Certificate of Occupancy for the succeeding five (5) calendar years.

(b) Fees will not be charged by the City for the initial inspection, any re-inspections or the Certificate of Occupancy.

(c) Annual registration of the rental unit with the City will not be required by the City.

(d) The Building Official must complete the initial inspection of the rental unit, for the purpose of issuing the Certificate of Occupancy, within three (3) working days after receiving the Application for a Certificate of Occupancy.

(e) Follow-up inspections (re-inspections) by the Building Official, if required, must be conducted within two (2) working days after a request for re-inspection is

made with the City by the rental unit owner. Additional time for re-inspections may be granted by the City if the tenant is unavailable, or it is determined by the City that more time is needed.

(f) In the event the Building Official fails to complete the initial inspection of the rental unit within three (3) working days after receiving the Application of a Certificate of Occupancy or within two (2) working days after receiving a request for re-inspection, the rental unit may be occupied by the new tenant.

Sec. 4-204. Appeals.

(a) The owner, tenant, or property manager of a rental unit may appeal any decision or order of the Building Official to the City Council of the City of Lewisville by filing at the office of the City Secretary, within thirty (30) days of such decision or order, a written appeal to the City Council on a form to be supplied by the City Secretary.

(b) Within thirty (30) days after receiving the written appeal, the City Secretary shall fix a date, time and place of the hearing of the appeal by City Council. Written notice of such time, date and place of the hearing shall be given to each party by the City Secretary, either by causing a copy of such notice to be delivered to the party personally or by mailing a copy thereof, postage prepaid, addressed to the party at the address shown on the written appeal.

(c) Failure of any person to file an appeal in accordance with the provisions of this section shall constitute a waiver of the right to a hearing by the City Council and the Building Official's decision shall be final and nonappealable.

(d) The decision of the City Council on the appeal is final and nonappealable.

SECTION 2. PENALTY. That any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction in the Municipal Court shall be subject to a fine not to exceed the sum of \$2,000.00 for each offense, and each and every day that such violation continues shall constitute a separate offense.

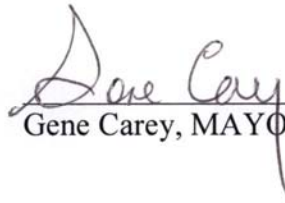
SECTION 3. REPEALER. Every ordinance or parts of ordinances found to be in conflict herewith are hereby repealed.

SECTION 4. SEVERABILITY. If any section, sentence, clause, or phrase of this ordinance shall for any reason be held to be invalid, such decision shall not affect the validity of the remaining sections, sentences, clauses, or phrases of this ordinance, but they shall remain in effect.

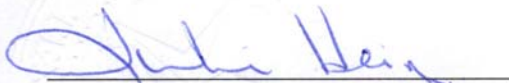
SECTION 5. EFFECTIVE DATE. This ordinance shall become effective on July 1, 2008.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, BY A VOTE OF 3 TO 2, ON THIS THE 18TH DAY OF FEBRUARY, 2008.

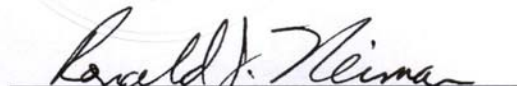
APPROVED:


Gene Carey, MAYOR

ATTEST:


Julie Heinze, CITY SECRETARY

APPROVED AS TO FORM:


Ronald J. Neiman, CITY ATTORNEY

First Reading: January 28, 2008

Second Reading: February 4, 2008

Third and Final Reading: February 18, 2008

Effective Date: July 1, 2008