

## *Appendix H: Commercial and Multi-Family Certificate of Inspection Permits*

### *Section H101 General.*

*Section H101.1 Scope.* The fire code official is authorized to administer Certificate of Inspection Permits and Fees. The fire code official is authorized to enter and examine multi-family dwelling complexes, buildings and/or dwelling units, commercial and industrial occupancies in accordance with Section 104.3 for the purpose of enforcing this code.

### *Section H102 Definitions.*

*H102.1 Definitions.* For the purpose of this appendix, the following words and phrases have the meanings respectively ascribed to them by this subsection:

*Bedroom.* Room used or intended to be used for sleeping purposes and not as a kitchen, bathroom, living room, closet, hallway, utility space, entry way, garage, patio or breezeway.

*Building inspector.* Properly identified chief building official of the city or his designated representative.

*Certificate of inspection permit* Certificate of inspection permit issued by the fire marshal pursuant to this appendix demonstrating compliance with this code issued on an annual basis.

*City.* City of Lewisville.

*Dwelling unit.* Means a structure, or that part of a structure, which is used as a home residence, or sleeping place by one or more persons maintaining a common household to the exclusion of all others.

*Efficiency unit.* Efficiency unit is defined as the equivalent of a one-bedroom unit.

*Family.* Any number of individuals living together as a single housekeeping unit in which not more than two individuals are unrelated by blood, marriage, or adoption when residing in a dwelling containing one or two bedrooms, or not more than three individuals unrelated by blood, marriage or adoption when residing in a dwelling unit containing three or more bedrooms. Foster children shall be considered as a related member of the family.

*Fire inspector.* Properly identified, certified fire marshal of the city or his designated representative.

*Multi-family dwelling complex.* Referred to as an apartment complex in the body of this amendment. Any building or portion thereof which is rented, leased or let to be occupied for compensation as three or more dwelling units or which is occupied as a home or place of residence by three or more families living in independent dwelling units located in the city.

*Owner.* A person claiming, or in whom is vested, the ownership, dominion or title of real property, including, but not limited to:

1. Holder of fee simple title;
2. Holder of life estate;
3. Holder of a leasehold estate for an initial term of five years or more;
4. The buyer in a contract for deed;
5. A mortgagee, receiver, executor or trustee in control of real property; but including the holder of a leasehold estate or tenancy for an initial term of less than five years.

*Premises.* A lot, plot or parcel of land, including any structure thereon, and furthermore, including a dwelling unit, appurtenances thereto, grounds and facilities held out for the use of tenants generally and any other area or facility whose use is promised to the tenant.

*Property manager.* Means a person who for compensation has managing control of an apartment complex for owner.

*Resident manager.* Means a property manager or agent of a property manager who resides in the apartment complex.

*Single location.* Single location is defined as property held in common ownership that is compact and contiguous property separated only by public streets.

*Tenant.* Means any person who occupies a dwelling unit for living or dwelling purposes with the landlord's consent.

### *Section H103 Required Certificate of Inspection Permit-Commercial and Industrial Occupancies.*

*H103.1 Inspection.* Prior to the city's issuance of a certificate of inspection permit, duly authorized members of the city fire prevention bureau shall perform an inspection in accordance with Section 106 of this code. If no hazardous conditions or violations of the fire code are detected at the time of the inspection, or reinspection, the occupant of the inspected business or the owner or building manager of a building as provided above shall be issued a certificate of inspection permit and permit fee. The inspection permit shall include the name and address of each owner, the location and type of occupancy, and the owner, manager, or occupant's signature.

*H103.2 Reinspection.* If at the time of inspection, the occupancy is found not to be in compliance with this code, a certificate of inspection permit will not be issued. After notification of the violations which were detected, the owner, manager, or occupant shall be required to remedy the conditions of violation, and a citation may be issued for each violation, at each inspection. The

occupant, owner, or manager shall be notified of a time at which reinspection shall occur. The date for the first reinspection shall not be more than 30 days from the time of the original inspection. The date for any subsequent reinspection shall be not more than 10 days from the time of the last inspection. Once the commercial or industrial occupancy passes inspection, a certificate of inspection permit and fee will be issued, and the provision of H103.1 apply.

#### *Section H104 Certificate of Inspection Permit Fee.*

*H104.1 Certificate of Inspection Permit Fees.* Fees for permits associated with annual certificates of fire inspection permits shall be in accordance with the current adopted fee ordinance for the city.

*H104.2 Reinspection fee.* A re-inspection fee for each re-inspection of each noted violation item shall be assessed for inspections that are required to verify that a violation has been repaired or corrected. Failure of a reinspection fee to be paid shall be considered a violation of this amendment and subject to penalties herein.

*H104.3 Permit Compliance.* Each owner, manager, or occupant shall, within forty-five (45) days after such inspection, deliver to the city the permit fee. Failure by the owner, manager, or occupant to pay the certificate of inspection permit fee by reason of refusal or delay in tendering the fee within the prescribed time, shall, upon conviction in a court of competent jurisdiction, be guilty of a misdemeanor and each day that such owner, manager or occupancy shall fail to obtain said permit shall constitute a separate offense. No commercial, industrial or multi-family occupancy may operate its business without a valid certificate of inspection permit. No certificate of inspection permit shall be valid until the permit fee has been paid.

#### *H104.5 Valid Certificate of Inspection Permit.*

A certificate of inspection permit fee will be charged not more than once per year for an inspection of any occupancy or building and issuance of a permit, except as provided for in Section 109 of this code.

#### *H104.6 Revocation of Certificate of Inspection Permit.*

Any certificate of inspection permit issued under this code may be suspended or revoked when it is determined after a hearing by the community development director that:

1. It is used by a person other than the person to whom the certificate was issued;

2. It is used for a location other than that for which it was issued;
3. Any of the conditions or limitations set forth in the certificate has been violated;
4. The possessor of the certificate fails, refuses, or neglects to comply with any order or notice served upon him under the provisions of this code within the time period provided therein; or
5. There has been any false statement or misrepresentations as to a material fact in the plans, specifications, or documentation upon which the permit or application was based; or
6. Whenever a change in use or occupancy of a building occurs, existing certificate of inspection permit shall be automatically revoked and a new certificate of inspection permit shall be required.

*H105 Additional Requirements for Multi-Family Certificate of Inspection Permit.*

*H105.1 Inspection.*

The owner, resident manager, and property manager, as a condition to the issuance of the permit required by this amendment, shall consent and agree to permit and allow the city's fire or building inspector to make inspections of the apartment complex when and as needed to ensure compliance with this amendment. All city, International Building, Fire, Plumbing, Mechanical, Residential, Energy Codes, Texas Department of Health Code, zoning and other applicable codes and ordinances shall be complied with at all times and are part of the inspection set forth in Section H105.

The multi-family inspector and the owner, resident manager, or property manager shall agree on a reasonable date and time between January 1 and December 31 of each year. One or more units may be inspected at random. If violations exist, the fire inspector has the option of inspecting more than one unit per building in order to determine if violations exist in more units. If no violations are apparent or violations are minor, only one unit per building will be inspected.

*H105.2 Reinspection.* Shall meet the requirements of H104.2

*H105.3 Occupancy Load (Density).* Continued maintenance and observance of the following standards contained in this section are conditions that shall be complied with in order to retain a permit and to obtain any renewal of a permit.

1. It shall be unlawful for any person to permit or allow more than one family to reside in any apartment complex dwelling unit.

2. Notwithstanding the provisions of all other city ordinances, the maximum number of persons per dwelling unit density for dwelling units in an apartment complex is as follows:

THE LEWISVILLE CITY CODE IMPOSES THE FOLLOWING MAXIMUM DENSITY REQUIREMENTS:

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1-Bedroom or Efficiency Unit—No more than three (3) persons per unit.

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2-Bedroom—No more than five (5) persons per unit.

\*

3-Bedroom—No more than seven (7) persons per unit.

Exception: The owner, resident manager, or property manager may have density requirements that are stricter than the standards set forth herein.

4. The owner, resident manager, or property manager shall keep records that reflect the following information available for review by the multi-family inspector or the building inspector:
  - a. Names of all tenants in each unit.
  - b. Head of household.
5. It shall be unlawful and a violation of this amendment for an owner, property manager, or resident manager, to knowingly permit or allow a violation of any of the terms of this subsection. It shall be unlawful for a tenant to violate any of the terms of this subsection or to permit or allow any persons to reside in the unit in violation of this subsection.

*H105.1.1 Permit Compliance - Multi-family.*

In addition to the terms of H104.3, Any person owning, operating, managing or maintaining an apartment complex at more than one location shall obtain a permit for each separate location.

*H105.1.2 Revocation of Certificate of Inspection Permit.* Multi-family Shall meet the requirements of H104.6

*H105.2 - Right of Entry.*

In conjunction with the requirements of Section 104.3 of this code the owner, resident manager, or property manager shall grant access to all dwelling units in the apartment complex and all portions of the premises and structures located on the premises that are not dwelling units. This includes all storage areas, community buildings, swimming pools, athletic facilities, club rooms, equipment rooms and all other portions of the facilities not constructed as dwelling units, upon reasonable advance notice being given to the owner,

property or resident manager and all occupied dwelling units when, upon reliable information, the multi-family inspector or building inspector has reason to believe that violations of the ordinances of the city or state law exist that involve serious threats to life, safety, health and property.

*H105.3 Notice to Tenants/Residents.*

An owner or property manager shall require an apartment lease contract to be executed between the apartment complex and the tenant or tenants who will occupy a dwelling unit. The lease shall contain a provision which allows the owner or property manager to show the apartment or dwelling unit to city inspectors. If the apartment complex's standard lease form does not contain the above stated provision, the owner or property manager shall require the tenant to sign, as a condition for occupancy of a dwelling unit, a document provided by the city which will allow the owner or property manager to show the apartment or dwelling unit to the multi-family inspector or building inspector.

*(Code 1990, § 6-2-6; Ord. No. 1674-2-92, § I(6), (7), 2-3-92; Ord. No. 1833-9-93, § I, 9-13-93; Ord. No. 2012-3-95, § III, 3-6-95; Ord. No. 2757-12-2001, § I, 12-10-01; Ord. No. 3117-09-2004, §§ 21—8, 10, 9-13-04; Ord. No. 3266-10-2005, § I, 10-17-05; Ord. No. 3390-11-2006, § 1, 11-6-06; Ord. No. 3477-08-2007, § 1, 8-6-07; Ord. No. 3522-12-2007, § I, 12-17-07)*