

ORDINANCE NO. 6740

AN ORDINANCE AMENDING CHAPTER 32, "NEIGHBORHOOD SANITATION AND HOUSING SERVICES", OF THE CODE OF ORDINANCES OF THE CITY OF GARLAND, TEXAS; PROVIDING A PENALTY UNDER THE PROVISIONS OF SEC.10. 05 OF THE CODE OF ORDINANCES OF THE CITY OF GARLAND, TEXAS; PROVIDING A SAVINGS CLAUSE AND A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GARLAND, TEXAS:

Section 1

That Chapter 32 , "Neighborhood Sanitation and Housing Services" of the Code of Ordinances of the City of Garland, Texas is hereby amended by renaming Chapter 32 as follows:

"Property Sanitation and Housing Services"

Section 2

That Chapter 32, "Property Sanitation and Housing Services" of the Code of Ordinances of the City of Garland, Texas is hereby amended by changing the caption of Article I and adding text following that caption to read as follows:

"Article I. Minimum Property Standards

The Director of Code Compliance or his designee shall have the authority to enforce the provisions of Article I and Article II of Chapter 32 and any other provision of the Garland Code of Ordinances as authorized by the City Manager."

Section 3

That Sec. 32.01 of Chapter 32, "Property Sanitation and Housing Services" of the Code of Ordinances of the City of Garland, Texas is hereby amended in part by replacing the following definitions to read as follows:

"Board means the Building and Standards Commission, known as the Property Standards Board, as established under section 32.25.

Premises means a lot, tract or parcel of real property, or portion thereof, including any buildings and structures on the land in a residential or non-residential zone."

Section 4

That Sec. 32.02 of Chapter 32, "Property Sanitation and Housing Services" of the Code of Ordinances of the City of Garland, Texas is hereby amended by changing the caption of Sec. 32.02 and by adding a subsection 32.02(G) to read as follows:

"Sec. 32.02 Violations; application; penalty and report of inspections

(G) All of the provisions Article I and II of Chapter 32 shall apply to non-residential premises with the exception of Section 32.01(5), (6) and (11); Section 32.03(1)(a) and (b); Section 32.03(3); Section 32.04; Section 32.07; Section 32.09 through Section 32.11; Section 32.50(9), (13), (14) and (23); Section 32.53(J) through (M); Section 32.56(C); and Section 32.57(C) through (F)."

Section 5

That Sec. 32.02(B) of Chapter 32, "Property Sanitation and Housing Services" of the Code of Ordinances of the City of Garland, Texas is hereby amended to read as follows:

"(B) It shall be a violation for an owner or occupant of a premises or multi-family dwelling to occupy, or allow the occupation of, any structure or building that has been placarded as substandard by the City."

Section 6

That Sec. 32.02 (E) of Chapter 32, "Property Sanitation and Housing Services" of the Code of Ordinances of the City of Garland, Texas is hereby amended to read as follows:

(E) Whenever a routine inspection is made for an alleged violation at a premises or multi-family dwelling, the findings shall be recorded on a form approved by the City. The owner or property manager or other person in charge of the property shall be provided a copy of the inspection report, either in person or by mail. Notice of the alleged violations has been given to an owner when a copy of the inspection report: (1) is delivered in person to any owner, manager, or person in charge of the property; or (2) two days after the copy of the inspection report is deposited with the US Postal Service, addressed to any owner, manager, or person in charge of the property, with proper postage affixed. The inspection report may establish violation categories as defined in Sec. 32.01, which shall be corrected within a time as established in subsection (F). 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."

Section 7

That Sec. 32.03 of Chapter 32, "Property Sanitation and Housing Services" of the Code of Ordinances of the City of Garland, Texas is hereby amended by adding a subsection 32.03(12) to read as follows:

"(12) The International Property Maintenance Code as referenced and adopted by reference in section 30.270 shall apply to all existing non-residential structures and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators, and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties."

Section 8

That Sec. 32.05(C) of Chapter 32, "Property Sanitation and Housing Services" of the Code of Ordinances of the City of Garland, Texas is hereby amended to read as follows:

"(C) Approved Repairs. All corrections of Minimum Property Code standard violations and health hazards shall be completed using approved repairs."

Section 9

That Sec. 32.06 (A) of Chapter 32, "Property Sanitation and Housing Services" of the Code of Ordinances of the City of Garland, Texas is hereby amended to read as follows:

"(A) The City may initiate termination of utility services, or a hold on reconnecting or reinstating utility services that have been terminated, as the case may be, to or for a dwelling unit or premises that is substandard, or unfit for human occupation by certifying, in writing, that the dwelling unit or premises is substandard or unfit for human occupation."

Section 10

That Sec. 32.08 of Chapter 32, "Neighborhood Sanitation and Housing Services" of the Code of Ordinances of the City of Garland, Texas is

hereby amended to read as follows:

"(A) The City shall, by certified mail with electronic tracking, send to the last known address of the owner, lessee and occupant of the structure, notice of a hearing to consider:

(1) Reduction of occupancy load of a structure or portion of a structure that is overcrowded; or

(2) Vacation of a premises or portion of a premises that is unsanitary or unsafe and, therefore, presents a danger to the health, safety or and welfare of occupants. In order to protect the health, safety and welfare of the occupants of a substandard structure premises with readily apparent structural hazards that constitute imminent danger, the City may order the immediate vacation of the premises.

(B) The City may place or cause to be placed a placard on a premises or dwelling that is unsanitary or unsafe, warning of its dangerous condition. A person commits an offense if:

(1) without authority from the City, the person removes or destroys a placard placed by the City;

(2) the person occupies a vacant premises or dwelling unit on which the City has placed a placard; or

(3) as owner of a premises, the person authorizes a person to occupy a vacant premises on which the City has placed a placard.

Prior to the removal of the placard, the owner or occupant of such premises shall contact the City and request an inspection. The fee for removal the placard placed on single-family premises (including garages and accessory buildings) shall be fifty dollars (\$50.00), and one hundred dollars (\$100.00) for each multi-family unit. Should the premises/unit fail a final inspection, the fee shall still apply and be collected again at the time the placard is finally removed. The fee shall be payable to the City.

(C) A public hearing to consider reduction of occupancy load or vacation of a premises shall be held before the board not less than ten (10) days after receipt of notice by the owner, lessee and occupants or not less than five (5) days after the notice is returned undelivered. A hearing may be initiated by anyone having evidence of the overcrowding and signing a complaint form provided by the City. The complainant shall present evidence of the overcrowded conditions of the premises and the owner, lessee, or occupant may present evidence.

(D) The board shall order reduction of the occupancy load if it finds the premises or dwelling unit is overcrowded or vacation of a premises or dwelling unit if it finds the premises is dangerous to the health, safety or welfare of its residents. Notice of the order to reduce the occupancy load or to vacate shall be given to the occupants and the owner. If any party is aggrieved by the decision of the board, the person may appeal the decision to a district court within ten (10) days, where the matter shall be tried on the basis of a substantial evidence rule.

(E) Each occupant of a premises or dwelling unit that has been ordered vacated shall vacate the structure premises or dwelling unit within a specified time determined by the board. No person shall occupy a premises or dwelling unit that has been ordered vacated. The occupants of a premises or dwelling unit that has been ordered reduced in occupancy load shall reduce the occupancy to the number ordered by and within the time specified by the board."

Section 11

That Sec. 32.09(N) of Chapter 32, "Neighborhood Sanitation and Housing Services" of the Code of Ordinances of the City of Garland, Texas is hereby amended to read as follows:

"(N) Hearings. The hearings provided for in this section shall be conducted, at the option of the owner (or property manager), by either the Property Maintenance Board or a hearing officer appointed under the provisions under section 24.25 of this Code, at a time and place designated by the board or the hearing officer, as the case may be. Based on the record, the board or the hearing officer shall make a finding and shall sustain, modify, or rescind any official notice or order considered in the hearing. A written report of the hearing decision shall be furnished to the permit holder by the City."

Section 12

That Chapter 32, "Property Sanitation and Housing Services" of the Code of Ordinances of the City of Garland, Texas is hereby amended by changing the caption of "Division 2. Housing Standards Board" by renaming it as follows:

"Division 2. Property Standards Board"

Section 13

That Sec. 32.25(A) of Chapter 32, "Neighborhood Sanitation and Housing Services" of the Code of Ordinances of the City of Garland, Texas is hereby amended to read as follows:

"(A) There is hereby created a Building and Standards Commission which shall be known as the "Property Standards Board." All of the duties, functions, and powers of the Property Standards Board previously established are hereby vested in the board created in this section."

Section 14

That Sec. 32.26 of Chapter 32, "Neighborhood Sanitation and Housing Services" of the Code of Ordinances of the City of Garland, Texas is hereby amended to read as follows:

"The board shall have jurisdiction to:

(1) hear and determine cases concerning alleged violations of ordinances:

(a) for the preservation of public safety, relating to the materials or methods used to construct a premises or improvement, including the foundation, structural elements, electrical wiring apparatus, plumbing and fixtures, entrances, or exits;

(b) relating to the fire safety of a premises or improvement; including provisions relating to materials, types of construction design, warning devices, sprinklers or other fire suppression devices, availability of water supply for extinguishing fires, or location, design, or width of entrances or exits;

(c) relating to dangerously damaged or deteriorated premises or improvements; or

(d) relating to conditions caused by accumulations of refuse, vegetation, or other matter that creates breeding and living places for insects and rodents.

(2) require the vacation, relocation of occupants, securing, repair, removal or demolition of a premises that is dilapidated, substandard, or unfit for human occupancy and which is a hazard to the public health, safety and

welfare;

(3) grant or deny relief under section 32.56 of this Code; and

(4) exercise such other powers and authority conferred upon the board by law or ordinance."

Section 15

That Sec. 32.27 of Chapter 32, "Neighborhood Sanitation and Housing Services" of the Code of Ordinances of the City of Garland, Texas is hereby amended to read as follows:

"The board shall have jurisdiction to:

(1) order the repair, within a fixed period, of a premises, or portion thereof, found to be in violation of an ordinance;

(2) declare a premises, or portion thereof, substandard in accordance with the powers granted by this article;

(3) order, in an appropriate case, the immediate removal of persons or property found on private property, enter on private property to secure the removal if it is determined that conditions exist on the property that constitute a violation of an ordinance, and order action to be taken as necessary to remedy, alleviate, or remove any substandard condition found to exist on a premises;

(4) issue orders or directives to any peace officer of the state, including a sheriff or constable or the Director of Police Services of the City, to enforce and carry out the lawful orders or directives of the commission; and

(5) determine the amount and duration of a civil penalty not to exceed one thousand dollars (\$1000.00) a day for a violation of an ordinance for a commercial or multi-family property and one hundred dollars (\$100.00) a day for a violation of an ordinance for a residential property. In assessing a civil penalty the board shall consider the severity of the violations present, the history of compliance of the property or the owner and the efforts taken, if any, to correct the violations.

Section 16

That subsections (A) and (B) of Sec. 32.28 of Chapter 32, "Neighborhood Sanitation and Housing Services" of the Code of Ordinances of the City of Garland, Texas are hereby amended to read as follows:

"(A) The City may initiate a case before the board by filing a complaint with the board. Any person desiring to initiate a case before the board must file a case with the City on forms or in a format prescribed by the City. The City shall then initiate a case if the City determines that sufficient facts and evidence exist to proceed.

(B) Notice of all proceedings before the board must be given:

(1) By certified mail, return receipt requested, to the record owners of the affected property, and each holder of a recorded lien against the affected property, as shown by the records in the office of the county clerk of the county in which the affected property is located if the address of the lienholder can be ascertained from the deed of trust establishing the lien or other applicable instruments on file in the office of the county clerk;

(2) To all unknown owners, by posting a copy of the notice on the front door of each improvement situated on the affected property or as close to the front door as practicable; and

(3) By publishing the notice in a newspaper of general circulation in the City on one occasion before the tenth(10th) day before the day fixed for hearing. The notice shall be mailed and posted before the 10th day before the date of the hearing before the board and shall state the date, time and place of the hearing. If the proceeding concerns a substandard premises, the notice shall also contain an identification of the property on which the premises is located, a brief description of the violation(s) present and a statement that the City will vacate, secure, remove, or demolish the premises, or portion thereof, or relocate the occupants of the premises (at owner's expense) if corrective action is not taken within the time ordered."

Section 17

That Sec. 32.50(10) of Chapter 32, "Neighborhood Sanitation and Housing Services" of the Code of Ordinances of the City of Garland, Texas is hereby amended to read as follows:

"(10) Property Standards Board means that board established in section 32.25 of this Code."

Section 18

That subsection 32.54 (A)(1) of Chapter 32, "Neighborhood Sanitation and Housing Services" of the Code of Ordinances of the City of Garland, Texas is hereby amended to read as follows:

"(1) Alley shall mean and include an alley, alley easement, or a utility easement which is ten (10) or more feet in width."

Section 19

That subsection 32.82 (B) of Chapter 32, "Neighborhood Sanitation and Housing Services" of the Code of Ordinances of the City of Garland, Texas is hereby amended to read as follows:

"(B) Unless otherwise permitted by applicable law, regulation, permit, or zoning regulations, a person commits an offense if the person causes, suffers, allows or permits the parking or standing of a motor vehicle or a trailer in a residential or non-residential zone on private property, within public view, owned or controlled by that person if the vehicle:

- (1) Has one or more flat tires;
- (2) Is missing one or more wheels; or
- (3) Is supported by one or more jacks, jack stands, blocks or similar means."

Section 20

That a violation of any provision of this Ordinance shall be a misdemeanor punishable in accordance with Sec. 10.05 of the Code of Ordinances of the City of Garland, Texas.

Section 21

That Chapter 32, "Neighborhood Sanitation and Housing Services" of the Code of Ordinances of the City of Garland, Texas, as amended, shall be and remain in full force and effect save and except as amended by this Ordinance.

Section 22

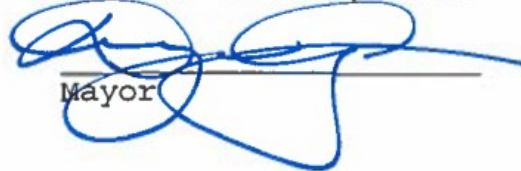
That the terms and provisions of this Ordinance are severable and are governed by Sec. 10.06 of the Code of Ordinances of the City of Garland, Texas.

Section 23

That this Ordinance shall be and become effective immediately upon and after its passage and approval.

PASSED AND APPROVED this the 6th day of October, 2014.

CITY OF GARLAND, TEXAS



Mayor

ATTEST:



City Secretary

Published: 10/10/14 & 10/13/14