



## ORDINANCE NO. 3867

**AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE FARMERS BRANCH CODE OF ORDINANCES, CHAPTER 26 “BUSINESSES”, ARTICLE IV “APARTMENT COMPLEX RENTAL” BY AMENDING SECTION 26-111 “DEFINITIONS” TO ADD A DEFINITION FOR “CODE ENFORCEMENT MANAGER” AND AMENDING SECTION 26-117 “INSPECTIONS; REINSPECTIONS; CERTIFICATE OF OCCUPANCY” RELATING TO THE INSPECTION OF APARTMENT COMPLEXES; AMENDING APPENDIX A “FEE SCHEDULE,” RELATING TO FEES ESTABLISHED PURSUANT TO CHAPTER 26 “BUSINESSES,” ARTICLE IV “APARTMENT COMPLEX RENTAL”; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, having considered the recommendation of City Administration, the City Council of the City of Farmers Branch, Texas, finds it to be in the public interest to amend the City of Farmers Branch Code of Ordinances Section 26-111 to add a definition for the phrase “Code Enforcement Manager,” Section 26-117 relating to the inspection of apartments units, and Appendix A “Fee Schedule” with respect to the fees and charges to be assessed in relation to the such inspections.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, THAT:**

**SECTION 1.** Chapter 26 “Businesses,” Article IV “Apartment Complex Rental” is amended as follows:

- A.** Section 26-111 “Definitions” is amended by adding a definition for the phrase “Code Enforcement Manager” to read as follows:

*Code Enforcement Manager* means the person employed by the City as the City’s Code Enforcement Manager or that person’s designated representative.

- B.** Section 26-117 “Inspections; Reinspections; Certificate of Occupancy” of the Code of Ordinances of the City of Farmers Branch, Texas, is amended to read as follows:

**(a)** *Inspections.* As a condition to the issuance of the license required by this article, the owner, resident manager and property manager shall consent and allow the Code Enforcement Manager to make the following inspections of the apartment complex when and as needed to ensure compliance with this article:

- (1)** Right and access to inspect all portions of the premises and structures located on the premises that are not dwelling units, including, but not limited to, 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 manager or resident manager.

- (2) Right and access to inspect all unoccupied dwelling units upon giving reasonable notice to owner, resident manager or property manager.
- (3) Right and access to inspect all occupied dwelling units when, upon reliable information, the Code Enforcement Manager 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.
- (4) Annually, the owner, resident manager or property manager shall make all dwelling units in the apartment complex available for inspection by the Code Enforcement Manager. The Code Enforcement Manager and the owner, resident manager or property manager shall agree on a reasonable date and time for each annual inspection. Apartment complexes shall be inspected as follows:

Apartment Complex Age	Minimum Inspection Frequency
0-3 years	Complaint basis + 100% exterior
3+ years	10% of total units up to 100% as needed*

\*For each apartment unit that has three or more violations, one additional unit within the complex will be added to the inspection. For each apartment unit that has five or more violations, two additional units within the complex will be added to the inspection.

- (b) *Enforcement of admission to inspect.* The Code Enforcement Manager may enforce the provisions of this article and, upon presentation of proper identification and notification to the property manager or resident manager, enter any dwelling unit between the hours of 8:00 a.m. and 5:00 p.m.; provided, however, in cases of emergency where extreme hazards that may involve imminent injury to persons, loss of life or severe property damage are known to exist, the Code Enforcement Manager may enter the dwellings mentioned in subsection (a) of this section at any time and the requirement for presentation of identification and notification to the management shall not apply. Whenever the Code Enforcement Manager is denied admission to inspect any premises under this article, inspection shall be made only under authority of a warrant issued by a magistrate authorizing the inspection. In applying for such a warrant, the Code Enforcement Manager shall submit to the magistrate an affidavit setting forth his belief that a violation of this article exists with respect to the place sought to be inspected and the reasons for such belief. Such affidavit shall designate the location of such place and the name of the person believed to be the occupant thereof. If the magistrate finds that probable cause exists for an inspection of the premises in question, he may issue a warrant authorizing the inspection, such warrant describing the premises with sufficient certainty to identify the premises. Any warrants

issued will constitute authority for the Code Enforcement Manager to enter upon and inspect the premises described therein.

- (c) *Reinspection; fee.* A reinspection fee in an amount determined in accordance with Appendix A of this Code shall be assessed and paid for each reinspection conducted by the Code Enforcement Manager required to verify repairs and/or corrections of each noted violation in a dwelling unit within an apartment complex and each noted exterior violation item. Failure to pay the required reinspection fee shall be a violation of this article and subject to penalties in section 1-14, but not to exceed the amount listed in Appendix A per unit within the apartment complex.
- (d) *Certificate of occupancy.* Upon failure to comply with the provisions of this article after receipt by the owner, property manager, and/or resident manager of written notice from the Code Enforcement Manager of a violation setting forth the violations and the time allowed to correct the violations, the owner's certificate of occupancy may be withdrawn and the license authorized by this article may be canceled. The Code Enforcement Manager may notify all public utility companies serving the apartment complex that the certificate of occupancy has been withdrawn and request that all public utility services be discontinued.
- (e) *Reinstatement.* Any person requesting a reinstatement or reissuance of the certificate of occupancy shall be required to apply for and receive a new license issued under this article as a condition precedent to the reissuance or reinstatement of the certificate of occupancy.

**SECTION 2.** Appendix A, “Fee Schedule,” of the Code of Ordinances of the City of Farmers Branch, Texas, relating to Chapter 26 “Businesses,” Article IV “Apartment Complex Rental” Section 23-114 “License Fees” and Section 26-117 “Inspections; Reinspections; Certificate of Occupancy” shall be amended to read as follows:

<b>Section this Code</b>	<b>Description</b>	<b>Amount</b>
26-114	License fee including reinstatement fee, each dwelling unit	\$13.00
26-117(c)	Reinspection fee, per reinspected unit	\$150.00
	Reinspection fee, per reinspected exterior structure/building/common area	\$150.00
	Reinspection fee, per initially inaccessible unit	\$150.00

**SECTION 3.** All provisions of the ordinances of the City of Farmers Branch in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions of the ordinances of the City of Farmers Branch not in conflict with the provisions of this ordinance shall remain in full force and effect.

**SECTION 4.** Should any sentence, paragraph, 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

decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of Ordinances as a whole.

**SECTION 5.** An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed, and the former law is continued in effect for this purpose.

**SECTION 6.** Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

**SECTION 7.** This Ordinance shall take effect on and after May 21, 2024, after its passage and the publication of the caption, as the law and charter in such cases provide.

**DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, ON THIS THE 21 DAY OF MAY 2024.**

**ATTEST:**

**APPROVED:**

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Stacy Henderson, TRMC, City Secretary

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Terry Lynne, Mayor

**APPROVED AS TO FORM:**

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David Berman, City Attorney

(kbl:4/22/2024:4879-4810-4375 v1)