



## ORDINANCE NO. 3537

**AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF FARMERS BRANCH, TEXAS, CHAPTER 26 “BUSINESSES,” ARTICLE IV “APARTMENT COMPLEX RENTAL” BY AMENDING IN THEIR ENTIRETY SECTION 26-113 “LICENSE APPLICATION; PLACE OF BUSINESS; ISSUANCE; RENEWAL AND EXPIRATION”; AND SECTION 26-117 “INSPECTIONS; REINSPECTIONS; CERTIFICATE OF OCCUPANCY”; PROVIDING FOR A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Farmers Branch finds it to be in the public interest and necessary for the preservation of public health and safety within the City of Farmers Branch to amend the Code of Ordinances with respect to the regulations relating to the licensing and inspection of apartment complexes.

**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,” of the Code of Ordinance of the City of Farmers Branch, Texas, is amended by amending Section 26-113 “License Application; Place of Business; Issuance; Renewal and Expiration” to read as follows:

**Sec. 26-113. - License application; place of business; issuance; renewal and expiration.**

- (a) An applicant for a license shall file with the building inspector a written application upon a form provided for that purpose which shall be signed by the owner or the owner’s agent and the property manager. Should an applicant own an apartment complex at more than one location, a separate application shall be filed for each location. The following information shall be required in the application:
  - (1) Name, address, telephone number of the owner, property manager, resident, manager, mortgagee, if there is a mortgage against the property.
  - (2) Trade name of the apartment complex.
  - (3) Names and addresses of all registered agents of the owner.

- (4) Number of dwelling units broken down as to number of efficiencies, one-bedroom, two-bedroom, and three-bedroom.
  - (5) Acknowledgment of receipt of a copy of the multiple-family residence licensing ordinance (i.e. this Article) and agreement to abide by such licensing ordinance as a condition to receiving and maintaining a license.
  - (6) Acknowledgment of receipt of copy of the mandatory crime reduction program for apartment complexes ordinance (i.e. Chapter 26, Article VII of this Code) and agreement to abide by such ordinance, where applicable, as a condition to receiving and maintaining a license.
- (b) For new apartment complexes, a multi-family license shall be obtained prior to the issuance of a Certificate of Occupancy for the first building constructed within said complex.
  - (c) All licenses expire on December 31 of each year.
  - (d) The building inspector may at any time require the owner or property manager to provide additional relevant information in order to clarify information contained within the application.
  - (e) The owner of an apartment complex shall notify the City of a change of ownership, property manager or resident manager with respect to an apartment complex not later than the 30<sup>th</sup> day after such change becomes effective.
  - (f) Not later than the 30<sup>th</sup> day after a change in ownership of an apartment complex becomes effective, the new owner of the apartment complex shall apply for a new license pursuant to this Article. A new license will be issued for said apartment complex after 100% of the units within the complex have passed inspection and the license fee is paid. The fee for the license obtained pursuant to this paragraph (f) shall be prorated based on the number of days remaining in the calendar year as of the date the license is issued.

**SECTION 2.** Chapter 26 “Businesses,” Article IV “Apartment Complex Rental,” of the Code of Ordinance of the City of Farmers Branch, Texas, is amended by amending Section 26-117 “Inspections; Reinspections; Certificate of Occupancy” to read as follows:

**Sec. 26-117. - Inspections; reinspections; certificate of occupancy.**

- (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 building inspector 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 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.
- (4) Annually, the owner, resident manager or property manager shall make all dwelling units in the apartment complex available for inspection by the building inspector. The building inspector 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:

<b>Apartment Complex age</b>	<b>Minimum Inspection frequency</b>
0-5 years	Complaint basis + 100% exterior
6-10 years	25% of the units
11-20 years	50% of the units
21 or more years	100% of the units

- (b) *Enforcement of admission to inspect.* The building inspector 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 building inspector 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 building inspector 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 building inspector 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 building inspector 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 building inspector 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 building inspector 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 building inspector 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 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 or of the Code of Ordinances as amended hereby, shall upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense unless a lesser maximum fine is provided in the Code of Ordinances as amended by this Ordinance.

**SECTION 7.** This Ordinance shall take effect immediately from and 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 16TH DAY OF OCTOBER 2018.**

ATTEST:

APPROVED:

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Amy Piukana, City Secretary

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Robert C. Dye, Mayor

APPROVED AS TO FORM:

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Peter G. Smith, City Attorney  
(PGS/KBL:10-10-18:TM 103275)