



## **Chapter 56: Property Maintenance**

**Proposed Updates for 2021**

CITY OF FARMERS BRANCH | 7/6/2021



\*This presentation has accompanying notes. Using this document you can review slides at the top of the page while reading notes from the presenter at the bottom of the page, where applicable.

## Specific Changes: Article V - Vegetation

### Current

*Weeds, grass and other groundcover.* Standards for weeds and grass are as follows:

Weeds, grass and brush shall be maintained at a height not exceeding eight inches.

### Proposed

It is unlawful and declared a public nuisance for any person owning, claiming, occupying or having supervision or control of any real property, occupied or unoccupied, to maintain any and all vegetation on such real property that fails to comply with the following provisions:

Except for water buffers and ornamental plants used as landscaping, grass or weeds shall not be allowed to grow in excess of **eight/twelve** inches in height;



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\*Staff requires direction on the topic of grass height and tree stumps, so slides 1 and 2 are being presented first. They are intentionally out of order from the rest of the presentation.

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The current height limit on grass and weeds is eight inches. The CETF has recommended this be increased to twelve inches. This slide requires guidance from the Council on the height limit desired. Both of the current options presented are on this slide in red. Water buffers have also been excepted from the mowing requirement to prevent erosion of land into bodies of water near adjacent to developed properties.

## Specific Changes: Article V - Vegetation

### Current

Trees, shrubs or plants which are hazardous to persons or property shall be removed. Any tree, shrub or plant that appears to have lost more than 75 percent of its living foliage shall be considered dead. Any tree that is removed in accordance with this section, shall include removal of the tree stump by grinding the stump to grade level. This requirement shall only apply to trees stumps located in the front yard of a residence.

### Proposed

Vegetation which is believed to be hazardous to persons or property by the enforcement authority shall be removed, including but not limited to any dead, dying, or diseased vegetation, and any tree in danger of falling. Any vegetation that appears to have lost more than 50 percent of its living foliage during the normal growing season for the species of such vegetation shall be considered dying or dead.

Trees stumps located in the front yard of a residence resulting from the removal of a tree for any reason shall be cut or ground to no higher than six (6) inches above grade level. This requirement shall only apply to tree stumps located in the front yard of a residence, and shall include all tree stumps existing prior to the passage of this provision.



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\*Staff requires direction on the topic of grass height and tree stumps, so slides 1 and 2 are being presented first. They are intentionally out of order from the rest of the presentation.

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This paragraph was split into 2 to address to different issues; hazardous/dead vegetation and tree stumps.

Under the new language, all vegetation that is deemed hazardous must be removed. The percentage of lost foliage has been reduced from 75 to 50 because it is believed that a 75% loss of foliage is a measurement to difficult to gauge and enforce. Also, once a tree passes the 50% threshold of lost foliage it can be argued to be more dead than alive (dying).

Also, existing tree stump language only requires the removal of tree stumps if the tree removed was considered dead or hazardous. This distinction is not only difficult to enforce, but creates a level of unfairness by penalizing only some property owners for letting stumps remain. If the Council believes that tree stumps should be removed or minimized then that belief should extend to all stumps regardless of why their respective trees were removed. The new language requires that all tree stumps in the front yard be removed or cut to no higher than 6 inches tall. The requirement to grind stumps to grade level was eliminated to ease the financial burden on residents with stumps.

## Explanation of Changes

This presentation highlights three different sets of changes proposed for the updated property maintenance code:

### Layout Changes

- These changes refer to moving or reorganizing language to make it easier to find and comprehend in the appropriate context. Since regulations did not change, most layout changes are not included in this presentation.

### General Changes

- These changes are broad and wide reaching. A general explanation of these changes is provided but every incident of a "general change" is not provided in this presentation because doing so would be repetitive.

### Specific Changes

- These changes reflect actual language that is in the current Chapter 56 and the specific regulatory changes that have been proposed by staff and/or the Code Enforcement Task Force. Regulations that did not change are not included in this presentation, though language may have changed for clarity and/or consistency purposes.





## Overall Layout Change

### Current Layout

Article I: In General  
Article II: Health and Safety Requirements  
Article III: Parking Vehicles  
Article IV: Removal of Graffiti

### Proposed Layout

Article I: In General  
Article II: Definitions  
Article III: Enforcement  
Article IV: Trash and Debris  
Article V: Vegetation  
Article VI: Outside Storage  
Article VII: Parking  
Article VIII: Fences  
Article IX: Abandoned, Junk, Inoperable Vehicles  
Article X: Graffiti  
Article XI: Minimum Property Standards  
Article XII: Vacant Buildings  
Article XIII: View Obstructions  
Article XIV: Dangerous Buildings  
Article XV: On-Demand Storage Containers

## General Changes

### Change

Regulations have been consolidated and organized based on topic and then divided into sections.

Several definitions new to Chapter 56 have been imported from other chapters. If the definition remained the same upon its import it has not been included in this presentation.

### Purpose

Assist readers in locating information; eliminate redundancy; improve clarity and overall comprehension of content

Moving / Reorganizing different chapters requires the related definitions in those chapters to also be moved to ensure the regulations' intent does not change.

## General Changes

### Change

The use of the words *article*, *chapter*, and *division* have been adjusted as necessary to accommodate the new layout of the Chapter.

The use of other words and phrases has also been adjusted as necessary. For example:

*building official, city manager, and enforcement authority*  
*property and premises*  
*building, structure and dwelling unit*  
*county clerk and public records of Dallas County*  
*plants, grass, weeds and vegetation*

### Purpose

Ensure proper context and requirements of regulations; increase clarity; ensure consistency



## General Changes

### Change

Some verbiage directing readers to other codes has been deleted / updated because portions of those codes have been imported into the new Chapter 56.

Examples: Minimum Housing Code  
Environmental Code  
Solid Waste Code

### Purpose

Eliminate the need for readers to shift between multiple codes to understand a single topic; ensure topics and enforcement authority are located in appropriate codes; increase clarity; eliminate redundancies and contradictions

## General Changes

### Change

Very large code sections have been separated into multiple sections and/or subsections.

Related sections of the code have been combined / moved closer together.

### Purpose

Improve comprehension by giving readers information in amounts they can digest;

Increase clarity; ensure proper context of codes; eliminate redundancies and contradictions; improve overall comprehension

## Specific Changes: Article II - Definitions

### Current

*Antique auto* means a passenger car or truck that is at least 35 years old.

N/A

### Proposed

*Antique auto* means a passenger car or truck that is at least 25 years old.

*Exterior elements* means any object located on the exterior of a premises or its adjacent right-of-way including but not limited to decorative objects (trellises, lattices, statues, birdbaths and feeders, fountains, flower beds, windmills, and similar objects or improvements), swings, swing sets, playsets, jungle gyms, light devices, mailboxes, vegetation receptacles, furniture and hammocks, weathervanes, benches, tents, shade covers, and signs.



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The *antique auto* definition was changed to match the State's definition.

The *exterior elements* definition was added to the code as a catch-all phrase to address exterior objects that are not mentioned or addressed in the minimum property standards code as it exists today.

## Specific Changes: Article II - Definitions

### Current

*Graffiti* means words, phrases, designs, symbols, letters or drawings written, painted or scratched on sidewalks, fences, walls, windows, walls of buildings, trees or other structures or items.

N/A

### Proposed

*Graffiti* means painting, scratching, writing, etching, or inscription including, but not limited to, initials, slogans, symbols, drawings, and/or stickers or decals, that is made in any manner on property.

*Hazard* and/or *Hazardous* means an object, situation, or condition that subjects, or may potentially subject, a person to harm or property to damage.



The definition of *graffiti* was updated to match the definition in the graffiti ordinance approved in 2020.

The Code Enforcement Task Force recommended adding a definition to the code for *hazard* / *hazardous*.



## Specific Changes: Article II - Definitions

### Current

*Improved surface* means a continuous area used for the movement, parking or storage of a vehicle that is overlaid or otherwise paved with Portland cement concrete, paving stones, brick pavers installed on an approved base course or other hard surfaced durable material designed to support vehicular weight and approved by the building official. The building official shall establish and maintain a set of standard construction details for improved parking surfaces and improved driveway surfaces. The city's minimum standards are as follows: a concrete pad poured to a nominal depth of four inches, at a minimum of 3,000 psi, using No. 3 rebar and set at 18 inches on center each way.

### Proposed

*Improved parking surface* means a parking or driving area constructed, expanded, or extended in compliance with the property maintenance code, the comprehensive zoning ordinance, and the building code.

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Regulations and standards do not belong inside definitions. This is technical information that belongs in a more appropriate area like the building code or zoning code. The property maintenance code should simply refer to it.

## Specific Changes: Article II - Definitions

### Current

*Inoperable motor vehicle* means a motor vehicle that does not have lawfully affixed to it either an unexpired license plate or a valid motor vehicle safety inspection certificate, or a vehicle that is not in operable condition because it is wrecked, dismantled, partially dismantled or has one or more flat tires.

N/A

### Proposed

*Inoperable motor vehicle* means a motor vehicle that is wrecked, dismantled, partially dismantled, has one or more flat tires, or has a dead or missing battery.

*Inoperable vehicle* means a vehicle that is not self-propelled and is wrecked, dismantled, partially dismantled, and/or has one or more flat tires.



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This definition was adjusted because the State no longer issues inspection certificates/stickers.

Also, the Code Enforcement Task Force (CETF) felt that declaring a vehicle inoperable simply because it has an expired license plate/registration sticker was overly strict.

## Specific Changes: Article II - Definitions

### Current

*Junked vehicle* means a vehicle that is self-propelled and does not have lawfully attached to it:

- (1) An unexpired license plate; or
- (2) A valid motor vehicle inspection certificate; and
- (3) Is:
  - a. Wrecked, dismantled or partially dismantled, or discarded; or
  - b. Inoperable and has remained inoperable for more than:
    1. Seventy-two consecutive hours, if the vehicle is on public property; or
    2. Thirty consecutive days, if the vehicle is on private property.

### Proposed

*Junked vehicle* means a vehicle that is self-propelled that displays an expired license plate or does not display a license plate and is:

- (1) Wrecked, dismantled or partially dismantled, or discarded; or
- (2) Inoperable and has remained inoperable for more than:
  - a. Seventy-two (72) consecutive hours, if the vehicle is on public property; or
  - b. Thirty (30) consecutive days, if the vehicle is on private property.



This definition was adjusted because the State no longer issues inspection certificates/stickers.

## Specific Changes: Article II - Definitions

### Current

*Motor vehicle* means a motor vehicle subject to registration under the Certificate of Title Act, V.T.C.A., Transportation Code § 501.002, and additionally includes a motorboat, outboard motor, or vessel subject to registration under V.T.C.A., Parks and Wildlife Code ch. 31 and also additionally including airplanes.

### Proposed

*Motor vehicle* means any vehicle that is self-propelled including but not limited to those subject to registration under the Certificate of Title Act, V.T.C.A., Transportation Code §501.002; a boat, motorboat, or vessel as defined in Tex. Parks and Wildlife Code §31.003; and aircraft.

This definition was altered to include all aircraft, not just planes. It was also altered to exclude outboard motors.

## Specific Changes: Article II - Definitions

### Current

*Nuisance* means as follows:

Any attractive nuisance known at common law or in equity jurisprudence, including, without limitation, any abandoned wells, shafts, basements or excavations, abandoned refrigerators, inoperable motor vehicles or any structurally unsound fences or structures, or any lumber, trash, fence, debris or vegetation which are or may be hazardous to children;

Whatever is dangerous to human life or is detrimental to health, and is contrary to the public health, safety or welfare or in violation of the codes and ordinances of the city;

Overcrowding a room with occupants, contrary to the public health, safety or welfare or in violation of the codes and ordinances of the city

### Proposed

*Nuisance* means as follows:

Delete

Delete

Delete



These paragraphs were all deleted on recommendation from the City Attorney's Office. It was explained that the statements are too broad, vague, and/or not applicable to property maintenance. The attractive nuisance paragraph also included things that may not be considered an attractive nuisance.

Overcrowding can still be addressed as a zoning/land use violation under Chapter 94 depending on circumstances of a particular scenario. Any violations that occur as a result of overcrowding (trash, too many vehicles, outside storage, etc.) can still be addressed by the updated Chapter 56.

## Specific Changes: Article II - Definitions

### Current

*Nuisance* means as follows:

Uncleanliness, contrary to the public health, safety or welfare or in violation of the codes and ordinances of the city;

Whatever renders air, food, or drink unwholesome or detrimental to the health of human beings, and is contrary to the public health, safety or welfare or in violation of the codes and ordinances of the city;

### Proposed

*Nuisance* means as follows:

Delete

Delete

These paragraphs were deleted on recommendation from the City Attorney's Office. It was explained that the statements are too broad, vague, and/or not applicable to property maintenance.

## Specific Changes: Article II - Definitions

### Current

*Nuisance* means as follows:

A live tree, shrub or other similar plant of any description which creates a hazard or risk of damage or destruction to persons or property, contrary to the public health, safety or welfare or in violation of the code and ordinances of the city.

### Proposed

*Nuisance* means as follows:

Living, dead, dying, or diseased vegetation which creates a hazard or risk of damage or injury to persons or property, contrary to the public health, safety or welfare or in violation of the code and ordinances of the city.

Instead of listing different types of plant-life, the newly defined word *vegetation* is used here and throughout the chapter where appropriate.



## Specific Changes: Article II - Definitions

### Current

N/A

N/A

### Proposed

*On-demand storage container* means a storage or delivery container designed, intended, and/or rented to be used as temporary shelter for personal property. Also known as *PODS* or *portable on-demand storage*.

*Outside storage* means the storage, collection, or safekeeping of any goods, materials, products, appliances, equipment, or containers that are not enclosed by a structure with walls on all four (4) sides and a roof.

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A definition for *on-demand storage container* was added for use in a new set of regulations addressing these objects (also known as PODS).

*Outside storage* has been defined for use by the existing outside storage regulations.

## Specific Changes: Article II - Definitions

### Current

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

A mortgagee, receiver, executor or trustee in possession or control, or having right of possession or control, of real property; and

### Proposed

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

A mortgagee, receiver, executor, tenant or trustee in possession or control, or having right of possession or control, of real or tangible property;

The word “tenant” was added to the definition of owner because some regulations instruct “owners” to take action even though the property in question may be a rental and the violation may be the responsibility of the tenant. In short, the person with control over the property, be they a tenant or owner, is responsible for curing all violations unless stated otherwise.

## Specific Changes: Article II - Definitions

### Current

N/A

*Premises* means any parcel, lot or tract of land, including any structure, building, landscaping or trees, or improvement located thereon.

### Proposed

*Person* means an individual, firm, partnership, proprietorship, association, corporation, estate, receiver, syndicate, social or fraternal organization, or any other group or combination acting as a legal entity, and including any trustee, assignee, executor, or other representative.

*Premises* means any parcel, lot or tract of land, including any structure, building, landscaping or vegetation, or improvement located thereon.

*Person* was defined for clarity as it appears throughout Chapter 56. *Premises* was updated to include the new term *vegetation*.

## Specific Changes: Article II - Definitions

### Current

*Property or tangible property includes:*

Any real property and any fixtures attached to real property; and

Tangible personal property, including, but not limited to, dumpsters and other trash/recycling receptacles, utility boxes, cable boxes, control boxes, pumps, meters, switches, and signs.

N/A

### Proposed

*Property means:*

any real property and any fixtures or improvements thereon; and

tangible personal property of any kind.

*Public right-of-way or right-of-way* means any street, alley, sidewalk, public access easement, public trail or similar parcel of land which is deeded, dedicated or otherwise permanently appropriated to the public for vehicle and/or pedestrian use.



The definition of *property* was shortened. The original definition provided here was customized for graffiti enforcement. This much detail is no longer necessary.

*Public right-of-way* was defined for clarity as it appears throughout Chapter 56.

## Specific Changes: Article II - Definitions

### Current

*Structure* means any residential building, nonresidential building, dwelling, condominium, townhouse, apartment unit, detached garage, shed, awning, fence, screening wall, sign, swimming pool, excavation or any other edifice, erection or material placed or located on any property within the city, and any other improvement of any kind or nature.

*Tenant* means any person or their agent who occupies a structure or property.

### Proposed

*Structure* means any building, dwelling, condominium, apartment unit, awning, wall, sign, swimming pool, excavation or any other edifice or erection placed or located on any property within the city, and any other improvement of any kind or nature.

*Tenant* means any person, corporation, partnership or group, other than the owner, occupying a building or portion thereof.

The definition of *structure* was shortened for ease of reading. *Tenant* was expanded to include other parties that may rent a building.

## Specific Changes: Article II - Definitions

### Current

N/A

### Proposed

*Trash and debris* means carrion, filth, garbage, junk, refuse, dumping and/or impure or unwholesome matter as defined below:

*Carrion* means the dead, putrefying flesh of any animal, fowl, or fish.

*Dumping* means any object(s) left, placed, or stored on any property or premises without express consent of the property or premises owner.

*Filth* means any matter in a putrescent state.

*Garbage* means any kitchen refuse, foodstuffs, or related materials, including all putrescible waste.



*Trash and debris*, as well as 7 kinds of trash, have been defined.

Defining trash is crucial to the enforcement of trash and debris violations for several reasons. One person's opinion of what constitutes trash can vary greatly from another's. This fact can have wide-reaching consequences if trash is not defined because the city has the right to remove trash from private property if the owner fails to do so. Good trash definitions can help protect the city against takings claims and ensure effective enforcement and abatement of trash violations.

## Specific Changes: Article II - Definitions

### Current

N/A

### Proposed

#### *Trash and debris*(cont.):

*Junk* means worn out, worthless, or discarded material, objects, or items including but not limited to wood or metal pieces, barrels, tires, discarded appliances or appliances exposed to the elements, car parts, objects that can hold water for more than 48 hours, building material fragments, rubble, and unused dirt, sand, or mulch.

*Refuse* means a heterogeneous accumulation of worn-out, used, broken, rejected or worthless materials including, but not limited to, paper, plastic, wood, metal, cardboard, litter, fallen or trimmed vegetation or portions of vegetation including grass/weed clippings, and other decayable or non-decayable matter.

*Yard waste* means any cut, trimmed, or fallen vegetative matter including, but not limited to, grass or weed clippings, tree cuttings, fallen leaves, and similar vegetative debris.





## Specific Changes: Article II - Definitions

### Current

*Vehicle* means any and every device in, upon or by which a person or property is or may be transported, drawn or moved upon a street, highway, waterway or airway and shall include but is not limited to any automobile, bus, truck, tractor, motorhouse, farm machinery, motorcycle, scooter, moped, all-terrain vehicle, boat, boat trailer, aircraft, recreational vehicle, golf cart, go-cart, trailer, fifth wheel trailer, camper, camper shell, wheeled towing frame, semitractor, semitractor trailer, truck bed mounted on a chassis and mobile home. This definition does not include nonmotorized bicycles, small engine lawn mowers and devices of similar scale

### Proposed

*Vehicle* means a device in or by which a person or personal property is or may be transported or drawn on any surface, or on any waterway, and shall include but not be limited to all motor vehicles, trailers, campers, wheeled towing frames, recreational vehicles (RVs), golf carts, go carts, all-terrain vehicles (ATVs), tractor trailers, travel trailers, self-propelled farm equipment, motor-boats or boat trailers, and aircraft.

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The definition of *vehicle* was abbreviated for ease of reading.

## Specific Changes: Article II - Definitions

### Current

N/A

N/A

### Proposed

*Vegetation* means plant life of any kind including but not limited to, shrubs, trees (including saplings), brush, bushes, wildflowers, cultivated flowers, native or ornamental plants, turf, grass (lawn), weeds, ground cover, annuals, perennials, or vines.

*View obstruction* means any object(s) placed, installed, or stored temporarily or permanently in such a manner that it creates a lack of visibility for drivers, pedestrians, and/or any other parties in a given area.

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A definition for *vegetation* was created to encompass all types of plant life. This ensures all plants are treated equally with respect to issues like view obstructions and overgrowth in the right-of-way. This also eliminates the code's habit of repeating different plant types over and over.

A *view obstruction* definition has been added for use in the new article specifically written for view obstructions.

## Specific Changes: Article II - Definitions

### Current

N/A

N/A

### Proposed

*Walkway* means an improved or unimproved path located on private property.

*Water buffer* means a vegetated area adjacent to a water resource that protects the water resource from nonpoint source pollution and/or provides bank stabilization. Also known as a *riparian area*.

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The term *walkway* was defined to clearly identify it as private property (as opposed to a public “sidewalk”).

The phrase *water buffer* was defined to exempt areas adjacent to bodies of water from mowing requirements. A specific measurement could not be assigned to a water buffer because measurements vary throughout the city.

## Specific Changes: Article II - Definitions

### Current

*Vehicle, special,* means a vehicle designed and used primarily for recreational uses. A special vehicle shall be, but is not limited to, the following: motor home, motorhouse, camper, camper shell, boat on or off of a trailer, RV, fifth wheel trailer or any similar vehicle.

Delete

*Vehicle, utility,* means a vehicle designed and used primarily for utilitarian uses. A utility vehicle shall be, but is not limited to, the following: trailer, tractor, farm machinery, boat trailer without a boat, truck bed mounted on a chassis, wheeled towing frame, utility trailer, boxed trailer, flat bed trailer, car carrier, panel truck or other similar vehicle.

Delete

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It is the recommendation of the CETF to eliminate the designations of utility vehicle and special vehicle and instead place all vehicles into the categories of vehicle and/or motor vehicle. It is also recommended by the CETF that all vehicles, regardless of type, adhere to the same set of regulations. As such, these definitions have been eliminated.

## Specific Changes: Article II - Definitions

### Current

N/A

### Proposed

*Ornamental plant* means a plant or grass planted for decorative purposes on a developed lot, but does not include turf or lawns, or any kind of vegetation on a vacant lot.

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The phrase *ornamental plants* was defined to create a mowing exemption for these forms of plant life.

## Specific Changes: Article III - Enforcement

### Current

The enforcement authority for this article shall be the city manager, or the person or department to whom the city manager delegates the enforcement responsibility.

Every owner and every tenant of the premises shall maintain the premises in a clean, sanitary and safe condition, including the disposal of rubbish, garbage, organic or inorganic waste, junk or other waste in a lawful manner.

### Proposed

The enforcement authority is hereby authorized and directed to enforce any violations of this chapter. The enforcement authority shall have the authority to interpret these provisions and apply such interpretations to these provisions in the interest of public safety, health, and general welfare.

Every owner and every tenant of every premises shall maintain the premises in a clean, sanitary and safe condition and free of violations of the regulations set forth in this chapter.

The first paragraph has been changed to more clearly outline the authority of the Code Enforcement Division as it enforces chapter 56. It will also assist with the interpretation of codes in new situations, though Code Enforcement will still work closely with our building, permitting, planning, and legal representatives to address violations as needed.

The second paragraph was abbreviated to eliminate the focus on trash and debris. This paragraph should be more broad to encompass any type of violation.

## Specific Changes: Article III - Enforcement

### Current

#### R110.1 Use and Occupancy (IRC)

A building or structure shall not be used or occupied, and a change of occupancy or change of use of a building or structure or portion thereof shall not be made, until the building official has issued a certificate of occupancy therefor as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances or the jurisdiction. Certificates presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid.

### Proposed

#### 56-33 Change in Ownership, Tenancy, or Use

Upon change of ownership or tenancy in a building or structure used as a dwelling unit, the owner shall request and obtain a Certificate of Occupancy from the enforcement authority. Prior to allowing occupancy of the building, the enforcement authority shall inspect the building or structure for compliance with the requirements of the Property Maintenance Code, the Building Code, the Minimum Housing Code, and the Comprehensive Zoning Ordinance.

If, during the inspection performed pursuant to subsection (a), the dwelling unit is found to not be compliance with this chapter, the enforcement authority may prohibit occupancy of the dwelling unit and shall direct the owner to take such action as necessary to bring the dwelling unit into compliance with the codes and ordinances identified in subsection (a). Changes in the character or use of an existing building or structure shall not be made except as specified in the International Building Code as adopted and amended by the city.



R110.1 refers to the International Residential Code, which the City has already adopted.

This language was altered slightly and brought in to Chapter 56 because its main purpose is to ensure properties are being maintained as owners and tenants change throughout the life of the structure. The Code Enforcement Division also manages the Residential CO Program for changing homeowners and tenants for existing buildings, and having this language in the property maintenance code will allow us to use it more effectively.



## Specific Changes: Article III - Enforcement

### Current

#### R110.1 Use and Occupancy (IRC)

A building or structure shall not be used or occupied, and a change of occupancy or change of use of a building or structure or portion thereof shall not be made, until the building official has issued a certificate of occupancy therefor as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances or the jurisdiction. Certificates presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid.

### Proposed

#### 56-33 Change in Ownership, Tenancy, or Use

Subject to applicable provisions of state law regarding the disconnection of utility services, the enforcement authority or building official shall have the authority to order the disconnection of utility services to the premises of a business found to be operating within the city without a valid certificate of occupancy not earlier than five (5) days after issuance of written notice of the intent to give such order. The enforcement authority or building official shall direct the reconnection of utilities disconnected pursuant to an order issued pursuant to this subsection (c) upon issuance of a certificate of occupancy to the affected business or upon agreement with the business owner regarding reasonable conditions designed to obtain issuance of a certificate of occupancy to the owner of the business.



This new paragraph is meant to address businesses operating illegally within the City. Illegal businesses bring a host of problems and they are not limited to just property maintenance issues. One of the most effective ways to stop illegal and/or unsafe business activity is to disconnect utilities to the location. This is typically a last resort, but it should always remain an option available to enforcement personnel.

## Specific Changes: Article III - Enforcement

### Current

The enforcement authority may bring forward, for a hearing before Municipal Court of Record No. 1, any single-family detached or single-family attached property that meet the requirements provided that for in section 22-452 of this Code and one or more of the following conditions exist:

- (1) The property or structure has been declared dangerous.
- (2) The property or structure has been declared uninhabitable.
- (3) More than six correction notices have been issued for the property in a calendar year and the property remains out of compliance.
- (4) More than four citations have been issued for the property in a calendar year and the property remains out of compliance.
- (5) The city has abated the same violation more than once in a calendar year for the property.
- (6) The city has had to file more than one lien for the same violation in a calendar year against the property.
- (7) The owner or occupant of the property has requested more than three extensions to correct a violation in a calendar year.

### Proposed

Delete

The City Attorney's Office and Code Enforcement believe the existing section above is unnecessary. Formal hearings are not required as part of the generic code enforcement process except with respect to dangerous structures and junk vehicles, and the dangerous building article of the new code already has hearing language included therein.

## Specific Changes: Article III - Enforcement

### Current

#### Exception:

Official notice shall not be required to be given to any person owning, claiming, occupying or having supervision or control of a multifamily dwelling complex for which an apartment complex license is required when a nuisance or condition is found to exist upon that apartment complex property that is a threat or danger to the health, safety or welfare of the tenants, employees or the general public. Nuisances or conditions that may be considered a threat or danger shall include, but shall not be limited to:

Missing or inoperable smoke detectors;  
...

### Proposed

#### Exception:

Official notice shall not be required to be given to any person owning, claiming, occupying or having supervision or control of a property when a nuisance or condition is found to exist on said property that is a threat or danger to the health, safety or welfare of the tenants, employees or the general public. Nuisances or conditions that may be considered a threat or danger shall include, but shall not be limited to:

Missing or inoperable smoke detectors and/or carbon monoxide detectors;  
...



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The current language states that official notice is not required for extreme safety hazards inside apartment complexes. However, that same level of urgency does not extend to other types of property. If the City acknowledges these hazards are extreme and worthy of immediate action then the kind of property on which they are located should be considered irrelevant.

Carbon monoxide detectors were added to the list of dangerous conditions here as well. They are required by the building code in certain circumstances.

## Specific Changes: Article III - Enforcement

### Current

The notice shall be in writing and may be served on the property owner, or agent of the owner, by handing it to him in person, by United States mail, addressed to such owner, or agent of the owner, at his post office address...

### Proposed

The notice shall be in writing and may be served on the property owner, or agent of the owner, by handing it to him in person, by United States mail, addressed to such owner, or agent of the owner, at his post office address as listed with the Dallas Central Appraisal District...

The State requires notices be mailed to the owner as listed with the county's appraisal district. This paragraph has been altered to better reflect the State's requirement.

## Specific Changes: Article III - Enforcement

### Current

Except as provided for multifamily dwelling complexes in subsection (a) of this section, the provisions of subsections (a) and (b) of this section shall apply to all real properties occupied or unoccupied, except that the requirement of a seven-day official notification is met and fulfilled when the enforcement authority has given a seven-day notice in writing at least one time in any calendar year to such person which is creating such nuisance or is otherwise in violation of this article.

### Proposed

This section shall apply to all real properties occupied or unoccupied, except that the requirement of a seven-day official notification is met and fulfilled when the enforcement authority has given the notice required by subsection (a), above, at least one time in any 365-day period to such person which is creating or allowing such nuisance with respect to the same violation described in the original notice.

The new language changes the expiration date of Notices of Violation. Instead of expiring on December 31 each year, Notices will expire 365 days after they are issued. This evens the playing field for all residents regardless of when in the year they were issued a Notice. This is also in line with language found in the State's Health and Safety Code regarding nuisances.

## Specific Changes: Article IV - Trash and Debris

### Current

*Sanitation.* All exterior property areas shall be maintained in a clean, safe and sanitary condition, free from accumulations of rubbish, garbage, junk or waste which constitute a public nuisance, contrary to the public health, safety or welfare.

### Proposed

It is unlawful and declared a public nuisance for an owner or tenant of any real property, occupied or unoccupied, to fail to remove any trash and debris from any such real property, including easements and adjacent rights-of-way.

It is unlawful and declared a public nuisance for an owner or tenant of any real property, occupied or unoccupied, to maintain any such real property in a manner that is likely to attract and/or harbor insects, rodents, vermin or other pests.

The general paragraph title “Sanitation” will be replaced with Article IV which specifically deals with all forms of trash and debris throughout a property.

## Specific Changes: Article V - Vegetation

### Current

All cut weeds, grass, shrubs or brush shall not be kept or allowed to accumulate on any public street, sidewalk, or other public way.

Weeds, grass, shrubs or brush shall not be deposited in any inlet, manhole, storm sewer or sanitary sewer system.

### Proposed

Yard waste shall not be allowed to accumulate on any public street, public alley, or public right-of-way adjacent to private property nor deposited in any inlet, manhole, storm sewer, or sanitary sewer system;

Two similar regulations regarding yard waste have been combined into one.

## Specific Changes: Article V - Vegetation

### Current

All groundcover, including, but not limited to, grass, weeds, ivy, monkey grass, Mondo grass, Maiden grass, fountain grass, or any other variation of ornamental grass that can be used as a border or edging, and decorative groundcovers, shall be maintained by mowing, trimming, and/or edging so as to be in conformance with subsection (1) of this section and shall be maintained so as not to encroach over the edge of sidewalks, pedestrian ways, driveway, flatwork, curbs, and street pavement. This shall not preclude the use of permeable pavement or permeable flatwork techniques that incorporate groundcover in their design provided the areas are maintained in accordance with this chapter.

### Proposed

All vegetation used as a border or edging, including decorative groundcovers, shall be maintained by mowing, trimming, and/or edging so as to be in conformance with subsection (f) of this section and shall be maintained so as not to encroach over the edge of public ways and public sidewalks, curbs, or street pavement. This shall not preclude the use of permeable pavement or permeable flatwork techniques that incorporate groundcover in their design provided the areas are maintained in accordance with this chapter.

The defined term *vegetation* was used to replace a list of grasses and plants.



## Specific Changes: Article V - Vegetation

### Current

*Easements.* Utility and/or drainage easements and all alleys shall be maintained clear and unobstructed, for the entire width of the easement or alley, of any brush, bushes, trees, structures or other objects that would prohibit access and maintenance of the utilities. Drainage easements having surface draining shall be maintained such that surface water is transported to the appropriate locations...

### Proposed

Utility and/or drainage easements and all alleys shall be maintained clear and unobstructed, for the entire width of the easement or alley, of any vegetation, structures or other objects that would prohibit access and maintenance of the utilities. Drainage easements having surface draining shall be maintained such that surface water is transported to the appropriate locations...

The term *vegetation* was inserted to replace the list of plant life.

## Specific Changes: Article VI - Outside Storage

### Current

Prohibited outside storage for this section shall include, but not be limited to, the following items stored in a manner other than in an enclosed building:

[List of examples (a) through (l)]

---

Permitted items in the front yard...

[List of items (1) through (17)]

### Proposed

Declared a Public Nuisance and Prohibited

It is unlawful and declared a public nuisance for any owner or tenant to allow, conduct or maintain any outside storage on any premises.

[List of examples deleted]

Defenses. The following shall constitute a defense to a violation of the article if items constituting outside storage:

[List of defenses created]

See slides 40-46



Outside storage regulations and exemptions are located in two different subsections of the current version of the chapter. The sections contain a list of illegal outdoor storage examples and a list of items allowed to be placed in front of homes, respectively.

Since these two subsections are related they have been combined and given a new layout to make information easier to find and read for residents and easier to enforce for Officers. All outside storage remains prohibited, but the lists of examples and items has been combined and reworded, where appropriate, to create a list of defenses (exceptions) to the overall prohibition. The result is one easy to read list of information on the do's and don'ts of outside storage.

## Specific Changes: Article VI - Outside Storage (Defenses)

Defenses: The following shall constitute a defense to a violation of the article if the items constituting outside storage:

- are screened from view from a public street, alley, or other public property by a solid fence, wall, landscaping or any combination thereof;
- are furniture designed and constructed for outdoor use that shows no signs of deterioration including, but not limited to, broken or missing pieces or rust;
- are building materials stored in a workmanlike manner in association with an active building permit;
- are appliances designed and intended for outdoor use, provided they are properly installed and functional, and show no signs of deterioration including, but not limited to broken or missing pieces or rust;
- is firewood stored in a manner that does not allow it to be used as harborage by insects, rodents, vermin or other pests.

## Specific Changes: Article VI - Outside Storage (Defenses)

Defenses: The following shall constitute a defense to a violation of the article if the items constituting outside storage:

- are containers or carts intended for the temporary storage of trash and debris and/or recyclable matter provided that such containers and carts are:
  - stored at the side or rear of a primary structure;
  - stored at the front of a primary structure and are completely screened from public view from any other public or private property; or
  - placed at the curb for collection in accordance with solid waste code Chapter 66.

## Specific Changes: Article VI - Outside Storage (Defenses)

Defenses: The following shall constitute a defense to a violation of the article if the items constituting outside storage:

- is an edging for flower or hedge beds that is constructed of brick, stone, treated lumber;
- are freestanding statuary, columns, bird baths and pedestals;
- is a masonry, brick, concrete or stone retaining wall constructed in compliance with applicable building codes and other ordinances;
- is a banister and/or handrail for uncovered steps or a ramp, provided the design and construction is consistent with the architectural design and style of the residence and constructed in accordance with applicable building codes;

## Specific Changes: Article VI - Outside Storage (Defenses)

Defenses: The following shall constitute a defense to a violation of the article if the items constituting outside storage:

- is an earthen berm for landscaping and screening purposes installed in the required front yard, provided:
  - a. the height of the berm does not exceed one foot of height for each three feet of horizontal distance; and
  - b. the crown of the berm does not exceed three feet, six inches in height.
- is a flagpole erected in the required front yard, provided:
  - a. the height of the flagpole does not exceed the permitted structure height in the zoning district in which the property is located; and
  - b. the pole is set back from all property lines a distance not less than the height of the pole;

## Specific Changes: Article VI - Outside Storage (Defenses)

Defenses: The following shall constitute a defense to a violation of the article if the items constituting outside storage:

- is an exterior light, provided the light is;
  - a. placed or erected on private property; and
  - b. shielded, placed or erected so as not to create a hazard to those on public property;
- is a freestanding lamppost that:
  - a. does not exceed ten feet (10.0') in height;
  - b. is set back from all property lines a distance not less than the height of the poles; and
  - c. does not create a hazardous glare to those on public property;

## Specific Changes: Article VI - Outside Storage (Defenses)

Defenses: The following shall constitute a defense to a violation of the article if the items constituting outside storage:

- is a single-pole basketball goal set back not less than fifteen (15) feet from the front property line;
- is a landscape receptacle made of durable, non-temporary material that shows no signs of deterioration and contains living and visible vegetation; provided, however, if the receptacle is empty or has no living and visible vegetation on display, it remains a defense if the receptacle is stored out of public view; or
- is outside storage that is authorized by the comprehensive zoning ordinance or other ordinance regulating the use and development of the property on which the outside storage is occurring.



## Specific Changes: Article VII - Parking

### Current

N/A

### Proposed

Declared a Public Nuisance and Prohibited

It is unlawful and declared a public nuisance for any owner or tenant located in an R-1, R-2, R-3, R-4, R-5, R-6, D-1, D-2, MF-1, MF-2, MF-3, MF-4 zoning districts and planned development districts which allow residential use, occupied or unoccupied to park or store, or allow others to park or store, any vehicle on such real property that fails to comply with the provisions of this article.

This change, found in the first line, simply declares parking violations a public nuisance and clearly states they are prohibited.

## Specific Changes: Article VII - Parking

### Current

Required off-street parking spaces shall be provided as established in the comprehensive zoning ordinance.

The total number of vehicles that may be parked or stored on, or contiguous to, a residential lot shall not exceed five; provided they can be legally parked on the property or in the public right-of-way directly contiguous to property. If the physical limitation of the property and/or right-of-way parking prohibitions reduce the number of available legal parking spaces to less than five, then the total number of vehicles shall be limited to the number of vehicles that may be legally parked on the lot or in the public right-of-way directly contiguous to the lot.

### Proposed

Delete

It shall be unlawful for any persons to park or store, or allow others to park or store, more than five (5) vehicles on any residential lot outside of an enclosed garage.

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Off-street parking spaces established by the zoning ordinance are not a property maintenance issue. This matter has been deleted from Chapter 56 and can be enforced from the zoning ordinance if necessary.

The City Attorney's Office recommended language regarding the storage of vehicles in "enclosed garages", which are typically invisible from the right-of-way.

The language regarding right-of-way parking has been removed because right-of-way isn't private property. It is open to the public and anyone is free to park (legally) on a residential street in front of any home they choose. This language could result in residents being penalized for vehicles adjacent to their homes that are in no way associated with their property.

## Specific Changes: Article VII - Parking

### Current

No vehicle may be used for housekeeping, living, sleeping quarters, or for the storage of trash, debris or personal property not normally associated with the vehicle.

All vehicles must be maintained in an operable condition and comply with chapter 34, article IV of this Code and V.T.C.A., Transportation Code § 683.001 et seq., Abandoned and Junk Vehicles.

All vehicles must have and comply with the required current federal and state licensing and registration.

### Proposed

Delete

Delete

Delete

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The first regulation has been deleted because:

1. It is difficult for staff to determine whether or not someone is living in a vehicle. However, if a person(s) is confirmed to be living in a vehicle on a property, this scenario poses a zoning / land use violation that can be addressed under Chapter 94: Zoning.
2. Trash and debris on private property is already addressed by the new trash and debris article.

The second regulation has been deleted because Chapter 34 Article IV is being moved to Chapter 56, so this reference is no longer necessary.

The third regulation has been deleted because, as stated earlier, the requirement for current registration was removed from the definitions of "inoperable vehicle/motor vehicle".

## Specific Changes: Article VII - Parking

### Current

Improved parking surfaces shall be maintained in good, and safe condition and be free of holes, cracks, spalling, or other failures that may effect the use, drainage from the property, drainage on adjoining property or the longevity of the material.

### Proposed

All parking surfaces must be maintained in good condition and free of hazards. Parking lots must be maintained free of potholes.

All parking surface attachments, improvements, and enhancements must be kept in good repair and functional condition including but not limited to wheel stops, signs, and official or unofficial markings.

Parking surface repairs, expansions, and extensions must be made of the same material as the existing parking surface. Permits, when required, must be issued and posted in a conspicuous location near the work being performed.

This paragraph has been expanded to include parking lots, signage, and other parking area elements. It also addresses repair requirements, which is a common question received by Code Enforcement.

## Specific Changes: Article VII - Parking

### Current

Parking or the storage of any vehicle upon any surface other than an improved parking surface shall be prohibited. This subsection shall apply to all land, properties and/or premises located in the city, including public rights-of-way.

### Proposed

It shall be unlawful for any person to park or store, or allow others to park or store, any vehicle(s):

On any surface other than an improved parking surface; provided however:

Parking on an unimproved surface is authorized by a permit issued by the enforcement authority in relation to a special event and in accordance with the conditions set forth in such permit; or the vehicle parked on the unimproved surface is completely screened from public view.

On any surface other than a parking surface approved by and in compliance with all applicable codes and regulations;

On any curb, traffic-calming device, or other public improvement;

On or extending over a public sidewalk;

In any manner that creates a hazardous view obstruction; and/or

In public view that is covered in excessive dirt or grime.



This paragraph has been expanded to list other illegal parking areas/issues. Several of these items, such as sidewalk parking and excessive grime, exist in the current code already.

## Specific Changes: Article VII - Parking

### Current

A vehicle may be covered with a fitted vehicle cover designed for that type of vehicle provided the cover allows for inspection of the license, registration and inspection sticker. Tarpaulins and other covers shall not be permitted. Any covered vehicle that does not provide for viewing of the license, registration and inspection sticker is presumed to be an inoperable vehicle...

### Proposed

It shall be unlawful to cover, or allow another to cover, a vehicle parked or stored on any premises with a tarpaulin or other cover that is not a fitted cover designed to fit the vehicle being covered.

Covering an inoperable or junked vehicle with a tarp or cover of any kind is prohibited.

[Moved to Inoperable/Junked Vehicle article]

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Vehicle covers with viewing windows are expensive and can be hard to find. They are also unnecessary if the requirement for up-to-date registration is removed as mentioned previously, so the paragraph was altered to simply require a fitted car cover. Tarps will remain prohibited.

The language about inoperable and junked vehicle covering will be moved out of the parking article and into the inoperable/junked vehicle article.

## Specific Changes: Article VII - Parking

### Current

In all zoning districts, vehicles being offered for sale shall not be parked or stored in the public right-of-way or on public property.

In residential zoning districts, no more than two vehicles may be parked and offered for sale from a property in a calendar year. Said vehicles must be registered to the occupant of the property.

In nonresidential zoning districts, vehicles shall only be offered for sale on a property that has a current certificate of occupancy that allows vehicle sales.

### Proposed

It shall be unlawful for any person to park or store, or allow others to park or store, any vehicle(s) being offered for sale:

- (1) In the public right-of-way or on public property
- (2) On a non-residential property that does not have a current and valid Certificate of Occupancy that allows vehicle sales;
- (3) On a residential property if two vehicles have already been parked and offered for sale in the same calendar year on said property;

These provisions shall apply to all vehicles offered for sale regardless of whether a sale occurs.



The new language simply reformats the existing language into a style that is easier to read. The last paragraph about sales occurring is new and meant to ensure that no more than 2 vehicles ever get displayed for sale in a year.

## Specific Changes: Article VII - Parking

### Current

### Proposed

Sec. 56-142: Special Vehicle Parking

Delete

Sec. 56-143: Utility Vehicle Parking

Delete

Sec. 56-145: Appeals

Delete

Sec. 56-146: Special Exceptions

Delete

With the elimination of the special and utility vehicle categories these sections no longer apply and can be removed.



## Specific Changes: Article VIII - Fences

### Current

*Fences.* Standards for fences are as follows:

All fences shall be maintained reasonably plumb and structurally sound (10° of center). Each structural and decorative member of a fence shall be free of deterioration and be compatible in size, material and appearance with the remainder of the fence.

A fence that has deteriorated to a condition that it is likely to fall shall be repaired or replaced. Deteriorated fences may include any one, or a combination of, leaning fences, fences with missing/broken, and rotted pickets, and fences with posts that are bent, broken, rotted, or have loosened from the ground.

Fences shall not be externally braced in lieu of replacing or repairing posts, columns or other structural members.

### Proposed

(a) Owners shall maintain all fences and walls, including those existing prior to the adoption of this chapter, in sound structural condition. Any broken, bent, loose, missing, or removed fence parts shall be repaired or replaced including but not limited to pickets, panels, posts, hinges, handles, locks and latches, braces, bolts, nails, and fastenings.

(b) Owners shall maintain all fences and walls free of all forms of deterioration including, but not limited to, rot, rust, termite infestation, and cracked, broken, or otherwise deteriorated masonry.

(c) Fence and wall repairs and replacement parts must be of the same material, size, shape, color and design as the existing fence or wall. Permits, when required, must be issued and posted in a conspicuous location near the work being performed.



The new fence language is meant to give Code Enforcement Officers more discretion in addressing fence issues and requiring certain repairs.

## Specific Changes: Article VIII - Fences

### Current

*Fences.* Standards for fences are as follows:

All fences shall be maintained reasonably plumb and structurally sound (10° of center). Each structural and decorative member of a fence shall be free of deterioration and be compatible in size, material and appearance with the remainder of the fence.

A fence that has deteriorated to a condition that it is likely to fall shall be repaired or replaced. Deteriorated fences may include any one, or a combination of, leaning fences, fences with missing/broken, and rotted pickets, and fences with posts that are bent, broken, rotted, or have loosened from the ground.

Fences shall not be externally braced in lieu of replacing or repairing posts, columns or other structural members.

### Proposed

(d)It shall be unlawful for any person to install or repair a fence or wall, or any portion of a fence or wall, located on a residential lot, with used or secondhand materials.

(e)Fences and walls shall maintain an adequate level of weather proofing by means of applying paint or stain. Areas of chipping, peeling, cracking, flaking, and/or chalking paint shall be repainted or re-stained so as to conform to the rest of the fence or wall.

(f)It shall be unlawful for any owner(s) to allow a fence or wall on his property to lean in any direction. Leaning fences or fence portions must be straightened and secured. Bracing the exterior of a fence or wall with a post, pole, or any other object is prohibited.

(g)A fence, the ownership of which cannot be determined, is exempt from subsections (a), (b), and (e).

The new fence language is meant to give Code Enforcement Officers more discretion in addressing fence issues and requiring certain repairs.

## Specific Changes: Article IX - Junked and Inoperable Vehicles

### Current

Same – Procedures for abating.

*Hearing; order for removal.* A public hearing shall be conducted before the removal of the junked vehicle which public hearings shall be before the city's chief building official or his designee. If a hearing is requested by the owner or occupant of the public or private premises or by the owner or occupancy of the premises adjacent to the public right-of-way on which the junked vehicle is located, it shall be held within ten days after service of notice to abate the nuisance. At the hearing, it is presumed, unless demonstrated otherwise by the owner, that the vehicle is inoperable. An order requiring the removal of the junked vehicle shall include a description of the vehicle and the correct identification number and license number of the vehicle if the information is available at the site.

### Proposed

Junked Vehicles – Procedures for Abating

*Hearing; order for removal.* A public hearing shall be conducted before the removal of the junked vehicle which public hearings shall be before the city's Municipal Court Judge. If a hearing is requested by the owner or occupant of the public or private premises or by the owner or occupancy of the premises adjacent to the public right-of-way on which the junked vehicle is located, it shall be held within ten days after service of notice to abate the nuisance. An order requiring the removal of the junked vehicle shall include a description of the vehicle and the correct identification number and license number of the vehicle if the information is available at the site.



This language moves the required hearing before the Municipal Judge instead of the Building Official. The Municipal Judge is impartial whereas the Building Official works hand-in-hand with Code Enforcement on a regular basis and can be viewed as biased by some. Code Enforcement wants to ensure that car owners facing vehicle removal feel their case is being heard by an impartial party, and recommends this change to accomplish that.

## Specific Changes: Article XI - Minimum Property Standards

### Current

All sidewalks, walkways, steps and areas located on all private property, other than single-family properties, and intended for public use, such as a sidewalk from a street to the front door of a dwelling or business, a sidewalk from a parking area to the primary public entry door of a business, a sidewalk in front of retail businesses such as a shopping center and other similar conditions shall be maintained by the owner and tenant of such property in a proper state of repair, free of mud, debris or other obstructions that would impair or prevent their use. The owner and tenant of private property adjacent to all sidewalks, walkways, steps and public areas located on public property shall keep such sidewalks, walkways, steps and public areas free of mud, debris or other obstructions that would impair or prevent their use.

All parking lots, fire lanes, private drives and streets, driveways and improved parking surfaces shall be maintained in accordance with applicable codes and ordinances of the city.

### Proposed

All private sidewalks, walkways, pathways, steps, driveways, drive isles, parking pads, parking lots, parking spaces, fire lanes, parking stops, bollards, and similar areas and objects shall be maintained free from hazardous conditions including, but not limited to, holes, cracks, buckling, deteriorated signage, striping or markings, and pedestrian or vehicle hazards of any kind. Such areas shall also be maintained free of debris, mud, yard waste, and/or other obstructions or objects. Damaged objects shall be repaired, removed, or replaced in accordance with all applicable city codes.



Two paragraphs were combined into one, which was then shortened to reflect only private property. The maintenance of adjacent public areas is already addressed in other codes, so that language has been removed.

## Specific Changes: Article XI - Minimum Property Standards

### Current

*Rodent and insect control.* Every owner and every tenant of a structure or property shall keep such property or structure free of insects, rats, fire ants, vermin or other pests which create a hazard or a nuisance to adjacent property or are otherwise detrimental to the public health, safety or welfare.

### Proposed

**Pest Control.** Every owner of a structure or premises shall keep such structure or premises free of insects, rodents, vermin and other pests. Where evidence of a pest(s) is found, such pests shall be promptly exterminated by processes which will not be injurious to human health. After extermination, proper precautions shall be taken to prevent re-infestation.

Fire ants are insects, rats are rodents, etc. The topic of pests comes up multiple times in the chapter and it is redundant in some places and incomplete in others. A standard phrase “insects, rodents, vermin and other pests” has been interjected wherever this topic appears for consistency.

## Specific Changes: Article XI - Minimum Property Standards

### Current

N/A

N/A

### Proposed

**Sprinklers and Irrigation Systems.** All sprinklers and irrigation systems shall be maintained in good, safe, operational condition free of leaks, broken or missing parts, or any other defects.

**Lighting.** All exterior lights and light devices shall be maintained in good, safe, operational condition at all times. Light poles and posts shall not lean or display any signs of deterioration like rust, rot, or missing paint. Broken or missing bulbs, covers, toppers, hardware, or decorative elements must be repaired or replaced.



These regulations are new to chapter 56 but exist in some in other codes. They are being brought into Chapter 56 so Code Enforcement can enforce them effectively. The public will also find it helpful to have topics like this near similar maintenance topics (plumbing, lighting, etc.).

## Specific Changes: Article XI - Minimum Property Standards

### Current

Interior or exterior window coverings that are visible from the exterior of the structure shall be maintained in good condition and have an exterior appearance that is in character with the exterior of the structure. Materials similar to aluminum foil, newspaper, unpainted plywood, other types of untreated building materials or other materials that are not normally considered window coverings shall be prohibited.

### Proposed

Delete

The CETF found this regulation to be a form of “government overreach” and recommends its elimination.

## Specific Changes: Article XI - Minimum Property Standards

### Current

*Garage doors.* Garage doors shall be capable of being closed reasonably plumb, properly attached and the exterior surface maintained weatherproof as required to prevent deterioration.

### Proposed

Garage doors shall be capable of being opened and closed reasonably plumb, properly attached, and the exterior surface maintained weatherproof as required to prevent deterioration. All garage door parts and equipment including, but not limited to, door openers and operators, tracks, sensors, wall buttons/switches, lights, release ropes and any other parts shall remain operable and in safe condition at all times

The topic of garage door maintenance was expanded to include its related mechanical equipment.



## Specific Changes: Article XII - Vacant Buildings

### Current

Structural characteristics deemed dangerous.

For the purpose of this article, any building or structure which has any or all of the conditions or defects described in this section shall be deemed to be a dangerous building, provided that such conditions or defects exist to the extent that the life, health, property or safety of the public or its occupants are endangered:

Any vacant building that is unlocked or open at its doors or windows.

### Proposed

(a) No owner or person having charge of any unoccupied building or structure within the city shall leave said building or structure unsecured so that unauthorized persons may enter said building or structure.

(b) An unsecured building or structure shall constitute prima facie evidence of a public nuisance posing an immediate danger to the building or structure and adjoining buildings or structures, and the enforcement authority shall immediately notify and instruct the owner or person in charge of said building or structure to secure the same, and if said building or structure is not secured within seventy-two (72) hours after the date of issuance of notice, the enforcement authority is authorized to secure the building or structure at the expense of the owner or person in charge of said building or structure, and the expense of the work required to secure such building or structure are to be charged against the owner of the property as provided by state law.

The maintenance of vacant and unsecure buildings is mentioned briefly in the building code; existing language (not shown here) talks more in depth about vacant building registration. While registration is important and it will remain in the code, this new language addresses the hazards created by vacant buildings more effectively.

Code Enforcement recommends that vacant and unsecure building owners be given no more than 3 days to secure their buildings because of the unique but significant hazards they pose.

## Specific Changes: Article XII - Vacant Buildings

### Current

The owner shall place a sign made of durable, weather-resistant material which is not less than three inches by eight inches in size on or near the front door of the building which contains in clearly legible print:

- (1) The name and 24-hour contact phone number of the person that is authorized by the owner to make decisions regarding the day-to-day supervision, management and maintenance of the building and premises;
- (2) The words "THIS PROPERTY MANAGED BY . . ." and "TO REPORT PROBLEMS OR CONCERNS CALL";

### Proposed

The owner shall place a sign made of durable, weather-resistant material on or near the front door of the building which contains in clearly legible print:

- (1) The name and 24-hour contact phone number of the person that is authorized by the owner to make decisions regarding the day-to-day supervision, management and maintenance of the building and premises;
- (2) The words "THIS PROPERTY IS MANAGED BY..." and "TO REPORT PROBLEMS OR CONCERNS CALL...", followed by the name of the property's manager or owner and contact phone number, respectively;

This language has been altered to remove the sign size requirement, which is seen is overly technical with no real benefit. Language was also added to clarify what information the sign should contain, which is much more important than the size of the sign itself.

## Specific Changes: Article XII - Vacant Buildings

### Current

Prior to the initial issuance and each renewal of the registration by the building official, the owner shall allow the building official or designee to perform an inspection of the building and property. The building official shall provide a report to the owner denoting any issues found to be in non-compliance with any provisions of the applicable building, plumbing, mechanical, electrical, property maintenance, zoning, dangerous building code or any other applicable code adopted by the city. The building official shall determine what issues found during the inspection need immediate attention and issues that may be corrected prior to occupancy of the building. All of the noted issues shall be addressed or, in the case of a renewal inspection, readdressed, on the vacant building plan.

### Proposed

Prior to the initial issuance and each renewal of the registration by the enforcement authority, the owner shall allow the enforcement authority to perform an inspection of the building and property. The enforcement authority shall provide a report to the owner denoting any issues found to be in non-compliance with any provisions of applicable codes adopted by the city. The enforcement authority shall determine what issues found during the inspection need immediate attention and issues that may be corrected prior to occupancy of the building.

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This language was shortened and the burden of the building inspection has been moved from the building official to Code Enforcement since Code Enforcement administers the Vacant Building Registration Program and regularly inspects vacant buildings to ensure they are maintained.

## Specific Changes: Article XIII – View Obstructions

### Current

N/A

### Proposed

It shall be considered a public nuisance and prohibited for any person owning or occupying any property within the city to in place, install, or maintain any view obstruction(s) that creates a hazard or potential hazard is prohibited. All view obstructions, regardless of their location, must be relocated or completely removed from public view so as to eliminate the hazard.

Code Enforcement recommends this article be created to better address this very important health and safety issue.

## Specific Changes: Article XIII – View Obstructions

### Current

N/A

N/A

### Proposed

Any hazardous view obstruction located on public property may be removed by the enforcement authority without notice to the obstruction's owner.

Any hazardous view obstruction located on private property may be removed by the enforcement authority. If such an obstruction(s) or portion thereof is removed, prior notice shall be required in accordance with article III of this Chapter. The city shall also have the ability to recuperate the cost of the obstruction removal as stated in Article III.

Code Enforcement recommends this article be created to better address this very important health and safety issue.

## Specific Changes: Article XV - On-Demand Storage

### Current

N/A

### Proposed

The provisions of this article shall apply to all on-demand storage containers currently located throughout the city as well as containers placed in the city hereafter.

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Code Enforcement recommends the creation of an article to address these storage units, some of which have lingered on properties for over a year. The current code technically forbids the use of these containers, but Code Enforcement does not recommend banning their use due to their popularity. Instead, issuing permits for them can help staff monitor them to ensure they are delivered and placed safely and in compliance with all other codes. Permits also help ensure that the containers are removed in a timely manner so they don't create long-term visual blight, especially on a residential street.

## Specific Changes: Article XV - On-Demand Storage

### Current

N/A

### Proposed

It shall be unlawful and considered a public nuisance for any on-demand storage container to be used, stored, located or maintained in any manner contrary to the provisions below:

(a) An on-demand storage container permit shall be required before any person or entity places, or arranges the placement, of an on-demand storage container on any property. A permit authorizes the placement of a single container.

(b) Every portable storage container must have a valid on-demand storage container permit affixed to it for the duration of its placement.

## Specific Changes: Article XV - On-Demand Storage

### Current

N/A

### Proposed

It shall be unlawful and considered a public nuisance for any on-demand storage container to be used, stored, located or maintained in any manner contrary to the provisions below:

(c) A portable storage container(s), or portion thereof, shall not be placed, stored, located or maintained on or in:

Any easements or public rights-of-way including but not limited to sidewalks, driveway aprons and approaches, or alleys;

Any unimproved surface;

A fire lane;

Any location that would hinder or slow the ingress or egress to or from any building;

Any location that prevents the safe driving or maneuvering of city vehicles;

Any location that creates a hazardous or potentially hazardous view obstruction; or

Public view for all multi-family properties and apartment complexes with more than 4 individual dwelling units.





## Specific Changes: Article XV - On-Demand Storage

### Current

N/A

### Proposed

It shall be unlawful for any person or entity to use an on-demand storage container as a long-term or permanent storage building. This provision shall apply to all on-demand storage containers within the city including those placed, located, or installed before the passage of this article.

## Specific Changes: Article XV - On-Demand Storage

### Current

N/A

### Proposed

An on-demand storage container permit shall be required before any person or entity locates or places, or arranges the placement, of an on-demand storage container on any property. Permit restrictions for on-demand storage containers are as follows:

#### Single-Family and Duplex Properties:

Duration:	30 Calendar Days
Frequency:	Maximum of three (3) permits issued per calendar year per dwelling
Quantity:	Maximum of two (2) containers on any premises at the same time
Fee:	See Appendix A

## Specific Changes: Article XV - On-Demand Storage

### Current

N/A

### Proposed

#### Multi-Family Properties and Apartment Complexes:

Duration: 7 Calendar Days  
Frequency: No maximum number of permits issued per calendar year  
Quantity: No maximum number of containers on any premises at the same time  
Fee: See Appendix A

#### All Other Properties Types:

Duration: 180 Calendar Days  
Frequency: Maximum of one (1) permit issued per calendar year per tenant  
Fee: See Appendix A

## Specific Changes: Article XV - On-Demand Storage

### Current

N/A

### Proposed

#### Sec. 56-93: Permit Exemption

An on-demand storage container does not require a permit if it remains on a property with an approved commercial or industrial use for less than 48 consecutive hours.

#### Sec. 56-94: Permit Expiration

Upon the expiration of an on-demand storage container permit, the container must be removed from the property.



# Questions