

AN ORDINANCE OF THE CITY OF FRISCO, TEXAS ESTABLISHING MINIMUM STANDARDS GOVERNING THE CONSTRUCTION, USE, OCCUPANCY, MANAGEMENT, OPERATION AND MAINTENANCE OF MULTI-FAMILY HOUSING COMPLEXES; PROVIDING REQUIREMENTS FOR THE ANNUAL REGISTRATION AND INSPECTION OF MULTI-FAMILY HOUSING; PROVIDING FOR AN ANNUAL REGISTRATION FEE AND REINSPECTION FEES; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the City Council of the City of Frisco, Texas ("City Council") has investigated and determined that it would be advantageous and beneficial to the citizens of the City of Frisco, Texas ("City" or "Frisco") to protect the health, safety and general welfare of the citizens by establishing minimum standards for the construction, use, occupancy, management, operation and maintenance of multi-family housing;

WHEREAS, the City Council has investigated and determined that a significant number of unsafe and unsanitary multi-family housing complexes exist within the City of Frisco; and

WHEREAS, the City Council has investigated and determined that the current ordinances are inadequate to provide for the construction, use, occupancy, management, operation, protection and maintenance of multi-family housing complexes and the tenants who occupy them; and

WHEREAS, the City Council has investigated and determined that it would promote healthy and safe living environments, preserve and enhance the quality of life for residential tenants, and be advantageous to the welfare of all citizens to provide requirements for the annual registration and inspection of multi-family housing complexes; and

WHEREAS, the City Council has investigated and determined that it would be advantageous and beneficial to create sustainability and maintain property values by establishing requirements for the annual registration and inspection of multi-family housing complexes.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS:

SECTION 1: Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2: Purpose. The purpose of this Ordinance is to protect the health, safety, and welfare of the citizens of the City by establishing minimum standards governing the construction, use, occupancy, management, operation and maintenance of multi-family dwellings, multi-family

dwelling units and apartment houses; by establishing minimum standards governing utilities, facilities, and other physical components and conditions essential to make multi-family dwellings, multi-family dwelling units and apartment houses safe, sanitary and fit for human use, occupancy and habitation; and by fixing penalties for the violation of the provisions of this Ordinance. This Ordinance is hereby declared to be remedial and essential to the public interest, safety, health and welfare and it is intended that this Ordinance be liberally construed to effectuate the purposes as stated above. Further, it is declared that this Ordinance shall not be used as an instrument for the harassment of any persons. Finally, it is found and declared that the fees exacted in this Ordinance are necessary to cover the cost of exercising the proper regulation of multi-family dwellings as set forth in this Ordinance.

SECTION 3: Definitions. For the purpose of this Ordinance, the following definitions shall apply unless the context indicates or requires a different meaning.

Accessory building. A structure on the same lot as the main building.

Administrator. The department(s) or division(s) of the City designated by the City Manager to administer and/or enforce the provisions of this Ordinance and any person or persons designated by such a department or division to represent the department or division for said purpose.

Apartment. A room or suite of rooms arranged or designed to be used as a residence by a single individual or group of individuals.

Apartment building. Any structure containing four or more dwelling units.

Apartment house. Any building, or portion thereof, which is designed, built, rented, leased, let, or hired out to be occupied as four (4) or more dwelling units or which is occupied as the home or residence of four or more families living independently from each other and maintaining separate cooking facilities.

Bathroom. An enclosed space containing one or more bathtubs, showers, or both, and which may also include toilets, lavatories or fixtures serving similar purposes. A kitchen sink shall not be used as a substitute for the required lavatory.

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

Building Code. The official Building Codes of the City in effect at the time of construction; provided, however, that all existing structures and equipment and any replacement or new installation must comply with the current official Building Codes of the City to the extent required by said Code.

Building Official. The Chief Building Official or other designated authority charged with the administration and enforcement of the Building Codes, and/or the Building Official's duly authorized representative.

Certificate of Occupancy. A certificate issued by the Building Official authorizing occupancy.

City. The City of Frisco, Texas, and all areas within its corporate limits.

City Council. The City Council of the City of Frisco, Texas.

Code Official. The official who is charged with the administration and enforcement of this Code, and/or any duly authorized representative.

Common area. The communal areas of the complex, including hallways, stairways, lobby areas, laundry rooms, pool facilities, green spaces, recreation rooms and parking lots.

Condominium. A complex of individually owned residential units with undivided co-ownership of common elements.

Congregate residence. Any building or portion thereof which contains facilities for living, sleeping and sanitation (and may include facilities for cooking and eating) for occupancy by other than a family, such as a shelter, a convent, a monastery, a dormitory, a fraternity or sorority house, a jail or a hospital.

Construction codes. The Building Code, Electrical Code, Energy Conservation Code, Fire Code, Fuel Gas Code, Mechanical Code, Property Maintenance Code, and Plumbing Code, collectively.

Dwelling unit. Any room or group of rooms providing complete, independent living facilities for the occupants thereof and occupied, or which is intended or designed to be occupied, as the home or residence of one individual, group of individuals, family or household, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Electrical Code. The official Electrical Code of the City in effect at the time of construction; provided, however, that all existing structures and equipment and any replacement or new installation must comply with the current official Electrical Code of the City to the extent required by said Code.

Energy Conservation Code. The official Energy Conservation Code of the City in effect at the time of construction; provided, however, that all existing structures and equipment and any replacement or new installation must comply with the current official Energy Conservation Code of the City to the extent required by said Code.

Exterminated and/or extermination. The control and elimination of insects, rodents and vermin by eliminating their places of harborage and by removing or making inaccessible, materials that may serve as their food and by poisoning, spraying, fumigating, trapping or by any other approved means of pest elimination.

Fire Chief. The City Fire Chief and/or his designated representative.

Fire Code. The official Fire Code of the City in effect at the time of construction; provided, however, that all existing structures and equipment and any replacement or new installation must comply with the current official Fire Code of the City to the extent required by said Code.

Floor space. The total area of all habitable space.

Fuel Gas Code. The official Fuel Gas Code of the City in effect at the time of construction; provided, however, that all existing structures and equipment and any replacement or new installation must comply with the current official Fuel Gas Code of the City to the extent required by said Code.

Garbage. Refuse, animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

Graffiti. 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.

Hot water. Hot water supplied to plumbing fixtures at a temperature of not less than 110 degrees Fahrenheit.

Infestation. The presence within or continuous, to a dwelling unit of insects, rodents, vermin or other pests.

Kitchen. Space used for cooking or preparation of food.

Landlord. The owner or lessor of a multi-family dwelling complex and additionally includes a management company or managing agent (including an on-site manager) of a multi-family dwelling complex.

Litter. Garbage, refuse and rubbish and all other waste material.

Mechanical Code. The official Mechanical Code of the City in effect at the time of construction; provided, however, that all existing structures and equipment and any replacement or new installation must comply with the current official Mechanical Code of the City to the extent required by said Code.

Multi-family dwelling complex. Any building or group of buildings that provides three or more dwelling units owned by the same person on a single platted lot, or if the land on which the building or buildings is not platted, then any building or group of buildings that provides three or more dwelling units owned by the same person on a contiguous tract of land under a common ownership.

- (1) The term also includes any accessory structures and facilities incidental to the use thereof, including but not limited to yards, courts, parking areas, storage buildings, equipment buildings, mail rooms, laundry facilities, swimming pools, spas, ponds, cabanas, play rooms and play yards, recreational and picnic facilities, public assembly rooms, garages, carports, fences, walls, and all other similar building structures and facilities on the premises.
- (2) The term shall not include hotels, motels, or congregate residences. The term shall also not include a premises that is inspected by a State or Federal governmental entity for compliance with the provisions of any State or Federal law or regulation regulating the fitness of said premises for human habitation if at least 50% of the dwelling units of the premises are subject to said State or Federal law or regulation. For purposes of this definition, the term "State or Federal governmental entity" shall mean the government of the United States; a department, division, agency or subdivision of the United States government; the State of Texas; or a political subdivision of the State of Texas. Also for purposes of this definition, the term "State or Federal law or regulation" shall mean a law, rule, regulation or standard of (a) the government of the United States; (b) a

department, division, agency or subdivision of the United States government; (c) the State of Texas; or (d) a political subdivision of the State of Texas other than the City.

Multi-family dwelling license. The license issued by the Building Official pursuant to this Ordinance and referred to as “license” in this Ordinance.

Occupancy. The purpose for which a building or portion thereof is utilized or occupied.

Occupant. Any individual living or sleeping in a building, or having possession of a space within a building.

Owner. Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the State, County or Municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of such person if ordered to take possession of real property by a court.

Person. An individual, partnership, firm, company, corporation, association, business trust, estate trust, partnership or association, two or more persons having a joint or common interest, or any other legal or commercial entity.

Plumbing. Includes all of the following supplied facilities, equipment, and devices: gas pipes, toilets, lavatories, sinks, laundry tubs, catch basins, wash basins, bathtubs, shower baths, waste sewer pipes and sewerage system, septic tanks, drains, vents, traps, and any other fuel-burning or water-using fixtures and appliances, including private fire hydrants, together with all connections to water, wastewater, sewer, or gas.

Plumbing Code. The official Plumbing Code of the City in effect at the time of construction; provided, however, that all existing structures and equipment and any replacement or new installation must comply with the current official Plumbing Code of the City to the extent required by said Code.

Potable water. Water duly approved as satisfactory and safe for drinking by the Public Works Department of the City.

Premises. A lot, plot or parcel of land, including any structures thereon.

Property Manager. A person who has managing control of real property; in a condominium regime, the term shall include the council of owners, the homeowner association or the entity having control over the common, co-owned elements.

Refuse. Refers to all putrescible and nonputrescible solid wastes (except body wastes) including, but not limited to, garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, and solid market and industrial wastes.

Regular license fee. The monetary fee a multifamily dwelling complex licensee must pay per dwelling unit per year.

Resident Manager. An on-site manager or agent of a property manager who is the person with whom the tenant normally deals concerning the rental agreement or apartment building use of the property.

Rubbish. Nonputrescible solid wastes consisting of both combustible and non-combustible wastes, such as paper, wrapping, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.

Secure. To lock all exterior doors and windows within twenty-four (24) hours after such units become vacant and exercise reasonable care to maintain such locks as necessary to deter unauthorized entrance into any unoccupied dwelling.

Structure. That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

Swimming pool. Any structure, basin, chamber, or tank containing an artificial body of water for swimming, diving, or physical fitness, or recreational bathing and having a depth of two (2) feet or more at any point. This phrase does not include lakes or creeks.

Telephone answering service. A service company, mechanical service, or any other service, that establishes contact with or gives instructions how to establish contact with an appropriate person when an occupant, official, or emergency response service needs prompt assistance.

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

Uninhabitable. A condition that exists which could possibly threaten the life, health, safety, or general welfare of the occupant.

Utility company. The entity providing gas, electric service, water or sanitary sewer to a master metered dwelling.

Washateria. A self-service laundry room accessible to all residents and which contains two (2) or more pairs of washers and dryers.

SECTION 4: Minimum Inspection Standards. At a minimum, any multi-family dwelling complex inspected under the authority of this Ordinance must comply with the standards set forth in this section in order to pass inspection.

- (a) **Structural integrity of premises.** All structures in a multi-family dwelling complex must be structurally sound and comply with the applicable construction codes as required by law. All permits required for any replacements or new installations must be obtained.
- (b) **Egress required.** All dwelling units shall be provided safe and unobstructed means of egress leading to safe and open space at ground level. All windows must meet the applicable requirements of the construction codes. When an unsafe condition exists through lack of, or improper location of exits, the administrator may require the installation of additional exits.
- (c) **Bedroom window required.** Every bedroom in a dwelling unit must have at least one (1) window or opening facing directly to the outdoors which is capable of being easily opened by any occupant as far as it was originally designed to open.

- (d) **Screening required.** Every window in any dwelling unit which is used for ventilation purposes directly to or from outdoor space shall be equipped with an insect-proof screen when central air conditioning is not provided to said unit.
- (e) **Painting, waterproofing and repair to prevent deterioration.** All exterior surfaces must be painted, waterproofed, and/or maintained in good repair as necessary in order to prevent deterioration including but not limited to the following items: loose siding with holes or excessive cracks, rotted boards which allows air or water to penetrate rooms, loose roof covering, holes or leaks in roof, rotting, sagging, or deteriorating supports for steps, stairs, and porches, balconies, or other similar structures.
- (f) **Railings, stairs, steps, balconies, porches.** All railings, stairs, steps, balconies, porches, or landings must be designed and maintained as specified in the applicable construction codes. Any holes, cracks and other defects in stairs, porches, steps and balconies must be repaired.
- (g) **Floors, walls, ceiling and all supporting structural members.** All floors, walls, ceilings, and supporting structural members must be maintained in a sound condition, free of holes, breaks, or loose surface materials, and capable of bearing imposed loads safely.
- (h) **Plumbing, electrical, heating, and air conditioning systems.** All installed systems in each dwelling unit in the multi-family dwelling complex must maintain all plumbing, electrical, heating, and air conditioning systems in compliance with the applicable construction codes and all necessary permits obtained. All such systems must meet the following requirements:
 - (1) **Sink, lavatory required.** All kitchen sinks and lavatory basins must be connected to the municipal water supply and approved sanitary sewer systems. Such sink and lavatory basin shall be installed so as not to be a health or sanitation hazard.
 - (2) **Bathroom fixtures.** All units must be provided with a flush water toilet and a bathtub or shower connected to the municipal water supply and approved sanitary sewer systems. Such flush water toilet and bathtub or shower shall be installed so as not to be a health and sanitation hazard.
 - (3) **Fixtures connected to hot, cold water.** Every kitchen sink, lavatory basin and bathtub or shower required by the provisions of this Ordinance shall be connected with both hot and cold water lines.
 - (4) **Water-heating equipment.** Water-heating equipment shall be provided and maintained in operating condition and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than one hundred ten (110) degrees Fahrenheit.
 - (5) **Boilers.** All boilers must meet all State law requirements and have the inspection certification posted in accordance with Texas Department of Licensing and Regulation Boiler Division laws and regulations.
 - (6) **Ventilation, flues and vent attachments.** All ventilation, flues and vent attachments must function properly.

- (7) **Connections.** All connections of plumbing fixtures and heating equipment must be in accordance with the applicable construction codes as required by law.
 - (8) **Sewage and wastewater disposal.** Wastewater disposal systems must be properly installed and maintained. Sewage must not be allowed to back up into the building or accumulate on the property. All sewage pipes and connections must be free of leaks. All wastewater lines must be properly capped.
 - (9) **Electrical service supply lines.** Each dwelling unit must be connected to supply lines for electrical service and said lines must be maintained in operating condition. Each electrical meter must be permanently marked to designate the unit and/or building it is servicing. Markings must be durable, easily readable, in contrasting colors, and remain visible at all times.
 - (10) **Heating and cooking equipment.** All heating and cooking equipment must be maintained in safe operating condition.
 - (11) **Electrical circuits and outlets.** All electrical circuits and outlets must be maintained in compliance with the applicable construction codes as required by law. Ground fault interrupters must be properly installed where required.
 - (12) **Natural gas service liners.** All natural gas service lines to each dwelling unit must be maintained in compliance with the applicable construction codes.
 - (13) **Security devices.** Security devices must be installed and maintained in accordance with Subchapter D of Chapter 92 of the Texas Property Code, including keyless deadbolt locks, door viewers, window and door locks, and sliding glass door security.
 - (14) **Lighting.** Exterior illumination shall be provided at appropriate points adjacent to all building entrances, including individual dwelling units, stairwells, and hallways. Lighting shall be sufficient to illuminate area where hazards may reasonably exist, and shall be operable between a half hour after sunset and a half hour before sunrise. If control mechanisms for such lighting are not accessible by each tenant, such illumination shall be activated and deactivated by a photo cell or seasonally-adjusted timer switch, not operable by individual tenants of the multi-family dwelling complex. A landlord shall repair all inoperable exterior lighting fixtures within a reasonable period of time after being notified that the fixture is not working, in no instance shall a reasonable period of time be deemed to mean more than seven days.
- (i) **General maintenance; grounds and premises.** The exterior and grounds of any multi-family dwelling complex must be maintained in compliance with all applicable provisions of the Code of the City. In addition to any requirements of said code, the exterior and grounds of any multi-family dwelling complex must comply with the following minimum requirements:
- (1) **Graffiti.** All buildings, structures, and grounds must be maintained free of graffiti.
 - (2) **Extermination of insects, rodents or other pests.** Every multi-family dwelling complex must be properly inspected and exterminated for any observed pests a minimum of twice a year or more frequently as needed to maintain the premises free from rodents, insects, and vermin. All pest control must be performed by a properly licensed pest control operator in accordance with applicable State laws and regulations.

- (3) **Garbage and refuse collection.** Except when placed curbside for collection in accordance with all applicable requirements of the City, any outside storage of garbage must be in a container that is constructed of durable, rodent-proof material and that has an intact lid. When placed outside for the purposes of curbside collection, all garbage and refuse must meet all applicable requirements of the City. Any commercial container must meet all applicable City requirements regarding enclosure and/or screening of the container.
 - (4) **Elimination of hazards.** There must not be any hole, excavation, sharp protrusion, or other object or condition that exists on the land and is a health or safety hazard.
 - (5) **Stagnant water.** Each multi-family dwelling complex must provide drainage on the premises sufficient to prevent standing water on the premises.
 - (6) **Dead trees and tree limbs.** All dead trees and tree limbs that pose a health or safety hazard must be removed from the premises.
 - (7) **Vacant interior structures.** The interior of a vacant structure or vacant portion of a structure must be maintained free from rubbish and garbage. All vacant or unoccupied dwelling units must be secured from unauthorized entry by the installation and maintenance of appropriate locking devices and intact doors and windows which are proportioned to securely and completely fit the openings.
 - (8) **Overgrown vegetation; junk and litter; junk vehicles.** Grounds must be maintained free of overgrown vegetation; junk and litter; and junk vehicles in accordance with the current Nuisance Ordinance, as it currently exists or may be amended, of the City.
 - (9) **Fences and retaining walls.** All fences, gates and retaining walls must be maintained in good repair.
- (j) **Fire safety.** All multi-family dwelling complexes shall meet the following minimum requirements with regard to fire safety:
- (1) **Parking lot and fire lane markings.** Parking lots, fire lanes and required paved areas must have legible parking stripes and must be maintained in accordance with the Fire Code.
 - (2) **Posting of addresses.** Approved numbers and/or addresses shall be provided for all new and existing buildings so that the number and/or address is legible, in contrasting colors, and clearly visible from the public roadway. Such numbers and/or addresses must comply with the Fire Code.
 - (3) **Smoke and fire detection systems; alarm systems.** All fire and smoke detection systems and fire alarm systems required by the Fire Code must be installed in accordance with the Fire Code. At a minimum, such systems must be maintained in operating condition and in accordance with any applicable fire code requirements. Battery-powered smoke detectors must be maintained in operating condition with adequately charged batteries properly installed.
 - (4) **Extinguishers.** All fire extinguishing appliances, fire hydrants, and portable fire extinguishers must be installed and maintained in compliance with the Fire Code. Automatic fire suppression systems shall be inspected annually. Backflow prevention devices shall be tested by a Certified Backflow Prevention Tester.
 - (5) **Storage of combustible, flammable materials.** Combustible and flammable materials and all equipment or appliances containing flammable material must be properly stored in accordance with the Fire Code.

- (k) **Swimming pools.** All swimming pools must be maintained in compliance with all applicable City Ordinances.

SECTION 5: License required. No person shall own, operate, manage, or maintain a multi-family dwelling complex without a valid multi-family dwelling license from the City, issued by the Administrator. A license that has been revoked, that has expired, or that has lapsed for any reason is not valid. A suspended license is not valid during the period of suspension.

- (a) **Issuance of license.** The Administrator shall issue a multi-family dwelling license within ten (10) business days of receiving a complete application; provided that the information provided on the application indicates that the multifamily dwelling complex complies with all of the requirements of this Ordinance and all fees required by this Ordinance are paid.
- (b) **Licenses not transferable.** A multi-family dwelling license is not transferable from one person to another or from one location to another location, except as otherwise authorized by this Ordinance. A multi-family dwelling license shall authorize the operation of the multi-family dwelling complex only at the location and for the owner to which it is granted.
- (c) Application for a multi-family dwelling license shall be made in writing on the form provided by the Administrator. A separate application is required for each multi-family dwelling complex for which a license is sought. An application shall be made for a license for each multi-family dwelling complex that is constructed and for each time there is a change in ownership of a multi-family dwelling complex.
- (d) A multi-family dwelling unit application fee is due with each application for a multi-family dwelling license.
- (e) For purposes of this section, a “change in ownership of a multi-family dwelling complex” occurs when more than fifty percent (50%) of the equity interest of a multi-family dwelling complex is owned by a person or persons other than the person or persons listed on the last multi-family dwelling license application on file for that multi-family dwelling complex.
- (f) **Posting of licenses.** A valid multi-family dwelling license shall at all times be available on the premises for inspection and shall at all times be displayed in public view in the business office.
- (g) **Licenses – duration.**
 - (a) Each license, including without limitation any renewal of a license, issued under this Ordinance shall expire one (1) year following the effective date of the license. Each license shall specify on its face the effective date of the license and the date of expiration.
 - (b) Any multi-family dwelling license that is not renewed before its expiration date may be renewed only upon payment of both the annual license fee and the required late fee.

SECTION 6: Fees.

- (a) **Submission of payment.** The requirements for licenses and administrative fees of this Ordinance shall require the payment to be submitted to the Administrator.

- (b) **Types of fees imposed.** There is an annual license fee of five dollars (\$5.00) per unit to be charged for the initial issuance of a multi-family dwelling license and for each annual renewal of a multi-family dwelling license. There is hereby imposed a late fee of one hundred dollars (\$100.00) to be charged when the annual license fee is not paid before the expiration of the existing multi-family dwelling license. The annual license fee associated with the initial issuance of a multi-family dwelling license may be prorated. In the event any of the inspections authorized in this Ordinance requires a reinspection due to noted violations, then, after the first inspection, there shall be a reinspection fee of one hundred fifty dollars (\$150.00) for each additional reinspection required to ensure the correction of said violations.
- (c) **Nonrefundable.** Any and all fees imposed in conjunction with this Ordinance are not refundable.

SECTION 7: Inspections. Necessary to determine compliance with minimum building and property maintenance standards in accordance with the International Property Maintenance Code and other applicable City Codes.

- (a) **Inspection authority.** The Administrator is authorized to conduct such inspections as the Administrator deems necessary to ensure compliance with all provisions of this Ordinance. The Administrator shall have the right of entry at any reasonable hour upon the premises. The Administrator shall have the authority to inspect all unoccupied dwelling units upon giving reasonable notice to the owner, landlord, resident or property manager. The Administrator shall have the authority to inspect any occupied dwelling unit when, upon reliable information, the Administrator has reason to believe that violations of this Ordinance or of State law exist that involve serious threats to life, safety, health or property.
- (b) **Inspection frequency.** Inspections shall be performed annually for the enforcement of this Ordinance. The Administrator shall provide thirty (30) day notice prior to the inspection date. Notice shall include an inspection checklist.
- (c) **Inspection based on complaint.** In addition to any other authority granted by this Ordinance, the Administrator shall have the authority to inspect based on complaints or other credible information indicating the possibility of a violation of this Ordinance.
- (d) **Inspection areas.** Inspections shall be performed in areas such as; all building exteriors, all exterior and interior common areas, vacant dwelling units and comparative samples of occupied dwelling units upon receipt of consent by the unit's tenant or other recourse as provided by law.

SECTION 8: Minimum Responsibilities of Occupant. At a minimum, an occupant shall:

- (a) Maintain those portions of the interior of a dwelling unit under the occupant's control free from rubbish, garbage, conditions that would encourage infestation of insects, rodents or vermin and other unsanitary conditions;
- (b) Maintain the dwelling unit and all plumbing equipment and facilities provided in a clean, sanitary condition at all times;
- (c) Not alter a dwelling unit or its facilities so as to create a nonconformity with this Ordinance.

SECTION 9: Landlord/Tenant Inspections.

- (a) The landlord or their designee of a multi-family dwelling complex shall inspect each dwelling unit within the multi-family dwelling complex.
 - (1) The inspection of a dwelling unit shall be conducted with the unit's tenant when the occupancy of the unit changes.
 - (2) The landlord shall sign each inspection report, and shall require a tenant to sign the report for the tenant's dwelling unit. If the tenant disagrees with any notation made by the landlord on the report, the landlord shall permit the tenant to make written comments on the report prior to signing it. The landlord shall provide the tenant with a copy of the report after it is signed by the tenant and the landlord.
 - (3) The minimum building and property maintenance standards established by the International Property Maintenance Code and other applicable City codes shall be covered by the inspection, including but not limited to the following items:
 - i) Electrical facilities
 - ii) Plumbing facilities
 - iii) Heating facilities
 - iv) Ventilation
 - v) Smoke detectors
 - vi) Occupancy limitations
 - vii) Means of egress
 - viii) Handrails and guardrails
 - ix) Exterior property areas
 - x) Rubbish and garbage
 - (4) The failure of a landlord to make inspections as required by this section, to maintain records of the inspections, and to permit inspection of those records pursuant to subsection (b) is a violation of this Ordinance.
- (b) A landlord shall maintain reports of the inspections conducted pursuant to subsection (a) for all dwelling units within the multi-family dwelling complex.
 - (1) The reports shall be in a form acceptable to the Administrator.
 - (2) The report shall include places for marking whether the dwelling unit complies with the inspection standards set by this section and shall include the names of all persons occupying the dwelling unit other than overnight guests.
- (c) The report shall also include:
 - (1) The names of designated employees or other authorized persons who shall be assigned to respond to emergency conditions;
 - (2) The telephone number where said employees can be contacted during any twenty-four (24) hour period. Emergency conditions shall include fire, natural disaster, flood, collapse hazard, burst pipes or violent crime; and

- (3) A notice for reporting code violations to the City as follows: **“TO REPORT UNRESOLVED VIOLATIONS OF THE CITY’S MULTI-FAMILY HOUSING CODE FOR THESE PREMISES, CONTACT THE CITY OF FRISCO BUILDING INSPECTIONS DIVISION”**.
- (d) The landlord shall maintain the inspection reports required by this section on the premises of the multi-family dwelling complex and shall make them available to the Administrator for inspection at all reasonable times. If there is no business office on the premises of the multi-family dwelling complex, the landlord shall maintain reports at the landlord’s central business office, and shall make them available to the Administrator for inspection at the multi-family dwelling complex at all reasonable times.

SECTION 10: Compliance with Applicable Codes.

- (a) Multi-family dwelling complexes must comply with all applicable construction codes.
- (b) Each multi-family dwelling complex must comply with all applicable current health, fire and safety ordinances of the City at all times.

SECTION 11: Failure to Comply.

- (a) Failure to comply with any provision of this Ordinance may result in the probation, denial, suspension, or revocation of a multi-family dwelling license.
- (b) Probationary status. Multi-family dwelling complexes that either (i) fail to pass both an inspection and the associated reinspection or (ii) fail to continually maintain compliance with the provisions of this Ordinance will be placed on a probationary status until such time as it is determined that the multi-family dwelling complex passes inspection and remains in compliance.
- (1) While a multi-family dwelling complex is in probationary status, no dwelling unit of said multi-family dwelling complex may be occupied by different occupants or newly occupied until the dwelling unit has passed an inspection by the Administrator.
- (2) Probationary status may be removed after the multi-family dwelling complex successfully passes two (2) routine inspections and demonstrates continual compliance with the provisions of this Ordinance.
- (c) Denial of license. Upon determination that a multi-family dwelling complex does not comply with the provisions of this Ordinance, the Administrator shall notify the owner or landlord of the multi-family dwelling complex of existing violations. If the multi-family dwelling complex does not have a license or is applying for the renewal of an existing license, the Administrator may deny the issuance of the requested license until the violations are corrected. Whenever a license is denied, the applicant shall be offered an opportunity for a hearing with the Administrator within twenty (20) days of receipt of a request for a hearing. The request for a hearing, however, must be made in writing within ten days of receiving notice that the license was denied.

- (d) Failure to pay fees. The Administrator may suspend or deny a license for the failure to pay any fee required by the provisions of this Ordinance until such time as the appropriate fee is paid.
- (e) Suspension of license. The Administrator may, without warning, advance notice or hearing, suspend any license to operate a multi-family dwelling complex if the operation of the multi-family dwelling complex constitutes an imminent hazard to public health or safety. Upon suspension of a license, the owner may not continue to allow new tenants to occupy any unit until the license is reinstated. Whenever a license is suspended, the holder of the license shall be afforded an opportunity for a hearing with the Administrator within twenty (20) days of receipt of a request for a hearing.
 - (1) Notice of suspension. Whenever a license is suspended, the holder of the license, or the responsible person shall be notified in writing that the license is, upon service of the notice, immediately suspended and that an opportunity for a hearing will be provided if a written request for a hearing is filed with the Administrator by the holder of the license within ten days after the service of the notice in accordance with the provisions of this Ordinance. If no written request for hearing is filed within said ten-day period, the suspension is sustained.
 - (2) Duration. Suspension of a multi-family dwelling license shall continue until the Administrator determines, after an inspection, that the reasons for suspension no longer exist and until all applicable fees required by this Ordinance have been paid, as applicable.
 - (3) Other remedies reserved. Suspension of a multi-family dwelling license shall not preclude the Administrator from taking any other enforcement action authorized by law.
- (f) Public utility services. When it is determined by the Administrator that an imminent threat to health or safety exists, the Administrator may notify all public utility companies serving the multi-family dwelling complex of the health or safety hazard and request that all public utility services affected by the hazard be discontinued for some or all of those dwelling units at peril.
- (g) Revocation of license. The Administrator, after providing opportunity for a hearing, may revoke a license for repeated or serious violations of any of the requirements of this Ordinance or for interference with the Administrator in the performance of the Administrator's duties.

SECTION 12: Penalty Clause. Any person, firm, corporation or business entity violating this Ordinance or portion thereof shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined a sum not exceeding Two Thousand (\$2,000) Dollars. Each continuing day's violation under this Ordinance shall constitute a separate offense. The penalty provisions imposed under this Ordinance shall not preclude Frisco from filing suit to enjoin the violation. Frisco retains all legal rights and remedies to it pursuant to local, State, and Federal law.

SECTION 13: Savings/Repealing Clause. All provisions of any Ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed Ordinance, nor shall the repeal prevent a

prosecution from being commenced for any violation if occurring prior to the repeal of the Ordinance. Any remaining portion of conflicting Ordinances shall remain in full force and effect.

SECTION 14: Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid in a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. Frisco hereby declares that it would have passed this Ordinance and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

SECTION 15: Effective Date. This Ordinance shall become effective upon its passage and publication as required by the City Charter and by law.

RESOLVED, THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS DO HEREBY PASS, ENACT AND APPROVE BY THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS on the 15th day of September, 2008.



[Signature]
Mayor Maso, Mayor

ATTESTED AND CORRECTLY RECORDED

APPROVED AS TO FORM:

[Signature]
Ron Patterson
Interim City Secretary

[Signature]
Abernathy, Roeder, Boyd & Joplin, PC
Claire E. Swann, City Attorneys

Date(s) of publication: September 19 & 26, 2008 Frisco Enterprise