

THE TOWN OF INDIAN LAKE, TEXAS

ORDINANCE NO. 0096
RENTAL PROPERTY REGISTRATION AND INSPECTION

AN ORDINANCE OF THE TOWN OF INDIAN LAKE, TX CREATING A RENTAL REGISTRATION AND INSPECTION ORDINANCE; PROVIDING FOR DEFINITIONS; PROVIDING FOR TRANSFER OF PROPERTY; PROVIDING FOR AN INSPECTION REQUIREMENT; PROVIDING FOR FREQUENCY OF INSPECTIONS; PROVIDING A REQUIREMENT FOR A CERTIFICATE OF OCCUPANCY; PROVIDING FOR INSPECTION PROCEDURES; PROVIDING FOR INSPECTION REQUESTS; PROVIDING CERTIFICATE EXPIRATION DATE; PROVIDING FOR CERTIFICATE TRANSFERABILITY; PROVIDING FOR CERTIFICATE AVAILABILITY; PROVIDING FOR SUSPENSION OR REVOCATION OF CERTIFICATE; PROVIDING FOR THE MAINTENANCE OF RECORDS; PROVIDING FOR EXEMPTIONS; PROVIDING FOR FEES; PROVIDING FOR OTHER ACTIONS, PROSECUTION, COURT CASES; SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF INDIAN LAKE, TEXAS:

SECTION 1. That the Ordinances of the TOWN OF INDIAN LAKE, Texas be, and the same is, hereby adopting a Rental Property Registration and Inspection Ordinance which shall read as follows:

Purpose.

The TOWN OF INDIAN LAKE recognizes a need for an organized inspection program of residential rental units within the Town in order to upgrade rental units to meet Town and State life safety, health, fire and zoning codes within the Town and to provide a more efficient system for compelling both absentee and local landlords to correct violations and to maintain, in proper condition, rental property within the Town. The Town recognizes that the most efficient system to provide for rental inspections is the creation of a program requiring the registration of all residential rental units within the Town so that orderly inspection schedules can be made by Town officials.

Definitions.

As used in this ordinance, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

Boardinghouse, rooming house, lodging house and tourist house shall mean a building arranged or used for the lodging, with or without meals, for compensation, by individuals who are not members of the family.

Dormitory shall mean a space in a building where sleeping accommodations are provided for more than one person not members of the same family group, in one room.

Dwelling Unit shall mean a single unit providing complete independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

Hotel shall mean a room or rooms in any building or structure kept, used, maintained, advertised or held out to the public to be an inn, motel, hotel, apartment hotel, lodging house, boarding house, rooming house, tourist house, dormitory or place, where sleeping, rooming, office, conference or exhibition accommodations are furnished for lease or rent, whether with or without meals.

Multifamily Dwelling shall mean a building or portion thereof contain more than two dwelling units.

Person shall mean any natural individual, firm, partnership, association, joint stock company, joint venture, public or private corporation, or receiver, executor, trustee, conservator or other representative appointed by order of any court.

Permanent resident shall mean any person who occupies or has the right to occupy any room or rooms for at least thirty (30) consecutive days.

Premises shall mean a lot, plot or parcel of land including the buildings or structures thereon.

Rental Property shall mean a single family dwelling, two-family dwelling, multifamily dwelling, dormitory, boardinghouse, lodging house, tourist house, rooming unit or combination of any such dwelling unit as defined herein.

Rooming Unit shall mean any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

Single Family Dwellings shall mean a building containing one dwelling unit.

Two-Family Dwelling (duplex) shall mean a building contain two dwelling units.

Registration.

(a) *Registration Requirements.* No person shall hereafter occupy, allow to be occupied or let to another person for occupancy any residential rental property within the Town for which a registration statement has not been properly made and filed with the Building Inspection Department of the Town of Indian Lake. Registration shall be made upon forms furnished by the Town for such purpose and shall specifically require the following minimum information:

- (1) Name, address and phone number of the property owner.
- (2) Name, address and phone number of the designated local property Mayor if the property owner lives outside the metropolitan area.
- (3) The street address of the rental property.
- (4) The number and types of units within the rental property (dwelling units or sleeping rooms).
- (5) The maximum number of occupants permitted for each dwelling unit or sleeping room.
- (6) The name, phone number and address of the person authorized to make or order made repairs or services for the property, if in violation of Town or state codes, if the person is different than the owner or local Mayor.

(b) *Manner of Registering.* The registration must be made on or before **January 1, 2016** and annually thereafter by the property owner or designated local property Mayor in the office of the Town Secretary.

(c) *Transfer of Property.* Every new owner of rental property (whether as fee owner or contract purchaser) shall be required to furnish to the Building Inspection Department the new owner's name, address and phone number and the name, address and phone number of the owner's designated local Mayor before taking possession of the rental property. No registration fee shall be required of the new owner during the year in which possession takes place provided that the previous owner has paid all registration fees and has complied with all requirements of this ordinance and any notices from the Town concerning violations of health, zoning, fire or safety codes of the Town. If any change in the type of occupancy as originally registered is contemplated by the new owner, a new registration statement will be required.

Inspection Required.

(a) All dwellings, boardinghouses, rooming houses, lodging houses, and/or tourist houses that rent to permanent residents and dormitories shall be inspected systematically for compliance with this ordinance and all other applicable laws.

(b) The provisions of this section shall not apply to:

(1) Dwellings, buildings, structures and uses owned and operated by any governmental agency;

(2) Dwellings, buildings, structures and uses licensed and inspected by the state;

(3) Hotels that do not rent to permanent residents;

(4) Where a nonresidential business or activity, or a state licensed and inspected use occupies a portion of a building and premises which would be otherwise subject to this ordinance, the provisions of this ordinance shall be applicable to the residential and common or public areas of such building and premises.

Frequency of Inspections.

(a) All rental dwellings subject to this section shall be inspected at least once every year.

(b) Neither the common areas nor the dwelling or rooming units in structures newly constructed shall be further inspected after the completion and issuance of a Certificate of Occupancy for a period of one (1) year from the date of said certificate, unless a complaint is made thereof. Thereafter said areas and units shall be inspected in accordance with the requirements of this ordinance.

Certificate of Occupancy Required.

No person shall rent, let or let for occupancy any dwelling subject to this division without having a valid, current Certificate of Occupancy for that dwelling.

Inspection Procedure.

(a) If, upon completion of the annual inspection, the premises are found to be in compliance with all applicable Town codes and ordinances and the appropriate fee has been paid, the Town shall issue a Certificate of Occupancy for the premises.

(b) If, upon completion of the inspection, the premises are found to be in violation of one or more provisions of applicable Town codes and ordinances, the Town shall provide written notice of such violation and shall set a reinspection date before which such violation shall be corrected. If such violation has been corrected within that period, the Town shall issue a Certificate of Occupancy for the premises. If such violations have not been corrected within that period, the Town shall not issue the Certificate of Occupancy and may take any action necessary to enforce compliance with applicable Town codes and ordinances. If such uncorrected violations do not pose an immediate threat to the health, safety, and welfare of the occupants, the Town Mayor or designee may authorize the occupancy of the premises for a period not to exceed ninety (90) days.

Request for Inspection.

The owner of any dwelling subject to this division may request inspections of said dwelling at any time.

Certificate Expiration Date.

- (a)The certificates of occupancy issued pursuant to this division shall expire on January 1st.
- (b)The Certificate of Occupancy shall have the expiration date prominently displayed on its face.

Certificate Transferability.

A Certificate of Occupancy issued pursuant to this division shall be transferable to succeeding owners; provided, that within five (5) days of the transfer, the transferor shall provide written notice of said transfer to the Town Secretary of designee. Such notice shall contain the name and address of the succeeding owners. The failure to provide such notice may result in the suspension or revocation of the Certificate of Occupancy.

Certificate Availability.

Upon the request of an existing or prospective tenant, the owner or the owner's agent shall produce the Certificate of Occupancy.

Suspension or Revocation of Certificate.

If the Town Mayor or designee determines that any person has failed to comply with this ordinance or any applicable Town code or ordinance, the Town Mayor may suspend or revoke the Certificate of Occupancy held by that person. The Town's Building Inspector shall present evidence in support of the suspension or revocation, and the certificate holder shall be permitted to rebut such evidence and present any other evidence that is relevant and material. Based upon the evidence presented to the Mayor or designee the Town Secretary shall issue a written decision. The suspension or revocation of any Certificate of Occupancy shall not release or discharge the certificate holder from paying any fees due to the Town, nor shall such certificate holder be released from prosecution for violating any code or ordinance.

Maintenance of Records.

All records, files, and documents pertaining to this article shall be maintained by the City Secretary and made available to the public as allowed or required by state law or Town ordinance.

Exemptions.

The provisions of this Article shall not apply to hospital units, nursing units or retirement home units licensed by the State located within the Town, all of which shall be specifically exempt from registration under this ordinance.

Fees.

A fee of \$50 for each inspection is required at time of registration.

Nuisance, Injunction.

Any violation of this ordinance is hereby declared to be a nuisance. In addition to any other relief provided by this ordinance, the Town attorney may apply to a court of competent jurisdiction for an injunction to prohibit the continuation of any violation of this ordinance. Such application for relief may include seeking a temporary restraining order, temporary injunction and permanent injunction.

Other Actions, Prosecution, Court Cases.

Nothing in this ordinance shall prevent the Town from taking action under any of its Town fire housing, zoning or other health safety codes for violations thereof to seek injunctive relief or criminal prosecution of such violations in accordance with the terms and conditions of the particular ordinance or code under which the Town would proceed against the property owner, designated property manager or occupant of any residential rental dwelling unit covered by this registration and inspection ordinance.

SECTION 2. If any section, article paragraph, sentence, clause, phrase or word in this ordinance, or application thereto any persons or circumstances is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance; and the Town Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect

SECTION 3. That all provisions of the Ordinances of the TOWN OF INDIAN LAKE, Texas, in conflict with the provisions of this ordinance be, and the same are hereby amended, repealed, and all other provisions of the Ordinances of the Town not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 4. Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction in the Municipal Court of the TOWN OF INDIAN LAKE, Texas, shall be punished by a fine not to exceed the sum of Five Hundred Dollars (\$500.00) for each offense. Every day a violation occurs shall constitute a separate offense.

SECTION 5. This Ordinance shall become effective from and after its date of passage in accordance with law.

PASSED AND APPROVED THIS _____ DAY OF _____, 2015

Barbara Collum, Mayor

ATTEST:

Amy Gonzales, Town Secretary