

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CARROLLTON, TEXAS

Section 1.

That Title 9, Chapter 96, Single & Multi-Family Housing Code shall be amended to add

Chapter 96.01 Definitions

Chapter 96.02 Single and Multi-Family Rental Registration

Chapter 96.03 Duties and Powers of the Code Official

Chapter 96.04 Violations

Chapter 96.05 Substandard Premises

Chapter 96.06 Required Standards

Chapter 96.07 Responsibilities of Owners, Manager, or Occupant

Chapter 96.08 Termination of Utility Services

Chapter 96.09 Repair, Vacation and Demolition

Chapter 96.10 Appeals

Chapter 96.11 Penalty

CHAPTER 96: SINGLE & MULTI-FAMILY HOUSING CODE

96.01 DEFINITIONS

For the purpose of this chapter, the following terms, words, and derivations thereof shall have the meaning given herein, unless the context clearly indicates or requires a different meaning:

Approved – Approved by the duly authorized representative of the City Manager and means complying with all applicable federal, state and local laws, regulations and ordinances and shall conform with applicable nationally recognized standards or specifications.

Basement – That portion of a building which is partly or completely below grade.

Bathroom – A room containing plumbing fixtures including a bathtub or shower.

Bedroom – Any room or space used or intended to be used for sleeping purposes.

City – Shall mean the City of Carrollton

Code Official – the official who is charged with the administration and enforcement of this code, or any duly authorized representative of the City Manager.

Comfortable Temperature Zone – Means no less than 70 degrees Fahrenheit and no more than 80 degrees Fahrenheit.

Condemn – To adjudge unfit for occupancy.

Designated city official or *DCO* – The City Manager. The term may include the City Manager's designee or delegated staff or duly authorized representative of the City Manager.

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

Exterior Property – The open space on the premises and on adjoining property under the control of owners or operators of such premises.

Extermination – the control and elimination of insects, rats, pests or other vermin by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; by poison spraying, fumigating, trapping or by any other approved pest elimination methods.

Garbage – Decayable waste, including vegetable, animal, and fish offal and animal and fish carcasses, but does not include sewage, body waste, or an industrial byproduct.

Guard- A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

Habitable Space – Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

Hot Water – Is water supplied to a plumbing fixture at a temperature of not less than 110 degrees Fahrenheit.

Housekeeping Unit – A room or group of rooms forming a single habitable space equipped and intended to be used for living, sleeping, cooking and eating which does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

Imminent Danger – A condition which could cause serious or life threatening injury or death at any time.

Improper – Means not approved, inadequate, deteriorated, defective, insufficient or not in operating condition.

Infestation – The presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.

Labeled – Devices, equipment, appliances or materials to which has been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above labeled items and by whose label the manufacturer attests to compliance with applicable nationally recognized standards.

Let for Occupancy or LET – To permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to recorded or unrecorded agreement of contract for the sale of land.

Multi-Family Dwelling – any building, or portion thereof, which is designed, built, rented, leased, let or hired out to be occupied as three (3) or more apartments, or which is occupied as the home or residence of three (3) or more families living independently of each other and maintaining separate cooking facilities.

Nuisance – The following shall be defined as nuisances:

1. Any public nuisance known at common law or in equity jurisprudence.
2. Any attractive nuisance that may prove detrimental to children whether in a building, on the premises of a building or on an unoccupied lot. This includes any abandoned wells, shafts, basements or excavations; abandoned refrigerators and motor vehicles; any structurally unsound fences or structures; or any lumber, trash, fences debris or vegetation that may prove a hazard for inquisitive minors.
3. Whatever is dangerous to human life or detrimental to health, as determined by the code official.
4. Overcrowding a room with occupants.
5. Insufficient ventilation or illumination.
6. Inadequate or unsanitary sewage or plumbing facilities.
7. Uncleanliness, as determined by the code official.
8. Whatever renders, air, food or drink unwholesome or detrimental to the health of human beings, as determined by the code official.

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.

Openable Area – That part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.

Operating Condition – Means free of leaks, is safe, sanitary and in good working order.

Operator – Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

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 any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

Person – An individual, corporation, partnership or any other group acting as a unit.

Premises – A lot, plot or parcel of land, easement or public way, including any structures thereon.

Property – All privately owned property, including vacant land or a building used for residential, commercial, business, industrial, or religious purposes. The term includes a yard, ground, walk, driveway, fence, porch, steps, or other structure appurtenant to the property.

Property Manager – means any person, agent, operator, firm or corporation, who for any form of consideration has managing control of a premises.

Refuse – Garbage, rubbish, paper, and other decayable and nondecayable waste.

Rent – Means the offering, holding out or actual leasing of a rental unit to an occupant other than the owner and generally involves the payment of a rental amount although other forms of consideration may be involved or no consideration at all may be involved.

Rental Unit – Is a single-family dwelling unit, duplex dwelling unit, a town home dwelling unit, or a multi-family dwelling unit or portion thereof that is rented or offered for rent as a residence.

Retaining Wall –for this chapter means a wall made of masonry, stone or wood products used to support, retain, or hold back an earth embankment or area of fill.

Rooming House – A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

Rubbish – Nondecayable waste.

Single Family Dwelling – means either a detached building having separate accommodations for, and occupied by not more than, two (2) families, whereby each individual dwelling unit is located on a separate lot of record as a result of a property line being coincident with the common wall separating each dwelling unit, such that dwelling units may be individually owned; or a detached building having accommodations for, and occupied by not more than, one (1) family, or by one family and not more than four (4) boarders or lodgers; or a single-family attached dwelling located on a separately platted lot of record which is joined to another dwelling unit on one or both sides, and occupied by not more than one(1) family, or by one family and not more than four (4) boarders or lodgers.

Structure – That which is built or constructed or a portion thereof.

Tenant – A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

Toilet Room – A room containing a water closet or urinal but not a bathtub or shower.

Ventilation – The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

Yard – An open space on the same lot with a structure.

96.02 SINGLE & MULTI-FAMILY RENTAL REGISTRATION

(A) Single Family Rental Registration

- (1) A person who rents, leases or lets to another person a single family dwelling shall register that property with the City and shall renew such registration annually on the date prescribed by the DCO.
- (2) The DCO shall within 30 days after receipt of the registration application, either issue a certificate of registration or provide notification to the owner the application does not comply with the established requirements of this article.
- (3) A certificate of registration shall be valid for the current calendar year.
- (4) Single family registration is not assignable or transferable
- (5) A person possessing single family dwellings at more than one location that are offered for rent or are rented shall file a separate registration for each location.
- (6) Application for rental registration shall be made upon a form provided by the city for such purpose, and shall include at the least the following information:

- (a) Owner's name, address, work and home telephone number, drivers license number, or identification card number and state of issuance to the owner;
 - (b) If owner is a partnership, the name of all partners, the principal business address, and telephone number of each partner;
 - (c) If owner is a corporation, the person registering must state whether it is organized under the laws of this state or is a foreign corporation, and must show the mailing address, business location, telephone number, name of a person in charge of the local office of such corporation, if any, and the names of the registered agent, all officers and directors or trustees of such corporation, and, if a foreign corporation, the place of incorporation.
 - (d) Name, address, and telephone number of the property manager;
 - (e) Street address of the rental unit;
 - (f) Name, drivers license number or identification number and state of issuance for each primary or principal tenant over the age of eighteen (18);
 - (g) Number of persons occupying the rental unit;
 - (h) Whether there has been a change of occupancy or an additional tenant of the rental unit since the date of last registration; and
 - (i) Be signed by the owner or owner's agent.
- (7) Upon change of ownership of a single family dwelling that is rented or is offered for rent, a new registration must be submitted by the new owner to the City within thirty (30) days after the date of acquiring ownership of a rental property.
- (8) It shall be an offense if the person who owns a single family dwelling, that is rented or offered for rent, fails to complete and submit a complete, accurate and timely registration to the City.
- (9) It shall be an offense for a person to own or possess a single family dwelling that is rented, or is offered for rent, that is not registered with the City.
- (10) It is an offense for an owner to fail to register and/or to renew the registration for the owner's rental units within the city, and each and every day that the owner continues to fail to register and/or renew the registration of the owner's rental units within the city shall constitute a separate offense.

(B) Multi-Family Rental Registration

- (1) An owner, firm or corporation which rents, leases or lets to another person or persons which are part of a multi-family dwelling shall register that property with the City and shall renew such registration annually on the date prescribed by the DCO.
- (2) The DCO shall within 30 days after receipt of the registration application, either issue a certificate of registration or provide notification to the owner the application does not comply with the established requirements of this article.
- (3) A certificate of registration shall be valid for a period of twelve (12) calendar months following the date of issuance.
- (4) Multi-family registration is not assignable or transferable.
- (5) An owner, firm or corporation who possesses multi-family property at more than one location that is offered for rent or are rented must file a separate registration for each location.
- (6) Application for rental registration shall be made upon a form provided by the city for such purpose, and shall include at the least the following information:
 - (a) Owner's name, address, work and home telephone number, driver license number, or identification card number and state of issuance to the owner.
 - (b) If owner is a partnership, the name of all partners, the principal business address, and telephone number of each partner;
 - (c) If owner is a corporation, the person registering must state whether it is organized under the laws of this state or is a foreign corporation, and must show the mailing address, business location, telephone number, name of a person in charge of the local office of such corporation, if any, and the names of the registered agent, all officers and directors or trustees of such corporation, and if a foreign corporation, the place of incorporation.
 - (d) Name, address, and telephone number of the property manager;
 - (e) Street address of the multi-family rental property;
 - (f) Number of apartment units within the multi-family community; and
 - (g) Be signed by the owner or owner's agent.
- (7) Upon change of ownership of a multi-family dwelling that is rented or is offered for rent a new registration must be submitted by the new owner to the City within thirty (30) days after the date of acquiring ownership of a rental property.
- (8) It shall be an offense if the owner, firm or corporation who owns a multi-family dwelling that is rented or offered for rent fails to complete and submit a complete, accurate and timely registration to the City.

- (9) It shall be an offense if the person who owns or possesses a multi-family dwelling that is rented, or is offered for rent, who does not register the property with the City.
- (10) It shall be unlawful for any person to use or permit to be used more than one trade name at a single location.
- (11) It is an offense for an owner to fail to register and/or to renew the registration for the owner's multi-family property within the city, and each and every day that the owner continues to fail to register and/or renew the registration of the owner's multi-family property within the city shall constitute a separate offense.

(C) Renewal of Registration

- (1) The DCO shall send each registered owner of a rental unit within the city a renewal notice for registration accompanied by registration application to be completed and returned by the owner.
- (2) A registered owner of a rental property or the owner's agent shall, upon receipt of the renewal notice, complete and return a completed registration application for each rental property within the specified time documented on the renewal notice. If an owner does not receive a renewal notice, it is the owner's responsibility to nonetheless renew the registration for each rental unit within the city. It is an offense for an owner to fail to file a completed annual registration application for each rental property on or before the dates specified in the renewal notice.
- (3) A registered owner of a rental property, or the owner's agent shall renew the registration for each rental property on or before the date prescribed by subsection 96.02(A) and 96.02(B).
- (4) It is an offense for an owner to fail to file a completed annual registration application for each rental property on or before the dates specified in the renewal notice.

96.03 DUTIES AND POWERS OF THE DESIGNATED CITY OFFICIAL

- (A) The DCO shall enforce the provisions of this code.
- (B) The DCO shall have authority as necessary in the interest of public health, safety and general welfare, to adopt and promulgate rules and procedures; to interpret and implement the provisions of this code; to secure the intent thereof; and to designate requirements applicable because of local climatic or other conditions. Such rules shall not have the effect of waiving structural or fire performance requirements specifically provided for in this code, or of violating accepted engineering methods involving public safety.
- (C) The DCO shall make all of the required inspections, or shall accept reports of inspection by approved agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The DCO is authorized to engage such

expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

- (D) The DCO may inspect a rental property on an annual or periodic basis or if the renewal of a registration for a rental property or other evidence indicates that a change of occupancy of one or more tenants has occurred at a rental property to determine compliance with applicable state and local laws as needed.
- (E) The DCO is authorized to enter the structure or premises at reasonable times or at any other time when authorized by law to inspect subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the DCO is authorized to pursue recourse as provided by law.
- (F) The DCO is authorized to obtain a search warrant to conduct an inspection permitted by this section when probable cause exists to believe a fire or health hazard or violation or unsafe building condition is present on the premises sought to be inspected. A search warrant is not authorized based solely upon the failure of an owner to allow an inspection under this section.
- (G) The DCO shall issue all necessary notices or orders to ensure compliance with this code.
- (H) The DCO shall keep official records of all business and activities of the department specified in the provisions of this code.
- (I) Whenever in the enforcement of this code or another code or ordinance, the responsibility of more than one DCO of the jurisdiction is involved, it shall be the duty of the code officials involved to coordinate their inspections and administrative orders as fully as practicable so that the owners and occupants of the structure shall not be subjected to visits by numerous inspectors or multiple or conflicting orders. Whenever, an inspector from any agency or department observes an apparent or actual violation of some provision of some law, ordinance or code not within the inspector's authority to enforce, the inspector shall report the findings to the official having jurisdiction.
- (J) Whenever there are practical difficulties involved in carrying out the provisions of this code, the DCO shall have the authority to grant modifications for individual cases, provided the DCO shall first find that special individual reasons makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modifications does not lessen health, life, and fire safety requirements. The details of action granting modifications shall be recorded and entered in the departmental files.
- (K) The DCO is authorized to obtain a search warrant to conduct an inspection permitted by this section when consent to enter the property for an inspection has been refused or otherwise cannot be obtained; provided, however, that no search

warrant shall be obtained without probable cause to believe that fire or health hazard or violation or unsafe building condition is present on the premises sought to be inspected. A search warrant is not authorized based solely upon the failure of an owner to obtain a permit under this chapter.

96.04 VIOLATIONS

- (A) It shall be unlawful for an owner of any premises to be in violation of any provisions of this code.
- (B) It shall be unlawful for an owner or occupant of a single family or multi-family dwelling to occupy, or allow occupation of any structure or building that has been placarded as substandard by the city.
- (C) Unless otherwise specified in this article, no culpable mental state is required for the commission of an offense under this code.
- (D) It is a violation for any person to deface or remove a condemnation placard without the approval of the code official.
- (E) The DCO shall serve a notice of violation or order in accordance of this code.
- (F) Notice shall be in accordance with all of the following:
 - (1) Be in writing.
 - (2) Include a legal description of the real estate sufficient for identification.
 - (3) Include a statement of the violation or violations and why the notice is being issued.
 - (4) Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit, structure, or property into compliance with the provisions of this code.
 - (5) Include a statement of the right to file a lien in accordance with this code.
- (G) If the notice of violation is not complied with, the DCO shall institute the appropriate proceeding at law or inequity to restrain, correct or abate such violations, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.
- (H) In addition to imposing a criminal penalty, the City shall have the power to enforce any provision of this code and any applicable provisions of the Code of Ordinances under the provisions of subchapters B and C of Chapter 54 of the

Texas Local Government Code. No enforcement remedy shall be exclusive of any the City may have under state law or city ordinances.

- (I) Any person, who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state and local laws. Each day that a violation continues after due notice has been served shall be deemed a separate offense.
- (J) The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct business or utilization of the building, structure or premises.
- (K) It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

96.05 SUBSTANDARD PREMISES

(A) General. Any building or portion thereof that is determined to be an unsafe building in accordance with Section 102 of the Building Code, or any building or portion thereof, including any dwelling unit, guest room or suite of rooms, or the premises on which the same is located, in which there exists any of the conditions referenced in this section to an extent that endangers the life, limb, health, property, safety or welfare of the public or the occupants thereof, shall be deemed and hereby are declared to be substandard buildings.

(B) Inadequate Sanitation. Buildings or portions thereof shall be deemed substandard when they are insanitary. Inadequate sanitation shall include, but not be limited to, the following:

- 1) Lack of or improper water closet, lavatory, bathtub or shower in a dwelling unit or lodging house.
- 2) Lack of or improper water closet, lavatories, and bathtubs or showers per number of guests in a hotel.
- 3) Lack of or improper kitchen sink in a dwelling unit.
- 4) Lack of hot and cold running water to plumbing fixtures in a hotel.

- 5) Lack of hot and cold running water to plumbing fixtures in a dwelling unit or lodging house.
- 6) Lack of adequate heating facilities.
- 7) Lack of or improper operation of required ventilating equipment.
- 8) Lack of minimum amounts of natural light and ventilation required by this code.
- 9) Room and space dimensions less than required by this code.
- 10) Lack of required electrical lighting.
- 11) Dampness of habitable rooms.
- 12) Infestation of insects, vermin or rodents as determined by the health officer.
- 13) General dilapidation or improper maintenance.
- 14) Lack of connection to required sewage disposal system.
- 15) Lack of adequate garbage and rubbish storage and removal facilities as determined by the health officer.

(C) Structural Hazards. Buildings or portions thereof shall be deemed substandard when they are or contain structural hazards. Structural hazards shall include, but not be limited to, the following:

- (1) Deteriorated or inadequate foundations.
- (2) Defective or deteriorated flooring or floor supports.
- (3) Flooring or floor supports of insufficient size to carry imposed loads with safety.
- (4) Members of walls, partitions or other vertical supports that split, lean, list or buckle due to defective material or deterioration.
- (5) Members of walls, partitions or other vertical supports that are of insufficient size to carry imposed loads with safety.
- (6) Members of ceilings, roofs, ceiling and roof supports, or other horizontal members, that sag, split or buckle due to defective material or deterioration.
- (7) Members of ceilings, roofs, ceiling and roof supports, or other horizontal members that are of insufficient size to carry imposed loads with safety.
- (8) Fireplaces or chimneys that list, bulge or settle due to defective material or deterioration.
- (9) Fireplaces or chimneys that are insufficient size or strength to carry imposed loads with safety.

(D) Nuisances. Buildings or portions thereof in which there exists any nuisance as defined in this code are deemed substandard buildings.

(E) Hazardous Electrical Wiring. Electrical wiring that was installed in violation of code requirements in effect at the time of installation or electrical wiring not installed in accordance with generally accepted construction practices in areas where no codes were in effect or that has not been maintained in good condition or that is not being used in a safe manner shall be considered substandard.

(F) Hazardous Plumbing. Plumbing that was installed in violation of code requirements in effect at the time of installation or plumbing not installed in accordance with generally accepted construction practices in areas where no codes were in effect or that has not

been maintained in good condition or that is not free of cross-connections or siphonage between fixtures shall be considered substandard.

(G) Hazardous Mechanical Equipment. Mechanical equipment that was installed in violation of code requirements in effect at the time of installation or mechanical equipment not installed in accordance with generally accepted construction practices in areas where no codes were in effect or that has not been maintained in good and safe condition shall be considered substandard.

(H) Faulty Weather Protection. Buildings or portions thereof shall be considered substandard when they have faulty weather protection, which shall include, but not be limited to, the following:

- (1) Deteriorated, crumbling or loose plaster.
- (2) Deteriorated or ineffective waterproofing of exterior walls, roof, foundations or floors, including broken windows or doors.
- (3) Defective or lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other approved protective covering.
- (4) Broken, rotted, split or buckled exterior wall coverings or roof coverings.

(I) Fire Hazard. Any building or portion thereof, device, apparatus, equipment, combustible waste, or vegetation that, in the opinion of the chief of the fire department, is in such a condition as to cause a fire or explosion or provide a ready fuel to augment the spread and intensity of fire or explosion arising from any cause shall be considered substandard.

(J) Faulty Materials of Construction. The use of materials of construction, except those that are specifically allowed or approved by this code and the Building Code, and that have been adequately maintained in good and safe condition, shall cause a building to be substandard.

(K) Hazardous or Insanitary Premises. The accumulation of weeds, vegetation, junk, dead organic matter, debris, garbage, offal, rat harborages, stagnant water, combustible materials, and similar materials or conditions on a premises constitutes fire, health or safety hazards that shall be abated in accordance with the procedures specified in this code.

(L) Inadequate Exits. Except for those buildings or portions thereof that have been provided with adequate exit facilities conforming to the provisions of this code, buildings or portions thereof whose exit facilities were installed in violation of code requirements in effect at the time of their construction or whose exit facilities have not been increased in number or width in relation to any increase in occupant load due to alterations, additions or change in use or occupancy subsequent to the time of construction shall be considered substandard.

Notwithstanding compliance with code requirements in effect at the time of their construction, buildings or portions thereof shall be considered substandard when the building official finds that an unsafe condition exists through an improper location of exits, a lack of an adequate number or width of exits, or when other conditions exist that are dangerous to human life.

(M) Inadequate Fire-protection or Firefighting Equipment. Buildings or portions thereof shall be considered substandard when they are not provided with the fire-resistive construction or fire-extinguishing systems or equipment required by this code, except those buildings or portions thereof that conformed with all applicable laws at the time of their construction and whose fire-resistive integrity and fire-extinguishing systems or equipment have been adequately maintained and improved in relation to any increase in occupant load, alteration or addition, or any change in occupancy.

(N) Improper Occupancy. All buildings or portions thereof occupied for living, sleeping, cooking or dining purposes that were not designed or intended to be used for such occupancies shall be considered substandard.

(O) Faulty Smoke Detectors or Insufficient Number of Smoke Detectors. Buildings or portions thereof shall be considered substandard when they are not provided with the proper number of smoke detectors as required by the City of Carrollton Fire Code or have allowed faulty or defective smoke detectors in a dwelling unit.

(P) Improperly Maintained Roofs. Roofs shall be maintained in good condition to prevent buckling, rotting, curling, or other defects. In the event that an improperly maintained roof is found to be failing, the City may require repair or replacement of the roof to prevent consequential damage to the structure. Roof replacement materials, if not replaced on the entirety of the surface, shall be of a similar material and appearance of the existing roof. Roof defects, when accompanied by other minimum housing violations, shall establish grounds for an interior inspection of the dwelling to determine failure of the roof and the existence of other deficiencies related thereto.

(Q) Unsecured Buildings. Any building that is vacant and open. A building is open if any door, window or other opening is not securely closed to prevent unauthorized entry.

(R) Open Flame Cooking Devices. Charcoal burners and other open-flame cooking devices shall not be operated on combustible balconies or within ten (10) feet of combustible construction.

Exceptions:

- (1) One and two-family dwellings.
- (2) Where buildings, balconies and decks are protected by an automatic sprinkler system.

Liquefied-petroleum-gas-fueled cooking devices (LP gas) with a water capacity greater than 5 pounds shall not be located on combustible balconies or within ten (10) feet of combustible construction.

96.06 REQUIRED STANDARDS

(A) ROOM DIMENSIONS

(1) Ceiling Heights. Habitable space shall have a ceiling height of not less than 7 feet 6 inches (2286 mm) except as otherwise permitted in this section. Kitchens, halls, bathrooms and toilet compartments may have a ceiling height of not less than 7 feet (2134 mm) measured to the lowest projection from the ceiling. Where exposed beam ceiling members are spaced at less than 48 inches (1219 mm) on center, ceiling height shall be measured to the bottom of these members. Where exposed beam ceiling members are spaced at 48 inches (1219 mm) or more on center, ceiling height shall be measured to the bottom of the deck supported by these members, provided that the bottom of the members is not less than 7 feet (2134 mm) above the floor.

If any room in a building has a sloping ceiling, the prescribed ceiling height for the room is required in only one-half the area thereof. No portion of the room measuring less than 5 feet (1524 mm) from the finished floor to the finished ceiling shall be included in any computation of the minimum area thereof.

If any room has a furred ceiling, the prescribed ceiling height is required in two thirds the area thereof, but in no case shall the height of the furred ceiling be less than 7 feet (2134 mm).

(2) Floor Area. Dwelling units and congregate residences shall have at least one room that shall have not less than 120 square feet (11.2 m²) of floor area. Other habitable rooms, except kitchens, shall have an area of not less than 70 square feet (6.5 m²). Where more than two persons occupy a room used for sleeping purposes, the required floor area shall be increased at the rate of 50 square feet (4.65 m²) for each occupant in excess of two.

Exception: Nothing in this section shall prohibit the use of an efficiency living unit within an apartment house meeting the following requirements:

- A. The unit shall have a living room of not less than 220 square feet (20.4 m²) of superficial floor area. An additional 100 square feet (9.3 m²) of superficial floor area shall be provided for each occupant of such unit in excess of two.
- B. The unit shall be provided with a separate closet.
- C. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches (762 mm) in width and a clear space in front of the water closet stool of not less than 24 inches (610 mm) shall be provided.

D. The unit shall be provided with a separate bathroom containing a water closet, lavatory, and bathtub or shower.

(3) Width. No habitable room other than a kitchen shall be less than 7 feet (2134 mm) in any dimension.

Each water closet stool shall be located in a clear space not less than 30 inches (762 mm) in width and a clear space in front of the water closet stool of not less than 24 inches (610 mm) shall be provided.

(4) Occupancy Load and Overcrowding. A dwelling unit shall be occupied by no more than four (4) individuals who are unrelated by blood, marriage, or adoption. The maximum occupancy of a dwelling shall be subject to the following table; in no case shall the number of unrelated occupants of a dwelling exceed four (4):

Finished Area of a Single Family Dwelling (in square feet)	Maximum Number of Adult Occupants*
up to 1,200	4 Adult Occupants
1,201 to 1,750	5 Adult Occupants
1,751 to 2,400	6 Adult Occupants
2,401 to 3,150	7 Adult Occupants
3,151 to 4,000	8 Adult Occupants
4,001 to 4,500	9 Adult Occupants
4,501 to 5,000	10 Adult Occupants
* <i>Adult occupant</i> means any individual 18 years of age or older, living or sleeping in a single-family dwelling, or having possession of space within a single-family dwelling.	

To prevent overcrowding, dwelling units shall not be occupied by more occupants than permitted by the minimum floor area requirements established in Section 96.06 (A)(2) which is represented in the following table:

Bedroom Size (Square Feet)	Maximum Number of Occupants per Room *
70	1
120	2
170	3
220	4
270	5
320	6
<i>*Number of occupants includes adults and children.</i>	

(B) LIGHT AND VENTILATION

(1) General. For the purpose of determining the light or ventilation required by this section, any room may be considered as a portion of an adjoining room when one half of the area of common wall is open and unobstructed and provides an opening of not less than one tenth of the floor area of the interior room or 25 square feet (2.3 m²), whichever is greater.

Exterior openings for natural light or ventilation required by this section shall open directly onto a public way or a yard or court located on the same lot as the building.

Exceptions: Required windows may open into a roofed porch where the porch:

- (a) Abuts a public way, yard or court;
- (b) Has a ceiling height of not less than 7 feet (2134 mm); and
- (c) Has a longer side at least 65 percent open and unobstructed.
- (d) Skylights

(2) Light. Bedrooms and habitable rooms within a dwelling unit or congregate residence shall be provided with natural light by means of exterior glazed openings with an area not less than one tenth of the floor area of such rooms with a minimum of 10 square feet (0.93 m²).

(3) Ventilation. Guest rooms and habitable rooms within a dwelling unit or congregate residence shall be provided with natural ventilation by means of openable exterior openings with an area of not less than 1/20 of the floor area of such rooms with a minimum of 5 square feet (0.46 m²).

In lieu of required exterior openings for natural ventilation, a mechanical ventilating system may be provided. Such system shall be capable of providing two air changes per

hour in all guest rooms, dormitories, habitable rooms and in public corridors. One fifth of the air supply shall be taken from the outside.

Bathrooms, water closet compartments, laundry rooms and similar rooms shall be provided with natural ventilation by means of openable exterior openings with an area not less than 1/20 of the floor area of such rooms with a minimum of 1 ½ square feet (0.14 m²).

In lieu of required exterior openings for natural ventilation in bathrooms containing a bathtub, shower or combination thereof; laundry rooms; and similar rooms, a mechanical ventilation system connected directly to the outside capable of providing five air changes per hour shall be provided. The point of discharge of exhaust air shall be a least 3 feet (914 mm) from any opening into the building. Bathrooms that contain only a water closet, lavatory or combination thereof, and similar rooms, may be ventilated with an approved mechanical recirculating fan or similar device designed to remove odors from the air.

(4) Hallways. All public hallways, stairs and other exit ways shall be adequately lighted at all times in accordance with the Building Code.

(5) Screens. All exterior windows designed to be openable on dwellings leased or rented to another person shall be provided with an approved screen, in good condition, and installed in a manner that protects against the entrance of insects; provided that a window of a dwelling in which a window air conditioner is installed may be exempted from this provision if the window is insect proof.

(C) SANITATION

(1) Dwelling Units, Lodging Houses and Congregate Residences. Dwelling units, lodging houses and congregate residences shall be provided with a bathroom equipped with facilities consisting of a water closet, lavatory, and either a bathtub or shower.

(2) Hotels. Hotels or subdivisions thereof where both sexes are accommodated shall contain at least two separate toilet facilities that are conspicuously identified for male or female use, each of which contains at least one water closet.

Exception: Hotel guest rooms may have one unidentified toilet facility.

Additional water closets shall be provided on each floor for each sex at the rate of one for every additional 10 guests, or fractional part thereof, in excess of 10.

(3) Kitchen. Each dwelling unit shall be provided with a kitchen. Every kitchen shall be provided with a kitchen sink. Wooden sinks or sinks of similarly absorbent material shall not be permitted.

(4) Fixtures. All plumbing fixtures shall be connected to a sanitary sewer or to an approved private sewage disposal system. All plumbing fixtures shall be connected to an approved system of water supply and provided with hot and cold running water necessary for its normal operation.

All plumbing fixtures shall be of an approved glazed earthenware type or of a similarly nonabsorbent material.

(5) Water Closet Compartments. Walls and floors of water closet compartments, except in dwellings, shall be finished in accordance with the Building Code.

(6) Room Separations. Every water closet, bathtub or shower required by this code shall be installed in a room that will afford privacy to the occupant.

(7) Installation and Maintenance. All sanitary facilities shall be installed and maintained in a safe and sanitary condition and in accordance with applicable requirements of the Plumbing Code.

(8) Floor Covering. When in the opinion of the DCO, the floor covering in either a multi-family or single family rented or leased dwelling unit is rented to a party other than the owner, and is in a state of disrepair or in a condition that normal cleaning will not reduce mold spore or bacterial concentrations to safe levels, the floor covering shall be replaced with new floor covering which conforms to the Building Code.

(D) HEATING AND VENTILATION

(1) Heating. Dwelling units, guest rooms and congregate residences shall be provided with heating facilities capable of maintaining a room temperature of 70 F (21.1 C) at a point 3 feet (914mm) above the floor in all habitable rooms. Such facilities shall be installed and maintained in a safe condition and in accordance with the Building Code, the Mechanical Code and all other applicable laws. Unvented fuel-burning heaters are not permitted. All heating devices or appliances shall be of an approved type.

(2) Electrical Equipment. All electrical equipment, wiring and appliances shall be installed and maintained in a safe manner in accordance with all applicable laws. All electrical equipment shall be of an approved type.

Where there is electrical power available within 300 feet (91,440 mm) of any building, such building shall be connected to two electrical convenience outlets or one convenience outlet and one electric light fixture. Every water closet compartment, bathroom, laundry room, furnace room and public hallway shall contain at least one electric light fixture.

(3) Ventilation. Ventilation for rooms and areas for fuel-burning appliances shall be provided as required in the mechanical code and in this code. Where mechanical ventilation is provided in lieu of the natural ventilation required by 96.06 Section (B) of

this code, such mechanical ventilating system shall be maintained in operation during the occupancy of any building or portion thereof.

(4) Water Heaters. All water heaters shall be installed in accordance with the Plumbing Code and shall be provided with a temperature pressure relief device manufactured, listed and installed in accordance with applicable nationally recognized safety standards for such devices. Every water heater shall have a discharge line the same diameter as the outlet and shall drain to the exterior of the building; the line shall terminate not less than six (6) inches nor more than eight (8) inches from the floor. No water heater which depends upon direct combustion of fuel for heat shall be installed in any room used for sleeping or in a bathroom. Water heaters may be located in a sealed attached enclosure adjacent to a sleeping room or bathroom so that no combustion air will be taken from the living space. In buildings constructed prior to the adoption of this ordinance, the water heater may be installed in any location as long as approved safety dividers or shields are properly in place for the water heater and the installation does not create an additional hazard.

(5) Air Conditioning. Refrigerated air equipment shall be provided in multi-family or single family rented or leased dwellings that are occupied by a party other than the owner and shall be maintained in an operable condition and must be capable of maintaining the inside of the dwelling unit at a comfortable temperature zone, not to exceed a maximum temperature of 81 degrees Fahrenheit.

It shall be an affirmative defense to this section if the outdoor ambient temperature exceeds 101 degree's Fahrenheit and the indoor ambient temperature can be maintained at no less than 20 degrees below the outdoor ambient temperature.

(E) EXITS

(1) Dwelling units or guest rooms shall have access directly to the outside or to a public corridor. All buildings or portions thereof shall be provided with exits, exitways and appurtenances as required by Chapter 10 of the Building Code.

(2) Sleeping rooms below the fourth story shall have at least one operable window or exterior door approved for emergency escape or rescue. The units shall be operable from the inside to provide a full clear opening without the use of separate tools.

(F) RETAINING WALLS

- (1) All property owners and occupants of properties with retaining walls must maintain those walls free of defect, deterioration or decay.
- (2) It shall be unlawful for any portion of a retaining wall to lean more than fifteen (15) degrees out of vertical alignment
- (3) Replacement or repair of a retaining wall shall be made with materials of comparable composition, color, size, shape and quality to the original wall to which the repair is being made.

- (4) Any retaining wall which has been painted or stained must be maintained without peeling paint or stain, and must be of a uniform color.

96.07 RESPONSIBILITIES OF OWNERS, MANAGERS OR OCCUPANTS

- (A) An owner of a property remains liable for violations of this ordinance even though a manager or an occupant of those premises is responsible for the premises and regardless of any agreement between the owner and another that imposes or attempts to delegate responsibility for the premises to the other.
- (B) Offenses:
 - (1) The owner, manager, and occupant of any premises which is substandard commits an offense.
 - (2) The occupant of a substandard premises commits an offense if the occupant causes or has caused the premises to be substandard.
- (C) All corrections of housing code violations and health hazards shall be completed using approved repairs.

96.08 TERMINATION OF UTILITY SERVICES

- (A) The City may initiate termination of utility services, or place a hold on reconnecting or reinstating utility services that have been terminated, as the case may be, to or for a dwelling unit that is substandard, or unfit for human habitation by certifying, in writing, that the dwelling unit or property is substandard or unfit for human habitation.
- (B) Upon initiating a utility termination or hold, the City shall promptly notify the owner by written notice. The owner may appeal the request by serving the City with a written notice within (5) days from the date the notice was issued.

96.09 REPAIR, VACATION AND DEMOLITION

The following standards shall be followed by the DCO and by the Property Standards Board if an appeal is taken in ordering the repair, vacation or demolition of any substandard building or structure:

- (A) Any building declared a substandard building under this code shall be made to comply with one of the following:
 - (1) The building shall be repaired in accordance with the current Building Code or other current code applicable to the type of substandard conditions requiring repair.

- (2) The building shall be demolished at the option of the building owner.
 - (3) If the building does not constitute an immediate danger to the life, limb, property or safety of the public, it may be vacated, secured and maintained against entry.
- (B) If the building or structure is in such condition as to make it immediately dangerous to life, limb, property or safety of the public or of the occupants, it shall be ordered to be vacated.
- (C) Notice to Vacate. Whenever the DCO has condemned a structure under the provisions of this code a Notice To Vacate shall be posted in a conspicuous place in or about the structure affected by the notice and served to the owner or the person(s) responsible for the structure. Such notice to be posted shall be in substantially the following form:

**DO NOT ENTER
UNSAFE TO OCCUPY**

It is a misdemeanor to occupy this building, or to remove or deface this notice.

Code Official

_____ of _____

- (D) The Notice To Vacate shall be removed by the DCO whenever the defect or defects upon which the vacation and notice were based on have been eliminated. Any person who defaces or removes a Notice To Vacate placard without the approval of the DCO shall be subject to the penalties provided under this code.
- (E) Disposition of dangerous and substandard structures will be performed accordingly under Title 15, Chapter 150.100 of the Carrollton Code of Ordinances.

96.10 APPEALS

- (A) Any person directly affected by a decision of the DCO or a notice or order issued under this code shall have the right to appeal to the Property Standards Board provided that a written application for an appeal is filed within thirty (30) days after the date of the decision, notice or order has been served, except those appeals that are based on Section 96.08 of this code. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted there under have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

- (B) Appeals shall be heard by the Property Standards Board.
- (C) The Property Standards Board shall be appointed by the chief appointing authority and shall serve staggered and overlapping terms. Members of the Property Standards Board will be qualified by experience and training to pass on matters pertaining to property maintenance and who are not employees of the jurisdiction. The DCO shall be an ex-officio member but shall have no vote on any matter before the board.
- (D) A member of the Property Standards Board shall not hear an appeal in which that member has a personal, professional or financial interest.
- (E) The Property Standards Board shall meet within thirty (30) days of a filing of an appeal, or stated periodic meetings.
- (F) All hearings before the Property Standards Board shall be open to the public. The appellant, the appellant's representative, the DCO and any person whose interests are affected shall be given an opportunity to be heard. A quorum shall consist of not less than two-thirds of the board membership.
- (G) The Property Standards Board shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.
- (H) When a quorum by the Property Standards Board is not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.
- (I) The Property Standards Board may adopt, modify or reverse the decision of the DCO by a concurring vote, provided a quorum exists, of the majority of the board members.
- (J) The decision of the Property Standards Board shall be recorded in the office of the county recorder. Copies shall be furnished to the appellant and to the DCO. The DCO shall provide the following to be recorded at the office of the county recorder:
 - (1) A certificate describing the property and certifying that the building is substandard.
 - (2) That the owner has been so notified.
 - (3) The decision of the Property Standards Board.
- (K) Except for vacation orders made pursuant to this code, enforcement of any notice and orders of the DCO issued under this code shall remain until the appeal is heard by the Property Standards Board.

96.11 NOT REQUIRED TO SHOW CULPABLE MENTAL STATE

Allegation and evidence of a culpable mental state is not required for proof of an offense defined by this chapter.

96.12 PENALTY

If a person and/or owner are found guilty of violating any provision of this chapter, that person and/or owner shall be punished as set forth in Sec. 10.99.

Section 2.

That any owner, occupant, firm or corporation violating a provision of this ordinance, upon conviction, is guilty of an offense punishable as provided in Section 10.99 of the Carrollton City Code as amended.

Section 3.

That if any section, sub-section, paragraph, clause, phrase, or provisions of this ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this ordinance as a whole or any part or provisions hereof, other than the part so decided to be invalid or unconstitutional.

Section 4.
Savings Clause

That except as herein amended, Title 9, Chapter 96, otherwise known as the single & Multi-Family Housing Code of the Carrollton Code of Ordinances, as amended, shall remain in full force and effect.