

**CITY OF SAGINAW
ORDINANCE NO. _____**

AN ORDINANCE OF THE CITY OF SAGINAW, TEXAS AMENDING CHAPTER 10, "BUILDINGS AND BUILDING REGULATIONS," OF THE CODE OF ORDINANCES BY AMENDING ARTICLE XXIV "RENTAL REGISTRATION AND INSPECTION PROGRAM" TO ESTABLISH ADDITIONAL REGISTRATION AND INSPECTION REQUIREMENTS AND ESTABLISHING RELATED FEES; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL OTHER ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Saginaw, Texas is a home rule City acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City of Saginaw, Texas has a substantial interest in protecting the health, safety, welfare, and property of the occupants of rental dwelling units; and

WHEREAS, the City Council of the City of Saginaw in furtherance of this interest previously adopted a registration and inspection program for rental dwelling units in the City; and

WHEREAS, the City Council of the City of Saginaw now deems it necessary to amend the registration and inspection program to establish additional registration and inspection requirements and to establish related fees.

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

SECTION 1.

Chapter 10 "Buildings and Building Regulations" of the Code of Ordinances of the City of Saginaw is hereby amended by repealing Article XXIV "Rental Registration and Inspection Program" in its entirety and replacing it with the following:

"ARTICLE XXIV. - RENTAL REGISTRATION AND INSPECTION PROGRAM

Sec. 10-611. - Purpose.

The purpose of this article is to safeguard the life, health, safety, welfare and property of the occupants of rental dwelling units and the general public by establishing a process to enforce the minimum building standards and property maintenance codes.

Sec. 10-612. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Agent for service. A person designated on the Rental Registration application for service of process who shall be the authorized agent for purposes of notice and other communications and is authorized to accept service on behalf of the owner.

Building official. The officer or other designated authority of the city charged with the administration and enforcement of this article.

Duplex rental dwelling. Any individual unit of a two-family dwelling which is rented, leased, or otherwise occupied by a person other than the owner.

Landlord. A land or building owner who has leased, rented, or permitted the exclusive use of the land, the building or a part of the land or building, to another person.

Lease. A special kind of contract between a property owner and a person wanting temporary enjoyment and exclusive use of the property, in exchange for rent paid or other consideration.

Multi-family rental dwelling. An individual unit of a multi-family rental dwelling complex.

Multi-family rental dwelling complex. A single parcel of property with one or more residential buildings that contain three or more attached rental units or with two or more detached units. This term includes all rental units on a single parcel.

Owner. Any person, agent, firm or corporation having a legal or equitable interest in the property.

Rent. Money or other consideration paid by a tenant to a landlord/owner in exchange for the exclusive use and enjoyment of land, a building or a part of a building.

Rental unit. Property owned and/or operated by a landlord or owner and is occupied by a person other than the owner or a tenant by whom has been granted temporary and exclusive use through a verbal or written agreement.

Single-family rental dwelling. Any single-family detached dwelling unit which is rented, leased, or otherwise occupied by a person other than the owner.

Tenant. A person other than the property owner to whom the landlord/owner grants temporary and exclusive use of land, a building, or a part of a building, usually in exchange for rent or other consideration.

Townhouse rental dwelling. Any individual unit of a single-family dwelling that shares one or more walls or roof with other independently-owned units and that is rented, leased, or otherwise occupied by a person other than the owner.

Board. The city's Building Board of Adjustment.

Sec. 10-613. - Prohibited.

It shall be prohibited to divide a single-family structure located in a single-family zoning district, including SF-1, SF-2, SF-3, SF-4, and ZLL, into separate rental units with restricted access to the common areas.

Sec. 10-614. – Permit and inspection required.

No person shall lease to, rent to, or permit occupancy by a person other than the owner a single-family rental dwelling, duplex rental dwelling, townhouse rental dwelling or multi-family rental dwelling without obtaining a permit issued under the provisions of this article. It shall be unlawful to submit a false or fraudulent application for a permit. A person who leases to, rents to, or permits occupancy by a person other than the owner of a rental unit for which a permit has not been issued or for which the permit issued has been suspended commits an offense each day that the rental unit is occupied by a tenant.

No person shall lease a single-family rental dwelling, duplex rental dwelling, townhouse rental dwelling or multi-family rental dwelling without submitting a written or electronic request for a rental inspection after a permit is applied for as provided for in Section 10-619. A person commits an offense each day a rental registration or rental inspection request is overdue.

Sec. 10-615. - Period of validity.

Each permit issued under this article shall be valid for one year from its date of issuance, unless suspended and except as provided for in Section 10-618(a)(2).

Sec. 10-616. - Permit non-assignable; surrender.

A permit issued under this article is not assignable or transferable. A permit is valid only for the premises for which it is issued. It shall be unlawful for any person to counterfeit, forge, change, deface, or alter a permit. A permit may be canceled upon written request of the owner(s) to the building official. The cancellation of a permit shall be effective immediately upon the filing of the written request in the office of the building official.

Sec. 10-617. - Permit copy.

The original of a permit issued pursuant to this article shall be maintained by the city, with a copy provided to the owner or the owner's authorized agent.

Sec. 10-618. – Annual application and registration fee; form; delinquent fees; utility and building permit release.

- (a) **Annual application and registration fee.** The owner of a rental unit, or the owner's authorized agent, shall annually file with the city a written application, on the form provided for that purpose, signed by the owner of the rental unit to be permitted, or the owner's authorized agent. Applications for the permit shall include a fee in the amount equal to the annual permit fee times the number of rental units included in the application.
- (1) **Single-family rental dwelling, one unit/one owner.** The owner of one single-family rental dwelling, or the owner's authorized agent, shall file a single application for the rental unit. The application and fee shall be due within 14 days of notice and annual renewals shall be due one year from date of issue.
- (2) **Single-family rental dwelling, multiple units/one owner.** The owner of more than one single-family rental dwelling, or the owner's authorized agent, shall file a single application that includes all single-family rental dwellings owned by the same owner. The application and fees shall be due within 14 days of notice and annual renewals shall be due one year from date of issue. The owner or the owner's authorized agent shall apply for a rental registration permit for new rental units acquired during the calendar year prior to permitting occupancy of those new rental units. Permits issued for newly acquired rental units shall expire on the same date as all other permits issued to the same owner.
- (3) **Duplex rental dwellings.** The owner of a duplex rental dwelling, or the owner's authorized agent, shall file a single application for all duplex rental dwellings on a single parcel. The application and fee shall be due annually and submitted no later than the last day of January each year.
- (4) **Townhouse rental dwellings.** The owner of a townhouse rental dwelling, or the owner's authorized agent, shall file a single application that includes all townhouse rental dwellings owned by the same owner. The application and fee shall be due annually and submitted no later than the last day of January each year.
- (5) **Multi-family rental dwellings.** The owner of multi-family rental dwellings, or the owner's authorized agent, shall file a single application for all multi-family rental dwellings that have a common address. The application shall identify the number of rental units included in the application. The

application and fee shall be due annually and submitted no later than the last day of January each year.

(b) **Form, contents.** The application shall include:

- (1) The name, physical street address, telephone number, e-mail address, and driver's license or other government-issued identification number of the owner;
- (2) If the owner is other than an individual, the legal name and all trade names of the owner and the physical street address, telephone number, e-mail address, and driver's license or other government-issued identification number of the registered agent, managing partner, or other person authorized to accept service of process on behalf of the owner;
- (3) The name, street address, e-mail address and telephone number of any property manager for the rental units for which an application is being submitted;
- (4) The name, email address, and telephone number of the tenant for a single-family rental dwelling, duplex rental dwelling, or townhouse rental dwelling, if available at the time of application.
- (5) The owner, or the owner's authorized agent, shall certify that the rental unit(s) for which the application is submitted is equipped with properly working smoke detectors and carbon monoxide detectors in accordance with the provisions of the adopted editions of the International Property Maintenance Code and the International Building Code.

(c) **Agent for service.** An owner may designate on the application an agent for service of process who shall be the authorized agent for purposes of notice and other communications provided in this article. If an owner designates an agent for service as provided in this subsection, service of any notice under this article on the designated agent shall constitute service upon the owner, unless the building official receives actual written notice from the owner that the designated agent is no longer authorized to accept service on behalf of the owner.

(d) **Delinquent fees.** An owner that fails to timely obtain a rental registration or a rental registration renewal under this article shall be required to pay a delinquent fee at the time of registration for every thirty (30) days that the registration or registration renewal is overdue.

(e) **Utility and building permit release.** The Building Official may issue a hold of utilities and a hold on building permits for any rental unit without a current rental

registration or that fails to timely obtain a required rental inspection, rental follow-up inspection or rental re-inspection required by Section 10-619.

Sec. 10-619. - Inspections.

The rental unit(s) for which an application is submitted or for which a rental registration has been previously issued shall be inspected for compliance with the provisions of the adopted editions of the International Property Maintenance Code and the International Building Code, as follows:

- (1) **Single-family rental dwellings** shall be fully inspected in even or odd numbered years corresponding to the last digit of the rental unit's physical address. After submitting an application, the owner, the owner's authorized agent, or the designated property manager shall submit to the city a written or electronic request for an inspection no later than 180 days after a permit is issued. In each subsequent even or odd numbered year as determined by this subsection, the owner, the owner's authorized agent, or the designated property manager shall submit to the city a written or electronic request for an inspection no later than 180 days after a permit is issued. Nothing contained in this section shall be construed to prohibit an inspection of a rental unit at the request of a tenant.
- (2) **Duplex rental dwellings, townhouse rental dwellings** shall be fully inspected one time per calendar year. Renewal permit applications and fees will be due no later than the last day of January of each year. The owner, the owner's authorized agent, or the designated property manager shall submit to the city a written or electronic request for inspection each year no later than 30 days after a permit is issued. Nothing contained in this section shall be construed to prohibit an inspection of a rental unit at the request of a tenant.
- (3) **Multi-family rental dwellings** shall be fully inspected one time per calendar year. Renewal permit applications and fees will be due no later than the last day of January of each year. The city will assign the multi-family rental dwelling complex a designated month for an annual inspection of all rental units, common areas, buildings and grounds of the multi-family rental dwelling complex. It shall be the responsibility of the owner of a multi-family rental dwelling complex, or the owner's authorized agent, to notify tenants of the impending inspection. Nothing contained in this section shall be construed to prohibit an inspection of a rental unit at the request of a tenant.
- (4) The Building Department will conduct rental inspections as provided for in this section. All violations identified from a rental inspection shall be provided in written or electronic form to the owner, the owner's authorized

agent, or the designated property manager. The owner, the owner's authorized agent, or the designated property manager must correct the violations identified and schedule a rental follow-up inspection to confirm compliance within twenty (20) days of the rental inspection. Upon the rental follow-up inspection, if all violations have been corrected, the permit shall be deemed active. If all violations have not been corrected at the time of the rental follow-up inspection, a rental re-inspection will be required to confirm until all violations are brought into compliance. The city shall charge a fee for each rental re-inspection.

- (5) The city may re-inspect any rental unit as necessary to determine compliance.
- (6) A release of utilities for a single-family rental dwelling, a duplex rental dwelling, a townhouse rental dwelling and, when applicable, a multi-family rental dwelling may be provided upon submittal of an application for utilities pending a current rental registration permit and required rental inspections as provided for in this article.
- (7) The building official or their designee shall enforce the provisions of this article upon presentation of proper identification to the owner of any rental unit or, if occupied, to the tenant residing in any rental unit and, with the owner and/or tenant's permission, may inspect the unit. The authority to conduct both exterior and interior inspections by the building official is subject to all limitations provided in state and federal law. If entry is refused by the owner or tenant or could not be obtained, the building official is authorized to seek a warrant pursuant to Article 18.05 of the Texas Code of Criminal Procedure as the same may be amended from time to time. Any warrants issued will constitute authority for the building official to enter upon and inspect the rental unit described therein.

Sec. 10-620. - Temporary tenancies.

It shall be an affirmative defense to prosecution for a violation of this article that the single-family rental dwelling was rented or leased for a period of less than 60 days to a person who was the immediate past owner of the dwelling or who shall be the immediate next owner of the dwelling.

Sec. 10-621. - Suspension of permit.

The city may temporarily suspend a permit for a single-family rental dwelling, duplex rental dwelling, townhouse rental dwelling and a multi-family rental dwelling, if:

- (1) After notice of violation and a period of time allowed for correction of a critical violation or four or more violations, violations remain on the premises of the rental unit; or

- (2) When the owner of the rental unit, or the owner's authorized agent, has not submitted a written or electronic request for inspection within the required time from the issuance of the permit: 180 days for single-family rental dwellings, 30 days for duplex rental dwellings, 30 days for townhouse rental dwellings, or 30 days for multi-family rental dwellings.

Sec. 10-622. - Reinstatement of suspended permit.

A person whose permit has been suspended may, at any time, make written application for a reinstatement inspection and pay the reinstatement inspection fee for the purpose of reinstating the permit. Within 10 days following receipt of a written request, which shall include a statement signed by the applicant that in the applicant's opinion all of the violations that caused suspension of the permit have been corrected, and the applicable fee, the city shall perform a rental reinstatement inspection. Upon inspection, if all of the violations that caused suspension of the permit have been corrected, the permit shall be reinstated. If all violations that caused suspension of the permit have not been corrected, the permit will continue to be suspended. The city shall charge a fee for each reinstatement inspection or a reinstatement re-inspection that is required.

Sec. 10-623. - Hearings.

The hearings provided for in this section shall be conducted by the Board. The Board shall make a finding and shall sustain, modify, or rescind any official notice or order considered in the hearing. A written report of the hearing decision shall be furnished to the permit holder by the city.”

SECTION 2.

The City's Fee Schedule is hereby amended to include the following fees related to the Rental Registration and Inspection Program:

“Rental Registration/Renewal Fee	\$75.00
Rental Registration / Renewal Delinquent Fee	\$50.00
Rental Re-inspection Fee	\$50.00
Rental Reinstatement Inspection Fee	\$100.00
Rental Reinstatement Re-inspection Fee	\$150.00”

SECTION 3.

This ordinance shall be cumulative of all other ordinances of the City of Saginaw and shall not repeal any of the provisions of such ordinances, except in those instances where provisions of such ordinances are in direct conflict with the provisions of this ordinance.

SECTION 4.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared void, ineffective or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such voidness, ineffectiveness, or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation herein of any such void, ineffective or unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 5.

All rights or remedies of the City of Saginaw, Texas, are expressly saved as to any and all violations of the City Code or any amendments thereto regarding the inspection of rental dwelling units that have accrued at the time of the effective date of this ordinance; and as to such accrued violations, and all pending litigation, both civil or criminal, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 6.

Any person, firm, or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Five Hundred Dollars (\$500.00) for each violation of this ordinance.

SECTION 7.

The City Secretary of the City of Saginaw is hereby directed to publish at least twice in the official newspaper of the City of Saginaw, the caption and the penalty clause of this ordinance in accordance with Section 52.013(b) of the Local Government Code.

SECTION 8.

This Ordinance shall be in full force and effect from and after the date of its passage and publication as required by law, and it is so ordained.

PASSED AND APPROVED ON this the _____ day of _____, 2020.

TODD FLIPPO, MAYOR

ATTEST:

JANICE ENGLAND, CITY SECRETARY

APPROVED AS TO FORM AND LEGALITY:

BRYN MEREDITH, CITY ATTORNEY