ORDINANCE NO. 4016

AN ORDINANCE OF THE CITY OF RICHARDSON, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF RICHARDSON CHAPTER 6, "BUILDINGS AND BUILDING **REGULATIONS"** ARTICLE "RENTAL XI, REGISTRATION", \mathbf{BY} **AMENDING** THE REGULATIONS FOR RENTAL **REGISTRATION:** PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RICHARDSON, TEXAS, THAT:

SECTION 1. The Code of Ordinances of the City of Richardson be amended by amending Chapter 6 "Buildings and Building Regulations" Article XI "Rental Registration", to read as follows:

"ARTICLE XI. RENTAL REGISTRATION

Sec. 6-471. Rental registration.

- (a) Each owner of a rental unit within the city shall register each such rental unit with the building official within 30 days of the first tenant occupying the rental unit and shall renew such registration annually on the date prescribed by the building official pursuant to subsection 6-472(a). Separate registration shall be required for each rental unit.
- (b) Each new owner of a rental unit within the city shall make application for registration with the building official and schedule an exterior inspection of said rental unit within 30 days after the date of the first tenant occupying the rental unit.
- (c) Application for rental registration shall be made upon a form provided by the city for such purpose, and shall include at least the following information:
 - (1) Name, address, and work and home telephone number of the owner;
 - (2) If owner is a partnership, the name of all partners, the principal business address, and telephone number of each partner;
 - (3) 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 the main individual in

charge of the local office of such corporation, if any, and the names of all officers and directors or trustees of such corporation, and, if a foreign corporation, the place of incorporation;

- (4) Name, address and telephone number of the property manager;
- (5) Street address of the rental unit;
- (6) Name of each primary or principal tenant;
- (7) Number of persons occupying the rental unit;
- (8) Whether there has been a change of occupancy or an additional tenant of the rental unit since the date of last registration; and
- (9) Signed by the owner or owner's agent.
- (d) A nonrefundable fee of \$75.00 shall be charged for the registration of a rental unit.
- (e) The building official shall within 30 days after receipt of the registration application either issue a certificate of registration or notify the owner that the application does not comply with the requirements of this article.
- (f) A certificate of registration shall be valid for a period of 12 calendar months following issuance thereof; provided, however, the initial certificate of registration for a rental unit shall not expire until the date of renewal of registration established by the building official pursuant to subsection 6-472(a).
- (g) It is an offense for an owner to fail to register the owner's rental units within the city, and each and every day that the owner continues to fail to register the owner's rental units within the city shall constitute a separate offense.
- (h) It shall be unlawful for any person to file a false registration application with the building official.

Sec. 6-472. - Renewal of registration.

- (a) The building official shall establish an annual registration date for rental units
- (b) A registered owner of a rental unit within the city, or the owner's agent, shall renew the registration for each rental unit on or before the date prescribed by subsection (a) and shall pay to the city a nonrefundable renewal fee of \$75.00 at the time of application for renewal.
- (c) The building official shall send each registered owner of a rental unit within the city a renewal notice for registration.

- (d) A registered owner of a rental property or the owner's agent shall, upon receipt of the renewal notice, complete the registration process for each rental unit within 30 days after receipt of 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 unit on or before the dates specified in the renewal notice.
- (e) It is an offense for an owner to fail to renew the registration of the owner's rental units within the city, and each and every day that the owner continues to fail to renew the registration of the owner's rental units within the city shall constitute a separate offense.

Sec. 6-473. Notification of change in occupancy.

The owner shall notify the building official within 30 days of a change in occupancy by completing a change in occupancy form and delivering said form to the Community Services office. A change in occupancy shall mean any change in tenant(s) or additional tenant(s) that are occupying the rental unit. It is an offense for the owner to fail to notify the building official within 30 days of a change in occupancy.

Sec. 6-474. Inspection.

- (a) The building official shall annually inspect the exterior of a rental unit to determine compliance with applicable state and local laws. The building official shall provide written notice of the date and time that the exterior inspection will be conducted. Upon request of the owner if the rental unit is vacant or tenant if the rental unit is occupied, the building official may conduct an inspection of the interior of a rental unit.
- (b) If the owner or occupant fails to make the exterior of the rental unit available for inspection, the building official may conduct the inspection from the public right of way. If the owner or tenant does not provide consent for the inspection and the building official must enter onto the property to conduct the inspection, the building official shall be required to obtain a warrant pursuant to sub-section(c) prior to entry on the property.
- (c) The building official or his agent shall enforce the provisions of this article upon presentation of proper identification to the owner or tenant in charge of any rental unit and with the owner or tenant's permission, may inspect the exterior of a rental unit between the hours of 8:00 a.m. and 6:00 p.m. 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 occupant 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.

SECTION 2. That all provisions of the ordinances of the City of Richardson in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions of the ordinances of the City of Richardson not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 3. That should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this Ordinance as a whole or any part or provision thereof other than the part thereof decided to be unconstitutional, illegal, or invalid.

SECTION 4. An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Ordinances of the City of Richardson, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 5. That any person, firm, or corporation violating any provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Code of Ordinances of the City of Richardson, as heretofore amended and upon conviction shall be punished by a fine not exceeding \$2,000 for each offense.

SECTION 6. This Ordinance shall take effect immediately from and after its passage and publication of caption, as the law and charter in such case provide.

DULY PASSED AND APPROVED by the City Council of the City of Richardson, Texas, on the day of ________, 2013.

APPROVED:

MAYOR

APPROVED AS TO FORM:

CORRECTLY ENROLLED:

CITY ATTORNEY

(08-07-13/61680)

CITY SECRETARY

