

Ordinance No. 08-019

An ordinance amending the “Uniform Housing Code” Chapter of the Code of the City of Arlington, Texas, 1987, through the amendment of Article III, Permits and Inspections, Section 304, Multi-Family Dwelling Complexes, relative to inspections of duplexes; providing for a fine of up to \$500 for each offense in violation of the ordinance, providing this ordinance be cumulative; providing for severability; providing for governmental immunity; providing for injunctions; providing for publication and becoming effective ten days after first publication

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the “Uniform Housing Code” Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the amendment of **Article III, Permits and Inspections, Section 304, Multi-Family Dwelling Complexes**, so that the said section shall be **titled** and read as follows:

Section 304. Duplexes, Multi-Family Dwelling Complexes and Extended-Stay Hotels and Motels

- (a) A fee is hereby authorized to be charged to the ownership of all duplexes, multi-family dwelling complexes and extended-stay hotels and motels, which terms are defined respectively as a building or portion thereof, arranged, designed or occupied as two (2) dwelling units not for transient use except owner occupied duplexes; a building or portion thereof, arranged, designed or occupied as three (3) or more dwelling units not for transient use except owner occupied dwelling units; or a building or portion thereof, arranged, designed or occupied as an extended-stay hotel or motel. An extended-stay hotel or motel shall be, for the purpose of this ordinance, any hotel or motel which offers more than five (5) percent of its rental units for stays exceeding thirty (30) consecutive days. The authorized fees shall be used to provide for inspections to ensure compliance with the requirements of this chapter. The inspection and reinspection fees shall be established by resolution of the City Council and shall be the fees in effect at the time payment is made.
- (b) Except for the reinspection fees and duplex fees, the fees to be imposed shall be paid on a semi-annual basis upon all existing multi-family dwelling complexes and extended-stay hotels and motels with a valid Certificate of Occupancy. Billing periods shall be March through August (billable in September) and September through February (billable in March). Payments shall be due to the City within thirty (30) days from the billing date. For multi-family units and extended-stay hotel and motels completed after a billing period has commenced,

fees shall be billed on a pro rata basis beginning with the date upon which a Certificate of Occupancy is issued. Thereafter, billing shall occur in accordance with the two (2) billing periods set forth above. Reinspection fees to be imposed may be billed monthly and payments shall be due to the City within thirty (30) days from the billing date. Duplex fees to be imposed shall be paid on an annual basis upon all existing duplexes. The billing period shall be September through August (billable in September). Payment shall be due to the City within thirty (30) days from the billing date. For duplex units completed after a billing period has commenced, fees shall be billed on a pro rata basis. Thereafter, billing shall occur in accordance with the annual billing period previously set forth above.

- (c) All fees, when collected, shall be placed in a separate account known as the Apartment Fee Assessment Account. All such fees are to be expended during the current succeeding years or so much thereof as may be necessary to cover the City's direct and indirect cost for administering the inspections as required by this chapter. Should there be an unexpended balance at the end of any year, the City shall adjust the fees for the succeeding year, so that the amount produced and paid to the City, together with the unexpended balance in the Apartment Fee Assessment Account, will be sufficient to pay the expenses of carrying out the provisions of this chapter. Any amount remaining in the Apartment Fee Assessment Account at the end of the year shall be carried over and expended in accordance with these provisions during the subsequent year or years.
- (d) All fees shall be applied to the year in which they were billed.
- (e) It is a violation for any person, firm or corporation to fail to perform an act required by this Section including the requirement to remit inspection fees as required by the Section.
- (f) Any person firm or corporation violating any of the provision of this Section shall be deemed guilty of a misdemeanor and each day that the violation continues shall be a separate offense. Each offense shall be punishable by a fine not to exceed Five Hundred Dollars (\$500).
- (g) It is an affirmative defense to prosecution for the violation of failing to submit inspection fees as required in this Section that the person, firm or corporation charged with the violation ceased operations at the location subject to inspection before the end of the billing period.

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Five Hundred and No/100 Dollars (\$500) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

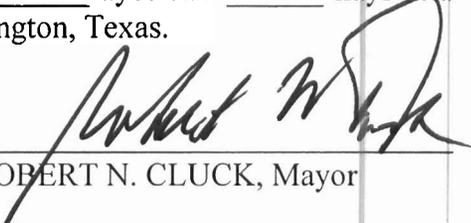
The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

8.

This ordinance shall become effective ten (10) days after first publication as described above.

PRESENTED AND GIVEN FIRST READING on the 4th day of March, 2008, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 18th

day of March, 2008, by a vote of 8 ayes and 0 nays at a regular meeting of the City Council of the City of Arlington, Texas.


ROBERT N. CLUCK, Mayor

ATTEST:


KAREN BAREZAR, Acting City Secretary



APPROVED AS TO FORM:
JAY DOEGEY, City Attorney

BY 