

154.006. - Residential Certificate of Occupancy

- **- Purpose.**

The city recognizes the need for implementation of a policy that requires the issuance of a certificate of occupancy and performance of a life, health and safety inspection before water utility services can be connected or reconnected to structures in the city in an effort to monitor ownership and standards of all residential structures, thereby reducing the number of demolitions of dilapidated and/or abandoned residential structures within the city. The city also recognizes the need for an organized inspection program for new and aging residential rental units in order to ensure that all rental units meet city and state safety, health, fire and zoning codes and to provide a more efficient system for compelling both absentee and local landlords to correct violations and to maintain, in proper condition, rental property within the city. The city recognizes that implementation of the certificate of occupancy and life, health and safety inspection policy is the most efficient system to monitor occupancy and standards of all residential rental units and thereby ensure that orderly inspection schedules can be maintained by city officials.

- **- Definitions.**

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

Apartment complex means a building or buildings comprised of three or more consecutive rental units each.

Bedroom means a room used or intended to be used for sleeping purposes and not as a kitchen, bathroom, living room, closet, hallway, utility space, entryway, garage, patio, or breezeway.

Building inspector means a properly identified building official for the city, or his/her designee.

Certificate of occupancy means a certificate issued by the city upon submission, review and approval of an executed residential occupancy application, which lists any and all occupants of the property, as well as the owner(s) of the property.

City means the City of Gladewater, Texas.

Life safety inspection means an inspection completed by the building inspector on all residential rental units which must be completed and submitted to the city prior to connection of water utility services to each respective residential rental unit.

Owner means the person claiming, or in whom is invested, the ownership, dominion, or title of real property including but not limited to: holder of fee-simple title; holder of life-estate; holder of leasehold estate for an interim term of five years or more; a buyer under contract for deed; a mortgagee, receiver, executor or trustee in control of real property; but not including the holder of a leasehold estate or a tenancy for initial term of less than five years.

Person means an individual, corporation, business trust, estate, trust, partnership or association, two or more persons having a joint interest, or any other legal or community entity.

Premises means a lot, plot or parcel of land, including any structure thereon, and furthermore, including a dwelling unit, appurtenances thereto, grounds and facilities held out for the use of tenants generally and any other area or facility whose use is promised to the tenant.

Property manager means a person whom, for compensation, has control of the day-to-day operations of the residential rental unit or units or the person in a partnership or corporation, or any other legal entity, who has managing control of the residential rental unit(s).

Residential rental occupancy application means an application to be completed by an owner of a residential rental unit to be submitted to the city prior to water utility services being connected by city.

Residential rental unit means any building or portion thereof which is rented, leased or let to be occupied for compensation as a residence, including apartments.

Resident manager means a property manager or agent of a property manager who resides in the residential rental unit.

Tenant means any person who rents, leases, or occupies a dwelling unit for living or dwelling purposes with the consent of the owner, landlord, or property manager.

- **- Application and issuance of certificate of occupancy.**

(a) Each owner of a residential rental unit within the city shall make application for occupancy for each residential rental unit therein, if applicable, with the building inspector once a change of occupancy occurs after passage of the ordinance, from which this article is derived, and shall renew such application per the terms of subsection (g).

(b) Each new owner of a residential rental unit shall make application for occupancy with the building inspector by submitting to the city a residential rental occupancy application prior to utility services being turned on.

(c) Application for occupancy shall be made upon a form provided by the city for such purpose, and shall include at least the following information:

(1) Owner's name, address, work and home telephone number of said property owner;

(2) If the owner does not live within 50 miles of the city, then in addition to the information in subsection (c)(1), the same information shall be provided for a local contact that has the authority to represent the owner in all matters relating to maintenance of the residential structure and all respective units therein, if applicable;

(3) If the owner is a partnership, the name of all partners, the principal business address of the person in charge of the property, and telephone number of each partner;

(4) 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 primary individual in charge of the property 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 and the agent for service;

(5) Name, address, and telephone number of the property manager, if applicable;

- (6) Street address of the residential structure;
- (7) Street and mailing address of the residential rental unit, if applicable; and
- (8) Signature of the owner or owner's agent.

(d) A separate residential rental occupancy application is to be completed and submitted for each residential rental unit within a residential structure.

(e) The building inspector shall either issue a certificate of occupancy or notify the owner that the premises does not comply with the requirements of this article.

(f) A certificate of occupancy for residential rental units shall be valid for a period of 12 calendar months following issuance thereof or a change of occupancy has occurred, whichever is later, and renewal shall be applied for prior to city utilities being turned on.

(g) It is an offense for an owner to fail to register or fail to renew application of any structure or unit within the city, and each and every day that the owner continues to fail to register or renew the application of each respective structure or unit shall constitute a separate offense.

(h) It shall be unlawful for any person to file a false residential occupancy application with the city.

(i) Residential rental units owned or managed by a housing authority that is subject to HUD inspections shall be exempted from this ordinance upon submission of inspection reports to the City within 90 days of inspection.

- **- Life, health and safety inspections.**

(a) The building inspector, or his/her designee, shall inspect each residential rental unit therein at the time of application to determine compliance with minimum housing standards and interior safety, city ordinances, international property maintenance code, city code, all applicable state and local laws, and other conditions as determined by the city. Inspections shall be conducted in accordance with subsection (g) of the Certificate of Occupancy section for residential rental units, or at any other time deemed necessary by the building inspector to maintain compliance with minimum housing standards.

(b) Grandfathering of original installations that were approved at the time of installation may be allowed, if the inspector determines that the original installation does not pose an imminent threat to life, safety, and/or health.

(c) Fees.

(1) Residential Rental Units Inspection on all residential structures and residential rental units therein shall have a fee of \$25.00, respectively, with said fee covering an initial inspection and one follow-up inspection, if needed. This fee will be assessed per residential rental unit at each change-of-occupancy inspection. If additional inspections are conducted on any one residential structure or residential rental unit due to failure to pass inspection on the initial and follow-up inspections, the fee will be \$50.00 for each additional inspection.

(c) If, upon completion of the inspection, the premises are found to be in compliance with all standards and codes mentioned in subsection (a), the city shall issue an inspection slip/report to the owner.

(d) Failure to give the city building inspector or his/her designee access to any individual rental unit(s) therein shall constitute a violation and grounds for denying a passing inspection for each said unit, and the fees associated for said inspection and all additional inspections shall be assessed as if the initial inspection was completed and judged as a failure to pass inspection.

- **- Registration of Rental Properties**

Owners of rental units shall provide the City with a full listing of all rental properties owned within the City Limits of Gladewater on or before October 1, 2016. This listing shall be updated on or before October 1st of each subsequent year in the event that the listing of properties owned has changed.

- **- Offenses and penalties.**

If any person commits an offense, knowingly performs an act prohibited by this article or knowingly fails to perform an act required by this article shall be in violation of this article and is subject to a fine of not more than \$500.00 for each offense, and each and every day such offense or violation shall continue shall be deemed a separate offense and fined accordingly.

- **- Effective Date**

This ordinance shall take effect on October 1, 2016.