ORDINANCE NO. 085-011

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING CHAPTER 7 OF THE CODE OF ORDINANCES OF THE TOWN OF ADDISON, TEXAS, PROVIDING FOR DEFINITION OF BUILDING OFFICIAL; PROVIDING FOR APARTMENT COMPLEX LICENSE SUSPENSION BY BUILDING OFFICIAL; PROVIDING FOR CONDEMNATION OF APARTMENT UNITS; PROVIDING FOR REINSTATEMENT OF SUSPENDED LICENSE; PROVIDING FOR REVOCATION OF LICENSE; PROVIDING FOR RELOCATION OF TENANTS; PROVIDING FOR NOTICE; PROVIDING FOR HEARINGS; PROVIDING FOR NONREFUNDABLE FEE UPON SUSPENSION; PROVIDING FOR PENALTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS:

SECTION 1. Sec. 7-36 of the Code of Ordinances of the Town of Addison is hereby amended to add the following definition:

"Building Official" means the building official of the Town of Addison or his representative.

SECTION 2. Sec. 7-68 of the Code of Ordinances of the Town of Addison shall be amended to read as follows:

Sec. 7-68. Suspension of License.

License may be suspended by the Building Official for failure of the landlord to comply with the requirements of this

ordinance, or if the physical conditions of an apartment complex do not comply with the requirements of this ordinance, or otherwise constitutes a substantial hazard to the life, limb, property, health or welfare of the public or tenants.

Whenever a landlord has failed to comply with any notice issued under the provisions of this ordinance, the landlord shall be notified in writing that the license, upon service of the notice, is immediately suspended and that an opportunity for a hearing will be provided if a written request for a hearing is filed with the Building Official by the landlord.

Notwithstanding the other provisions of this ordinance, whenever the Building Official finds conditions in an apartment complex which, in his judgment, constitute substantial hazard to the life, limb, property, health or welfare of the public or tenants, he may without warning, notice or hearing issue a written notice to the landlord citing such conditions and corrective action to be taken, and if deemed necessary, such order shall state that the license is immediately suspended. Any person to whom such order is issued shall comply immediately therewith, but upon written petition to the Building Official, shall be afforded a hearing as soon as possible.

SECTION 3. Sec. 7-69 of the Code of Ordinances of the Town of Addison shall be amended to read as follows:

Sec. 7-69. <u>Condemnation, Posting and Reoccupany ofDwelling Units</u>.

Upon suspension of apartment complex license, the Building Official shall exercise the authority to condemn, post and deny the rehabitation of a vacant dwelling unit which fails to comply with this rule. Rehabitation of a posted unit or removal or defacement of said announcement shall be a misdemeanor punishable in court.

Any landlord whose vacant dwelling units have been condemned may, at any time, make application for a reinspection for the purpose of reoccupancy of the dwelling unit. Within ten (10) days following the receipt of a written request, including a statement signed by the landlord that in his opinion the conditions causing condemnation of the dwelling unit have been corrected, the Building Official shall make a reinspection. If the landlord is complying with the provisions of this ordinance, the unit may be reoccupied.

SECTION 4. Sec. 7-70 of the Code of Ordinances of the Town of Addison shall be amended to read as follows:

Sec. 7-70. Reinstatement of Suspended License.

Any landlord whose apartment complex license has been suspended may, at any time, make an application for a reinspection for the purpose of reinstatement of the license. Within ten (10) days following receipt of a written request, including a statement signed by the landlord that in his opinion the conditions causing suspension of the license have been corrected, the Building Official shall make a reinspection. If the appli-

cant is complying with provisions of this ordinance, the license shall be reinstated.

SECTION 5. Sec. 7-71 of the Code of Ordinances of the Town of Addison shall be amended to read as follows:

Sec. 7-71. Revocation of License.

For serious or repeated violations of any of the requirements of this ordinance, or for interference with the Building Official in the performance of his duties, the license may be permanently revoked after an opportunity for a hearing has been provided by the Building Official. Prior to such action, the Building Official shall notify the landlord in writing, stating the reasons for which the license shall be permanently revoked at the end of five (5) days following service of such notice, unless a request for a hearing is filed with the Building Official by the landlord within such five (5) day period. A license may be suspended for cause pending its revocation of a hearing relative thereto. If no request for hearing is filed within the five (5) day period, the revocation of the license becomes final.

SECTION 6. Sec. 7-72 of the Code of Ordinances of the Town of Addison shall be amended to read as follows:

Sec. 7-72. Relocation of Tenants.

Upon revocation of the license, it shall be the responsibility of the landlord to expedite the swift and orderly relocation of tenants to habitable quarters. Such time period shall not exceed sixty (60) days.

SECTION 7. Sec. 7-73 of the Code of Ordinances of the Town of Addison shall be amended to read as follows:

Sec. 7-73.

In the event that any given situation, in the judgment of the Building Official, merits the condemnation of dwellings and the subsequent relocation of tenants, the Town Council shall be fully apprised of all aspects of the situation and serve as an advisory body to the Building Official. Upon evaluation of the information presented, the Town Council shall sanction the Building Official to pursue whatever course of action they deem necessary to resolve the situation.

SECTION 8. Sec. 7-73 A of the Code of Ordinances of the Town of Addison shall be amended to read as follows:

Sec. 7-73 A. Notices.

A notice provided for in this ordinance is properly served when it is delivered to the landlord in person or when it is sent by registered or certified mail, return receipt requested, to the last known landlord.

SECTION 9. Sec. 7-73 B of the Code of Ordinances of the Town of Addison shall be amended to read as follows:

Sec. 7-73 B. Hearings

The hearing provided for in this section shall be conducted by the City Manager or his designee ("Hearing Officer") at a time and place designated by the Hearing Officer. Based upon the record of such hearing, the Hearing Officer 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 landord by the Building Official.

SECTION 10. Sec. 7-73 C of the Code of Ordinances of the Town of Addison shall be amended to read as follows:

Sec. 7-73 C. Fees.

The applicant shall not be entitled refunding of a license fee where a permit is suspended or revoked.

SECTION 11. Any person, firm or corporation violating any of the provisions of this Ordinance, shall upon commission be deemed guilty of a misdemeanor, and shall be subject to a fine not to exceed the sum of One Thousand and no/100 Dollars ($1,000.00) for each offense, and each day such violation continues shall constitute a separate offense.

SECTION 12. That should any paragraph, sentence, subdivision, clause, phrase or section of this ordinance be adjudged or be 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 so decided to be invalid, illegal, or unconstitutional.

SECTION 13. That all ordinances of the City in Conflict with the provisions of this ordinance be, and the same are hereby repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 14. The importance of this ordinance creates an emergency and an imperative public necessity, and the ordinance shall take effect and be in force from and after its adoption.

DULY PASSED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS, this the 12th day of February, 1985.

MAYOR

ATTEST:

CITY SECRETARY

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