

ORDINANCE NO. 087-061

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING CHAPTER 7, HOUSING, OF THE CODE OF ORDINANCES, TOWN OF ADDISON, TEXAS, PROVIDING FOR DEFINITIONS; PROVIDING FOR APARTMENT LICENSE FEE AMOUNT; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR PENALTIES; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 7 of the Code of Ordinances, Town of Addison, Texas, is hereby amended by amending Sec. 7-36 to read as follows:

Sec. 7-36. Definitions.

For the purpose of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section.

"Actor" means a Person identified in a complaint as having committed an offense under this article or whose criminal responsibility is in issue in a criminal action.

"Apartment Building" means any structure containing four (4) or more Dwelling Units for rent for periods of time of thirty (30) or more consecutive days in one (1) calendar year.

"Apartment Complex" means one or more adjacent Apartment Buildings which are under common ownership and management.

"Bathroom" means an enclosed space containing one or more bathtubs, showers or both, and which may also include toilets, lavatories or fixtures serving similar purposes.

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

" Dwelling Unit" means a structure or that part of a structure which is used as a home, residence of sleeping place by one or by two (2) or more Persons, maintaining a common household, to the exclusion of all others.

"Floor Space" means the total area of all Habitable Space.

"Habitable Space" means the space occupied by one or more persons while living, sleeping, eating and cooking, excluding Kitchenettes, Bathrooms, toilet rooms, laundries, pantries, dressing rooms, closets, storage spaces, foyers, hallways, utility rooms, heater rooms, boiler rooms and basement or cellar recreation rooms.

"Kitchen" means a space sixty (60) square feet or more in floor area with a minimum width of five (5) feet, used for cooking or preparation of food.

"Kitchenette" means a space, less than sixty (60) square feet in floor area, used for cooking or preparation of food.

"Landlord" means the Owner, Property Manager or Resident Manager of an Apartment Building or any other Person held out by any Owner or Property Manager as the appropriate Person whom the Tenant normally deals with concerning the Rental Agreement or Apartment Building.

"Lender" means any Person who holds a mortgage, deed of trust or any other security interest in the Premises.

"Owner" means a person claiming, or in whom is vested, the ownership, dominion or title of real property upon which are located four (4) or more Dwelling Units, including, but not limited to:

- (1) holder of fee-simple title;
- (2) holder of life estate;
- (3) holder of a leasehold estate for an initial term of five (5) years or more;
- (4) the buyer in a contract for deed;

- (5) a mortgagee, receiver, executor or trustee in control of real property, but not including the holder of a leasehold estate or tenancy for an initial term of less than five (5) years.

"Person" includes an individual, corporation, business trust, estate, trust, partnership or association, two (2) or more persons having a joint or common interest or any other legal or commercial entity.

"Plumbing Fixtures" includes gas pipes, water pipes, toilets, lavatories, sinks, laundry tubs, dishwashers, garbage disposal units, clothes washing machines, catch basins, wash basins, bathtubs, shower baths, sewer pipes, sewage systems, septic tanks, drains, vents, traps and other fuel-burning or water-using fixtures and appliances, together with all connections to pipes.

"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 who for compensation has managing control of real property for the Owner.

"Rental Agreement" means and includes all written agreements which establish or modify the terms, conditions, rules, regulations or any other provisions concerning the use and occupancy of a Dwelling Unit.

"Resident Manager" means a Property Manager or agent of a Property Manager who resides in an Apartment Building.

"Structure" means that which is built or constructed, an edifice or building of any kind or any piece of work artificially built up or composed of parts joined together in some definite manner.

"Tenant" means any person who occupies a Dwelling Unit for living or dwelling purposes with the Landlord's consent.

SECTION 2. That Chapter 7 of the Code of Ordinances, Town of Addison, Texas, is hereby amended by amending Sec. 7-59 to read as follows:

Sec. 7-59. Fee--Amount Generally. The annual fee for an Apartment Complex license shall be One and 50/100 Dollars (\$1.50) for each Dwelling Unit located therein with a minimum fee per Apartment Complex of Seventy-Five Dollars (\$75.00). The fee for a license issued during the year will be prorated on the basis of whole months. This section will become effective as of October 1, 1987.

SECTION 3. 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 4. 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 5. Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by a penalty of fine only not to exceed the sum of Four Hundred Dollars (\$400.00) for each offense, and each and every day such offense is continued shall constitute a new and separate offense.

SECTION 6. The fact that the present code of Ordinances does not provide for apartment license fee amounts and is therefore, inadequate to properly safeguard the general public health and safety, creates an emergency and an imperative public

necessity, and the ordinance shall take effect and be in force from and after its adoption.

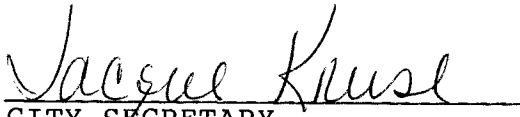
DULY PASSED by the City Council of the Town of Addison, Texas, this the 22nd day of September, 1987.

APPROVED:



MAYOR

ATTEST:



CITY SECRETARY