

**ORDINANCE NO. 6126**

**AN ORDINANCE AMENDING CHAPTER 32, "NEIGHBORHOOD SANITATION AND HOUSING STANDARDS", OF THE CODE OF ORDINANCES OF THE CITY OF GARLAND, TEXAS; PROVIDING A PENALTY CLAUSE, A SAVINGS CLAUSE, AND A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GARLAND, TEXAS:**

**Section 1**

That Sec. 32.01(B) of Chapter 32 "Neighborhood Sanitation and Housing Standards", of the Code of Ordinances of the City of Garland, Texas, is hereby amended to read as follows:

"(B) Approved Repairs means such repairs as may be necessary to attain compliance with the requirements of this Code, performed in a good and workmanlike manner, and done in accordance with generally accepted standards and by using materials and methods commonly used by persons engaged in the making of such repairs in a professional manner."

**Section 2**

That Sec. 32.01(E) of Chapter 32 "Neighborhood Sanitation and Housing Standards", of the Code of Ordinances of the City of Garland, Texas, is hereby amended to read as follows:

"*Comfortable Temperature Zone* means no less than 68 degrees Fahrenheit and no more than 81 degrees Fahrenheit."

**Section 3**

That Sec. 32.01(M) of Chapter 32 "Neighborhood Sanitation and Housing Standards", of the Code of Ordinances of the City of Garland, Texas, is hereby amended to read as follows:

"(M) Owner means, subject to the provisions of Sec. 10.05(C) of this Code, a person in whom is vested the ownership or title of real property, including, but not limited to:

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

- (4) after the third year of the buyer's occupancy, the buyer in a contract for deed;
- (5) a mortgagee, receiver, executor, or trustee in control of real property; and
- (6) the named grantee in the last recorded deed;

but not including the holder of a leasehold estate or tenancy for an initial term of less than five years.”

#### **Section 4**

That Sec. 32.02(F) of Chapter 32 “Neighborhood Sanitation and Housing Standards”, of the Code of Ordinances of the City of Garland, Texas, is hereby amended to read as follows:

“(F) A violation listed in a notice of violation issued under subsection (E) shall be corrected in accordance with the time specified in the notice of violation, subject to the following:

- (1) A life-safety violation shall be corrected within 24 hours of the issuance of the notice of violation;
- (2) A minimum of 72 hours shall be allowed for the correction of a critical violation; and
- (3) A minimum of 30 days shall be allowed for the correction of a non-critical violation.”

#### **Section 5**

That Sec. 32.03(A)(3) of Chapter 32 “Neighborhood Sanitation and Housing Standards”, of the Code of Ordinances of the City of Garland, Texas, is hereby amended to read as follows:

“(3) Faulty or insufficient smoke detectors. Each dwelling unit within a multifamily dwelling, and each single-family residential dwelling regulated under Sec. 32.09 shall be equipped with at least one smoke detector on each floor of the dwelling unit or single-family residential dwelling and within each sleeping room. Unless otherwise required by the building code applicable at the time of construction, a smoke detector may be either battery-operated or hard-wired.

All required smoke detectors shall be maintained in proper working order. It shall be unlawful for any person including, without limitation, an occupant of a dwelling, to render a smoke detector inoperable by removal of the batteries or other source of power for the smoke detector except during battery replacement or repairs to the smoke detector.”

## Section 6

That Sec. 32.03(A)(4) of Chapter 32 "Neighborhood Sanitation and Housing Standards", of the Code of Ordinances of the City of Garland, Texas, is hereby amended to read as follows:

- "(4) *Improperly Maintained Roofs.* Roofs shall be maintained in good condition to prevent buckling, rotting, curling or other defects. In the event that an improperly maintained roof is found to be failing, the City may require the repair or replacement of the roof to prevent consequential damage to the structure. Roof replacement materials, if not replaced on the entirety of the surface, shall be of similar material and color as the existing roof. Roof defects, when accompanied by other minimum housing violations, shall establish grounds for an interior inspection of the dwelling to determine failure of the roof and the existence of other deficiencies related thereto."

## Section 7

That Sec. 32.04(B)(5) of Chapter 32 "Neighborhood Sanitation and Housing Standards", of the Code of Ordinances of the City of Garland, Texas, is hereby repealed.

## Section 8

That Sec. 32.04(D)(2) of Chapter 32 "Neighborhood Sanitation and Housing Standards", of the Code of Ordinances of the City of Garland, Texas, is hereby amended to read as follows:

- "(2) *Electrical power.* If electrical power is available, the dwelling unit shall be connected to such electrical power. Every habitable room shall contain at least two (2) supplied electrical convenience outlets or one (1) convenience outlet and one (1) supplied electrical light fixture. Every bathroom, laundry room, and public hallway shall contain at least one (1) supplied electric light fixture. Electric circuits and outlets shall be maintained in operating condition and shall be sufficient to safely carry a load consistent with the standards contained in the version of the National Electric Code most recently adopted by the City."

## Section 9

That Sec. 32.04(E)(2) of Chapter 32 "Neighborhood Sanitation and Housing Standards", of the Code of Ordinances of the City of Garland, Texas, is hereby amended to read as follows:

- “(2) Every sleeping room below the fourth story shall have at least one operable window or exterior door for emergency egress. The window or exterior door shall be operable from inside the dwelling without the use of tools or separate devices. All required egress windows and doors shall have the following minimum dimensions:
- (a)(1) A minimum net clear opening of five square feet on the first floor and five and seven-tenths square feet on the second and higher floors;
  - (2) A minimum net clear opening height of twenty- four inches;
  - (3) A minimum net clear opening width of twenty inches; and
  - (4) If the required opening is a window, a finished sill height of not more than forty-four inches above the floor; or
- (b) The minimum dimensions required by law applicable at the time the dwelling was constructed.

#### **Section 10**

That Sec. 32.53(D) of Chapter 32 “Neighborhood Sanitation and Housing Standards”, of the Code of Ordinances of the City of Garland, Texas, is hereby amended to read as follows:

- “(D) *Outdoor Decorative Lighting.* It shall be an offense for a person to use by energizing any decorative outdoor lighting that:
- (1) Violates the currently adopted version of the National Electric Code; or
  - (2) Was manufactured as conforming to UL Standard 588 and which shows evidence of deterioration indicating that the outdoor lighting has been outdoors for more than 90 days.”

#### **Section 11**

That Sec. 32.53(G) of Chapter 32 “Neighborhood Sanitation and Housing Standards”, of the Code of Ordinances of the City of Garland, Texas, is hereby amended by adding subsection (G)(5) to read as follows:

- “(5) This section does not apply to a shopping cart owned by an individual for personal use.”

## Section 12

That Sec. 32.57(A) of Chapter 32 "Neighborhood Sanitation and Housing Standards", of the Code of Ordinances of the City of Garland, Texas, is hereby amended to read as follows:

"(A) For the purposes of this section:

- (1) *catering truck* means a vehicle from which approved, prepackaged foods are sold or conveyed in such a manner that no direct food contact results.
- (2) *mobile food unit* means a vehicle-mounted food service establishment designed to be readily movable.
- (3) *modified vehicle* means and includes a flatbed truck with or without side rails, a truck with permanently mounted equipment including, but not limited to, aerial buckets, platforms, welding equipment, mechanical or hydraulic devices designed to assist in loading or unloading freight or the transporting of other vehicles, and all other truck bodies that are not the standard truck body installed by the original truck manufacturer. The term does not include a passenger vehicle which has been altered to assist the disabled.
- (4) *oversized vehicle* means a tow-truck (wrecker), truck tractor, road tractor, semi-trailer (whether or not attached to a truck tractor or a road tractor), trailer greater than 18 feet in length (whether or not attached to a truck, truck tractor or a road tractor), passenger motor vehicle designed to carry more than 16 persons (including the driver), and includes any modified vehicle with a manufacturer's rating of 9,000 GWT (gross weight) or higher. The term does not include any motor vehicle owned or operated by a governmental entity, a vehicle for recreational use, or a vehicle owned or used by a church for church purposes.
- (5) *vehicle for recreational use* means a motor vehicle designed as a temporary living quarters for recreational travel or vacation use, a boat or personal watercraft, and a motorcycle or all-terrain vehicle designed or equipped only for off-road use. The term includes a travel trailer, camping trailer, truck camper, motor home, trailers used to carry boats, personal watercraft, motorcycles and all-terrain vehicles, and utility trailers of not more than 18 feet in length which do not contain equipment or materials that are associated with an occupation..
- (6) *residential zone* means any property zoned single family, duplex, multifamily or planned development for single family, duplex or multifamily uses. The term includes both private and public property within such zoning districts.

- (7) *utility trailer* shall mean an enclosed or open cargo trailer designed for the transportation of a variety of products, goods, livestock or vehicles.”

### **Section 13**

That Sec. 32.57(E) of Chapter 32 “Neighborhood Sanitation and Housing Standards”, of the Code of Ordinances of the City of Garland, Texas, is hereby amended to read as follows:

“(E) A person commits an offense if the person parks or stands or allows the parking or standing of a catering truck, mobile food unit, or utility trailer that contains equipment or materials used in the person’s occupation at any place within a residential zone.”

### **Section 14**

That Sec. 32.81(F)(2)(b) of Chapter 32 “Neighborhood Sanitation and Housing Standards”, of the Code of Ordinances of the City of Garland, Texas, is hereby amended to read as follows:

“(b) inoperable and has remained inoperable for more than:

- (i) 72 consecutive hours, if the vehicle is on public property; or
- (ii) 60 consecutive days, if the vehicle is on private property.”

### **Section 15**

That Sec. 32.84(A)(3) of Chapter 32 “Neighborhood Sanitation and Housing Standards”, of the Code of Ordinances of the City of Garland, Texas, is hereby amended to read as follows:

- “(3) for a prosecution under Section 32.83(B), has had a flat tire, missing wheel or is supported by a jack, jack stand, block or other means for less than 72 hours; or”

### **Section 16**

That Sec. 32.84(A) of Chapter 32 “Neighborhood Sanitation and Housing Standards”, of the Code of Ordinances of the City of Garland, Texas, is hereby amended by adding subsection (A)(4) to read as follows:

"(4) is under repair, if the owner shows reasonable progress within the preceding 30 days toward repairing the vehicle to an operable condition and the vehicle is covered while not under repair with a cover appropriate for the style and type of vehicle."

**Section 17**

That a violation of any provision of this Ordinance shall be a misdemeanor punishable in accordance with Sec. 10.05 of the Code of Ordinances of the City of Garland, Texas.

**Section 18**

That Chapter 32 "Neighborhood Sanitation and Housing Standards", of the Code of Ordinances of the City of Garland, Texas, as amended, shall be and remain in full force and effect save and except as amended by this Ordinance.

**Section 19**

That the terms and provisions of this Ordinance are severable and are governed by Sec. 10.06 of the Code of Ordinances of the City of Garland, Texas.

**Section 20**

That this Ordinance shall be and become effective immediately upon and after its passage and approval.

**PASSED AND APPROVED** this the 1st day of May, 2007.

**CITY OF GARLAND, TEXAS**

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Mayor

**ATTEST:**

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City Secretary