

ORDINANCE NO.

AN ORDINANCE REPEALING AND REPLACING ARTICLE 9 OF CITY CODE CHAPTER 25-12 (TECHNICAL CODES) TO ADOPT THE 2024 INTERNATIONAL PROPERTY MAINTENANCE CODE AND LOCAL AMENDMENTS; AND CREATING OFFENSES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. City Code Chapter 25-12 is amended to repeal Article 9 (*Property Maintenance Code*) and replace it with a new Article 9 to read as follows:

ARTICLE 9. PROPERTY MAINTENANCE CODE.

§ 25-12-211 PROPERTY MAINTENANCE CODE.

- (A) The International Property Maintenance Code, 2024 Edition, published by the International Code Council ("2024 International Property Maintenance Code") is adopted and incorporated by reference into this section with the deletions in Subsection (B) and amendments in Section 25-12-213 (*Local Amendments to the International Property Maintenance Code*).
- (B) The following provisions of the 2024 International Property Maintenance Code are deleted. A subsection contained within a deleted section or subsection is not deleted, unless specifically listed below.

101.1	102.3	103.1
103.2	103.3	104.1
104.2	105.2	105.3
105.3.1	105.8	106.1
106.2	106.3	106.4
107.1	107.3	107.4
107.5	108.4	109.1
109.1.3	109.2	109.2.1
109.4	109.4.1	109.4.2
109.6	109.7	109.7.1

109.8	110.1	110.2
110.5	110.6	111.1
111.4	201.3	201.5
302.3	302.6	302.9
304.3	304.5	304.7
304.14	304.19	305.1
305.1.1	307.1	309.1
309.4	401.3	404.4.1
404.5	502.2	504.3
505.1	505.4	602.2
602.3	602.4	604.2
604.3	604.3.1.1	604.3.2.1
605.3	605.4	702.1
702.2	702.3	702.4
704.1		

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(C) The city clerk shall retain a copy of the 2024 International Property Maintenance Code with the official ordinances of the City of Austin.

§ 25-12-213 LOCAL AMENDMENTS TO THE INTERNATIONAL PROPERTY MAINTENANCE CODE.

The following provisions are local amendments to the 2024 International Property Maintenance Code. Each provision of this section is a substitute for any identically numbered provision of the 2024 International Property Maintenance Code deleted by Section 25-12-211(B) (*Property Maintenance Code*) or is an addition to the 2024 International Property Maintenance Code.

101.1 Title. These regulations are known as the City of Austin Property Maintenance Code and are referred to as the "Property Maintenance Code" or "this code."

31 **102.3 Application of other codes.** Repairs, additions or alterations to a structure, or
32 changes of occupancy, must be done in accordance with the procedures and provisions
33 of Title 25 (*Land Development Code*).

34 **103.1 General.** The City Manager must designate the department or departments charged
35 with enforcement of this code.

36 **103.2 Designation.** The City Manager must designate a code official.

37 **103.3 Inspectors.** The code official may designate inspectors to assist with enforcement
38 of this code. Such employees must have powers and duties delegated by the code official.

39 **104.1 Costs.** The City may assess a property owner for costs incurred to demolish, board,
40 fence, secure, vacate, relocate occupants, repair, treat, remediate or similar action
41 identified in this code. This includes the costs incurred because a property owner fails to
42 comply with a Commission order. Unless exempted by the Texas Constitution, the
43 expense incurred by the City under this code may be recorded as a lien against the real
44 property on which the building, structure, or noncompliant condition is located, with
45 interest on the unpaid balance to accrue at the maximum rate allowed by law.

46 **104.2 Funds.** Unless otherwise provided for or directed by a Commission order, a cost
47 incurred by the city or its agent to repair, remediate, vacate, relocate occupants from,
48 secure, or clean a structure, building, or property because an owner fails to comply with a
49 Commission order must be paid from demolition funds budgeted by the city council.

50 **105.2 Inspections.** The code official is authorized to make inspections and may consider
51 written inspection reports prepared and certified by approved agencies or individuals. The
52 code official is authorized to engage such expert opinion as deemed necessary to report
53 upon unusual technical issues that arise.

54 **105.3 Right of Entry.** Whenever it is necessary to make an inspection to enforce the
55 provisions of this code, or whenever the code official has reasonable or probable cause to
56 believe that a violation exists in a structure or upon a premises, the code official is
57 authorized to enter the structure or premises at reasonable times to inspect or perform the
58 duties authorized by this code or City Code. An owner or other authorized individual may
59 refuse to consent to an inspection conducted by the code official. If consent is refused,
60 the code official may seek an administrative search warrant authorized by Article 18 of

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62 the Texas Code of Criminal Procedure (*Search Warrants*) and City Code Section 2-10-1
63 (*Jurisdiction and Authority*). Nothing in this code limits the ability of the code official to
64 inspect as necessary or as authorized by other law.

65 **105.8 Commencement of Proceedings.** Whenever the code official finds that a structure
66 or premise is substandard or dangerous, the code official is authorized to begin
67 proceedings to cause the repair, rehabilitation, vacation, demolition, removal, boarding or
68 fencing or other means of closure of the building, structure, or premise.

69 **105.9 Corrective Action.** The code official is authorized to require the owner of the
70 property or other responsible person to take action to correct a violation of this code. If
71 the owner or other responsible person does not take corrective action within a specified
72 time period, the code official may serve notice to the person(s) to appear before the
73 Building and Standards Commission to show cause why the structure or premise should
74 not be ordered repaired, boarded, fenced, vacated, occupants relocated, or demolished.

75 **106.1 Appeal.** A person affected by a notice may appeal the violation findings contained
76 in the notice to the Building and Standards Commission.

77 **106.2 Deadline to Appeal.** An appeal must be submitted to the code official within 20
78 days from the date the notice is mailed by the City. It is presumed the City mailed the
79 notice on the date printed on the notice.

80 **106.3 Requirements.** An appeal must be in writing and must contain a brief statement
81 identifying the notice or action being appealed, setting forth any facts supporting the
82 appeal, describing the relief sought, and presenting the reasons why the appealed notice
83 or action should be reversed, modified or otherwise set aside. A request for additional
84 time to comply with the notice due to financial inability or other extenuating
85 circumstance is not a proper basis for appeal.

86 **106.4 Effect of an appeal.** Unless otherwise provided in this code or, in the opinion of
87 the code official, a delay would present an immediate danger or unreasonable risk to any
88 person or property, filing an appeal stays further City action under the notice being
89 appealed.

90 **107.1 Unlawful acts.** A person that fails to comply with this code, a notice of violation
91 issued under this code, or an order issued under this code commits an offense.

92 **107.3 Prosecution of a violation.** A violation of this code is a misdemeanor punishable
93 as set forth in City Code Section 25-1-462 (*Criminal Enforcement*). The filing of a
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95 criminal action does not preclude the pursuit of a civil, quasi-judicial, or administrative
96 action for violation of this code.

97 **108.4 Criminal Offense and Penalty.** A person commits an offense if the person fails to
98 comply with a stop work order issued by the code official. Each day that a person fails to
99 comply with a stop work order is a separate occurrence. An offense under this section is a
100 class C misdemeanor. The maximum penalty must be \$500 per offense, per occurrence.
101 Proof of a culpable mental state is not required for conviction of an offense under this
102 section.

103 **109.1 General.** When the code official finds a structure, premise, or equipment is unsafe,
104 is unfit for human occupancy, or is unlawful, such structure, premise, or equipment must
105 be subject to the provisions of this code. If the code official finds a structure unsafe, the
106 owner of the property shall provide an action plan for repairs to the code official and
107 provide approved accommodations for the occupants of the structure within two days of
108 receiving notice.

109 **109.1.3 Structure Unsafe for Human Occupancy.** A structure is unfit for human
110 occupancy whenever the code official finds that such structure is unsafe, unlawful or,
111 because of the degree to which the structure is in disrepair or lacks maintenance, is
112 insanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation,
113 illumination, sanitary, cooling facilities or heating facilities or other essential equipment
114 required by this code, or because the location of the structure constitutes a hazard to the
115 occupants of the structure or to the public. If the code official finds a structure unsafe, the
116 owner of the property shall provide an action plan for repairs to the code official and
117 provide approved accommodations for the occupants of the structure within two days of
118 receiving notice.

120 **109.2 Closing of vacant structures.** If a structure is determined to be unsafe, dangerous,
121 or unfit for human habitation, the code official is authorized to post an unsafe or
122 dangerous placard on the premises and shall order the structure to be secured so as not to
123 be an attractive nuisance through any available public agency or by contract or
124 arrangement by private persons. The cost thereof shall be charged against the real estate
125 upon which the structure is located and shall be recorded as a lien upon such real estate
126 and shall be collected by any other legal resource.

127 **109.2.1 Utility Termination Authorized.** The code official may request utility
128 termination for a structure or premise as provided for under the applicable provisions of
129 state law and City Code. Provisions of state law and City Code regarding notice and
130 appeal of utility termination apply to a utility terminated under this section.

131 **109.4 Notice to person responsible.** Whenever the code official determines that a
132 violation of this code exists or has grounds to believe that a violation exists, notice will

133 be issued and served as set forth in applicable state law, City Code, and this code. Failure
134 of the code official to serve any person required to be served does not invalidate any
135 proceedings as to any other person properly served or relieve that person from any duty
136 or obligation imposed by this code.

137 **109.4.1 Form.** A written notice directed to the owner of record and, if applicable,
138 occupant of the structure or premise notice must:

- 139 1. identify the structure or premise by street address, or provide a description
140 sufficient for identification of the structure or premise;
- 141 2. state that the code official has found the structure or premise to be substandard or
142 dangerous, with a summary description of the applicable provisions of this code
143 and the alleged violations;
- 144 3. specify the corrective measures required to bring the structure or premise into
145 compliance with applicable provisions of this code;
- 146 4. provide a time period for compliance;
- 147 5. include a description of the applicable appeal procedures; and
- 148 6. include a provision stating that a translation will be provided on request if the
149 recipient is not able to read the notice in English.

150 **109.4.2 Method of Service.** Required notices must be served via any method or
151 combination of methods permitted in state law, City Code, and this code.

152 **109.4.3 Property Manager.** The code official may also provide a copy of any notice sent
153 to a property owner to the manager of the property. On receipt of a copy of the notice
154 under this section, a property manager must notify the owner of the specifics of the notice
155 within 10 days and must make every reasonable effort to have the owner correct the
156 violation.

157 **109.6 Responsibility of Owner.** It shall be unlawful for the owner of any dwelling unit
158 or structure who has received a compliance order or upon whom a notice of violation has
159 been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit
160 or structure to another until the provisions of the compliance order or notice of violation
161 have been complied with, or until such owner or the owner's authorized agent shall first
162 furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order
163 or notice of violation issued by the code official.

164 **109.6.1 Responsibility of Purchaser.** A purchaser of a premise subject to a notice, order,
165 or other notification issued under this code and recorded in the real property records of

166 the county where the property is located must comply with the terms of the notice, order,
167 or other notification.

168 **109.6.2 Effect of Transfer.** A transfer of the property does not impact the validity of the
169 notice, order, or other notification.

170 **109.6.3 Duty to comply.** A person has a duty to comply with the provisions,
171 requirements, and prohibitions in this code even if the code official has not served the
172 person with separate notice personally informing the person of the duty to comply with
173 this code.

174 **109.7 Placarding.** A structure or premise vacated under this code will be placarded at
175 each entrance and exit of the structure or premise. The placard must be in substantially
176 the following form:

177 DO NOT ENTER
178 UNSAFE TO OCCUPY
179 IT IS UNLAWFUL TO REMOVE OR DAMAGE THIS NOTICE.
180 CODE OFFICIAL
181 CITY OF AUSTIN

182 **109.7.1 Placard Removal.** Until the required repair, abatement, demolition, or removal
183 is complete, a person may not remove or damage the placard after it is posted by the code
184 official. A required repair, abatement, demolition, or removal is complete when the code
185 official releases the notice or order, or when the building official issues a certificate of
186 occupancy for the structure.

187 **109.8 Prohibited Occupancy.** A person may not remain in or enter any building,
188 structure, or premise that is subject to an order to vacate or is posted with a placard. A
189 person may not induce, allow, or authorize another person to occupy a structure or
190 premise that is subject to an order to vacate or that is posted with a placard.

191 **109.8.1 Affirmative Defense.** It is an affirmative defense to prosecution under this
192 section if a person enters a structure or premise described above to repair, abate,
193 demolish, or remove the structure or condition under an applicable permit.

194 **110.1 Imminent danger.** When, in the opinion of the code official, a condition exists that
195 could cause serious or life-threatening injury or death in the near future, the code official
196 is authorized to recommend the occupants to vacate the premises. A condition means a

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198 structure or part of a structure that has fallen or may fall; a structure or part of a structure
199 that has collapsed or may collapse; the presence of explosives, explosive fumes or
200 vapors, toxic fumes, gases, materials; or the presence of dangerous or defective
201 equipment. If a premise is vacated due to an imminent danger, a notice reading as
202 follows: "This Structure/Premise Is Unsafe To Occupy" must be posted at each entrance
203 to such structure or premise.

204 **110.2 Temporary Safeguards.** The code official may secure a structure before a public
205 hearing is held by the Commission if the code official determines that the structure
206 violates this code; and is unoccupied or is occupied only by persons who do not have a
207 lawful right of possession to the structure.

208 **110.2.1 Notice.**

- 209 1. Before the 11th day after the date a structure is secured or repaired, the code
210 official must give notice of the closure:
- 211 a. by personal service to the owner; or
 - 212 b. by regular mail and certified mail, return receipt requested, to the owner at
213 the owner's last known address; or
 - 214 c. if personal service cannot be obtained and the owner's post office address is
215 unknown, by:
 - 216 i. publication at least twice within a 10-day period in a newspaper of
217 general circulation in the county in which the structure is located, or
 - 218 ii. posting the notice on or near the front door of the structure.
- 219 2. The notice must contain the following:
- 220 a. an identification, which is not required to be a legal description, of the
221 structure and the premise on which it is located;
 - 222 b. a description of the violations of this code or the City Code that are found at
223 the structure;
 - 224 c. a statement that the code official has secured the structure or premise; and
 - 225 d. an explanation of the owner's right to request a hearing about any matter
226 relating to the securing of the structure by the code official.

227 **110.2.2 Appeal of Emergency Closure.** The owner of a structure may appeal an
228 emergency closure to the Commission. An appeal must be in writing and must be
229 provided to the code official within 30 days after the date the code official secured the

230 structure. Unless the appellant, in writing, requests or agrees to postpone the hearing on
231 the appeal to a later date, a hearing on the appeal must be heard at the next available
232 agenda date at which a quorum of the Commission is present.

233 **110.2.3 Costs.** The City may assess costs incurred for emergency closures under this
234 code against the owner of the affected premise and, unless exempted under the Texas
235 Constitution, may secure those costs with a lien against the affected premise.

236 **110.5 Costs of Emergency Repairs.** The City may assess costs incurred for emergency
237 repairs under this code against the owner of the affected premise and, unless exempted
238 under the Texas Constitution, may secure those costs with a lien against the affected
239 premise.

240 **110.6 Appeal of Emergency Repairs.** The owner of a structure may appeal emergency
241 repairs to the Commission. An appeal must be in writing and must be provided to the
242 code official within 30 days after the date the code official repaired the structure. Unless
243 the appellant, in writing, requests or agrees to postpone the hearing on the appeal to a
244 later date, a hearing on the appeal must be heard at the next available agenda date at
245 which a quorum of the Commission is present.

246 **111.1 General.** An owner must demolish and remove a structure, equipment, or property
247 condition if the code official finds:

- 248 1. the structure, equipment, or property condition so deteriorated, dilapidated, or out
249 of repair as to be dangerous, unsafe, unsanitary, or otherwise unfit for human
250 habitation or occupancy; and
- 251 2. it is unreasonable to repair the structure, equipment, or property condition.

252 **111.4 Salvage materials.** If the City demolishes and removes a structure, then the City,
253 or its agent, may sell the salvage and valuable materials at the highest price obtainable.

254 **201.3 Terms defined in other codes.** If a term is not defined in this code but is otherwise
255 defined in Title 25 (*Land Development*), the term has the meaning given in Title 25 (*Land*
256 *Development*).

257 **201.5 Parts.** Whenever the words "dwelling unit," "dwelling," "premises," "boarding
258 house", "building," "rooming unit," "housekeeping unit" or "story" are stated in this code,
259 they shall be construed as though they were followed by the words "or any part thereof."

260 **202.1 Supplemental and replacement definitions.** The definitions in this subsection
261 apply throughout this code and supplement the definitions in Section 202 (*General*
262 *Definitions*) of the 2024 International Property Maintenance Code, as published, unless

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the term is defined in both places, in which case the definition in this subsection replaces and supersedes the definition in Section 202 of the 2024 International Property Maintenance Code.

ACTION PLAN. A written plan that identifies the repairs that are needed, the timeline needed for repairs, alternative methods of compliance, and the projected finish date of the repair.

ACTIVITY. Constructing, enlarging, altering, repairing, moving, demolishing, erecting, installing, removing, converting, or replacing a structure, component of a structure, or any electrical, gas, mechanical, or plumbing system.

ADULT. A person 18 years of age or older.

BED AND BREAKFAST. The use of an owner-occupied single-family residential structure to provide limited meal service and rooms for temporary lodging for overnight guests in return for compensation.

BOARDING HOUSE. A structure, other than a hotel, where lodging and meals are provided for 16 or more adults on a weekly or longer basis in return for compensation. When used in this code, the term Boarding House includes fraternity and sorority houses, dormitories, residence halls, and transient boarding houses.

COMMISSION. The Building and Standards Commission described in Section 2-1-122 (*Building and Standards Commission*) of the City Code.

COMMISSION ORDER. An order issued by the Commission.

COMPENSATION. Any money, thing of value, payment, consideration, reward, tip, donation, gratuity, or profit paid to, accepted, or received by the owner or operator of a lodging establishment; whether paid upon solicitation, demand or contract, or voluntarily, or intended as a gratuity or donation.

DANGEROUS. A condition that violates this code that could cause serious or life-threatening injury or death.

HOTEL. A structure or a part of a structure, in which there are guest rooms, rooming units, or apartments which may be rented on a daily basis and are used primarily for transient occupancy, and for which desk service is provided. In addition, one or more of

293 the following services may be provided: maid, telephone, bellboy, or furnishing of linen.
294 When used in this code, the term hotel includes a motel.

295 **INFESTATION.** The presence, within or contiguous to, a structure or premises of
296 insects, scorpions, bed bugs, rodents, vermin, or other pests.

297 **JUDICIAL ORDER.** An order issued by a court of competent jurisdiction.

298 **ORDER.** A commission order or a judicial order.

299 **PERSONALTY.** Personal property that is not attached to real property.

300 **PREMISE.** A lot, plot or parcel of land, property, or easement. The term includes the
301 structures located on the lot, plot or parcel of land, or easement.

302 **SUBSTANDARD.** A structure or premise that does not comply with this code.

303 **SURCHARGE.** The vertical load imposed on retained soil that may impose a lateral
304 force in addition to the lateral earth pressure of retained soil.

305 **202.2 Nuisance.** Each of the following is declared to be a nuisance for purposes of this
306 code:

- 307 1. Any public nuisance known at common law or in equity jurisprudence.
- 308 2. Any attractive nuisance which may prove detrimental to children whether in a
309 building, on the premises of a building, or on an unoccupied lot. This includes any
310 abandoned wells, shafts, basements, or excavations; abandoned refrigerators and
311 motor vehicles; or any structurally unsound fences or structures; or any lumber,
312 trash, fences, debris, or vegetation which may prove a hazard for inquisitive
313 minors.
- 314 3. Whatever is dangerous to human health or is detrimental to health, as determined
315 by the health officer.
- 316 4. Unsanitary conditions described in City Code Section 10-5-21 (*Duty to Maintain*
317 *Property in a Sanitary Condition*).
- 318 5. A utility room not maintained free of flammable liquids, oil and grease, and other
319 similar materials.
- 320 6. Yards, courts, and vacant lots not maintained clean and free of holes, excavations,
321 dead trees and tree limbs, sharp protrusions, and other objects, conditions and
322 hazards that are reasonably capable of causing injury to a person.
- 323 7. A manufactured residential building, mobile home, or tourist court not maintained
324 in accordance with the provisions of this code, the manufacturer specifications

325 under which the structure was constructed, or Title 25 (*Land Development*) of the
326 City Code.

327 **301.4 General requirement to obtain a permit.** After receiving written notice that an
328 activity was conducted on the premises without the appropriate permit, an owner must
329 obtain a permit for the activity that was conducted without the appropriate permit.

330 **302.3 Sidewalks and driveways (common areas).** All common areas, including, but not
331 limited to, sidewalks, walkways, stairs, driveways, parking spaces, and similar areas shall
332 be kept in a proper state of repair and maintained free from hazardous conditions.

333 **302.6 Exhaust vents.** Pipes, ducts, conductors, fans, dryer vents or blowers shall not
334 discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or
335 particulate wastes directly on abutting or adjacent public or private property or that of
336 another tenant.

337 **302.6.1 Exhaust vents maintained.** Pipes, ducts, conductors, fans, dryer vents, and
338 blowers shall be maintained in good repair and be free from obstructions or debris.

339 **304.3 Address Identification.** A premise must be identified with address numbers that
340 are legible and visible from the street or road. The address numbers must comply with the
341 Fire Code and Fire Criteria Manual.

342 **304.5 Foundation walls.** Foundation walls and foundation skirting shall be maintained
343 plumb and free from open cracks and breaks and shall be kept in such condition to
344 prevent the entry of rodents and other pests.

345 **304.7 Roofs and drainage.** All roof components shall be maintained in good repair and
346 shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate
347 to prevent dampness or deterioration in the walls or interior portion of the structure. Roof
348 drains, gutters, and downspouts shall be maintained in good repair and free from
349 obstructions. Roof water shall not be discharged in a manner that creates a public
350 nuisance.

351 **304.19 Gates.** All exterior gates, components of a gate, operator systems, if provided,
352 and hardware must be maintained in good condition.

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354 **305.1 General.** The interior of a structure and equipment therein shall be maintained in
355 good repair, structurally sound and in a sanitary condition. Occupants shall keep that part
356 of the structure that they occupy or control in a clean and sanitary condition. Every owner
357 of a structure containing a boarding house, housekeeping units, a hotel, a dormitory, two

358 or more dwelling units or two or more nonresidential occupancies, shall maintain, in a
359 clean and sanitary condition, the shared or public areas of the structure and exterior
360 property.
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362 **305.1.1 Unsafe conditions.** The following conditions violate this code and are declared
363 unsafe:

- 364 1. A structure or a component of a structure cannot perform as intended;
- 365 2. A wall or column is not anchored to support a floor or roof;
- 366 3. Structural members, including stairs, landings, decks, balconies, walking surfaces,
367 handrails, and guardrails, cannot perform as intended;
- 368 4. Structural members, including stairs, landings, decks, balconies, walking surfaces,
369 handrails, and guardrails, are not anchored to support use of the structural member;
370 or
- 371 5. Any portion of the foundation system is not supported by footings, is not supported
372 by adequate soil, has cracks or breaks, or is not adequately anchored.
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375 **Exception:** If a person, using an approved method, establishes that the condition is safe,
376 then the condition does not violate this code.
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380 **307.1 General.** Handrails and guards shall be maintained in good repair and in
381 accordance with the Building Code in effect at the time of construction.

382 **307.3 Openings.** Any openings in guards must be spaced in accordance with the
383 Building Code in effect at the time of construction. If guards were not required at the
384 time of construction, the openings must be spaced in a manner to prevent a four inch or
385 larger sphere from passing between the openings.

386 **309.1 Infestation.** Structures shall be kept free from insect, scorpion, bed bug, and rodent
387 infestation. Where insects, scorpions, bed bugs, and rodents are found, they shall be
388 immediately exterminated by approved processes that will not be injurious to human
389 health. After pest elimination, proper precautions shall be taken to eliminate insect,
390 scorpion, bed bug, and rodent harborage and prevent reinfestation.

391 **309.1.1 Exception.** The keeping, maintenance or management of common domestic
392 honeybee colonies, *Apis mellifera* species, must be in accordance with City Code Chapter
393 3-6 (*Beekeeping*).

394 **309.4 Multiple occupancy.** The owner of a structure containing two or more dwelling
395 units, a multiple occupancy, a boarding house or a nonresidential structure shall be
396 responsible for pest elimination in the public or shared areas of the structure and exterior
397 property. If infestation is caused by failure of an occupant to prevent such infestation in
398 the area occupied, the occupant and owner shall be responsible for pest elimination.

399 **401.3 Alternative devices.** Artificial light or mechanical ventilation that complies with
400 the applicable Building Code or Residential Code requirements is authorized as an
401 alternative to the requirements for natural light and ventilation prescribed in Sections 402
402 and 403.

403 **404.4.1 Room area.** Except for qualifying efficiency units, a bedroom must contain at
404 least 70 square feet; and a bedroom occupied by more than two adults must contain at
405 least 120 square feet plus an additional 50 square feet for each adult in excess of three.

406 **404.5 Unsafe occupancy.** The number of persons occupying a dwelling unit must not
407 create conditions that, in the opinion of the code official, endanger the life, health, safety,
408 or welfare of the occupants.

409 **501.3 General requirement to obtain a permit.** After receiving written notice that an
410 activity was conducted on the premises without the appropriate permit, an owner must
411 obtain a permit for the activity that was conducted without the appropriate permit.

412 **502.2 Boarding houses.** Not less than one water closet, lavatory and bathtub or shower
413 shall be supplied for each four rooming units.

414 **504.3 Plumbing system hazards.** Where it is found that a plumbing system in a structure
415 constitutes a hazard to the occupants or the structure by reason of inadequate service,
416 inadequate venting, cross connection, back siphonage, improper installation,
417 deterioration, or damage or for similar reasons, the code official shall require the defects
418 to be corrected to eliminate the hazard. If the code official finds a structure unsafe, the
419 owner of the property shall provide an action plan for repairs to the code official and
420 provide approved accommodations for the occupants of the structure within two days of
421 notice.

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423 **505.1 General requirements for water systems.** A sink, lavatory, bathtub or shower,
424 drinking fountain, water closet, or other plumbing fixture must be properly connected to
425 either a public water system or to an approved private water system. A kitchen sink,
426 lavatory, laundry facility, bathtub, and shower must be supplied with hot or tempered and
427 cold running water in accordance with the Plumbing Code.

428 **505.4 Water heating facilities.** A water heating facility must be properly installed,
429 maintained and capable of providing an adequate amount of water to be drawn at each

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430 sink, lavatory, bathtub, shower, and laundry facility at a temperature of not less than
431 110°F (43°C). If the code official finds a structure unsafe, the owner of the property shall
432 provide an action plan for repairs to the code official and provide approved
433 accommodations for the occupants of the structure within two days of notice.

434 **505.4.1 Compliance.** A water heating facility in a structure with one or more dwelling
435 units complies with the requirement in Section 505.4 if the temperature of the water
436 drawn at the kitchen sink reaches 110°F (43°C) within three minutes.

437 **505.4.2 Valves.** A relief valve discharge pipe and approved combination temperature and
438 pressure-relief valve must be properly installed and maintained on water heaters.

439 **505.4.3 Gas-burning water heater.** Unless installed in a sealed enclosure with adequate
440 combustion air that does not take air from the living space, a gas-burning water heater
441 must not be located in a bathroom, toilet room, bedroom, or other occupied room that is
442 normally kept closed when in use. Direct vent water heaters are not required to be
443 installed within an enclosure.

444 **601.3 General requirement to obtain a permit.** After receiving written notice that an
445 activity was conducted on the premises without the appropriate permit, an owner must
446 obtain a permit for the activity that was conducted without the appropriate permit.

447 **602.2 Residential occupancies.** Heating facilities that are capable of maintaining a room
448 temperature of 68°F (20°C) in habitable spaces, bathrooms, and toilet rooms are required
449 in each dwelling unit. Cooking appliances and unvented fuel-burning space heaters
450 cannot be used to meet or maintain the room temperature required by this section. A
451 portable electric space heater may be used on a temporary basis if used consistent with
452 manufacturer's specifications. If the code official finds a structure unsafe, the owner of
453 the property shall provide an action plan for repairs to the code official and provide
454 approved accommodations for the occupants of the structure within two days of notice.

455 **602.3 Heat supply.** An occupied commercial structure that includes dwelling units or
456 sleeping units must maintain a temperature of at least 68°F (20°C) in all habitable areas,
457 bathrooms, and toilet rooms.

458 **602.4 Occupiable work spaces.** Except as otherwise provided, an occupied commercial
459 structure with indoor occupiable work spaces must maintain a temperature of not less
460 than 65°F (18°C) during the period the spaces are occupied.

461 **602.4.1 Processing, storage, and operation.** A commercial structure with areas that
462 require cooling or special temperature conditions are not required to maintain the
463 temperature in Section 602.4.

464 **602.4.2 Physical activities.** Areas within a commercial structure where persons are
465 primarily engaged in vigorous physical activities are not required to maintain the
466 temperature in Section 602.4.

467 **603.7 Cooling Facilities Required.**

468 (A) An owner shall:

- 469 (i) Provide and maintain, in operating condition, refrigerated air equipment
470 capable of maintaining a room temperature of at least 15 degrees cooler than
471 the outside temperature, but in no event higher than 85°F in each habitable
472 room.
- 473 (ii) Maintain all air conditioning systems, including air conditioning unit covers,
474 panels, conduits, and disconnects, properly attached, and in operating
475 condition.

476 (B) The required room temperature shall be measured 3 feet (914mm) above the floor
477 near the center of the room and 2 feet (610mm) inward from the center of each
478 exterior wall.

479 (C) It is a defense to prosecution under this paragraph that at least one habitable room
480 is 85°F, if the outside temperature is over 110°F.

481 **604.2 Service.** In accordance with NFPA 70, the size and usage of appliances and
482 equipment determines the need for additional electrical facilities. If the electrical system
483 is defective or damaged, a dwelling unit must be served by an electrical service with a
484 rating of at least 100 amperes.

485 **604.3 Electrical System hazards.** If the code official finds that the electrical system in
486 the structure constitutes a hazard to the occupants or the structure by reason of inadequate
487 service, the owner of the property shall provide an action plan for repairs to the code
488 official and provide approved accommodations for the occupants of the structure within
489 two days of receiving notice.

490 **604.3.1.1 Electrical equipment.** Electrical distribution equipment, motor circuits, power
491 equipment, transformers, wire, cable, flexible cords, wiring devices, ground fault circuit
492 interrupters, surge protectors, molded case circuit breakers, low-voltage fuses, luminaires,
493 ballasts, motors and electronic control, signaling and communication equipment that are
494 exposed to water must be replaced in accordance with the provisions of the Electrical
495 Code.

496 **Exception:** The following equipment may be repaired when an inspection report from the
497 equipment manufacturer or approved manufacturer's representative indicates that the
498 equipment has not sustained damage that requires replacement:

- 499 1. Enclosed switches, rated 600 volts or less;
- 500 2. Busway, rated 600 volts or less;
- 501 3. Panelboards, rated 600 volts or less;
- 502 4. Switchboards, rated 600 volts or less;
- 503 5. Fire pump controllers, rated 600 volts or less;
- 504 6. Manual and magnetic motor controllers;
- 505 7. Motor control centers;
- 506 8. Alternating current high-voltage circuit breakers;
- 507 9. Low-voltage power circuit breakers;
- 508 10. Protective relays, meters and current transformers;
- 509 11. Low- and medium-voltage switchgear;
- 510 12. Liquid-filled transformers;
- 511 13. Cast-resin transformers;
- 512 14. Wire or cable that is suitable for wet locations and whose ends have not been
513 exposed to water;
- 514 15. Wire or cable, not containing fillers, that is suitable for wet locations and whose
515 ends have not been exposed to water;
- 516 16. Luminaires that are listed as submersible;
- 517 17. Motors;
- 518

519 18. Electronic control, signaling and communication equipment.

520 **604.3.2.1 Electrical equipment.** Electrical switches, receptacles and fixtures, including
521 furnace, water heating, security system and power distribution circuits that are exposed to
522 fire, must be replaced in accordance with the provisions of the Electrical Code.

523 **Exception:** Electrical switches, receptacles and fixtures may be repaired where an
524 inspection report from the equipment manufacturer or approved manufacturer's
525 representative indicates that the equipment has not sustained damage that requires
526 replacement.

527 **605.3 Luminaires.** Luminaires must be maintained in good condition and in accordance
528 with the applicable code(s) in effect at the time of construction.

529 **605.4 Wiring.** Except as otherwise provided, flexible cords, including extension cords,
530 must not be:

- 531 1. Used for permanent wiring;
- 532 2. Used for running through doors, windows, or cabinets; or
- 533 3. Concealed within walls, floors, or ceilings.

534 **Exception:** A flexible cord used as permanent wiring, for running through doors,
535 windows, or cabinets, or to be concealed within walls, floors, or ceilings complies with
536 this code if the flexible cord was manufactured for such use and was installed as part of a
537 project permitted by the City. For purposes of this exception, a project permitted by the
538 City means the project passed all required inspections, was completed by a licensed
539 electrician, and was installed consistent with the manufacturer's specifications.

540 **702.1 General requirements for egress.** A safe, continuous, and unobstructed path of
541 travel must be provided from any point in a structure to the public right-of-way. Means of
542 egress must comply with this code as well as applicable provisions of the Fire Code, the
543 Building Code and the Residential Code.

544 **702.2 Aisles.** Aisles must be unobstructed to achieve the width required in the Fire Code,
545 the Building Code and the Residential Code.

546 **702.3 Locked doors.** Except for door hardware that conforms to the applicable Building,
547 Fire, or Residential Code, doors used for egress must be readily openable from the side
548 used to exit a structure. Readily openable means a door that can be opened without the
549 need for keys, special knowledge, or effort.

550 **702.4 Emergency escape openings.** Required emergency escape openings shall be
551 maintained in accordance with the code in effect at the time of construction, and the
552 following:

- 553 1. Required emergency escape and rescue openings shall be operational from the
554 inside of the room without the use of keys or tools.
- 555 2. Bars, grilles, grates or similar devices are permitted to be placed over emergency
556 escape and rescue openings provided the minimum net clear opening size complies
557 with the code that was in effect at the time of construction and such devices shall
558 be releasable or removable from the inside without the use of a key, tool or force
559 greater than that which is required for normal operation of the escape and rescue
560 opening.

561 **702.5 Additional emergency escape, and rescue opening requirements.** Unless the
562 sleeping room(s) meet a specific exception of the code under which the structure was
563 constructed, sleeping rooms in R-2 and R-3, one- and two-family and multiple-family
564 occupancy groups must have at least one emergency escape and rescue opening. An
565 existing escape or opening complies with this code if:

- 566 1. the existing emergency escape and rescue opening meets the minimum height and
567 width dimensions, openable area and the maximum sill height requirement of the
568 code(s) under which the structure was constructed; or
- 569 2. at the time of construction no code was in effect, an existing emergency escape and
570 rescue opening satisfies this code if it has:
 - 571 a. a minimum net clear openable area of 5 square feet (0.465 m²),
 - 572 b. a minimum net clear opening height of 22 inches (559 mm),
 - 573 c. a minimum net clear opening width of 20 inches (457 mm), and
 - 574 d. a sill height not greater than 48 inches (1219 mm) above the floor; or
- 575 3. it meets an alternative method of compliance described in Section 702.5.1.

576 **702.5.1 Alternate Method of Compliance for existing emergency escape and rescue**
577 **openings.** An alternate method of compliance for a sleeping room with an emergency
578 escape and rescue opening that does not meet the requirements referenced in Section
579 702.5 is to install hard-wired, dual chamber smoke alarms with battery backup capability
580 that are served with primary power from the structure wiring. The smoke alarms must be
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582 installed inside and outside of the sleeping room and must be interconnected through
583 either wired or wireless interconnection.

584 **704.1 General requirements for fire protection systems.** All systems, devices, and
585 equipment to detect a fire, actuate an alarm, or suppress or control a fire or any
586 combination must be maintained in an operable condition at all times in accordance with
587 the applicable requirements in Chapter 25-12 (*Technical Codes*).

588 **CHAPTER 9 QUASI-JUDICIAL ENFORCEMENT.**

589 **SECTION 901 BUILDING AND STANDARDS COMMISSION.**

590 **901.1 Purpose.** The Building and Standards Commission is established to hear cases
591 concerning alleged violations of City Code related to the condition of, and minimum
592 standards for, the maintenance of existing residential and nonresidential structures,
593 premises, property, and establishments; and to hear appeals when required by City Code
594 and this code. The Commission has the powers and duties under this code, Section 2-1-
595 122 (*Building and Standards Commission*), and applicable state law.

596 **901.2 Duties.** The Commission shall hear and decide cases concerning alleged violations
597 of this code and appeals as required by this code and City Code. The Commission shall
598 issue orders regarding the cases, as appropriate. The Commission shall hear evidence
599 from each party that attends a hearing. Each order that requires removing or relocating an
600 occupant or repairing, securing, or demolishing a structure must include a time period for
601 compliance.

602 **901.3 Powers.** The Commission may order or initiate any action, remedy, response,
603 security, or penalty within its authority under applicable state law, this code, or City
604 Code, including:

- 605 1. ordering a structure be repaired within a fixed period;
- 606 2. declaring a structure or premise to be substandard or dangerous in accordance with
607 the powers granted under state law, City Code, and this code;
- 608 3. ordering, as necessary:
- 609 a. that a structure be vacated;
- 610 b. that occupants be relocated;
- 611 c. that persons or property be removed from private property;
- 612 d. entry on private property; or
- 613 e. that a substandard or dangerous condition or structure on private property be
614 removed or demolished.

- 615 4. issuing orders or directives to any peace officer of the state, including the Austin
616 Chief of Police, a sheriff, or constable, to enforce and carry out the lawful orders or
617 directives of the Commission;
- 618 5. determining the amount and duration of the civil penalty allowed under state law;
- 619 6. hearing and deciding appeals which may be taken to the Commission; and
- 620 7. considering and recommending amendments to the City's housing and building
621 regulations or ordinances.

622 **901.4 Rules.** The Commission shall adopt rules for its own procedure. The rules shall
623 establish procedures to provide opportunity for presentation of evidence and testimony in
624 its hearings by persons who are alleged to have violated ordinances.

625 **901.5 Meetings.** Meetings of the Commission are held at the call of the Chairperson and
626 at other times as the Commission may determine. The Chairperson, or the Acting
627 Chairperson in the absence of the Chairperson, may administer oaths and compel the
628 attendance of witnesses. Six members constitute a quorum and the concurring vote of six
629 members is necessary to take any action. The Commission must render all decisions and
630 findings in writing in accordance with the applicable requirements of state law and City
631 Code.

632 **901.6 Records.** The Commission shall keep records of its minutes, hearings, decisions,
633 and other official actions. The Commission's minutes shall show the vote of each
634 Commission member on each question submitted to the Commission and the fact that a
635 member is absent or fails to vote. Commission records shall be filed in the office of the
636 code official.

637 **901.7 Notice.** Notice and any required recordation of all Commission hearings, orders, or
638 actions must be posted, filed, served, accomplished or disseminated in accordance with
639 the applicable provisions of state law and City Code.

640 **901.8 Orders.** A Commission order is final unless appealed in accordance with Chapters
641 54 and 214 of the Texas Local Government Code. Except for appeals related to
642 temporary safeguards, a Commission order does not include appeals.

644 **901.9 Civil Penalty.** The Commission is authorized to determine the amount and
645 duration of the civil penalty allowed under state law. The filing of a criminal action or a
646 conviction under Section 902.1 does not preclude assessment or enforcement of the civil
647 penalty.

648 **901.10 Satisfaction of Civil Penalty.**

649 **901.10.1 Applicability.** This section applies to a civil penalty assessed under Section
650 901.9 of this code for violations relating to:

- 651 1. a structure that is designated as an historic landmark or located in a designated
652 historic district; or
- 653 2. a residential structure with three or fewer dwelling units.

654 **901.10.2 Offset Provision.** The code official must accept as full payment of the civil
655 penalty an amount equal to the assessed penalty minus the cost to complete repairs or
656 other corrective action required by the Commission order establishing the penalty if:

- 657 1. all repairs or other corrective action required by the Commission order establishing
658 the penalty have been completed;
- 659 2. the code official has determined that all repairs or other corrective action comply
660 with City regulations; and
- 661 3. the City has not initiated a lawsuit based on the Commission order assessing the
662 penalty.

663 **901.10.3 Evidence.** A person that seeks an offset must provide evidence to the code
664 official of the cost of repairs or other corrective action required by a Commission order.

665 **901.10.4 Determination.** The code official must determine whether the evidence, as that
666 term is used in Section 901.10.3, is associated with a repair or other corrective action
667 ordered by the Commission. The determination by the code official may not be appealed.

668 **901.11 Validity of Order Not Affected by Transfer.** When a Commission order has
669 been filed in the deed records, the Commission order is valid even if the property is sold
670 or otherwise transferred. A person who acquires an interest in property after a
671 Commission order is recorded is subject to the requirements of the Commission order.
672 Each Commission order must include the text of this provision.

674 **SECTION 902 FAILURE TO COMPLY WITH A COMMISSION ORDER.**

675 **902.1 Criminal Offense and Penalty.** A person commits an offense if the person fails to
676 comply with a final order issued by the Commission. Each day that a person fails to
677 comply with a final order is a separate occurrence. An offense under this section is a class
678 C misdemeanor. The maximum penalty must be \$500 per offense, per occurrence. Proof
679 of a culpable mental state is not required for conviction of an offense under this section.

680 **SECTION 903 PERFORMANCE OF WORK REQUIRED FOR COMPLIANCE**
681 **WITH A COMMISSION ORDER.**

682 **903.1 Demolition and Remediation authorized.** In addition to any other remedy
683 provided in this section, and on the failure of the owner to comply with any predicate or
684 requirement of a Commission order, the code official may perform, procure, or contract
685 for any work, services, materials, accommodations, or action required of the property
686 owner by the Commission order. This includes engineering surveys or inspections, cost
687 estimates, construction scheduling, asbestos testing, design services, plan preparation,
688 permitting, fencing, stabilization, grading, filing, draining, the closure of a building, the
689 vacation and relocation of occupants, the removal of personalty or disposal of debris, and
690 the treatment or cleaning of the premises and the lot.

691 **903.2 Personalty on the Premises.** A property owner is responsible for removing
692 personalty from a structure that must be vacated or demolished. If the City or its agent
693 demolishes the structure, the personalty remaining on the property is considered
694 abandoned and may be removed by the City or its agent in the same manner as other
695 rubbish or debris.

696 **CHAPTER 10 LANDLORD/TENANT RELATIONSHIPS.**

697 **1001 Responsibility of Landlord.** The owner of a building, structure, or property
698 remains responsible for compliance with this Code notwithstanding any rental or other
699 agreement purporting to give tenants or other third parties certain duties or
700 responsibilities with respect to the building, structure, or property.

701 **1002 Retaliation.**

702 **1002.1 Prohibited.** A property owner, owner's agent, management company, or other
703 person responsible for managing a property commits an offense if the property owner,
704 owner's agent, management company, or other person responsible for managing a
705 property raises a tenant's rent, diminishes services to the tenant, or attempts eviction for

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707 reasons other than nonpayment of rent or other good cause for six months after a
708 complaint is filed by the tenant with the code official complaining of violations of this
709 code or for six months after completion of repairs required by a notice or order issued
710 under this code, whichever time period is longer.

711 **1002.2 Penalty.** Unless a culpable mental state is established, a violation of Section 1002
712 (*Retaliation*) is an offense, punishable by a fine not to exceed \$500 per occurrence. If
713 proof of a culpable mental state is established, a violation of Section 1002 (*Retaliation*) is
714 punishable by a fine not to exceed \$2,000 per occurrence.

715 **1002.3 Affirmative Defense.** It is an affirmative defense to prosecution under Section
716 1002 (*Retaliation*) if the action was:

- 717 1. an increase in rent under an escalation clause for utilities, taxes, or insurance in a
718 written rental agreement;
- 719 2. an increase in rent or reduction in services against the complaining tenant which
720 are a part of a pattern of rental increases or service reductions uniformly applied
721 for an entire multifamily dwelling project of four or more units; or
- 722 3. an increase in rent that is reasonably related to repairs or improvements actually
723 made by the landlord after a complaint has been filed and which do not cause the
724 total rent to exceed fair market value of the premises. However, no rental increase
725 may be made until the structure is in full compliance with any notice or order
726 issued under this code.

727 **CHAPTER 11 INTERFERENCE WITH REPAIR OR DEMOLITION WORK**
728 **PROHIBITED.**

729 **1101 GENERAL.** No person must obstruct, impede, or interfere with work performed by
730 any of the following individuals for purposes of boarding, securing, repairing, vacating,
731 or demolishing a building, structure, or property under the provisions of this code, or in
732 performing a necessary act preliminary or incidental to work authorized under this code:

- 733 1. a peace officer;
- 734 2. a City employee;
- 735 3. a City contractor;
- 736 4. an authorized representative of the City;

737 5. a person who owns or holds an estate or interest in a building, structure, or
738 property; or

739 6. a person to whom such a structure has been lawfully sold under this code.

740 **CHAPTER 12 [Reserved for Expansion].**

741 **CHAPTER 13 REGULATED LODGING ESTABLISHMENTS.**

742 **1301 Inspections.** The code official must make inspections to determine the condition of
743 boarding houses, hotels, and bed and breakfast establishments located within the City, to
744 ensure compliance with this chapter and other applicable laws. For the purpose of making
745 inspections, the code official or the code official's representative may enter, examine, and
746 survey, at all reasonable times, all buildings, dwelling units, guest rooms, and premises
747 on presentation of the proper credentials. An owner or other authorized individual may
748 refuse to consent to an inspection conducted by the code official. If consent is refused,
749 that refusal is grounds for suspension of any current license, or denial of any license
750 renewal associated with or assigned to that boarding house, hotel, or bed and breakfast
751 establishment. The code official may seek an administrative search warrant authorized by
752 Article 18 of the Texas Code of Criminal Procedure (*Search Warrant*) and City Code
753 Section 2-10-1 (*Jurisdiction and Authority*). Nothing in this code limits the ability of the
754 code official to inspect as necessary or as authorized by other law.

755 **1302 Licenses and permits required.** No person may operate a boarding house, hotel, or
756 bed and breakfast establishment unless a license for the operation, in the name of the
757 owner or operator and for the specific dwelling unit, partial unit, accessory unit, building,
758 structure, or property used, has been issued by the code official and is currently valid and
759 in good standing. Unless specifically exempted by the provisions of Chapter 10-3 (*Food
760 and Food Handlers*), each regulated lodging establishment that provides meals or food
761 service is required to have a permit as a food service establishment issued by the Health
762 Authority.

763 **1303 Leasing, renting, or advertising units or rooms in an unlicensed hotel,
764 boarding house, or bed and breakfast establishment is an offense.**

765 (A) An owner, manager, operator, or person in control of a hotel, boarding house, or
766 bed and breakfast establishment commits an offense if the owner or other person
767 leases, rents, advertises, promotes, or otherwise solicits or induces occupancy of a
768 room, structure, dwelling unit, or partial unit in a hotel, boarding house, or bed and
769 breakfast establishment which does not have a valid license issued and displayed
770 as required by this chapter or as required by Title 25 (*Land Development*).

- 771 (B) A person may not advertise or promote a licensed establishment without including
772 the license number assigned to the establishment by the city in the advertisement or
773 promotion.
- 774 (C) Each day that an owner, manager, operator, or other person in control of the
775 property leases, rents, advertises, promotes, or otherwise solicits or induces
776 occupancy of a room in a hotel, boarding house, or bed and breakfast establishment
777 which does not have a valid license issued, disclosed, and displayed as required by
778 this chapter is a separate occurrence. An offense under this section is a class C
779 misdemeanor, punishable by a fine not to exceed \$500 per offense, per occurrence,
780 unless proof of a culpable mental state is proven. If proof of a culpable mental state
781 is demonstrated, an offense under this section is punishable by a fine not to exceed
782 \$2,000 per occurrence.
- 783 (D) It is an affirmative defense to a violation of Section 1303 if the advertisement or
784 promotion conspicuously disclosed that reservation, occupancy, or rental of the
785 facility is contingent on a pending city licensure application.

786 **1304 Application.** An application for a license required by this chapter must be in
787 writing and submitted to the code official. To be considered complete, the application
788 must include all information and documentation required by the Land Development Code
789 regulations specific to the use type or indicated as required by the code official and this
790 code.

791 **1305 Fee.** Each application for a hotel, motel, boarding house, or bed and breakfast
792 establishment license must be accompanied by the payment of a fee in an amount
793 established by separate ordinance. A regulated lodging establishment fee must be
794 prorated on a quarterly basis.

795 **1306 Issuance.** A boarding house, hotel, or bed and breakfast establishment license must
796 be issued by the code official after the code official determines that the owner or operator
797 has complied with all applicable ordinances and rules. A license must not be issued or
798 renewed by the code official for any applicant or location in the absence of proof of the
799 applicant or location's substantial compliance with all applicable local hotel occupancy
800 tax rules and regulations.

801 **1307 License suspension.**

- 802 (A) Except as provided in subsection (D), whenever the code official finds on
803 inspection of the physical premises or review of applicable records of any boarding
804 house, hotel, or bed and breakfast establishment that conditions or practices exist

806 that violate any provision of the Property Maintenance Code, City Code, or any
807 rule or regulation adopted under this code, or that the establishment has failed to
808 comply with any provision, prohibition, or requirement related to the registration,
809 reporting, collection, segregation, accounting, disclosure, or payment of local hotel
810 occupancy taxes, the code official must give written notice to the owner of the
811 property and the operator of the boarding house, hotel, or bed and breakfast
812 establishment that unless the violations are corrected by an identified deadline, the
813 license must be suspended.

- 814 (B) At the end of the time provided for correction of the violation(s), the code official
815 must re-inspect the location or records of the boarding house, hotel, or bed and
816 breakfast establishment and, if the conditions or practices have not been corrected,
817 must suspend the license and give written notice to the licensee that the license has
818 been suspended.
- 819 (C) On receipt of notice of suspension, the licensee must immediately stop operation of
820 the boarding house, hotel, or bed and breakfast establishment, and no person may
821 occupy for sleeping or living purposes any rooming unit therein. The notice
822 required by this subsection must be served in accordance with the notice provisions
823 of applicable law.
- 824 (D) The code official may immediately suspend a license if the code official
825 determines that the license was issued in error. A suspension is effective until the
826 code official determines that the licensee has complied with the requirements of
827 the City Code or any rule or regulation adopted under this code. The code official
828 must give written notice to the owner of the property and the operator of the
829 establishment that the license is suspended.

830 **1308 Appeals.**

- 831 (A) The following actions of the code official may be appealed to the Building and
832 Standards Commission as provided in this code: the denial of an application for a
833 license to operate a boarding house, hotel, or bed and breakfast establishment; the
834 suspension of a license to operate a boarding house, hotel, or bed and breakfast
835 establishment; and the issuance of a notice that a license to operate a boarding
836 house, hotel, or bed and breakfast establishment will be suspended unless existing
837 conditions or practices are corrected.
- 838 (B) An appeal filed under this section must be filed with the code official no later than
839 the 20th day following the date on which the license was denied or suspended, or
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notice of violation was received. The appeal must identify each alleged point of error, facts and evidence supporting the appeal, reasons why the action of the code official should be set aside, modified, or reversed, and must be sworn. The appeal must be set for hearing before the Commission on the next available agenda date following receipt of the appeal and must be heard following setting on the scheduled agenda if a quorum is present at the hearing, unless the appellant requests a later date and waives the scheduled hearing.

(C) An appeal of under this section does not stay enforcement of license requirements.

1309 Expiration.

Each boarding house, hotel, motel, or bed and breakfast establishment license expires at the end of the calendar year for which the license is issued, unless prior to the end of the calendar year, the license is voided, suspended, or revoked as provided in this chapter, as provided in another section of City Code, or by court order, or other operation of law.

1310 Transfer and notice on sale of premises. A license issued under this chapter is not transferable. Every person holding a license must give written notice to the code official no later than 10 days before the conveyance, transfer, or any other disposition of the ownership of, interest in, or control of any boarding house, hotel, or bed and breakfast establishment. The notice must include the name and address of the person succeeding to the ownership or control of the boarding house, hotel, or bed and breakfast establishment.

1311 Display. The license required by this chapter must be displayed at all times in a conspicuous place designated by the code official within each boarding house, hotel, or bed and breakfast establishment.

PART 2. This ordinance takes effect on _____, 2025.

PASSED AND APPROVED

_____, 2025

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§
§

Kirk Watson
Mayor

APPROVED: _____

Deborah Thomas
Interim City Attorney

ATTEST: _____

Myrna Rios
City Clerk