

ORDINANCE NO. 2014-3586

AN ORDINANCE AMENDING CHAPTER 4, "BUSINESS REGULATIONS," SECTION 4.19, "RENTAL REGISTRATION OF SINGLE-FAMILY AND DUPLEX DWELLING UNITS" OF THE CODE OF ORDINANCES OF THE CITY OF COLLEGE STATION, TEXAS, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 215.075 of the Texas Local Government Code authorizes home rule municipalities to regulate any lawful business or occupation that is subject to the police power of the municipality; and

WHEREAS, Sections 51.001, 54.001 and 54.004 of the Texas Local Government Code authorize home rule municipalities to enforce ordinances necessary to protect health, life, and property and to preserve the good government, order, and security of the municipality and its inhabitants; and

WHEREAS, it is the purpose of this Ordinance and the policy of the City of College Station, so as to protect and promote the public health, safety, and welfare of its citizens, to establish rights and obligations of owners relating to Rental Properties; and

WHEREAS, as a means to those ends, this Ordinance provides for registration of Rental Properties, and sets penalties for violations. It also sets forth requirements of all non-local owners of Rental Properties to designate a local agent for purposes of this Ordinance and prescribes duties of owners and agents; now, therefore

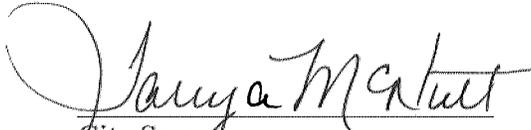
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS:

- PART 1: That **Chapter 4, "Business Regulations," Section 4.19, "Rental registration of single-family and duplex dwelling units"** of the Code of Ordinances of the City of College Station be amended as set out in **Exhibit "A"**, attached hereto and made a part of this Ordinance for all purposes.
- PART 2: That if any provisions of any section of this Ordinance shall be held to be void or unconstitutional, such holding shall in no way effect the validity of the remaining provisions or sections of this Ordinance, which shall remain in full force and effect.
- PART 3: That any person, firm, or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not less than Twenty-five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00). Each day such violation shall continue or be permitted to continue shall be deemed a separate offense. Said Ordinance becomes effective forty-five (45) days after its date of passage by the City Council.

PASSED, ADOPTED and APPROVED this 26th day of June, 2014.

ATTEST:

APPROVED:



City Secretary



Mayor

APPROVED:


for _____
City Attorney

EXHIBIT "A"

That Chapter 4, "Business Regulations," Section 4.19, "RENTAL REGISTRATION OF SINGLE-FAMILY AND DUPLEX DWELLING UNITS", of the Code of Ordinances of the Code of the City of College Station, Texas, is hereby amended as set out hereafter to read as follows:

"SECTION 19: RENTAL REGISTRATION OF SINGLE-FAMILY AND DUPLEX DWELLING UNITS

A. PURPOSE

The purpose of this Section is to establish a registration requirement for owners of Rental Properties so that the City may expeditiously identify and contact the Owner, if local, or Owner's local contact person to obtain tenant information in the event of an emergency or when a disproportionate number of city, state or federal law violations have occurred on or in the property. It is not the intent of this section to determine the rights and liabilities of persons under agreements to which the City is not a party. This section shall not be construed to alter the terms of any lease or other agreement between a landlord and a tenant or others relating to property that is the subject of this section; provided that no provision of any lease or other agreement shall be construed to excuse non-compliance with this section.

B. DEFINITIONS

- (1) Administrator: The City Manager or his designee
- (2) Rental Property: Any single-family or duplex dwelling unit that is not owner occupied, whether or not rent is charged. Rental Property includes, but is not limited to: properties rented to students, families, or any other persons; properties in which a family member of the owner resides in the home but the owner does not (regardless of whether additional persons also reside in the home); properties used as vacation rentals or game-day rentals, and properties where a property caretaker lives in the home but the owner does not.
- (3) Duplex Dwelling: As defined in Article 11, "Definitions" of the Unified Development Ordinance.
- (4) Single-Family Dwelling: As defined in Article 11, "Definitions" of the Unified Development Ordinance.

C. REGULATIONS

- (1) Each owner or real estate manager of Rental Property is required to annually register the property with the City on a form provided by the Administrator. A new registration is also required upon any change in the conditions listed below: The information required to register the Rental Property is as follows:
 - (a) Address of the Rental Property;
 - (b) Owner and contact information for the owner;

- (c) Type of rental property such as single-family or duplex;
 - (d) Local contact person with contact information, in the case of an absentee owner. The local contact person cannot be someone who is listed on the lease. Local contact must reside within thirty (30) miles of the College Station City Hall;
- (2) Tenant names, the contact information for all persons listed on the current lease(s), and all current lease(s) shall be presented to the Administrator for review upon request.
 - (3) Other information shall likewise be provided, as deemed necessary by the Administrator.
 - (4) A fee of Fifteen Dollars (\$15.00) shall be assessed at the time of any required registration.

D. ENFORCEMENT

The Administrator shall have the authority to issue citations for the violation of the provisions of this Section. An individual’s signature on a copy of the citation given to him is acknowledgement of receipt of the same and a promise to contact the Administrator to either pay or arrange for the entry of a plea and a hearing, within ten (10) days of the date of the citation. Failure or refusal to sign shall be noted and a copy filed with the Administrator, as due and payable within ten (10) days, absent a timely appeal, the lack of signature notwithstanding.

E. PENALTIES

- (1) Administrative penalties for code violations may be imposed, in addition to the criminal prosecution authorized by Section 1-5 of this Code. The following criteria shall be considered:
 - (a) The extent to which the person has benefited from the violation;
 - (b) The degree of harm to the public health, safety, welfare and aesthetics as a result of the violation;
 - (c) The recidivism of the person, including previous compliance and enforcement action;
 - (d) Good faith efforts to remedy the violation;
 - (e) The duration of the violation after a notice and order of compliance was served.
- (2) The amount of the citation shall be as follows:

OFFENSE	PAYMENT WITHIN 10 DAYS/ PAYMENT AFTER 10 DAYS
First	\$180 / \$200
Second	\$330 / \$350
Third and Subsequent	\$480 / \$500

- (3) Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense.

F. VIOLATIONS

- a. It is a violation of this section to:
- (1) Fail to register a Rental Property when required by subsection 19C;
 - (2) Fail to present and/or provide documents requested pursuant to subsection 19C(2) or 19C(3);
 - (3) Provide false information to the Administrator under this Section; or
 - (4) Continue non-compliance with this Section, following either an administrative or judicial finding of non-compliance or plea of guilty.
- b. A plea of no contest shall be treated as a plea of guilty for purposes of this Section.

G. ADMINISTRATIVE ADJUDICATION OF VIOLATIONS

- (1) A person who receives an administrative citation or summons under Section 19E above is entitled to an administrative hearing.
- (2) The Administrator shall implement and enforce the provisions of this section, establishing necessary procedures consistent with this Section.
- (3) One (1) or more Hearing Officers shall be appointed by the Administrator to administratively adjudicate all violations for which an administrative citation or summons is issued.
- (4) A Hearing Officer shall have the authority to:
 - (a) Administer oaths;
 - (b) Accept admissions and hear and determine contests of violations under this Section, and
 - (c) Issue orders enforceable by the Municipal Court compelling the attendance of witnesses and the production of documents.
- (5) The administrative adjudication process is initiated by the issuance of an administrative citation or summons by a City Code Enforcement Officer or licensed Peace Officer. An administrative citation or summons serves as notice of administrative adjudication hearing under this section.
- (6) An administrative citation or summons shall include the following information:
 - (a) The nature, date, time and location of the alleged violation;
 - (b) A statement that a person charged with a civil offense under the City's Code of Ordinances is entitled to an administrative adjudication hearing to determine liability for the charged offense and that such right to a hearing shall be exercised by personally appearing at College Station Municipal Court within ten (10) days from the date of the citation.
 - (c) A notification that failure to answer the citation or to appear at the administrative adjudication hearing is considered an admission of liability for the violation and will result in the assessment of civil fines, costs and fees.

- (7) An administrative citation or summons may be served personally on the owner of the Rental Property or the owner's legal registered agent. The citation or summons may be served by personal service, regular and/or certified mail.
- (8) The original or a copy of the citation, including an electronic copy is a governmental record kept in the ordinary course of City business and is rebuttable proof of the facts it contains.
- (9) The original and all copies of any administrative citation or summons are prima facie evidence that it was issued and that service was made in accordance with this subsection."