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| 37 | Section 404.4.1 | Section 404.5 | Section 404.5.1 |
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(C) The city clerk must retain a copy of the 2021 Property Maintenance Code with the official ordinances of the City of Austin.

§ 25-12-212 CITATIONS TO THE PROPERTY MAINTENANCE CODE.

In the City Code, “Property Maintenance Code” means the 2021 International Property Maintenance Code adopted by Section 25-12-211 (*International Property Maintenance Code*), as amended by Section 25-12-213 (*Local Amendments to the International Property Maintenance Code*). In this article, “this code” means the Property Maintenance Code.

55 **§ 25-12-213 LOCAL AMENDMENTS TO THE INTERNATIONAL PROPERTY**
56 **MAINTENANCE CODE.**

57 Each provision of this section is a substitute for any identically numbered
58 provision deleted by Section 25-12-211(B) (*International Property Maintenance Code*)
59 or is an addition to the 2021 International Property Maintenance Code.

60 **101.1 Title.** These regulations are known as the City of Austin Property Maintenance
61 Code and are referred to as the “Property Maintenance Code” or “this code.”

62 **102.3 Application of other codes.** Repairs, additions or alterations to a structure, or
63 changes of occupancy, must be done in accordance with the procedures and provisions of
64 Title 25 (*Land Development Code*).

65 **103.1 General.** The City Manager must designate the department or departments charged
66 with enforcement of this code.

67 **103.2 Designation.** The City Manager must designate a code official.

68 **103.3 Inspectors.** The code official may designate inspectors to assist with enforcement
69 of this code. Such employees must have powers and duties delegated by the code
70 official.

71 **104.1 Costs.** The City may assess a property owner for costs incurred to demolish, board,
72 fence, secure, vacate, relocate occupants, repair, treat, remediate or similar action
73 identified in this code. This includes the costs incurred because a property owner fails to
74 comply with a Commission order. Unless exempted by the Texas Constitution, the
75 expense incurred by the City under this code may be recorded as a lien against the real
76 property on which the building, structure, or noncompliant condition is located, with
77 interest on the unpaid balance to accrue at the maximum rate allowed by law.

78 **104.2 Funds.** Unless otherwise provided for or directed by a Commission order, a cost
79 incurred by the city or its agent to repair, remediate, vacate, relocate occupants from,
80 secure, or clean a structure, building, or property because an owner fails to comply with a
81 Commission order must be paid from demolition funds budgeted by the city council.

82 **105.2 Inspections.** The code official is authorized to make inspections and may consider
83 written inspection reports prepared and certified by approved agencies or individuals. The
84 code official is authorized to engage such expert opinion as deemed necessary to report
85 upon unusual technical issues that arise.

86 **105.3 Right of Entry.** Whenever it is necessary to make an inspection to enforce the
87 provisions of this code, or whenever the code official has reasonable or probable cause to
88 believe that a violation exists in a structure or upon a premises, the code official is
89 authorized to enter the structure or premises at reasonable times to inspect or perform the
90 duties authorized by this code or City Code. An owner or other authorized individual may
91 refuse to consent to an inspection conducted by the code official. If consent is refused,
92 the code official may seek an administrative search warrant authorized by Article 18 of
93 the Texas Code of Criminal Procedure (*Search Warrant*) and City Code Section 2-10-1
94 (*Municipal Court Jurisdiction and Authority*). Nothing in this code limits the ability of
95 the code official to inspect as necessary or as authorized by other law.

96 **105.8 Commencement of Proceedings.** Whenever the code official finds that a structure
97 or premise is substandard or dangerous, the code official is authorized to begin
98 proceedings to cause the repair, rehabilitation, vacation, demolition, removal, boarding or
99 fencing or other means of closure of the building, structure, or premise.

100 **105.9 Corrective Action.** The code official is authorized to require the owner of the
101 property or other responsible person to take action to correct a violation of this code. If
102 the owner or other responsible person does not take corrective action within a specified
103 time period, the code official may serve notice to the person(s) to appear before the
104 Building and Standards Commission to show cause why the structure or premise should
105 not be ordered repaired, boarded, fenced, vacated, occupants relocated, or demolished.

106 **107.1 Appeal.** A person affected by a notice may appeal the violation findings contained
107 in the notice to the Building and Standards Commission.

108 **107.2 Deadline to Appeal.** An appeal must be submitted to the code official within 20
109 days from the date the notice is mailed by the City. It is presumed the City mailed the
110 notice on the date printed on the notice.

111 **107.3 Requirements.** An appeal must be in writing and must contain a brief statement
112 identifying the notice or action being appealed, setting forth any facts supporting the
113 appeal, describing the relief sought, and presenting the reasons why the appealed notice or
114 action should be reversed, modified or otherwise set aside. A request for additional time to
115 comply with the notice due to financial inability or other extenuating circumstance is not a
116 proper basis for appeal.

117 **107.4 Effect of an appeal.** Unless otherwise provided in this code or, in the opinion of the
118 code official, a delay would present an immediate danger or unreasonable risk to any
119 person or property, filing an appeal stays further City action under the notice being
120 appealed.

121 **109.1 Unlawful acts.** A person that fails to comply with this code, a notice of violation or
122 stop work order issued under this code, or a Commission order issued under this code
123 commits an offense.

124 **109.2 Prosecution of a Violation.** A violation of this code is a misdemeanor punishable
125 as set forth in City Code Section 25-1-462 (*Criminal Enforcement*). The filing of a
126 criminal action does not preclude the pursuit of a civil, quasi-judicial, or administrative
127 action for violation of this code.

128 **109.3 Abatement of violation.** The code official may enforce the provisions of this code
129 by pursuing all civil, quasi-judicial, administrative, and criminal actions; all remedies
130 available to a city under state law; or by any combination of remedies available at law or
131 equity. In any court action, the code official may pursue the collection of attorney's fees
132 and costs; and maximum interest on liens and judgments as allowed by law. The filing of
133 a civil action does not preclude the pursuit of any other action or remedy, whether quasi-
134 judicial, administrative, or criminal. All remedies authorized under this code are
135 cumulative of all others unless otherwise expressly provided.

136 **110.1 Authority.** The code official is authorized to issue a notice that requires an owner
137 or the owner's agent to stop work that is being performed in a dangerous or unsafe
138 manner.

139 **111.1 General.** When the code official finds a structure, premise, or equipment is unsafe,
140 is unfit for human occupancy, or is unlawful, such structure, premise, or equipment must
141 be subject to the provisions of this code.

142 **111.1.3 Structure Unsafe for Human Occupancy.** A structure is unfit for human
143 occupancy whenever the code official finds that such structure is unsafe, unlawful
144 or, because of the degree to which the structure is in disrepair or lacks
145 maintenance, is insanitary, vermin or rat infested, contains filth and contamination,
146 or lacks ventilation, illumination, sanitary or heating facilities or other essential
147 equipment required by this code, or because the location of the structure constitutes
148 a hazard to the occupants of the structure or to the public. If the code official finds
149 a structure unsafe, the owner of the property shall provide an action plan for repairs
150 to the code official.

151 **111.2 Closing of vacant structures.** If a structure is determined to be unsafe, dangerous
152 or unfit for human habitation, the code official is authorized to post an unsafe or
153 dangerous placard on the premises. Pursuant to a Commission order, the structure to be
154 secured so as not to be an attractive nuisance through any available public agency or by
155 contract or arrangement by private persons and the cost thereof shall be charged against

156 the real estate upon which the structure is located and shall be a lien upon such real estate
157 and shall be collected by any other legal resource.

158 **111.2.1 Utility Termination Authorized.** The code official may request utility
159 termination for a structure or premise as provided for under the applicable
160 provisions of state law and City Code. Provisions of state law and City Code
161 regarding notice and appeal of utility termination apply to a utility terminated
162 under this section.

163 **111.4 Notice to person responsible.** Whenever the code official determines that a
164 violation of this code exists or has grounds to believe that a violation exists, notice will
165 be issued and served as set forth in applicable state law, City Code, and this code. Failure
166 of the code official to serve any person required to be served does not invalidate any
167 proceedings as to any other person properly served or relieve that person from any duty
168 or obligation imposed by this code.

169 **111.4.1 Form.** A written notice directed to the owner of record and, if applicable,
170 occupant of the structure or premise notice must:

- 171 1. identify the structure or premise by street address, or provide a description
172 sufficient for identification of the structure or premise;
- 173 2. state that the code official has found the structure or premise to be substandard or
174 dangerous, with a summary description of the applicable provisions of this code
175 and the alleged violations;
- 176 3. specify the corrective measures required to bring the structure or premise into
177 compliance with applicable provisions of this code;
- 178 4. provide a time period for compliance;
- 179 5. include a description of the applicable appeal procedures; and
- 180 6. include a provision in Spanish stating that a Spanish translation will be provided on
181 request if the recipient is not able to read the notice in English.

182 **111.4.2 Method of Service.** Required notices must be served via any method or
183 combination of methods permitted in state law, City Code, and this code.

184 **111.4.3 Property Manager.** The code official may also provide a copy of any notice
185 sent to a property owner to the manager of the property. On receipt of a copy of the
186 notice under this section, a property manager must notify the owner of the specifics of

187 the notice within 10 days and must make every reasonable effort to have the owner
188 correct the violation.

189 **111.6 Responsibility of Owner.** An owner of a structure or premise who has been
190 served with a notice, order, or other notification under this code may not sell, transfer,
191 grant, mortgage, lease, or otherwise dispose of the structure or premise until the owner
192 has:

- 193 1. furnished to the purchaser, transferee, grantee, mortgagee, or lessee a true
194 copy of the notice, order or other notification; and
- 195 2. provided written notice to the code official of the owner's intent to enter into
196 a transaction affecting the structure or premise, including the name and
197 address of the proposed buyer, transferee, grantee, mortgagee, or lessee.

198 **111.6.1. Responsibility of Purchaser.** A purchaser of a premise subject to a
199 notice, order, or other notification issued under this code and recorded in the real
200 property records of the county where the premise is located must comply with the
201 terms of the notice, order, or other notification.

202 **111.6.2 Effect of Transfer.** A transfer of the property does not impact the validity
203 of the notice, order, or other notification.

204 **111.7 Placarding.** A structure or premise vacated under this code will be placarded at
205 each entrance and exit of the structure or premise. The placard must be in substantially
206 the following form:

207 DO NOT ENTER
208 UNSAFE TO OCCUPY
209 IT IS UNLAWFUL TO REMOVE OR DAMAGE THIS NOTICE.
210 CODE OFFICIAL
211 CITY OF AUSTIN

212 **111.7.1 Placard Removal.** Until the required repair, abatement, demolition, or
213 removal is complete, a person may not remove or damage the placard after it is
214 posted by the code official. A required repair, abatement, demolition, or removal is
215 complete when the code official releases the notice or order, or when the building
216 official issues a certificate of occupancy for the structure.

217 **111.8 Prohibited Occupancy.** A person may not remain in or enter any building,
218 structure, or premise that is subject to an order to vacate or is posted with a placard. A

219 person may not induce, allow, or authorize another person to occupy a structure or
220 premise that is subject to an order to vacate or that is posted with a placard.

221 **111.8.1 Affirmative Defense.** It is an affirmative defense to prosecution under this
222 section if a person enters a structure or premise described above to repair, abate,
223 demolish, or remove the structure or condition under an applicable permit.

224 **111.9 Duty to comply.** A person has a duty to comply with the provisions, requirements,
225 and prohibitions in this code even if the code official has not served the person with
226 separate notice personally informing the person of the duty to comply with this code.

227 **112.1 Imminent danger.** When, in the opinion of the code official, a condition exists that
228 could cause serious or life-threatening injury or death in the near future, the code official is
229 authorized to recommend the occupants to vacate the premises. A condition means a
230 structure or part of a structure that has fallen or may fall; a structure or part of a structure
231 that has collapsed or may collapse; the presence of explosives, explosive fumes or vapors,
232 toxic fumes, gases, materials; or the presence of dangerous or defective equipment. If a
233 premise is vacated due to an imminent danger, a notice reading as follows: "This
234 Structure/Premise Is Unsafe To Occupy" must be posted at each entrance to such structure
235 or premise.

236 **112.2 Temporary Safeguards.** The code official may secure a structure before a public
237 hearing is held by the Commission if the code official determines that the structure
238 violates this code; and is unoccupied or is occupied only by persons who do not have a
239 lawful right of possession to the structure.

240 **112.2.1. Notice.**

241 1. Before the 11th day after the date the structure is secured, the code official must
242 give notice of the closure:

243 a. by personal service to the owner; or

244 b. by regular mail and certified mail, return receipt requested, to the owner at
245 the owner's last known address; or

246 c. if personal service cannot be obtained and the owner's post office address
247 is unknown, by

248 i. publication at least twice within a 10 day period in a newspaper of
249 general circulation in the county in which the structure is located, or

250 ii. posting the notice on or near the front door of the structure.

251 2. The notice must contain the following:

- 252 a. an identification, which is not required to be a legal description, of the
253 structure and the premise on which it is located;
- 254 b. a description of the violations of this code or the City Code that are found
255 at the structure;
- 256 c. a statement that the code official has secured the structure or premise;
257 and
- 258 d. an explanation of the owner's right to request a hearing about any matter
259 relating to the securing of the structure by the code official.

260 **112.2.2. Appeal of Emergency Closure.** The owner of a structure may appeal an
261 emergency closure to the Commission. An appeal must be in writing and must be
262 provided to the code official within 30 days after the date the code official secured
263 the structure. Unless the appellant, in writing, requests or agrees to postpone the
264 hearing on the appeal to a later date, a hearing on the appeal must be heard at the
265 next available agenda date at which a quorum of the Commission is present.

266 **112.2.3 Costs.** The City may assess costs incurred for emergency closures under
267 this code against the owner of the affected premise and, unless exempted under the
268 Texas Constitution, may secure those costs with a lien against the affected premise.

269 **113.1 General.**

270 **113.1.1** An owner must provide an action plan to the code official if the code
271 official finds that:

- 272 1. the structure, equipment, or property condition so deteriorated, dilapidated,
273 or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for
274 human habitation or occupancy; and
- 275 2. it is reasonable to repair the structure or the equipment.

276 **113.1.2** An owner must demolish and remove a structure, equipment, or property
277 condition if the code official finds:

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

282 **113.4 Salvage materials.** If the City demolishes and removes a structure, then the City, or
283 its agent, may sell the salvage and valuable materials at the highest price obtainable.

284 **201.3 Terms defined in other codes.** If a term is not defined in this code but is otherwise
285 defined in Title 25 (*Land Development Code*), the term has the meaning given in Title 25
286 (*Land Development Code*).

287 **202.1 Supplemental and replacement definitions.** The definitions in this subsection
288 apply throughout this code and supplement the definitions in Section 202 (*General*
289 *Definitions*) of the 2021 Property Maintenance Code, as published, unless the term is
290 defined in both places, in which case the definition in this subsection replaces and
291 supersedes the definition in Section 202 of the 2021 Property Maintenance Code.

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

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

298 **ADULT.** A person 18 years of age or older.

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

302 **BOARDING HOUSE.** A structure, other than a hotel, where lodging and meals
303 are provided for more than six unrelated persons in return for compensation.
304 When used in this code, the term Boarding House includes a transient boarding
305 house.

306 **COMMISSION.** The Building and Standards Commission described in Section 2-
307 1-122 (*Building and Standards Commission*) of the City Code.

308 **COMMISSION ORDER.** An order issued by the Commission.

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

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

315 **HOTEL.** A structure or a part of a structure, in which there are guest rooms,
316 rooming units, or apartments which may be rented on a daily basis and are used
317 primarily for transient occupancy, and for which desk service is provided. In
318 addition, one or more of the following services may be provided: maid, telephone,
319 bellboy, or furnishing of linen. When used in this code, the term hotel includes a
320 motel.

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

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

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

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

326 **ROOMING HOUSE.** A structure, other than a hotel, where lodging for more
327 than six unrelated persons is provided without meals in return for compensation.

328 **SHORT-TERM RENTAL.** The use of a residential dwelling unit or accessory
329 building, other than a unit or building associated with a group residential use, on a
330 temporary or transient basis in accordance with Chapter 25-2, Subchapter C,
331 Article 4, Division 1, Subpart C (*Requirements for Short-Term Rental Uses*). The
332 use does not include an extension for less than 30 consecutive days of a previously
333 existing rental agreement of 30 consecutive days or more. The use does not include
334 a rental between parties to the sale of that residential dwelling unit.

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

336 **202.2 Nuisance.** Each of the following is declared to be a nuisance for purposes of this
337 code:

- 338 1. Any public nuisance known at common law or in equity jurisprudence.

- 339 2. Any attractive nuisance which may prove detrimental to children whether in
340 a building, on the premises of a building, or on an unoccupied lot. This
341 includes any abandoned wells, shafts, basements, or excavations; abandoned
342 refrigerators and motor vehicles; or any structurally unsound fences or
343 structures; or any lumber, trash, fences, debris or vegetation which may
344 prove a hazard for inquisitive minors.
- 345 3. Whatever is dangerous to human health or is detrimental to health, as
346 determined by the health officer.
- 347 4. Unsanitary conditions described in City Code Section 10-5-21 (*Duty to*
348 *Maintain Property in a Sanitary Condition*).
- 349 5. A utility room not maintained free of flammable liquids, oil and grease, and
350 other similar materials.
- 351 6. Yards, courts, and vacant lots not maintained clean and free of holes,
352 excavations, dead trees and tree limbs, sharp protrusions, and other objects,
353 conditions and hazards that are reasonably capable of causing injury to a
354 person.
- 355 7. A manufactured residential building, mobile home, or tourist court not
356 maintained in accordance with the provisions of this code, the manufacturer
357 specifications under which the structure was constructed, or Title 25 (*Land*
358 *Development Code*) of the City Code.

359 **301.4 General requirement to obtain a permit.** After receiving written notice from the
360 code official that an activity was conducted on the premises without the appropriate
361 permit, an owner must obtain a permit for the activity that was conducted without the
362 appropriate permit.

363 **302.3 Common areas.** All common areas of a property including, but not limited to
364 sidewalks, walkways, stairs, driveways, parking spaces, and similar areas shall be
365 maintained and kept in a proper state of repair to prevent hazardous conditions.

366 **302.6 Exhaust vents.** Pipes, ducts, conductors, fans, dryer vents, and blowers shall not
367 discharge gases, steam, vapor, hot air, grease, smoke, odors, or other gaseous or particulate
368 wastes directly on abutting or adjacent property.

369 **302.6.1 Exhaust vents maintained.** Pipes, ducts, conductors, fans, dryer vents, and
370 blowers shall be maintained in good repair and be free from obstructions or debris.

371 **304.3 Address Identification.** A premise must be identified with address numbers that are
372 legible and visible from the street or road. The address numbers must comply with the Fire
373 Code and Fire Criteria Manual.

374 **304.5 Foundation walls.** Foundation walls and foundation skirting shall be maintained
375 plumb and free from open cracks and breaks; and shall be kept in such condition so as to
376 prevent the entry of rodents and other pests.

377 **304.7 Roofs and drainage.** All roof components shall be maintained in good repair and
378 shall be sound, tight, and without defects that admit rain. Roof drainage shall be adequate
379 to prevent dampness or deterioration in the walls or interior portion of the structure. Roof
380 drains, gutters, and downspouts shall be maintained in good repair and free from
381 obstructions. Roof water shall not discharge in a manner that creates a nuisance.

382 **304.19 Gates.** All exterior gates, components of a gate, operator systems, if provided, and
383 hardware must be maintained in good condition.

384 **305.1.1 Unsafe conditions.** The following conditions violate this code and are declared
385 unsafe:

- 386 1. A structure or a component of a structure cannot perform as intended;
- 387 2. A wall or column is not anchored to support a floor or roof;
- 388 3. Structural members, including stairs, landings, decks, balconies, walking
389 surfaces, handrails, and guardrails, cannot perform as intended;
- 390 4. Structural members, including stairs, landings, decks, balconies, walking
391 surfaces, handrails, and guardrails, are not anchored to support use of the
392 structural member; or
- 393 5. Any portion of the foundation system is not supported by footings, is not
394 supported by adequate soil, has cracks or breaks, or is not adequately anchored.

395 **Exception:** If a person, using an approved method, establishes that the
396 condition is safe, then the condition does not violate this code.

397 **307.1 General.** Handrails and guards shall be maintained in good repair and in
398 accordance with the Building Code in effect at the time of construction.

399 **307.2 Handrails and guards required.** Every exterior and interior flight of stairs having
400 more than four rises shall have a handrail on one side of the stair. Every open portion of a

401 stair, landing, balcony, porch, deck, ramp, or other walking surface that is more than 30
402 inches above the floor or grade below shall have guards. Handrails shall not be less than
403 30 inches in height or more than 42 inches in height measured vertically above the nosing
404 of the tread or above the finished floor of the landing or walking surfaces. Guards, if
405 required at the time of construction, shall be not less than 30 inches in height above the
406 floor of the landing, balcony, porch, deck, ramp, or other walking surface.

407 **307.3 Openings.** Any openings in guards must be spaced in accordance with the Building
408 Code in effect at the time of construction. If guards were not required at the time of
409 construction, the openings must be spaced in a manner to prevent a four inch or larger
410 sphere from passing between the openings.

411 **309.1 Infestation.** Structures and exterior property areas shall be kept free from insect
412 and rodent infestation. Where insects and rodents are found, they shall be immediately
413 exterminated by approved processes that will not be injurious to human health. After pest
414 elimination, proper precautions shall be taken to eliminate insect and rodent harborage
415 and prevent re-infestation.

416 **309.1.1 Exception.** The keeping, maintenance or management of common
417 domestic honey bee colonies, *Apis mellifera* species, must be in accordance with
418 City Code Chapter 3-6 (*Beekeeping*).

419 **401.3 Alternative devices.** Artificial light or mechanical ventilation that complies with
420 the applicable Building Code or Residential Code requirements is authorized as an
421 alternative to the requirements for natural light and ventilation prescribed in Sections 402
422 and 403.

423 **404.4.1 Room area.** Except for qualifying efficiency units, a bedroom must contain at
424 least 70 square feet; and a bedroom occupied by more than two adults must contain at
425 least 120 square feet plus an additional 50 square feet for each adult in excess of three.

426 **404.5 Unsafe occupancy.** The number of persons occupying a dwelling unit must not
427 create conditions that, in the opinion of the code official, endanger the life, health, safety,
428 or welfare of the occupants.

429 **501.3 General requirement to obtain a permit.** After receiving written notice that an
430 activity was conducted on the premises without the appropriate permit, an owner must
431 obtain a permit for the activity that was conducted without the appropriate permit.

432 **504.3 Plumbing system hazards.** Where it is found that a plumbing system in a structure
433 constitutes a hazard to the occupants or the structure by reason of inadequate service,

434 inadequate venting, cross connection, back siphonage, improper installation,
435 deterioration, or damage or for similar reasons, the code official shall require the defects
436 to be corrected to eliminate the hazard.

437 **505.1 General requirements for water systems.** A sink, lavatory, bathtub or shower,
438 drinking fountain, water closet or other plumbing fixture must be properly connected to
439 either a public water system or to an approved private water system. A kitchen sink,
440 lavatory, laundry facility, bathtub and shower must be supplied with hot or tempered and
441 cold running water in accordance with the Plumbing Code.

442 **505.4 Water heating facilities.** A water heating facility must be properly installed,
443 maintained and capable of providing an adequate amount of water to be drawn at each
444 sink, lavatory, bathtub, shower, and laundry facility at a temperature of not less than
445 110°F (43°C).

446 **505.4.1 Compliance.** A water heating facility in a structure with one or more
447 dwelling units complies with the requirement in 505.4 if the temperature of the
448 water drawn at the kitchen sink reaches 110°F (43°C) within three minutes.

449 **505.4.2 Valves.** A relief valve discharge pipe and approved combination
450 temperature and pressure-relief valve must be properly installed and maintained on
451 water heaters.

452 **505.4.3 Gas-burning water heater.** Unless installed in a sealed enclosure with
453 adequate air combustion that does not take air from the living space, a gas-burning
454 water heater must not be located in a bathroom, toilet room, bedroom or other
455 occupied room that is normally kept closed when in use. Direct vent water heaters
456 are not required to be installed within an enclosure.

457 **601.3 General requirement to obtain a permit.** After receiving written notice that an
458 activity was conducted on the premises without the appropriate permit, an owner must
459 obtain a permit for the activity that was conducted without the appropriate permit.

460 **602.2 Residential Occupancies.** Heating facilities that are capable of maintaining a room
461 temperature of 68°F (20°C) in habitable spaces, bathrooms, and toilet rooms are required
462 in each dwelling unit. Cooking appliances and unvented fuel-burning space heaters
463 cannot be used to meet or maintain the room temperature required by this section. A
464 portable electric space heater may be used on a temporary basis if used consistent with
465 manufacturer's specifications.

466 **602.3 Heat Supply.** An occupied commercial structure that includes dwelling units or
467 sleeping units must maintain a temperature of at least 68°F (20°C) in all habitable areas,
468 bathrooms, and toilet rooms.

469 **602.4 Occupiable work spaces.** Except as otherwise provided, an occupied commercial
470 structure with indoor occupiable work spaces must maintain a temperature of not less
471 than 65°F (18°C) during the period the spaces are occupied.

472 **602.4.1 Processing, storage, and operation.** A commercial structure with areas
473 that require cooling or special temperature conditions are not required to maintain
474 the temperature in Section 602.4.

475 **602.4.2 Physical activities.** Areas within a commercial structure where persons are
476 primarily engaged in vigorous physical activities are not required to maintain the
477 temperature in 602.4.

478 **604.2 Service.** In accordance with NFPA 70, the size and usage of appliances and
479 equipment determines the need for additional electrical facilities. A dwelling unit must be
480 served by an electrical service with a rating of at least 60 amperes.

481 **604.3.1.1 Electrical equipment.** Electrical distribution equipment, motor circuits, power
482 equipment, transformers, wire, cable, flexible cords, wiring devices, ground fault circuit
483 interrupters, surge protectors, molded case circuit breakers, low-voltage fuses, luminaires,
484 ballasts, motors and electronic control, signaling and communication equipment that are
485 exposed to water must be replaced in accordance with the provisions of the Electrical
486 Code.

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

- 490 1. Enclosed switches, rated 600 volts or less;
- 491 2. Busway, rated 600 volts or less;
- 492 3. Panelboards, rated 600 volts or less;
- 493 4. Switchboards, rated 600 volts or less;
- 494 5. Fire pump controllers, rated 600 volts or less;
- 495 6. Manual and magnetic motor controllers;

- 496 7. Motor control centers;
- 497 8. Alternating current high-voltage circuit breakers;
- 498 9. Low-voltage power circuit breakers;
- 499 10. Protective relays, meters and current transformers;
- 500 11. Low- and medium-voltage switchgear;
- 501 12. Liquid-filled transformers;
- 502 13. Cast-resin transformers;
- 503 14. Wire or cable that is suitable for wet locations and whose ends have not been
504 exposed to water;
- 505 15. Wire or cable, not containing fillers, that is suitable for wet locations and
506 whose ends have not been exposed to water;
- 507 16. Luminaires that are listed as submersible;
- 508 17. Motors;
- 509 18. Electronic control, signaling and communication equipment.

510 **604.3.2.1 Electrical equipment.** Electrical switches, receptacles and fixtures, including
511 furnace, water heating, security system and power distribution circuits that are exposed to
512 fire, must be replaced in accordance with the provisions of the Electrical Code.

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

517 **605.3 Luminaires.** Luminaires must be maintained in good condition and in accordance
518 with the applicable code(s) in effect at the time of construction.

519 **605.4 Wiring.** Except as otherwise provided, flexible cords, including extension cords,
520 must not be

- 521 1. used for permanent wiring;

- 522 2. used for running through doors, windows, or cabinets; or
523 3. concealed within walls, floors, or ceilings.

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

531 **702.1 General requirements for egress.** A safe, continuous and unobstructed path of
532 travel must be provided from any point in a structure to the public right-of-way. Means
533 of egress must comply with this code as well as applicable provisions of the Fire Code,
534 the Building Code, and the Residential Code.

535 **702.2 Aisles.** Aisles must be unobstructed to achieve the width required in the Fire Code,
536 the Building Code, and the Residential Code.

537 **702.3 Locked doors.** Except for door hardware that conforms to the applicable Building,
538 Fire, or Residential Code, doors used for egress must be readily openable from the side
539 used to exit a structure. Readily openable means a door that can be opened without the
540 need for keys, special knowledge, or effort.

541 **702.4 Emergency escape openings.** Required emergency escape openings shall be
542 maintained in accordance with the code in effect at the time of construction, and the
543 following:

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

552 **702.5 Additional emergency escape and rescue opening requirements.** Unless the
553 sleeping room(s) meet a specific exception of the code under which the structure was

554 constructed, sleeping rooms in R-2 and R-3, one- and two-family and multiple-family
555 occupancy groups must have at least one emergency escape and rescue opening. An
556 existing escape or opening complies with this code if:

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

567 **702.5.1 Alternate Method of Compliance for existing emergency escape and**
568 **rescue openings.** An alternate method of compliance for a sleeping room with an
569 emergency escape and rescue opening that does not meet the requirements
570 referenced in Section 702.5 is to install hard-wired, dual chamber smoke alarms
571 with battery backup capability that are served with primary power from the
572 structure wiring. The smoke alarms must be installed inside and outside of the
573 sleeping room and must be interconnected through either wired or wireless
574 interconnection.

575 **704.1 General requirements for fire protection systems.** All systems, devices and
576 equipment to detect a fire, actuate an alarm, or suppress or control a fire or any com-
577 bination must be maintained in an operable condition at all times in accordance with the
578 applicable requirements in Chapter 25-12 (*Technical Codes*).

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

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

581 **901.1 Purpose.** The Building and Standards Commission is established to hear cases
582 concerning alleged violations of City Code related to the condition of, and minimum
583 standards for, the maintenance of existing residential and nonresidential structures,

584 premises, property, and establishments; and to hear appeals when required by City Code
585 and this code. The Commission has the powers and duties under this code, Section §2-1-
586 122 (*Building and Standards Commission*), and applicable state law.

587 **901.2 Duties.** The Commission shall hear and decide cases concerning alleged violations
588 of this code and appeals as required by this code and City Code. The Commission shall
589 issue orders regarding the cases, as appropriate. The Commission shall hear evidence
590 from each party that attends a hearing. Each order that requires removing or relocating an
591 occupant or repairing, securing, or demolishing a structure must include a time period for
592 compliance.

593 **901.3 Powers.** The Commission may order or initiate any action, remedy, response,
594 security, or penalty within its authority under applicable state law, this code, or City
595 Code, including:

- 596 1. ordering a structure be repaired within a fixed period;
- 597 2. declaring a structure or premise to be substandard or dangerous in
598 accordance with the powers granted under state law, City Code, and this
599 code;
- 600 3. ordering, as necessary:
 - 601 a. that a structure be vacated;
 - 602 b. that occupants be relocated;
 - 603 c. that persons or property be removed from private property;
 - 604 d. entry on private property; or
 - 605 e. that a substandard or dangerous condition or structure on private
606 property be removed or demolished.
- 607 4. issuing orders or directives to any peace officer of the state, including the
608 Austin Chief of Police, a sheriff, or constable, to enforce and carry out the
609 lawful orders or directives of the Commission;
- 610 5. determining the amount and duration of the civil penalty allowed under state
611 law;
- 612 6. hearing and deciding appeals which may be taken to the Commission; and

613 7. considering and recommending amendments to the City's housing and
614 building regulations or ordinances.

615 **901.4 Rules.** The Commission shall adopt rules for its own procedure. The rules shall
616 establish procedures to provide opportunity for presentation of evidence and testimony in
617 its hearings by persons who are alleged to have violated ordinances.

618 **901.5 Meetings.** Meetings of the Commission are held at the call of the Chairperson and
619 at other times as the Commission may determine. The Chairperson, or the Acting
620 Chairperson in the absence of the Chairperson, may administer oaths and compel the
621 attendance of witnesses. Six members constitute a quorum and the concurring vote of six
622 members is necessary to take any action. The Commission must render all decisions and
623 findings in writing in accordance with the applicable requirements of state law and City
624 Code.

625 **901.6 Records.** The Commission shall keep records of its minutes, hearings, decisions,
626 and other official actions. The Commission's minutes shall show the vote of each
627 Commission member on each question submitted to the Commission and the fact that a
628 member is absent or fails to vote. Commission records shall be filed in the office of the
629 code official.

630 **901.7 Notice.** Notice and any required recordation of all Commission hearings, orders,
631 or actions must be posted, filed, served, accomplished or disseminated in accordance with
632 the applicable provisions of state law and City Code.

633 **901.8 Orders.** A Commission order is final unless appealed in accordance with Chapters
634 54 and 214 of the Texas Local Government Code. Except for appeals related to
635 temporary safeguards, a Commission order does not include appeals.

636 **901.9 Civil Penalty.** The Commission is authorized to determine the amount and
637 duration of the civil penalty allowed under state law. The filing of a criminal action or a
638 conviction under 902.1 does not preclude assessment or enforcement of the civil penalty.

639 **901.10 Satisfaction of Civil Penalty.**

640 **901.10.1 Applicability.** This section applies to a civil penalty assessed under
641 Section 901.9 of this code for violations relating to:

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

645 **901.10.2 Offset Provision.** The code official must accept as full payment of the
646 civil penalty an amount equal to the assessed penalty minus the cost to complete
647 repairs or other corrective action required by the Commission order establishing
648 the penalty if:

- 649 1. all repairs or other corrective action required by the Commission order
650 establishing the penalty have been completed;
- 651 2. the code official has determined that all repairs or other corrective
652 action comply with City regulations; and
- 653 3. the City has not initiated a lawsuit based on the Commission order
654 assessing the penalty.

655 **901.10.3 Evidence.** A person that seeks an offset must provide evidence to the
656 code official of the cost of repairs or other corrective action required by a
657 Commission order.

658 **901.10.4 Determination.** The code official must determine whether the
659 evidence, as that term is used in 901.10.3, is associated with a repair or other
660 corrective action ordered by the Commission. The determination by the code
661 official may not be appealed.

662 **901.11 Validity of Order Not Affected by Transfer.** When a Commission order has
663 been filed in the deed records, the Commission order is valid even if the property is sold
664 or otherwise transferred. A person who acquires an interest in property after a
665 Commission order is recorded is subject to the requirements of the Commission order.
666 Each Commission order must include the text of this provision.

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

668 **902.1 Criminal Offense and Penalty.** A person commits an offense if the person fails to
669 comply with a final order issued by the Commission. Each day that a person fails to
670 comply with a final order is a separate occurrence. An offense under this section is a
671 class C misdemeanor. The maximum penalty must be \$500 per offense, per occurrence.
672 Proof of a culpable mental state is not required for conviction of an offense under this
673 section.

674 **SECTION 903 PERFORMANCE OF WORK REQUIRED FOR COMPLIANCE** 675 **WITH A COMMISSION ORDER.**

676 **903.1 Demolition and Remediation authorized.** In addition to any other remedy
677 provided in this section, and on the failure of the owner to comply with any predicate or
678 requirement of a Commission order, the code official may perform, procure, or contract
679 for any work, services, materials, accommodations, or action required of the property
680 owner by the Commission order. This includes engineering surveys or inspections, cost
681 estimates, construction scheduling, asbestos testing, design services, plan preparation,
682 permitting, fencing, stabilization, grading, filing, draining, the closure of a building, the
683 vacation and relocation of occupants, the removal of personalty or disposal of debris, and
684 the treatment or cleaning of the premises and the lot.

685 **903.2 Personalty on the Premises.** A property owner is responsible for removing
686 personalty from a structure that must be vacated or demolished. If the City or its agent
687 demolishes the structure, the personalty remaining on the property is considered
688 abandoned and may be removed by the City or its agent in the same manner as other
689 rubbish or debris.

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

691 **1001 Responsibility of Landlord.** The owner of a building, structure, or property
692 remains responsible for compliance with this Code notwithstanding any rental or other
693 agreement purporting to give tenants or other third parties certain duties or
694 responsibilities with respect to the building, structure, or property.

695 **1002 Retaliation.**

696 **1002.1 Prohibited.** A property owner, owner's agent, management company, or other
697 person responsible for managing a property commits an offense if the property owner,
698 owner's agent, management company, or other person responsible for managing a
699 property raises a tenant's rent, diminishes services to the tenant, or attempts eviction for
700 reasons other than nonpayment of rent or other good cause for six months after a
701 complaint is filed by the tenant with the code official complaining of violations of this
702 code or for six months after completion of repairs required by a notice or order issued
703 under this code, whichever time period is longer.

704 **1002.2 Penalty.** Unless a culpable mental state is established, a violation of Section 1002
705 (*Retaliation*) is an offense, punishable by a fine not to exceed \$500 per occurrence. If
706 proof of a culpable mental state is established, a violation of Section 1002 (*Retaliation*) is
707 punishable by a fine not to exceed \$2,000 per occurrence.

708 **1002.3 Affirmative Defense.** It is an affirmative defense to prosecution under Section
709 1002 (*Retaliation*) if the action was:

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

721 **CHAPTER 11 INTERFERENCE WITH REPAIR OR DEMOLITION WORK**
722 **PROHIBITED.**

723 **1101 GENERAL.** No person must obstruct, impede, or interfere with work performed by
724 any of the following individuals for purposes of boarding, securing, repairing, vacating or
725 demolishing a building, structure, or property under the provisions of this code, or in
726 performing a necessary act preliminary or incidental to work authorized under this code:

- 727 1. a peace officer;
- 728 2. a City employee;
- 729 3. a City contractor;
- 730 4. an authorized representative of the City;
- 731 5. a person who owns or holds an estate or interest in a building, structure, or
732 property; or
- 733 6. a person to whom such a structure has been lawfully sold under this code.

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

735 **CHAPTER 13 REGULATED LODGING ESTABLISHMENTS.**

736 **1301 Inspections.** The code official must make inspections to determine the condition of
737 short-term rentals, boarding houses, hotels, rooming houses and bed and breakfast
738 establishments located within the City, to ensure compliance with this chapter and other

739 applicable laws. For the purpose of making inspections, the code official or the code
740 official's representative may enter, examine, and survey, at all reasonable times, all
741 buildings, dwelling units, guest rooms, and premises on presentation of the proper
742 credentials. An owner or other authorized individual may refuse to consent to an
743 inspection conducted by the code official. If consent is refused, the code official may
744 seek an administrative search warrant authorized by Article 18 of the Texas Code of
745 Criminal Procedure (*Search Warrant*) and City Code Section 2-10-1 (*Municipal Court*
746 *Jurisdiction and Authority*). Nothing in this code limits the ability of the code official to
747 inspect as necessary or as authorized by other law.

748 **1302 Licenses and permits required.** No person may operate a boarding house, hotel,
749 rooming house, short-term rental, or bed and breakfast establishment unless a license for
750 the operation, in the name of the owner or operator and for the specific dwelling unit,
751 partial unit, accessory unit, building, structure, or property used, has been issued by the
752 code official and is currently valid and in good standing. Unless specifically exempted
753 by the provisions of Chapter 10-3 (*Food and Food Handlers*), each regulated lodging
754 establishment that provides meals or food service is required to have a permit as a food
755 service establishment issued by the Health Authority.

756 **1303 Leasing, renting, or advertising units or rooms in an unlicensed hotel,**
757 **boarding house, rooming house, short term rental, or bed and breakfast**
758 **establishment is an offense.**

- 759 (A) An owner, manager, operator, or person in control of a hotel, boarding house,
760 rooming house, short-term rental, or bed and breakfast establishment commits an
761 offense if the owner or other person leases, rents, advertises, promotes, or
762 otherwise solicits or induces occupancy of a room, structure, dwelling unit, or
763 partial unit in a hotel, boarding house, rooming house, short-term rental, or bed and
764 breakfast establishment which does not have a valid license issued and displayed
765 as required by this chapter or as required by Title 25 (*Land Development*).
- 766 (B) A person may not advertise or promote a licensed establishment without including
767 the license number assigned to the establishment by the city in the advertisement or
768 promotion.
- 769 (C) Each day that an owner, manager, operator, or other person in control of the
770 property leases, rents, advertises, promotes, or otherwise solicits or induces
771 occupancy of a room in a hotel, boarding house, rooming house, short-term rental,
772 or bed and breakfast establishment which does not have a valid license issued,

773 disclosed, and displayed as required by this chapter is a separate occurrence. An
774 offense under this section is a class C misdemeanor, punishable by a fine not to
775 exceed \$500 per offense, per occurrence, unless proof of a culpable mental state is
776 proven. If proof of a culpable mental state is demonstrated, an offense under this
777 section is punishable by a fine not to exceed \$2,000 per occurrence.

- 778 (D) It is an affirmative defense to a violation of Section 1303 if the advertisement or
779 promotion conspicuously disclosed that reservation, occupancy, or rental of the
780 facility is contingent on a pending city licensure application.

781 **1304 Application.** An application for a license required by this chapter must be in
782 writing and submitted to the code official. To be considered complete, the application
783 must include all information and documentation required by the Land Development Code
784 regulations specific to the use type or indicated as required by the code official and this
785 code.

786 **1305 Fee.** Each application for a rooming house, hotel, motel, boarding house, short-
787 term rental, or bed and breakfast establishment license must be accompanied by the
788 payment of a fee in an amount established by separate ordinance. Except for payment of
789 the fee due for a short-term rental, a regulated lodging establishment fee must be pro-
790 rated on a quarterly basis.

791 **1306 Issuance.** A boarding house, hotel, rooming house, short-term rental, or bed and
792 breakfast establishment license must be issued by the code official after the code official
793 determines that the owner or operator has complied with all applicable ordinances and
794 rules. A license must not be issued or renewed by the code official for any applicant or
795 location in the absence of proof of the applicant or location's substantial compliance with
796 all applicable local hotel occupancy tax rules and regulations.

797 **1307 License suspension.**

- 798 (A) Except as provided in subsections (D) and (E), whenever the code official finds on
799 inspection of the physical premises or review of applicable records of any boarding
800 house, hotel, rooming house, short-term rental, or bed and breakfast establishment
801 that conditions or practices exist that violate any provision of the Property
802 Maintenance Code, City Code, or any rule or regulation adopted under this code,
803 or that the establishment has failed to comply with any provision, prohibition, or
804 requirement related to the registration, reporting, collection, segregation,
805 accounting, disclosure, or payment of local hotel occupancy taxes, the code official

806 must give written notice to the owner of the property and the operator of the
807 boarding house, hotel, rooming house, short-term rental, or bed and breakfast
808 establishment that unless the violations are corrected by an identified deadline, the
809 license must be suspended.

810 (B) At the end of the time provided for correction of the violation(s), the code official
811 must re-inspect the location or records of the boarding house, hotel, rooming
812 house, short-term rental, or bed and breakfast establishment and, if the conditions
813 or practices have not been corrected, must suspend the license and give written
814 notice to the licensee that the license has been suspended.

815 (C) On receipt of notice of suspension, the licensee must immediately stop operation of
816 the boarding house, hotel, rooming house, short-term rental, or bed and breakfast
817 establishment, and no person may occupy for sleeping or living purposes any
818 rooming unit therein, except that the code official may allow continued occupancy
819 by the property owner of a short-term rental use subject to Section 25-2-788
820 (*Short-Term Rental (Type 1) Regulations*). The notice required by this subsection
821 must be served in accordance with the notice provisions of applicable law.

822 (D) The code official may immediately suspend a license if the code official
823 determines that the license was issued in error. A suspension is effective until the
824 code official determines that the licensee has complied with the requirements of
825 the City Code or any rule or regulation adopted under this code. The code official
826 must give written notice to the owner of the property and the operator of the
827 establishment that the license is suspended.

828 (E) If a short-term rental is the subject of two or more substantiated violations of
829 applicable law during the license period, the code official may suspend the short-
830 term rental license. The code official must give notice to the licensee of a notice of
831 intent to suspend a license issued under this subsection.

832 (F) In determining whether to suspend a license as described in subsection (E), the
833 code official must consider the frequency of the substantiated violations, whether a
834 violation was committed intentionally or knowingly, and any other information
835 that demonstrates the degree to which a licensee has endangered public health,
836 safety, or welfare.

837 **1308 Appeals.**

- 838 (A) The following actions of the code official may be appealed to the Building and
839 Standards Commission as provided in this Code: the denial of an application for a
840 license to operate a boarding house, hotel, rooming house, short-term rental, or bed
841 and breakfast establishment; the suspension of a license to operate a boarding
842 house, hotel, rooming house, short-term rental, or bed and breakfast establishment;
843 and the issuance of a notice that a license to operate a boarding house, hotel,
844 rooming house, short-term rental, or bed and breakfast establishment will be
845 suspended unless existing conditions or practices are corrected.
- 846 (B) An appeal filed under this section must be filed with the code official no later than
847 the 20th day following the date on which the license was denied or suspended, or
848 notice of violation was received. The appeal must identify each alleged point of
849 error, facts and evidence supporting the appeal, reasons why the action of the code
850 official should be set aside, modified, or reversed, and must be sworn. The appeal
851 must be set for hearing before the Commission on the next available agenda date
852 following receipt of the appeal and must be heard following setting on the
853 scheduled agenda if a quorum is present at the hearing, unless the appellant
854 requests a later date and waives the scheduled hearing.
- 855 (C) An appeal of under this section does not stay enforcement of license requirements.

856 **1309 Expiration.**

- 857 (A) Each rooming house, boarding house, hotel, motel, or bed and breakfast
858 establishment license expires at the end of the calendar year for which the license
859 is issued, unless prior to the end of the calendar year, the license is voided,
860 suspended, or revoked as provided in this chapter, as provided in another section of
861 City Code, or by court order, or other operation of law.
- 862 (B) Each short-term rental establishment license expires one year from the date the
863 license is issued, unless prior to the end of one year from the date the license is
864 issued, the license is voided, suspended, or revoked as provided in this chapter, as
865 provided in another section of City Code, or by court order, or other operation of
866 law.

867 **1310 Transfer and notice on sale of premises.** A license issued under this chapter is
868 not transferable. Every person holding a license must give written notice to the code
869 official no later than 10 days before the conveyance, transfer, or any other disposition of
870 the ownership of, interest in, or control of any boarding house, hotel, rooming house,

871 short-term rental, or bed and breakfast establishment. The notice must include the name
872 and address of the person succeeding to the ownership or control of the boarding house,
873 hotel, rooming house, short-term rental, or bed and breakfast establishment.

874 **1311 Display.** The license required by this chapter must be displayed at all times in a
875 conspicuous place designated by the code official within each boarding house, hotel,
876 rooming house, short-term rental, or bed and breakfast establishment.

877 **PART 2.** This ordinance takes effect on September 1, 2021.

878 **PASSED AND APPROVED**

879
880 §
881 §
882 _____, 2021 § _____

Steve Adler
Mayor

883
884
885
886
887 **APPROVED:** _____ **ATTEST:** _____
888 Anne L. Morgan Jannette S. Goodall
889 City Attorney City Clerk