

WHAT'S NEW IN 32?

A Summary of the Revisions and Additions to Garland's Neighborhood Laws as Adopted by the City Council on April 19, 2005

INFORMATION FOR GARLAND'S 225,000 CITIZENS

<u>TOPIC</u>	<u>SECTION LOCATION & WHAT'S NEW</u>
1. Nuisance Definition	32.50(R); New language adds graffiti, encroachment, substandard premises, junk motor vehicles, junked boats, junked off-road motorcycles, junked ATVs, and poison ivy, oak, and sumac to the definition of a nuisance.
2. Junk Motor Vehicle Hearings	32.84(C)(4); The City Manager will designate a "Hearings Officer" to hear junk motor vehicle cases. Previously, citizens' appeals were heard by the Housing Standards Board.
3. Junk Boats, Motorcycles and ATVs	32.81; New language added junk boats, junk motorcycles, and junk 4-wheelers to the section on junk cars. Code Compliance will treat these additional junk items in the same manner as junk cars. They must either be hidden in a garage or hidden behind a privacy fence (or fully screened by vegetation) and parked on a legal surface.
4. 7-Day Compliance on High Grass and Most Nuisances	32.61(A) & (C); Code will now give seven (7)-day compliance deadlines for high grass and for almost all nuisances, including unsightly conditions. The previous code allowed 10 days.
5. Emergency Abatement of High Weeds – Weeds Taller than 48 Inches	32.61(B); The City has adopted state law which allows Garland to do a Work Order on properties with grass over 48 inches tall <u>without</u> prior notice to the owner. Inspectors must be of the opinion that the high weeds are an immediate danger to the health, life, or safety of a person. After the emergency cutting, Code must notify the owner.
6. Window Screens at Apartments and Rent Houses	32.04(B)(5); Any window that is designed to be openable (sliding vertically or horizontally) at an apartment or at a rent house must have a tight-

fitting screen in good condition. Any window in which a window A/C or AC/heater is installed is exempt from having a screen, but the window unit must be sealed to prevent entry of insects. The window screen requirement is applicable even if the apartment or rent house has central heating and air conditioning.

7. Smoke Detectors
32.03(A)(3); This wording clarified the smoke detector language. Every apartment and rent house must have at least one functional smoke detector on each floor. The detectors can be hard-wired or battery-operated. If an inspection reveals evidence that a tenant has disconnected a smoke detector's power supply, the tenant has committed an offense.
8. Approved Repairs
32.01(B); This wording defines "approved repairs" as they relate to the correction of minimum housing standard violations and the correction of health code violations. Health Department managers will provide specific training to Code Inspectors on what constitutes approved repairs.
9. Declaring a Residence Substandard
32.02(B); This section clarifies the language regarding what parties are liable for a substandard premise. The term property manager has been added to the definition of owner. It is now clear that any owner allowing people to occupy a red-tagged house has committed an offense, and any person who "occupies" a red-tagged house has committed an offense.
10. Severity of Violations
32.02(F); This wording creates a three-level set of categories for any minimum housing standard or nuisance violations that inspectors discover during an inspection. Owners and managers will be given 24 hours to correct life-safety violations, 72 hours to correct critical violations, and either one month or until the next inspection (whichever is greater) to correct non-criticals.
11. Floor Replacement
32.04(C)(5); This new language gives Health (and the Code Compliance Division of Health) the authority to require the replacement of damaged and badly worn floor surfaces in apartments and rent houses. Any new floor surface product (such as carpet, linoleum, wood, ceramic tile, etc.) that is allowed by the International Residential Code in the

type of room involved, is acceptable.

12. Comfortable Temperature

32.04(D)(1) & (5); The City has adopted ASHRAE's (the American Society of Heating, Refrigeration, and Air-conditioning Engineers) standard for winter and summer temperatures. Apartments and rent houses must have a heating system that is capable of maintaining all habitable rooms at 71°F at a height of three feet in the winter. Apartments and rent houses must provide air conditioners (central or window units) that are capable of maintaining habitable rooms at 81°F (or below) from May 1 through October 1. During the summer, when ambient (outdoor) temperatures exceed 101°F, the A/C system must be able to cool the house to no warmer than 20 degrees below the ambient temperature (e.g. if it is 104°F outdoors, the A/C must be able to cool the house to at least 84°F).

13. Multifamily Licensing

32.07(F-H); This new language gives the City the authority to suspend or revoke an apartment license.

14. Right-of-Entry

32.07(E); This new language clarifies the authority of the Health Department to enter into apartments to perform inspections. By applying for a license, the owner or management firm is authorizing the City to enter the complex's property for the purpose of inspection.

15. Compliance with Health Code

32.07(B); This language requires apartment owners and managers to comply with the sections of the Health Code (Chapter 22) dealing with nuisances, noise violations, and swimming pool safety and sanitation.

16. Testing of Cooling Towers at Apartments

32.04(D)(6); Apartments which use one or more cooling towers as part of their HVAC systems must either 1) hire a third party to collect cooling tower water samples or 2) reimburse the City for collecting and testing one water sample each year for the bacterium that causes Legionnaire's disease. The lab reports must be submitted to the Health Department within 48-hours of receipt if the bacterium is present, or within 10 days if the test is negative.

17. Full Disclosure on Applications for an Apartment License 32.07(B)(8); This section requires all persons who submit applications for a multifamily license to accurately fill in all sections. Applications submitted that are incomplete can result in citations and/or the denial of that year's license.
18. Definition of What Constitutes a Multifamily Dwelling 32.07(A); This section clarifies when a multifamily license is required. Our most confusing example usually involves one owner who has purchased more than one apartment dwelling unit (condominium) at one condominium complex and who rents them to other persons. If an owner rents out three (3) or more dwellings that are located at the same complex, the owner is operating a multifamily dwelling. If the owner rents out only one or two dwellings at a complex, the owner possesses single family dwellings and must obtain rent house permits.
19. Paint Exterior Colors on Residences 32.53(H); Single family homes, inclusive of accessory buildings, detached garages, and fences, must have painted surfaces that are consistent in color. For example: If a house is painted light brown, with white trim on fascia and soffit, any repairs or additional painting must follow the same pattern. If the owner of a brown house with white trim replaced half the wood siding on the west end of the home, the new wood must be brown and any trim must be white. Accessory buildings and fences must be of a consistent color. For example, if a wood privacy fence has been stained with a red cedar color, and the owner replaced two of the 8-foot sections, the new sections must be the red cedar color.
20. Improperly Maintained Roofs 32.03(A)(4); This section is new as follows: a) When a homeowner repairs his/her roof, the owner must use roofing products that are of similar material to the remainder of the roof. For example: If high wind causes the loss of several shingles on a 3-tab, asphalt composition roof, the owner must use 3-tab, asphalt composition shingles to fill in the missing areas. There is no requirement to match the color of the replacement shingles with the color of the remainder of the roof.
21. Approved Connection 32.56(B)(2); This language modifies the "Parking On Unimproved Surface" regulations adopted by

Council in November, 2002. In those instances (at homes where a resident has built a vehicle parking pad out of gravel, asphalt, concrete, or concrete pavers) when a Code Inspector finds ruts in the soil of a yard that could hold water (and therefore allow mosquito breeding), the Code Compliance Division may require the owner to construct what is known as an “approved connection.” For example: If a resident, due to the occasional or frequent moving of a vehicle (like a boat, motor home, or car) from the resident’s street or alley onto a parking pad, has created ruts in the yard, the resident will be required to build a physical connection to the pad that complies with the paving standards in Chapter 32. Approved connections in front yards will almost always have to be concrete, while approved connections to alleys will generally be allowed to be made of six inches of crushed stone with a defined border.

22. Oversized Vehicles

32.57; The new language defines several types of vehicles from which food is sold. These defined mobile food units are now outlawed in residential zones, even if the mobile food unit is hidden in a garage or parked on a lawful surface in a back yard behind a privacy fence. Tow trucks (wreckers) are now defined as oversized vehicles, regardless of gross vehicle weight. They are prohibited in residential zones (unless they are towing a vehicle from a residence). The definition of recreational vehicles continues to include utility trailers (flatbed or enclosed) but they are only exempted from definition of oversized vehicles if they do not contain contractor storage (equipment and materials associated with an occupation). Language has been added in 32.57 (B) that explicitly outlaws the parking of oversized vehicles (like 18-wheelers) at shopping centers, retail stores, and vacant lots (Note: This section regulates the parking of oversized vehicles on private property. Trucks, that are making deliveries and trucks used as part of a lawful business are obviously still allowed). Section 32.84 (F) allows Code Inspectors or Police Officers to attach an immobilization device (like a Denver Boot) to the wheel of any vehicle that is in violation of any portion of Chapter 32 (for example: Oversized vehicles, junk cars, junk boats, etc.). In order for the vehicle driver to have the boot

removed, the driver must call the City and sign for a class C misdemeanor ticket.

23. Vehicles with Flat Tires, Etc.

32.83(B); Vehicle owners who leave cars, trailers, etc. in their driveways or on their property (if visible from public view) for more than 72 hours are in violation if:

- a) One or more tires is/are flat;
- b) One or more wheels is/are missing;
- c) The vehicle is propped up on jacks, stands, or blocks.

24. Outdoor Decorative Lighting

32.53(D); The City Council voted against setting time limits regarding Christmas and other seasonal and holiday lighting and yard displays; however, the Council adopted language related to safe electrical wiring. All outdoor lighting, irrespective of a resident's reason for installing the lighting, must comply with two legal standards as follows:

- A) The wiring must meet all requirements of the currently-adopted version of the National Electrical Code;
- B) Inexpensive, seasonal lighting (like icicles and holiday light strings) that meets the Underwriters Laboratories (UL) Standard 588 is in violation if a Code Inspector can observe visible "evidence of deterioration" (like cracks in insulation caused by exposure to sunlight) that indicates to the inspector the wiring has been outdoors more than 90 days.

This new section will primarily be enforced on a citizen complaint basis. Health Department staff (Code Division) will create an education pamphlet for citizens that discusses electrical safety issues pertaining to inexpensive seasonal lighting.

25. Temporary Portable Storage Containers (e.g. One local company name is "PODS" or Portable On-Demand Storage)

32.53(I); Garland's citizens are now limited to using a rented storage container (for example, while moving into or out of a house) for only 14 consecutive days. The temporary storage container must be dropped off by the rental company either:

- A) Onto a front driveway or rear driveway; or,
- B) Onto the grass in a front or rear yard.

It is unlawful to possess a temporary storage

container that is in the street or which extends into a sidewalk, street, or alley. NOTE: A citizen may request an extension of the 14 days for special circumstances (for example, a contractor may wish to rent a container and leave it at a vacant house to store expensive equipment while the contractor is remodeling the home (with a building permit).

26. Commercial, Open-Top Waste Containers (known as “roll-off boxes”)

32.53(M); This new language limits the time a homeowner or general contractor can leave a roll-off trash container at a home. The time limit is 90 days. A resident or general contractor may request an extension past 90 days if:

- A) There is a current building permit for the address; and
- B) The roll-off is being dumped at least every two weeks; and
- C) There are no nuisances at the address

27. Unmanaged Landscape Vegetation

32.53(B); It has always been a code violation to allow grass or weeds to grow to over 12 inches in height. This new language expands the responsibility of all owners of developed land (residential, commercial, and industrial) to include the proper maintenance of other landscape plants, including ground cover, shrubs, and trees. There are three categories of violations in this section, as follows:

- A) If an owner fails to trim, prune, or cut the bushes, shrubs, and trees on his/her property for such an extended amount of time that the land is unsightly to an ordinary citizen, the owner has committed an offense.
- B) The presence of dead bushes, shrubs, or trees constitutes a violation;
- C) Trees that, due to their condition (like dead limbs or diseased parts) and their proximity to homes, sidewalks, streets, or buildings constitute a safety hazard (there is a risk that falling limbs or trunks could injure a kill a person) are code violations. Owners must abate the hazard by removing the offending portion of the tree or by removing the tree.

28. Discharge of Grass Clippings

32.53(C); Although Garland's current storm water pollution prevention law (Section 31.171) makes it illegal to discharge anything other than clean rain water or clean irrigation water to a street or alley, this new neighborhood law explicitly prohibits citizens and lawn care company employees from "discharging" grass cuttings to the storm sewer. The storm sewer system includes not only the storm water inlets on our curbs, but all surfaces of all streets and alleys. Residents and landscapers are now required to collect grass clippings that have blown into or landed on a street or alley, place them in a trash bag, and leave the bag(s) of clippings at the residents' normal trash collection point. It is also legal to return swept up clippings to the yard. Mulching mowers already return clippings to the yard. Violations of this new law are best described as instances where a person uses a broom or a gas or electric leaf blower to throw leaves and grass clippings into a street or alley. The small quantities of grass cuttings incidentally thrown beyond a curb by a mulching mower would not generally be a violation of this section. The goals of this new law are:

- a) Improve visual appearance of neighborhoods and commercial areas by prohibiting the throwing or blowing of large amounts of grass into a public street; and,
- b) Minimizing the washing of biological waste into storm drains, thereby improving stream water quality in the city.

29. Garage Sales

32.53(J); Garage sales are a very popular event in Texas that have become a part of the state's culture; unfortunately, some residents have multiple sales of this type (as many as 10-30 weekends each year). Abuses of this type disrupt the residential character of a neighborhood. The "New 32" defines three kinds of garage sales as follows:

- A) Single Family Sale – a garage sale at a house
- B) Multifamily Sale – a garage sale at an

apartment complex

- C) Institutional Sale – a garage sale at a private or public school or at a church.

The new garage sale regulations are similar to the laws prior to 2005. Any family or individual living in a home is allowed to have three (3) garage sales per calendar year at one specific address. Each sale must be registered (permitted) in advance by calling Code Compliance (972-485-6400). There is no permit fee. Each sale can be no more than three consecutive days (unless the sale includes a national holiday, in which case a sale can last four days).

Garage sale signs are regulated in this manner:

- 1) A person can only place three signs off the person's own yard.
- 2) No sign can be taller than five (5) feet or exceed eight (8) square feet in area (that's about three feet wide by two and one-half feet tall).
- 3) Each sign must have written on it – the address, the dates of the sale, and the permit number.
- 4) All garage sale signs must be removed by 9:00 p.m. of the last day of the sale.

Apartment Garage Sales (multifamily) have somewhat different rules.

- A) Each apartment complex can sponsor only five apartment garage sales in a calendar year.
- B) Individual apartment residents are prohibited from applying for an apartment garage sale. Only an apartment manager or owner may apply for an apartment garage sale permit.
- C) Sales are limited to three days (excluding holidays).
- D) The Code Compliance Department must approve the location at the complex where merchandise is displayed (for example, the common area near the office or swimming pool).
- E) No apartment garage sale merchandise can be displayed closer than 50 feet to a public street.

- F) Sign requirements are essentially the same as those for home garage sales.

Institutional Garage Sales have no annual limit on the number. A person-in-charge at the school or church must simply notify Code Compliance by phone at least 48 hours prior to the sale. No person can have a garage sale at an institution without permission from the institution. All money collected from a garage sale at an institution must be given to a non-profit organization, which can include the institution. Sign regulations for a garage sale are essentially the same as those for a home or apartment.

30. Holding Owners Responsible

32.05(A) & (B); This language clarifies that the owner and the person being paid to manage an apartment or a rent house are both legally responsible for violations of Chapter 32.

31. Filing False Reports

32.64(A); Every year, about 12,000 people call the Health Department (Environmental Health, Code Compliance, or Animal Services) and file a complaint which alleges that a code or health violation exists at a specific address. Almost all of these complaints are filed in good faith and a large percentage are correct. Investigations at the address in question (and subsequent discussions with the person who filed the complaint) reveal that from one to a dozen citizens have knowingly filed a false report against a neighbor (presumably to create difficulty for a neighbor). For example, the Health Department has received detailed complaints alleging the presence of raw sewage in a back yard, only to find that the address in question has no sewer leaks and may not have ever had a sewer leak. This new language makes it a criminal offense, punishable by a fine up to \$2000, for a citizen to call in (or send by U.S. mail or e-mail) a complaint that the citizen knew or should have known was not true.

32. Shopping Carts

32.53(G); This language makes it an offense for a resident to possess a shopping cart which came from (belongs to) a retail store. The law gives the City the authority to impound any cart found on property other than the store that owns the cart. Carts will be held for 14 days, during which time

the owner may reclaim the cart for no charge. After 14 days, the impounded cart belongs to the City and will be disposed of.

33. Rent Houses – Requirement for Annual Permits and Health/Safety/Minimum Housing Standard Inspections

32.09; Since 1999, Garland has had a law that requires the owners of all single family rent houses in the City to obtain a “registration” from Code Compliance. These regulations require all landlords to fill out an application, certify that the smoke detector works, and submit a self-inspection checklist stating that the rent house complies with Garland’s minimum housing standards. The revision to this section, passed on April 19, 2005, elevates this program to a proactive, inspections-by-certified-code-officer effort. By no later than June 19, 2005, any person who owns a rent house in Garland must have submitted a properly completed application and must have paid a \$65 annual permit fee. The owner, after proper application, will be mailed a “Single Family Rental Permit” which must be displayed in the rent house where the occupant can see it. Each year, the Code Compliance Division of Health will send a state-certified inspector to the home (by appointment with the owner, property manager, or tenant). The Code Inspector will perform an approximate 30 minute inspection of the premises. The inspector will observe the outdoors for evidence of nuisance violations (like high grass, trash, and junk cars) and will inspect the home itself (exterior and interior) for compliance with Garland’s minimum housing standards and for the presence of rodents, roaches, and other vermin. At the completion of this initial inspection, the person-in-charge (landlord or property manager) will receive a copy of the inspection report. Deadlines for compliance will range from one day (life safety) to 30 or more days (non-critical). After a reinspection reveals compliance, this rent house will not be reinspected for about one year, unless a complaint is received. Note: Landlords and property managers are encouraged to provide tenants a 24-hour notice of the day and time of a scheduled inspection. As of April, 2005, there were 5,720 rent houses registered in Garland. After a thorough effort to locate unregistered rent houses, Health officials expect the list of rent houses to exceed 7,000. Any homeowner who resides near a rent house that the

homeowner wishes to know its (the rent house's) legal status (Is this rent house permitted by Garland?) is encouraged to call Code Compliance for a verification. Similarly, any person renting a home in Garland who does not see a single Family Rental Permit displayed on a wall should contact Code Compliance (972-485-6400). The purpose of this new inspection program is to ensure that renters are provided a clean, safe home with functional heating, air-conditioning, appliances, electrical wiring, and plumbing. These proactive annual health and safety inspections have been protecting the welfare of Garland's 52,000 apartment dwellers since the early 1990's, and will serve to protect the welfare of the 17,000 – 20,000 citizens who reside in Garland's rented homes.