

Chapter 32

Residential Rental Property Licensing and Inspection

TABLE OF CONTENTS

Section 100

Administration	6
32.110 Title	6
32.120 Scope.	6
32.130 Purpose	6
32.140 Severability	6
32.150 Applicability and Administration	6
32.160 Maintenance	7
32.170 Workmanship.....	7
32.180 Requirements not covered by code	7

Section 200

General	8
32.210 Rule-Making Authority	8
32.220 Inspections	8
32.230 Right of Entry.....	8
32.240 Identification	8
32.250 Notices and Orders.....	8
32.260 Notice to person responsible	8
32.270 Form.....	8
32.280 Method of Service.....	9
32.290 Penalties	9
32.295 Transfer of Ownership	9

Section 300

Emergency Measures	10
32.310 Imminent Danger	10
32.320 Temporary Safeguards	10
32.330 Closing Streets	10
32.340 Emergency Repairs	10
32.350 Costs of Emergency Repairs	10
32.360 Hearing.....	10

Section 400

Means of Appeal.....	11
32.410 Application for Appeal.....	11
32.420 Stays of Enforcement.....	11
32.430 Hearings.....	11
32.440 Temporary Safeguards	11
32.450 Closing Streets	11
32.460 Emergency Repairs	11
32.470 Costs of Emergency Repairs	11
32.480 Hearing.....	11

Section 500	
Definitions	12
Section 600	
Residential Rental Property License.....	14
32.610 License Timeline.....	14
32.620 Separate License Required.....	14
32.630 Application Requirements.....	14
32.640 License Issued	15
32.650 License Expires	15
32.660 Geographic Designation.....	15
32.670 Incomplete Application.....	15
Section 700	
Renewal of Residential Rental Property License	16
32.710 License Renewal Required.....	16
32.720 Landlord License responsibility	16
Section 800	
Transfer of License and Change of Status	17
32.810 Registration and Fees	17
32.820 Existing Violations.....	17
32.830 Change of Status	17
Section 900	
Self Inspection Required	18
32.910 Self-Inspection Required.....	18
32.920 Inspection Report Required	18
32.930 Minimum Standards.....	18
32.940 Inspection Form	18
32.950 Inspection Form Standards.....	18
32.960 Record Retention Required.....	18
Section 1000	
Rental Unit Inspection	19
32.1010 Inspections	19
32.1020 Inspection Area	19
32.1030 Waiver of Inspection.....	19
32.1040 frequentness of Inspection	19
32.1050 Availability to Inspect.....	19
32.1060 Re-Inspection required.....	19

Section 1100

Conduct on Licensed Premises/ Landlord Responsibilities..... 20
32.1110 Enforcement 20
32.1120 License Designee Residence Requirement 20
32.1130 Landlord Responsibility 20
32.1135 First Violation 21
32.1140 Second Violation..... 21
32.1145 Third Violation..... 21
32.1150 No Adverse Action Pending Eviction..... 21
32.1160 Finding of Disorderly Conduct 22
32.1165 Service of Notice..... 22
32.1170 Enforcement Actions..... 22
32.1180 Prime Facie Evidence..... 22
32.1190 Penalties for Repeat Violations..... 22

Section 1200

Licensed Maintenance Person Required 23
32.1200 Licensed Maintenance Person required 23

Section 1300

Property Maintenance Required 24
32.1310 Required Standards 24
32.1320 Maintenance of Property Required 24
32.1330 Permits and Fees Apply 24

Section 1400

Operational Permits Required 25
32.1410 Scope/Purpose..... 25
32.1420 Permit Required 25
32.1430 Time Line..... 25
32.1440 Application Outline..... 25
32.1460 renewal or Change of Status Required..... 26

Section 1500

Fee Schedule 27
32.1510 Timeline for Fees 27
32.1520 Fees Schedule..... 27
32.1530 Late Fee Schedule 27
32.1540 Re-Inspection Fee 27

Section 1600

Posting Required 29
32.1600 Posting Required 29

Section 1700

Offenses and Enforcement..... 30
32.1710 Landlord Offenses..... 30
32.1720 Failure to Comply with Requirements of This Code 30

Administration

Section 32.100 Administration

Sec. 32.110 Title

These regulations shall be known as the “*Residential Rental Property Licensing and Inspection*” code of San Marcos, Hays County, Texas, hereinafter referred to as “this code” or “provision”.

Sec. 32.120 Scope

The provisions of this code shall apply to all existing residential rental properties, units and accessory structures there in. This code shall constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties. Nothing in this provision is contrary to other existing codes or ordinances related to property, life safety, IFC, IBC or any other codes.

Sec 32.130 Purpose

The purpose of this chapter is to safeguard the life, health, safety, welfare, and property of the occupants of single family and multi-family units and the general public by developing a process to enforce the minimum building standards and property maintenance codes; and to provide equitable and practical remedies for the violation of minimum building standards and property maintenance codes.

Sec. 32.140 Severability

If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

Sec. 32.150 Applicability and Administration

- a) This chapter shall apply to all landlords of rented residential Single-family homes, Manufactured/Mobile Homes, Duplexes, Quad-plexes, Owner-Occupied units and Multi-family units located in the City of San Marcos.
- b) The Director of the Marshals Office (Marshal), the Marshal's authorized representatives (Deputy Marshals) shall enforce the provisions of the code.
- c) All residential rental properties within City of San Marcos shall be registered with the City of San Marcos within ninety (90) days from the adoption of this article.

32.160 Maintenance

Equipment, systems, devices and safeguards required by this code or a previous regulation or code under which the structure or premises was constructed, altered or repaired shall be maintained in good working order. No landlord or occupant shall cause

any service, facility, equipment or utility which is required under this code to be removed from or shut off from or discontinued in any unoccupied/occupied rental unit, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, a City licensed maintenance person, as per section 32.1200, shall be responsible for the maintenance of buildings, structures and premises.

32.170 Workmanship

Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this code shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer's installation instructions and per city and state laws.

32.180 Requirements not Covered by Code

The Marshal may determine requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health and general welfare, not specifically covered by this code.

General

Sec. 32.200 General

Sec. 32.210 Rule-Making Authority

The Marshal shall have authority as necessary in the interest of public health, safety and general welfare, to adopt and promulgate rules and procedures; to interpret and implement the provisions of this code; to secure the intent thereof; and to designate requirements applicable because of local climatic or other conditions. Such rules shall not have the effect of waiving structural or fire performance requirements specifically provided for in this code, or of violating accepted engineering methods involving public safety.

Sec. 32.220 Inspections

The Marshal may make all of the required inspections, or may accept reports of inspection by approved agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The Marshal is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise.

Sec 32.230 Right of Entry.

The Marshal is authorized to enter the structure or premises at reasonable times to inspect subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the Marshal is authorized to pursue recourse as provided by law.

Sec. 32.240 Identification

The Marshal shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

Sec. 32.250 Notices and Orders

The Marshal shall issue all necessary notices or orders to ensure compliance with this code.

Sec. 32.260 Notice to Person Responsible

Whenever the Marshal determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Sections 32,270 and 32.280 to the person responsible for the violation as specified in this code. Notices for condemnation procedures shall also comply with Chapter 14 of City of San Marcos Ordinances

Sec. 32.270 Form

Such notice prescribed in Section 32.260 shall be in accordance with all of the following:

1. Be in writing.
2. Include a description of the real estate or address sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.

4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code.
5. Inform the property owner of the right to appeal.
6. Include a statement of the right to file a lien in accordance with 32.350.

Sec. 32.280 Method of Service

Such notice shall be deemed to be properly served if a copy thereof is:

1. Delivered personally;
2. Sent by certified or first-class mail addressed to the last known address; or
3. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.

Sec. 32.290 Penalties

Penalties for noncompliance with orders and notices shall be as set forth in 32.1700.

Sec. 32.295 Transfer of Ownership

It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the Marshal and shall furnish to the Marshal a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

EMERGENCY MEASURES

Sec. 32.300 Emergency Measures

Sec. 32.310 Imminent Danger

When, in the opinion of the Marshal, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the Marshal is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The Marshal shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Marshal." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

Sec. 32.320 Temporary Safeguards

Notwithstanding other provisions of this code, whenever, in the opinion of the Marshal, there is imminent danger due to an unsafe condition, the Marshal shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the Marshal deems necessary to meet such emergency.

Sec. 32.330 Closing Streets

When necessary for public safety, the Marshal shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

Sec. 32.340 Emergency Repairs

For the purposes of this section, the Marshal may employ the necessary labor and materials to perform the required work as expeditiously as possible to mitigate life safety problems. Repairs not listed as a life safety problem can also be mitigated, but only after the notification process as described in section 32.270 and 32.280 is followed.

Sec. 32.350 Costs of Emergency Repairs

Costs incurred in the performance of emergency work may be paid by the City of San Marcos. Legal counsel of the City of San Marcos may institute appropriate action against the owner of the premises where repairs are located for the recovery of such costs.

Sec. 32.360 Hearing

Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the appeals board, be afforded a hearing as described in this code.

MEANS OF APPEAL

Sec. 32.400 MEANS OF APPEAL

Sec. 32.410 Application for Appeal

Any person directly affected by a decision of the Marshal or a notice or order issued under this code shall have the right to appeal to the construction board of adjustment and appeals, provided that a written application for appeal is filed within 10 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted there under have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

Sec. 32.420 Stays of Enforcement

Appeals of notice and orders (other than Imminent Danger notices) may stay the enforcement of the notice and order until the appeals board hears the appeal.

Definitions

Sec. 32.500 Definitions

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this article, shall have the meanings hereinafter designated. Where terms are not defined, they shall have their ordinary accepted meanings.

Accessory building or use means a building or use that is clearly subordinate to and functionally related to the primary building or use, which contributes to the comfort, convenience, or necessity of occupants of the primary building or use on the same platted lot. Accessory buildings shall be detached from the primary building and shall not be used for living quarters.

Bedroom means any room or space used or intended to be used for sleeping purposes.

Building official means the chief building official for the City of San Marcos, Texas, or designee.

Code official means any official who is charged with the enforcement of this Code, as prescribed by the Marshal.

Common area means communal areas of the unit, including but not limited to, hallways, stairways, lobby areas, laundry rooms, pool facilities, green spaces, recreation rooms and parking lots.

Complex – see Multi-family unit (MFU)

Duplex Unit (DU) – (Two Family dwelling) - as defined by the International Building Code

Exterior property means the open space on the premises and/or on adjoining property under the control of the landlord of such premises.

Landlord means the owner, operator, lessor, Management Company, managing agent or on-site manager of a rental unit or multi-family dwelling unit.

Manufactured/Mobile Home (MH) - Manufactured housing means any one of three types of prefabricated housing products which are typically manufactured or assembled at a location other than the end user's permanent site, and which are regulated by the Texas Manufactured Housing Standards Act (V.T.C.A., Occupations Code, Chapter 1201). For the purpose of this Ordinance, there are two types of manufactured homes: (1)

(a) *Mobile home* means a structure that was constructed before June 15, 1976, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems. The term does not include a recreational vehicle as that term is defined by this Land Development Code.

(b) *HUD-code manufactured home* means a structure, constructed on or after June 15,

1976, according to the rules of the United States Department of Housing and Urban Development, and V.T.C.A., Occupations Code, Chapter 1201, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems. The term does not include a recreational vehicle as that term is defined by this Land Development Code.

Marshal means the official who is charged with the administration and enforcement of this Code or their designee.

Multi-family unit (MFU) - means any building or portion thereof which is designed, built, rented, leased, or let to be occupied as three (3) or more dwelling units or apartments. The term shall not include hotels, motels, nursing facilities, or assisted living units.

Occupant means any individual living or sleeping in a building, or having possession of a space within a building. This includes, but is not limited to, persons that reside at a residence the majority of 21 calendar days, regardless if that person pays rent or provides in-kind services. The person is not required to have a lease, contract or other legal document to be considered an occupant.

Owner means any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or Marshal of the estate of such person if ordered to take possession of real property by a court.

Owner-occupied rental unit - A Dwelling Unit in which at least one owner of record of the property resides as his/her primary dwelling

Premises - mean a lot, plot or parcel of land, easement or public way, including any structures thereon.

Rental unit - means a structure or portion thereof that is rented or offered for rent as a residence; including but not limited to, single-family unit, duplex unit, tri-plex, quad-plex unit, multi-family unit, owner occupied rental unit, manufactured or mobile home unit, town home or condominium.

Single Family Unit (SFU) - as defined by the International Building Code

Unit- refers to rental unit

Residential Rental Property License

Sec. 32.600 Residential Rental Property License Required

Sec. 32.610 License Timeline

Each landlord of a rental unit within the City of San Marcos shall register each such rental unit with the City of San Marcos before January 1st of each year, or as prescribed in 32.660, and shall renew such registration annually on the date prescribed by the City of San Marcos pursuant to 32.700.

Sec. 32.620 Separate Registration Required

Separate registration shall be required for each rental unit.

Sec. 32.630 Application Outline

Application for rental registration shall be made upon a form prescribed by the City of San Marcos for such purpose, and shall include at least the following information:

- (1) Owner's name, business address, home address, work and home telephone number, social security number, driver's license number or identification card number and state of issuance;
- (2) If owner is a partnership, the name of all partners, the principal business address, and telephone number of each partner.
- (3) If owner is a corporation, the person registering must state whether it is organized under the laws of this state or is a foreign corporation, and must show the mailing address, business location, telephone number, name of the primary individual in charge of the local office of such corporation, if any, and the names of all officers and directors or trustees of such corporation, and, if a foreign corporation, the place of incorporation;
- (4) Name, address, and telephone number of the property manager or management company;
- (5) Street address of the rental unit;
- (6) Name, driver license number or identification number and state of issuance for each tenant;
- (7) Number of persons occupying the rental unit;
- (8) License plate number for each tenant's vehicle(s);
- (8) Whether there has been a change of occupancy or an additional tenant of the rental unit since the date of last registration;
- (9) Designated lawn care provider for the premise when occupied and unoccupied;
- (10) Name, address and phone number of designated maintenance person as outlined in section 32.1200.
- (11) The name(s), address and phone number (24 hour contact number) of designated employee(s) or authorized representative(s) who shall be assigned to respond to emergency conditions. This designated person(s) must

physically reside inside Hays County (copy of current DL or ID card with current address required). Emergency conditions shall include but not limited to; fire, natural disaster, flood, burst pipes, collapse hazard, emergency repairs and violent crime; and

(12) Signed by the landlord.

(13) The names, addresses and telephone numbers of any mortgage lien holders

Sec. 32.640 License Issued

The City of San Marcos may attempt within 30 days after receipt of the registration application, notify the landlord that the application does not comply with the requirements of this article or issue a residential rental property license for posting.

Sec. 32.650 License Expires

A residential rental property license of registration shall be valid for no more than 12 calendar months.

Sec. 32.660 Geographic Designation

The City of San Marcos, may by administrative order, divide the city into four or more geographical areas and establish annual registration dates for rental units located within each geographical area. A copy of the geographical designation shall be on file in the office of the Marshal.

Sec. 32.670 Incomplete Application

Incomplete applications will not be processed and a residential rental property license will not be issued.

Renewal of Residential Rental Property License

Sec. 32.700 Renewal of Residential Rental Property License

Sec. 32.710 License Renewal Required

A licensed landlord of a rental unit within the City of San Marcos shall renew the residential rental property license for each rental unit on or before the expiration date displaced on the residential rental property license.

Sec. 32.720 Landlord License Responsibility

It is the landlord's responsibility to renew the registration for each rental unit within the City of San Marcos.

Transfer of License and Change of Status

Sec. 32.800 Transfer of License and Change of Status

Sec. 32.810 License and Fees

The purchaser is responsible for the registration to be transferred upon the sale of the rental property. The new landlord shall sign all appropriate agreements and affidavits for registration and shall complete a new registration application. All the above shall be provided to the City of San Marcos by the new landlord or the real estate closing institution within thirty (30) days of closing the sale. All fees apply as per 32.1500

Sec. 32.820 Existing Violations

It shall be unlawful to sell a rental property with outstanding violations unless the "Transfer of Ownership" stipulations in 32.295 have been satisfied.

Sec. 32.830 Change of Status

If a dwelling previously used as a rental property is no longer to be used as a rental property, an affidavit to this effect must be provided to the City of San Marcos. No inspections or fee shall be required.

Self-Inspection

Sec. 32.900 Landlord/Tenant Self-Inspection

Sec. 32.910 Self-Inspection Required

The landlord of a rental unit shall inspect each rental unit:

- (1) The inspection of a rental unit shall be conducted with at least one tenant of that rental unit:
 - a. A minimum of once annually; and
 - b. When the occupancy of the unit changes.

Sec. 32.920 Inspection Report Required

The landlord shall sign each inspection report, and shall require the tenant to sign the report. If the tenant disagrees with any notation made by the landlord on the report, the landlord shall permit the tenant to make written comments on the report prior to signing. The landlord shall provide the tenant with a copy of the report after the tenant and the landlord sign it.

Sec. 32.930 Minimum Standards

The minimum building and property maintenance standards established by the currently adopted International Property Maintenance Code, City Ordinances and Land Development Code (LDC) shall be covered by the inspection, including but not limited, to the following items:

- a) Exterior areas, Water Appliances, Structure, Vermin
- b) Light, Ventilation, and Occupancy Limitations
- c) Plumbing Facilities and Fixture Requirements
- d) Mechanical and Electrical Requirements
- e) Fire Safety requirements

Sec. 32.940 Inspection Form

The reports shall be in writing on a form meeting the minimum standards prescribed by the City of San Marcos. (Sample Form)

Sec. 32.950 Inspection Form Standards

The report shall include places for marking whether the rental unit complies with the standards set by this section.

Sec. 32.960 Record Retention Required

The inspection reports shall be maintained by the landlord for a minimum of five (5) years and made available to the City of San Marcos for inspection at all reasonable times.

Rental Unit Inspection

Sec. 32.1000 Inspection of Rental Units

Sec. 32.1010 Inspections

To determine compliance with minimum building and property maintenance standards in accordance with the International Property Maintenance Code, City Ordinances and Land Development Code (LDC) and to determine compliance with this article, a Marshal may conduct:

- (1) Periodic inspections;
- (2) Follow-up inspections; and
- (3) Inspections based on indications of code violations, including complaints filed with the Marshals Office.

Sec. 32.1020 Inspection Area

All areas of a rental unit shall be subject to periodic inspection by the Marshal

Sec. 32.1030 Waiver of Inspection

Rental units that are found to be maintained in accordance with minimum building and property maintenance standards during the initial inspection may receive a waiver of inspection and will not require a periodic property inspection for the following two year unless a subsequent complaint is received or indications of a code violation exists prior to the next required systematic inspection.

Sec. 32.1040 Frequentness of Inspections

The Marshal may inspect portions of a rental unit as frequently as deemed necessary. Periodic inspections shall be scheduled annually, unless otherwise exempted by waiver of inspection, but no less frequently than once every three (3) years.

Sec. 32.1050 Availability to Inspect

The landlord of a rental unit shall make all areas of the rental unit available to the Marshal for inspections at all reasonable times.

Sec. 32.1060 Re-Inspections Required

The rental unit that has violations shall correct all violations immediately. The landlord must allow follow-up inspections by the Marshal after a period as determined by the Marshals Office to be sufficient for the landlord to correct the violations.

Conduct on Licensed Premises/Landlord Responsibilities

Sec. 32.1100 Conduct on Licensed Premises/Landlord Responsibilities

Sec. 32.1110 Enforcement

The City Marshal is responsible for enforcement and administration of this section.

Sec. 32.1120 License Designee Residence Requirement

The landlord or designee for the provisions of this license must reside inside Hays County.

Sec. 32.1130 Landlord Responsibility

It shall be the responsibility of the landlord to see that persons occupying the rental unit conduct themselves in such a manner as not to cause the premises to be disorderly. For purposes of this section, a rental unit is disorderly at which any of the following, but not limited to, activities occur:

1. Violation of Texas Statutes as may be amended from time to time, relating to gambling;
2. Violation of laws relating to prostitution or acts relating to prostitution as defined in Texas Statutes;
3. Violation of Texas Statutes as may be amended from time to time, relating to the unlawful sale or possession of controlled substances;
4. Violation of Texas Statutes as may be amended from time to time, relating to the unlawful commercial sale and underage consumption of alcoholic beverages;
5. Violation of City Ordinance as may be amended from time to time, which prohibits owning, leasing, operating, managing, maintaining or conducting a disorderly house, or inviting or attempting to invite others to visit or remain in a disorderly house;
6. Violation of Texas Statutes as may be amended from time to time, relating to the unlawful possession, transportation, sale or use of weapons;
7. Violation of City Code or violation of Texas Statutes section as may be amended from time to time, relating to disorderly conduct;
8. Violation of City Code section relating to recreational, open or burning in the city limits fires;

9. Violation of Texas Statutes relating to clandestine drug labs;
10. Violation of Texas Statutes or City Code relating to nuisances; or
11. Violation of City Code relating to animal control.

Sec. 32.1135 First Violation

Upon determination by the City Marshal that a licensed premises was used in a disorderly manner, as described in 32.1130, the City Marshal must give notice to the licensee of the violation and direct the licensee to take steps to prevent further violations.

Sec. 32.1140 Second Violation

If another instance of disorderly use of the licensed premises occurs within six months of an incident for which a notice in 32.1135 was given, the City Marshal must notify the licensee of the violation and must also require the licensee to submit a written report of the actions taken, and proposed to be taken, by the licensee to prevent further disorderly use of the premises. This written report must be submitted to the City Marshal within five days of receipt of the notice of disorderly use of the premises and must detail all actions taken by the licensee in response to all notices of disorderly use of the premises within the preceding six months.

Sec. 32.1145 Third Violation

1. If another instance of disorderly use of the licensed premises occurs within six months after any two previous instances of disorderly use for which notices were given to the licensee pursuant to this section, the residential rental property license for the premises may be denied, revoked, suspended or not renewed. An action to deny, revoke, suspend, or not renew a license under this section must be initiated by the City Marshal who must give to the licensee written notice of a hearing before the Municipal Court to consider such denial, revocation, suspension or non-renewal.
2. Following the hearing, the municipal court judge may deny, revoke, suspend or decline to renew the license for all or any part or parts of the licensed premises or may grant a license upon such terms and conditions, as it deems necessary to accomplish the purposes of this section.

Sec. 32.1150 No Adverse Action Pending Eviction

No adverse license action shall be imposed where the instance of disorderly use of the licensed premises occurred during the pendency of eviction proceedings (unlawful detainer) or within 30 days of notice given by the licensee to a tenant to vacate the premises where the disorderly use was related to conduct by that tenant or by other occupants or guests of the tenant's unit. Eviction proceedings are not a bar to adverse license action, however, unless the licensee diligently pursues them. Further, an action to deny, revoke, suspend, or not renew a license based upon violations of this section may

be postponed or discontinued at any time if it appears that the licensee has taken appropriate measures which will prevent further instances of disorderly use.

Sec. 32.1160 Finding of Disorderly Conduct

A determination that the licensed premises have been used in a disorderly manner as described in 32.1130 shall be made upon a preponderance of the evidence to support such a determination. It is not necessary that criminal charges be brought in order to support a determination of disorderly use nor does the fact of dismissal or acquittal of such a criminal charge operate as a bar to adverse license action under this section.

Sec. 32.1165 Service of Notices

All notices given by the City Marshal under this section must as outlined in 32.280.

Sec. 32.1170 Enforcement Actions

Enforcement actions provided in this section are not exclusive, and the Marshal's Office may take any action with respect to a licensee, a tenant, or the licensed premises as is authorized by the city code, state or federal law.

Sec. 32.1180 Prime Facie Evidence

Criminal conviction of guilt or no contest to any citation or other charge to a licensed property is prime facie evidence of disorderly conduct on a property.

Sec. 32.1190 Penalties for Repeat Violations

Should any registration be revoked on two separate instances it shall not be eligible for renewal for a period of five years.

Licensed Maintenance Person Required

Sec. 32.1200 Licensed Maintenance Person Required

All maintenance person(s) for residential rental properties must be licensed by the City of San Marcos as outlined in 14.373(c) of the City of San Marcos Ordinances.

Property Maintenance Required

Sec. 32.1300 Property Maintenance Required

Sec. 32.1310 Required Standards

All properties licensed under this provision must comply with the currently adopted International Property Maintenance Code, City Ordinances and Land Development Code (LDC).

Sec. 32.1320 Maintenance of Property Required

Maintenance of all rental units must be a City Licensed Construction Maintenance Person as outlined in 32.1210.

Sec. 32.1330 Permits and Fees Apply

Nothing in this provision removes the responsibility of the landlord or occupant to comply with the acquisition of all applicable construction permits and fees.

Operational Permits Required

Sec. 32.1400 Operational Permits Required

Sec. 32.1410 Scope/purpose here

Sec. 32.1420 Permit Required

All multi family dwellings located inside the City of San Marcos are required to obtain an operational permit from the City of San Marcos.

Sec. 32.1430 Time Line

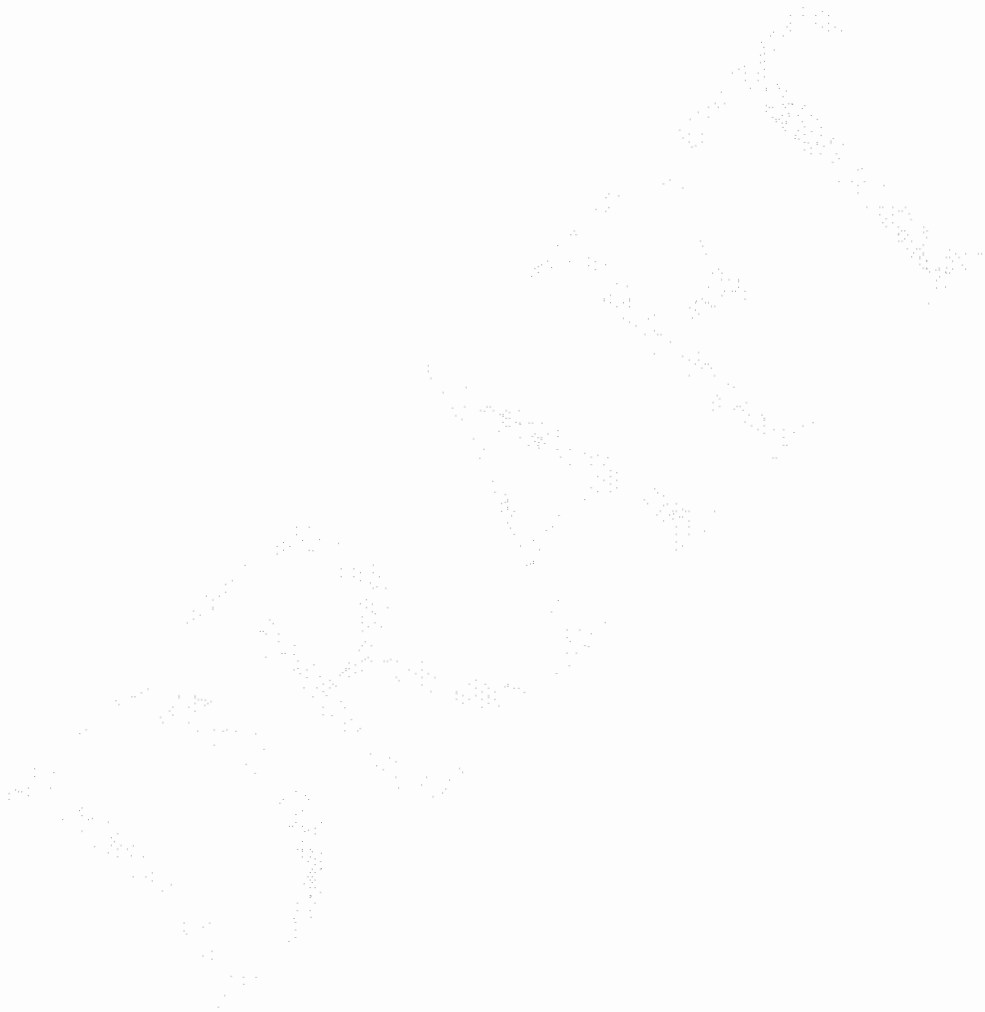
Applications are due by October 1st of each calendar year.

Sec. 32.1440 Application Outline

- (1) Owner's name, business address, work and home telephone number, driver's license number, or identification card number and state of issuance of the owner;
- (2) If owner is a partnership, the name of all partners, the principal business address, and telephone number of each partner.
- (3) If owner is a corporation, the person registering must state whether it is organized under the laws of this state or is a foreign corporation, and must show the mailing address, business location, telephone number, name of the primary individual in charge of the local office of such corporation, if any, and the names of all officers and directors or trustees of such corporation, and, if a foreign corporation, the place of incorporation;
- (4) Name, address, and telephone number of the property manager;
- (5) Street address of the rental unit;
- (6) Number of Units on property and maximum occupant capacity;
- (7) Signed by the landlord or their designated managing agent.
- (8) The trade name, physical address, business mailing address and total number of units;
- (9) The names of designated employees or authorized representatives who shall be assigned to respond to emergency conditions and a telephone number where said employees can be contacted during any twenty-four (24) hour period. Emergency conditions shall include fire, natural disaster, flood, burst pipes, collapse hazard and violent crime;
- (10) The names, addresses, and telephone numbers of the owner, property manager, resident manager, registered agent, all federal, state, and local funding agencies; and the type of business entity which owns the premise;
- (11) The names, addresses and telephone numbers of any mortgage lien holders;
- (12) The number and type of security systems and fire alarm systems maintained on the premises and the names and telephone numbers of the alarm companies which respond to alarms or relay alarms to emergency services.

Sec. 32.1460 Renewals or Change of Status Notice Required

If a change in ownership or trade name occurs for the a premise prior to the expiration of the permit, the landlord of the premise shall have thirty (30) days from the date the change of ownership occurred to file a new registration with the City of San Marcos and pay the applicable fee.



Fee Schedule

Sec. 32.1500 Fee Schedule

Sec. 32.1510 Time Line for Fees

All fees are based on a calendar year (January 1st to January 1st). Prorated fee will not be allowed.

Sec. 32.1520 Fees Schedule

- (a) The landlord of a rental property shall annually pay the city a fee to offset the city's cost of administration, registration and inspection.
- (b) A fee of seventy dollars (\$70.00) per premises plus twenty dollars (\$20.00) per rental unit per year is required (example, a duplex unit is \$90.00).
- (c) Operational permit fee for all multi family units shall be a fee flat fee of two hundred dollars (\$200.00). All units that do not meet the definition of multi-family units as defined in 32.500 will follow fee schedule in 32.1520(b).
- (d) Test fee for Licensed Maintenance Person is \$50. Fee includes the administration of the test and a currently adopted copy of The International Property Maintenance Code.
- (e) Transfer of rental property registration and change of status fees are \$25.
- (f) Properties that are subject to waiver of inspection and have no violations as listed in this code are subject to an annual \$10.00 fee until the required re-inspection at which time the fee schedule will apply.

Sec. 32.1530 Late Fee Schedule

- (1) Annual registration or renewals postmarked or received after expiration date shall be assessed an additional fee increase of:
 - (a) \$25 if within (30) days of due date;
 - (b) \$100 if greater than (30) days but less than (60) days of due date;
 - (c) \$200 if (61) days and thereafter.
 - (d) Registration re-issues received after thirty (30) days of ownership change or change in status shall be assessed a late fee of seventy-five dollars (\$75.00) at the time of registration re-issue.

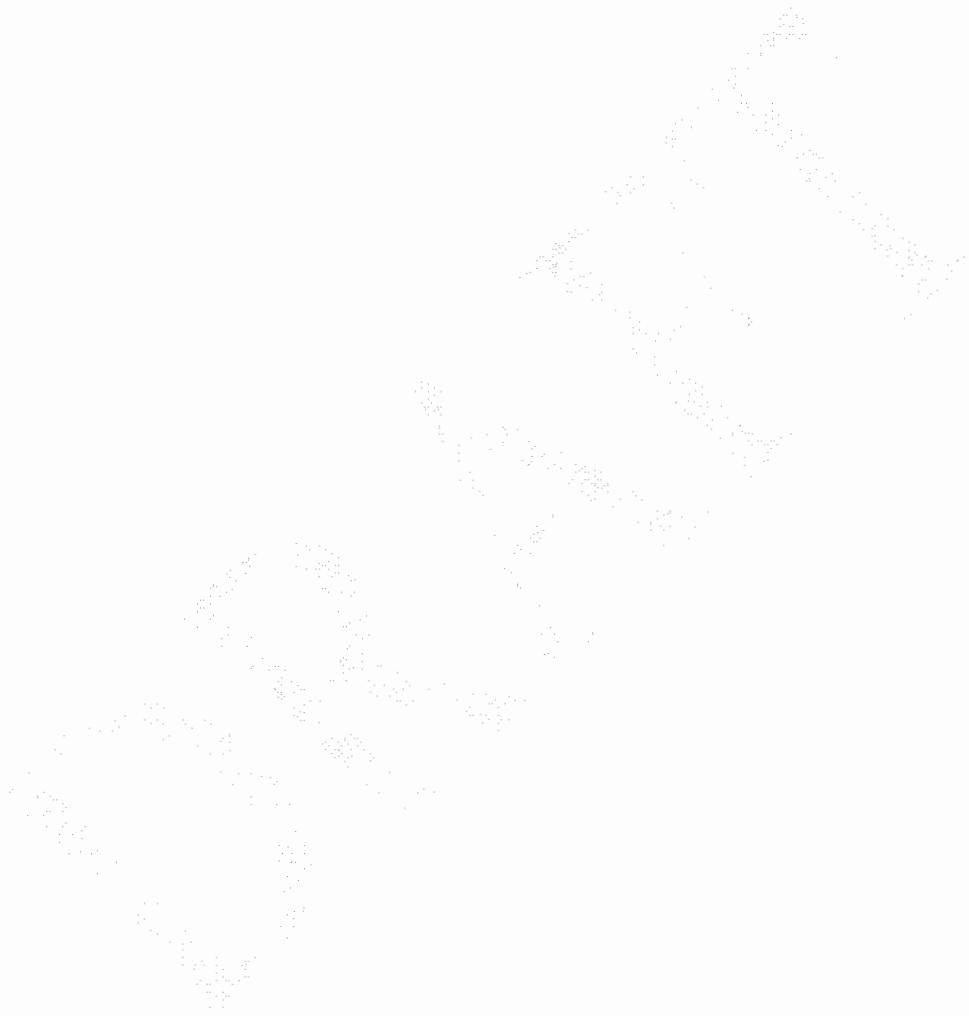
Sec. 32.1540 Re-Inspection Fee

Re-inspection fees shall be assessed as follows:

- (1) Initial inspection and first re-inspection . . . No fee
- (2) Second re-inspection . . . \$150.00

(3) Third and subsequent re-inspections . . . 300.00

(4) All re-inspections fees must be paid for prior to receiving an additional inspection.



Posting

Sec. 32.1600 Posting Required

Each rental unit described herein shall have prominently displayed in a conspicuous area on the premises of the rental unit:

- (1) Current and valid registration residential rental property license.
- (2) Signs posted by the landlord showing the names of designated employees or authorized representatives who shall be assigned to respond to emergency conditions and a telephone number where said employees can be contacted during any twenty-four (24) hour period. If contact information is changed, the landlord has 10 days to update the sign posted in the residence.
- (3) A notice for reporting code violations to the city as follows:

Offenses and Enforcement

Sec. 32.1700 Offenses

Sec. 32.1710 Landlord Offenses

A landlord and/or managing agent(s) commits an offense if the landlord:

- (1) Operates a rental unit that is not currently registered with the City of San Marcos;
- (2) Fails to permit periodic inspections;
- (3) Fails to permit follow-up inspections or re-inspections;
- (4) Fails to pay administrative fees as required by this chapter;
- (5) Fails to perform annual landlord/tenant self inspections;
- (6) Maintains a property in violation of the city's property maintenance code;
- (7) Fails to maintain records of the inspections and/or permit the inspection of those records as required; or
- (8) Commits any other violation of this chapter.

Sec. 32.1720 Failure to Comply with Requirements of this Code

Any person, persons, firm or corporation or any others acting on behalf of said person, persons, firm or corporation violating or failing to comply with any of the provisions of this code, or who shall hamper, impede or interfere with the performance of the duties of any Marshal or Code Official is responsible for a municipal infraction, subject to payment of a fine not to exceed two thousand dollars (\$2000.00) plus court costs. Each act of violation and each day upon which such violation shall occur may constitute a separate offense. Abatement shall not be considered as payment or part of a violation's penalty. Attorney fees or consultant costs incurred by the City of San Marcos as a result of enforcement under the code may be recoverable if the City of San Marcos prevails as determined by the court. The City of San Marcos reserves the right to recover costs via a lien against the property.