

ORDINANCE NO. 2008-12-3

AN ORDINANCE OF THE CITY OF PLANO, TEXAS AMENDING ARTICLE III, PROPERTY MAINTENANCE CODE, DIVISION 3, REGISTRATION AND INSPECTION OF MULTI-FAMILY DWELLING COMPLEXES OF CHAPTER 6, BUILDINGS AND BUILDING REGULATIONS, OF THE CODE OF ORDINANCES OF THE CITY OF PLANO BY AMENDING SECTIONS 6-61, 6-63(a) AND 6-70(a) TO REVISE THE DEFINITION AND LOWER THE AGE REQUIREMENT OF A MULTI-FAMILY DWELLING/BUILDING/RESIDENCE FOR REGISTRATION PURPOSES; PROVIDING A PENALTY CLAUSE; A SAVINGS CLAUSE; A SEVERABILITY CLAUSE; A REPEALING CLAUSE; A PUBLICATION CLAUSE; AND AN EFFECTIVE DATE.

WHEREAS, on January 22, 2007, the City Council of the City of Plano passed Ordinance No. 2007-1-19 revising Sections 6-61, 6-63, and 6-70 of Division 3, Registration and Inspection of Multi-Family Dwelling Complexes of Article III, Property Maintenance Code, of Chapter 6 Buildings and Building Regulations of the Code of Ordinances; and

WHEREAS, the Director of Property Standards of the City of Plano recommended lowering the age requirement for multi-family dwelling complexes registration with the property standards director from ten (10) years to five (5) years; and

WHEREAS, lowering the age requirement of the multi-family dwelling complexes for registration with the property standards director will safeguard the life, health, safety, welfare and property of the occupants through the timely process of enforcing the minimum building standards and property maintenance codes; and

WHEREAS, upon recommendation of City staff and upon full review and consideration of all matters attendant and related thereto, the City Council finds and determines that it is necessary to amend Sections 6-61, definition of multi-family dwelling/building/residence, 6-63(a) and 6-70(a) of Section II of Ordinance No. 2007-1-19 codified in Division 3, Registration and Inspection of Multi-Family Dwelling Complexes, of Article III, Property Maintenance Code, of Chapter 6, Buildings and Building Regulations, of the Code of Ordinances for the City of Plano, Texas.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS THAT:

**Section I.** Sections 6-61, definition of multi-family dwelling/building/residence, 6-63(a) and 6-70(a) of Section II of Ordinance No. 2007-1-19 passed on January 22, 2007 are hereby amended.

**Section II.** Section 6-61, Definitions, definition of multi-family dwelling/building/residence, of Article III, Division 3 of Chapter 6 of the Code of Ordinances of the City of Plano, Texas is hereby amended as follows:

*"Multi-family dwelling/building/residence means any building or portion thereof that is five (5) years old or older, which is designed, built, rented, leased, or let to be occupied as five (5) or more dwelling units or apartments. The term shall not include hotels, motels, U.S. Department of Housing and Urban Development (HUD) approved Section 8 units, or such owner occupied dwelling units."*

**Section III.** Section 6-63(a), Applicability and administration, of Article III, Division 3 of Chapter 6 of the Code of Ordinances of the City of Plano, Texas is hereby amended as follows:

*"(a) This article shall apply to multi-family complexes located in the city which are five (5) years old or older with five (5) or more dwelling units."*

**Section IV.** Section 6-70(a), Registration required, of Article III, Division 3 of Chapter 6 of the Code of Ordinances of the City of Plano, Texas is hereby amended as follows:

*"(a) The landlord of a multi-family dwelling complex that is five (5) years old or older with five (5) or more dwelling units shall annually register the complex with the property standards director by June 30th of each calendar year."*

**Section V.** Any person, firm or corporation who knowingly violates any term or provision of this Ordinance, shall be subject to a fine in accordance with Section 1-4(a) of the City Code of Ordinances for each offense. Every day a violation continues shall constitute a separate offense.

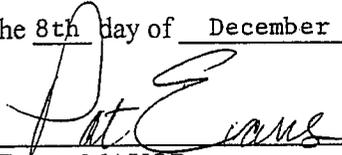
**Section VI.** The repeal of any ordinance or part of ordinances affected by the enactment of this ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying, or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions of any ordinances at the time of passage of this ordinance.

**Section VII.** It is the intention of the City council that this Ordinance, and every provision hereof, shall be considered severable, and the invalidity or unconstitutionality of any section, clause, provision or portion of this Ordinance shall not affect the validity or constitutionality of any other portion of this Ordinance.

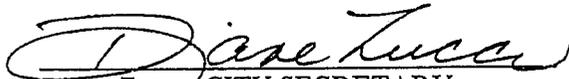
**Section VIII.** All provisions of the ordinances of the City of Plano, codified or uncodified, in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the ordinances of the city of Plano, codified or uncodified, not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

**Section IX.** This ordinance shall become effective immediately upon its passage and publication as required by law.

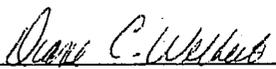
**DULY PASSED AND APPROVED** this the 8th day of December, 2008.

  
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Pat Evans, MAYOR

ATTEST:

  
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Diane Zucce, CITY SECRETARY

APPROVED AS TO FORM:

  
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Diane C. Wetherbee, CITY ATTORNEY