

ORDINANCE NO. 24-1129

AN ORDINANCE OF THE CITY OF DENTON AMENDING SECTION 17-166 OF THE CODE OF ORDINANCES RELATING TO REQUIRING AIR CONDITIONING IN RENTAL UNITS; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR A PENALTY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Denton recognizes the importance of ensuring that residents have access to adequate cooling measures to maintain their health and safety; and

WHEREAS, the City of Denton finds that it is in the interest of public health, safety, comfort, and welfare to protect the rights of renters by ensuring refrigerated air equipment is provided in residential rental units; and

WHEREAS the City deems it necessary to amend the City of Denton Code of Ordinances Section 17-166 - Mechanical Facilities by amending the language for air conditioning requirements; NOW, THEREFORE

THE CITY COUNCIL OF THE CITY OF DENTON HEREBY ORDAINS:

SECTION 1. The findings and recitations contained in the preamble of this Ordinance are incorporated herein by reference as true.

SECTION 2. Section 17-166 of the Code of Ordinances is hereby amended as attached hereto. The amended ordinance shall replace and supersede any previous Section 17-166 adopted by the City Council.

SECTION 3. If any section, article, paragraph, sentence, phrase, clause, or word in this ordinance, or application thereof to any persons or circumstances, is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance; the City Council declares that it would have ordained such remaining portion despite such invalidity, and such remaining portion shall remain in full force and effect.

SECTION 4. All provisions of the ordinances of the City of Denton in conflict with the provision of this ordinance are hereby repealed. The repeal of any ordinance or any portion thereof by the preceding text shall not affect or impair any act done or right vested or accrued or any proceeding, suit or prosecution had or commenced in any cause before such repeal shall take effect and such shall remain in force for all intents and purposes as if such ordinance or part thereof so repealed shall remain in force.

SECTION 5. The City Secretary is hereby directed to record and publish the above and attached regulations in the City's Code of Ordinances.

SECTION 6. Pursuant to Section 2.09(c) of the Charter for the City of Denton, this ordinance shall become effective fourteen (14) days from the date of this passage and the City

Secretary is hereby directed to cause the caption of this ordinance to be published twice in the Denton Record Chronicle, the official newspaper of the City of Denton, Texas, within ten (10) days of the date of its passage.

The motion to approve this ordinance was made by Paul Meltzer and seconded by Brian Beck, the ordinance was passed and approved by the following vote [5 - 2]:

	Aye	Nay	Abstain	Absent
Mayor Gerard Hudspeth:	<u> </u>	<u> ✓ </u>	<u> </u>	<u> </u>
Vicki Byrd, District 1:	<u> ✓ </u>	<u> </u>	<u> </u>	<u> </u>
Brian Beck, District 2:	<u> ✓ </u>	<u> </u>	<u> </u>	<u> </u>
Paul Meltzer, District 3:	<u> ✓ </u>	<u> </u>	<u> </u>	<u> </u>
Joe Holland, District 4:	<u> </u>	<u> ✓ </u>	<u> </u>	<u> </u>
Brandon Chase McGee, At Large Place 5:	<u> ✓ </u>	<u> </u>	<u> </u>	<u> </u>
Jill Jester, At Large Place 6:	<u> ✓ </u>	<u> </u>	<u> </u>	<u> </u>

PASSED AND APPROVED this the 18th day of June, 2024.


GERARD HUDSPETH, MAYOR

ATTEST:
LAUREN THODEN, CITY SECRETARY

BY: 

APPROVED AS TO LEGAL FORM:
MACK REINWAND, CITY ATTORNEY

BY: 



Sec. 17-166. Mechanical facilities.

Heating and air conditioning facilities shall be maintained in structures as required by this article.

- (a) *Heating.* Every dwelling unit and guest room shall be provided with heating facilities capable of maintaining a room temperature of 68° Fahrenheit at a point three (3) feet above the floor in all habitable rooms. Such facilities shall be maintained in a safe condition and in accordance with the adopted building code, the adopted mechanical code and all other applicable laws. Unvented fuel-burning heaters shall not be permitted as the sole source of heating for any room or space. All heating devices or appliances shall be of an approved type, and at no time, shall cooking appliances be used to provide space heating to meet the requirements of this article.
- (b) *Air conditioning.* An Owner shall provide refrigerated air equipment in rental dwelling units. When refrigerated air equipment is provided in rental units, it shall be maintained in operable condition and must be capable of maintaining a maximum inside temperature that is 20° lower than the outside temperature or 81° F, whichever is warmer, in each room of a structure intended for human occupancy from May 1 through October 1. If provided refrigerated air equipment becomes in need of repair, Owner shall repair said equipment within a reasonable time.
- (c) *Employee work spaces.* Indoor employee work spaces shall be supplied with sufficient heat to maintain an ambient temperature of 65° F measured at a point three (3) feet above the floor near the center of the room or space. Spaces designed to be maintained at a temperature below 65° F, including but not limited to coolers, freezers, computer cold rooms and other similar areas, shall be exempt from this requirement. Additionally, areas whose primary function is not for human comfort and in which employees engage in vigorous physical activity during the normal course of their duties may also be exempted from this requirement.