

ORDINANCE NO. 4005-7-23

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 6, "HEALTH AND ENVIRONMENT," BY AMENDING ARTICLE IV, "PROPERTY MAINTENANCE," BY AMENDING SECTION 6-81 "TITLE, PURPOSE, SCOPE"; BY AMENDING SECTION 6-82 "DEFINITIONS"; BY AMENDING SECTION 6-85 "EXTERIOR GROUNDS"; BY AMENDING SECTION 6-86 "EXTERIOR OF STRUCTURE"; AND BY ADDING A NEW SECTION 6-87 TITLED "RENTAL PROPERTY STANDARDS"; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2000.00) FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Allen has received from city staff recommendations regarding revision of the City's Code of Ordinances Chapter 6, "Health and Environment," to address minimum property maintenance standards in the City, including minimum health and safety standards for multifamily property that is required to be licensed as part of the City's multi-family licensing and inspection ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, THAT:

SECTION 1. The City Code of Ordinances is hereby amended by amending Sections 6-81, 6-82, 6-85, 6-86, and adding a new Section 6-87 "Rental Property Standards," to read as follows:

"CHAPTER 6 – HEALTH AND ENVIRONMENT

...

ARTICLE IV. PROPERTY MAINTENANCE CODE

Sec. 6-81. -- Title, purpose, scope.

AMEND (c):

(c) *Scope.* This code shall apply to all zoning districts, land, properties, structures, and buildings within the city, including all vacant, occupied, residential, nonresidential, improved or unimproved land, properties, structures and buildings, unless otherwise specified in this code.

Sec. 6-82. – Definitions.

DELETE:

~~*Motor home.* A self-contained vehicle designed for human habitation with its own motive power and with a passageway from the body of the home to the driver and front passenger seats.~~

ADD:

Nuisance vehicle. Any motor home or recreational vehicle that:

1. Is not in operating condition because of mechanical failure, breakdown, or disrepair, or
2. Is self-propelled and cannot be started, driven, operated, steered, or stopped under its own power, or;
3. Is wrecked, dismantled, or partially dismantled, or discarded, or unattended on jack stands or blocks or other means, or;
4. Is in a condition with one or more flat tires for 7 days or more, or is missing one or more wheels for 7 days or more; or
5. Is a habitat or harborage for rats, mice, or snakes, or similar, or
6. Is substantially disfigured, damaged, disintegrated, ruined, destroyed, or demolished.

AMEND:

Screening wall. Any combination of masonry wall, wooden fence, and/or vegetation meeting the following requirements: wood, vegetation, masonry, or a combination of both, at least six feet in height.

- (1) Screening walls shall mean a solid, opaque screening fence or wall at least six (6) feet in height;~~or~~
- (2) Screening ~~Vegetation shall consist~~ing of a solid hedgerow of evergreen shrubs, or trees and shrubs, providing full screening from the ground to a minimum of six (6) feet in height;
- (3) ~~Any combination of the above; or~~
- (4) ~~Any other form of compatible and appropriate screening as approved by the city.~~

...

Sec. 6-85 – Exterior grounds.

...

RETITLE (b) ~~Accumulation~~ Storage of firewood, lumber, boxes, etc.

...

(b) ~~Accumulations~~ Storage of firewood, lumber, boxes, etc. Any lumber, boxes, barrels, bricks, stones, pipes, firewood, or any other character of materials which may be used as a harborage by rats, rodents or other vermin, or in which evidence of rats, rodents or other vermin is found shall be separated from a fence owned by adjacent property owner a minimum of three (3) feet; and elevated not less than six (6) inches above ground, with a clear intervening space underneath.

AMEND (c):

(c) *Open storage.*

...

- (2) *Residential.* All storage shall be screened from adjacent properties, alleys and streets by a six-foot solid wood screening fence. Open storage shall not be permitted on any residential property including the front yard, driveway, carport, or front porch of any residential dwelling. In residential areas open storage shall include furniture other than furniture designed for outside use, household items, products of a commercial trade or

business enterprise and building materials not currently being used or held for immediate use upon the premises. Covering stored materials with a tarp or cover of any kind shall not be a defense to a violation of this article and in no case shall any cover placed on stored materials constitute adequate screening.

...

(e) *Trees, shrubs, and plants.*

- (1) Trees, shrubs, and plants that are dead or which are considered by the enforcement authority to be hazardous to persons or property shall be removed by the owner. Trees and tree limbs that are reasonably capable of damaging a structure or that are reasonably capable of causing injury to a person, shall be removed in accordance with ~~the tree removal section of comprehensive zoning Ordinance No. 1425-5-96~~ applicable City codes.

ADD (2) – (4)

- (2) Vegetation shall not be allowed to obstruct the access to or from any door or window of any structure which is used, or is required by city codes to be used, for ingress and egress.
- (3) Tree stumps located in the front yard and/or adjacent right-of-way of a premises shall be cut or ground to grade level.
- (4) Vegetation located near any streetlight that is within City R.O.W. shall be maintained to prevent the vegetation from obstructing the proper spread of light along the street and sidewalk. Any tree branch or other vegetation that is closer than *five* feet to the lamp of a streetlight shall be conclusively presumed to be blocking the illumination of said streetlight. The City maintains the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a streetlight.

AMEND (f):

(f) *Weeds and grass.*

...

ADD (4):

- (4) Grass and vegetation growing adjacent to sidewalks, alleys and similar shall be maintained by mowing, trimming, and/or edging so as to not encroach over the edge of public ways and public sidewalks, curbs, alleys or street pavement.

AMEND (g):

(g) *Grading and drainage.*

...

- (3) It shall be unlawful to drain swimming pool backwash onto public or private property. It is also unlawful to drain swimming pool water containing chemicals onto adjacent private or public property, to include alleys. ~~However, those pools built prior to adoption of this ordinance~~

~~shall maintain a nonconforming status until such time as the Environmental Protection Agency or other federal agency requires enforcement by the city.~~

...

ADD (7) AND (8):

- (7) Premises shall be graded and maintained to prevent the erosion of soil. Soil and dirt shall be maintained in a manner to prevent their spread onto sidewalks, streets, or alleys.
- (8) Utility and/or drainage easements and all alleys shall be maintained clear and unobstructed, for the entire width of the easement or alley, of any vegetation, structures or other objects that would prohibit access and maintenance of the utilities. Drainage easements having surface draining shall be maintained such that surface water is transported to the appropriate locations. Easements shall not be enclosed with a fence or by other means unless all entities having a right to the easement allow the obstruction of the easement by providing written documentation to the enforcement authority.

AMEND (h):

(h) Parking and storage of vehicles. It shall be unlawful for the owner, occupant or person in charge of property ~~used for residential purposes~~, or for the owner or occupant of a vehicle to violate or permit the violation of this article.

~~All vehicles must be wholly parked or stored within the property line, not block public walks, be in a good state of repair, maintained in such condition as not to be unsightly, and parked or stored in a safe manner, so as to protect the health and safety of all persons. Open storage or accumulation of trash and debris in utility trailers and other vehicles is prohibited.~~

AMEND (1) a. – e:

- (1) *In residential districts:*
 - a. The parking or storage of any motor vehicle within any yard upon any surface other than a driveway or improved surface is prohibited. ~~All other vehicles, motorized and non-motorized, except as provided below, are prohibited within the front yard.~~

ADD NEW b.

- b. The parking or storage of recreational vehicles, boats, and trailers on any part of a residential lot visible from public view while upon any surface other than a driveway or improved surface is prohibited.

RENUMBER b to c:

- ~~b-c.~~ Corner residential lots shall maintain two (2) front yards (street side yard). The above described front yard requirements shall apply to both yards.

ADD NEW d.

- d. The parking, standing, or storage of commercial and service vehicles in residential areas is regulated per Chapter 9, Section 9-227 of this Code.

DELETE:

- e. ~~The parking or storage of motor homes, recreational vehicles and small utility trailers within the front yard upon any surface other than a driveway or improved surface is prohibited. Motor homes, recreational vehicles and small utility trailers may be parked on the residential premises of the owner, provided that it is parked or stored within that portion of the residential lot which is located to the rear of the required front building line, and provided that grass and weeds are maintained in a neat and orderly fashion, not to exceed six (6) inches in height.~~
- d. ~~The parking, standing or storing of trucks, trailers, or truck tractors, in residential areas, yards or driveways for other than actual supervised loading or unloading of goods and passengers is prohibited.~~
- e. ~~No recreational vehicle, boat or trailer that has been wrecked, dismantled or disassembled, or that is inoperable shall be parked, stored, or maintained in an area visible from any street. No motorized vehicle or trailer with flat or missing tires shall be parked, stored or maintained in an area visible from any street.~~

...

AMEND (2) b.

(2) In non-residential districts:

- b. The non-conforming residential uses located in the ~~Central Business District (CBD)~~ Downtown District shall comply with the same provisions as the residential zoned areas.

ADD (2) c:

- c. Commercial and service vehicles, as defined in Chapter 9 of this Code, recreational vehicles, and trailers shall not be parked or stored within the front-yard or between a primary building and any public street. This shall not apply to vehicles actively loading or unloading, actively engaged in construction, repair, or a permitted business activity, or where the driver is actively patronizing an on-site business.

ADD NEW (3):

(3) In all districts:

- a. No nuisance vehicle shall be parked, kept, or stored on any premises where they are visible from public view or on any street, alley, or public right-of-way. Covering a nuisance vehicle with a tarp or cover of any kind shall not be a defense to a violation of this article and in no case shall any cover placed over a vehicle constitute adequate screening. A nuisance vehicle or junked vehicle that is visible from public view, or is considered detrimental to the safety and welfare of the general public, invites vandalism, creates a fire hazard, or is an attractive nuisance creating a hazard to the health and safety of minors, is declared to be a public nuisance.
- b. All motor vehicles, recreational vehicles, and trailers must be wholly parked or stored within the property line, not block public walks, and be parked or stored in a safe

manner, so as to protect the health and safety of all persons. Vehicles shall not be left unattended on car jacks, lifts or similar.

- c. Open storage or accumulation of trash and debris in trailers, truck beds, and other vehicles is prohibited. It shall be unlawful to cover, or allow another to cover, a vehicle parked or stored in public view with a tarpaulin or other cover that is not a fitted cover designed to fit the vehicle being covered.

AMEND (j):

(j) *Sidewalks and driveways.*

- (1) All sidewalks, walkways, steps, ~~and driveways, and similar areas~~ located on all private property shall be maintained in a state of good repair, free of mud, grass, and debris, maintained free from hazardous conditions, and free of holes, protrusions, substantial cracks, or other failures that may affect the use, safety, or drainage of the property.
- (2) The owner and tenant of private property adjacent to all public sidewalks, walkways, and steps shall keep such sidewalks, walkways, and steps free of mud, debris, or other obstructions that would impair or prevent their use. The owner shall be responsible for maintaining all adjacent sidewalks in a state of good repair, maintained free from hazardous conditions, and free of litter, holes, protrusions, substantial cracks or other failures that may affect the use, safety, or drainage of the sidewalk or adjoining property.

AMEND (k):

RETITLED (k):

(k) *Fences and screening walls.*

- (1) All fences facing public view shall be maintained structurally sound and meet the requirements of this section, ~~and not be out of vertical alignment more than twelve (12) inches from the vertical measured at the top of the fence.~~
- (2) Fences shall be maintained at all times in a state of good repair with no broken, look, damaged, removed or missing parts, and in safe and secure condition with all braces, bolts, nails, supporting frame and fastenings free from deterioration, termite infestation, rot, rust or loosening, and able to withstand the wind pressure for which they were designed. A fence that has deteriorated to a condition that it is likely to fall and/or is capable of causing injury shall be repaired, replaced, or removed. Any broken, loose, damaged, insect damaged, or missing parties (i.e., slats, posts, wood rails, bricks, panels) having a combined area of twenty (20) square feet or more of said fences shall be replaced or repaired. Repairs of any nature shall be made with materials of comparable composition, color, size, shape, and quality of the original fence to which repair is being made. Products manufactured for other uses such as plywood, corrugated steel, or fiberglass panels are prohibited as fencing materials. Nothing herein shall be construed to as prohibiting the complete removal of a fence, unless such fence encloses a swimming pool or spa.
- (3) A fence that has deteriorated to a condition that it is likely to fall shall be repaired, replaced, or removed. Repairs of any nature shall be made with materials of comparable composition, color, size, shape, and quality of the original fence to which the repair is being made. Products manufactured for other uses such as plywood, corrugated steel, fiberglass panels, or similar are prohibited as fencing materials. Nothing herein shall be construed as prohibiting the complete removal of a fence, unless such fence encloses a swimming pool or spa.

- (4) Fences shall not be out of vertical alignment more than twelve (12) inches from the vertical measured at the top of the fence. Fences shall not be externally braced in lieu of replacing or repairing posts, columns, or other structural members.

ADD (5) AND (6):

- (5) All exterior gates, components of a gate, operator systems, if provided, and hardware must be maintained in good condition.
- (6) Any required screening wall, fence, or vegetation shall be maintained structurally sound and free of deterioration. Where screening walls are located on private property and adjacent to the public right-of-way, the private property owner, or if applicable, Homeowners Association shall be responsible for the continuous and perpetual maintenance of the improvements.
- a. The responsible owner shall immediately repair any and all cracks or surface degradation; sagging loose, or missing bricks; chipped or missing mortar or grout; any structural deterioration or deficiencies; any wall that is leaning or not vertically plumb; deteriorated or damaged joints; and any rusted, deteriorated, or damaged metal components.
- b. The responsible owner shall maintain all vegetative screening in good condition. Vegetation shall be trimmed to prevent damage to other screening elements, and to prevent encroachment into any sidewalk or public way, and to maintain an effective screen. Any dead, diseased, or damaged vegetation shall be replaced.

AMEND (p):

(p) *Burned structure.* Whenever any building or structure within the city is partially burned, the building will be presumed to be an unsafe structure and the building may not be reoccupied without approval of the Building Official.

- (1) ~~¶The owner or responsible party shall, within thirty (30) calendar days, remove from the premises all refuse, debris, charred and partially burned lumber and material, and any material creating a nuisance or unsafe condition. Such thirty (30) calendar days shall begin after the fire marshal has advised that the investigation is complete.~~
- (2) ~~If such building or structure shall be is burned to such an extent that it is rendered incapable of being repaired, the owner or person in control shall, within sixty (60) calendar days, remove from the premises all the remaining portion of the building or structure. Such sixty (60) calendar days shall begin after the fire marshal has advised that the investigation is complete. If the building or structure is to be repair, work shall begin within sixty (60) calendar days and progressively be completed in one hundred twenty (120) calendar days.~~

ADD NEW (3):

- (3) The property shall be secured to mitigate the presence of any attractive nuisances or unsafe conditions as determined by the enforcement authority. This may include, but is not limited to, securing a partially burned structure from entry or securing the property with temporary fencing.

SEC. 6.86 Exterior of structure.

AMEND (c):

(c) ~~*Exterior surfaces. Protective treatment.*~~ Exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. Siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and watertight. Metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. ~~foundation, exterior wall, floor, roof, and all exterior surfaces of every structure shall be maintained in a state of repair sufficient to exclude rats, rodents, birds, vermin and other animals. Peeling paint, cracked or loose plaster, broken glass, decayed wood and other defective surface conditions shall be repaired, replaced or restored.~~

AMEND AND RETITLE (f):

(f) *Roofs and drainage.* All roof components shall be maintained in good repair and shall be sound, tight, and without defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters, and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not discharge in a manner that creates a nuisance. ~~The roof of every habitable structure should be structurally sound, tight, and free of leaks. Roof drainage should be adequate to prevent rain water from causing dampness in the walls or interior portion of the structure.~~ Roof deterioration that is visually apparent from the exterior of the building shall be considered a violation of this article.

AMEND AND RETITLE (j):

(j) *Stairs, decks, ~~and~~ porches, and balconies.* Every stair, ~~deck~~, porch, balcony, and all appurtenances attached thereto shall be so constructed and maintained as to be safe to use and capable of supporting the loads which it is subjected and shall be kept in sound condition and good repair, and their exterior surface materials shall be maintained weatherproof and shall be surface coated or protected as required to prevent deterioration.

AMEND AND RETITLE (k):

(k) *Windows ~~and doors.~~* Every window, skylight and frame shall be kept in sound condition, good repair and weather tight ~~The windows, doors, and frames of every habitable structure shall be constructed and maintained in good repair so as to exclude rain as completely as possible from entering the dwelling or structure and weatherproofed to prevent deterioration.~~ All glass and glazing materials shall be maintained free from cracks and holes. Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware. ~~Window panes and screens shall be constructed and maintained in such relation to the adjacent wall construction as to exclude rain, moisture, and insects as completely as possible from entering the dwelling or structure.~~

AMEND AND RETITLE (l):

(l) *Weathertight Doors.* ~~The windows and~~ exterior doors of every habitable structure shall be fitted in their frames so as to be reasonably weathertight and shall be kept in sound condition and good repair. Exterior doors, door assemblies, operator systems if provided, and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall be maintained in good working order.

AMEND AND RETITLE (m):

(m) ~~*Door hardware.* The exterior doors, door hinges, and door latches of every structure shall be maintained in good condition. Door locks in exterior doors of dwelling units shall be maintained in good repair and capable of tightly securing the door.~~ *Handrails and guards.* Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

ADD NEW SECTION 6-87 TITLED “RENTAL PROPERTY STANDARDS”:

Sec. 6-87. ~~Reserved.~~ Rental Property Standards.

(a) *Applicability.* The purpose of this section is to safeguard the lives, health, safety, welfare and property of the occupants of rental properties and the general public. The requirements of this section apply to any multifamily property that is required to be licensed under the City’s Multi-family Licensing and Inspection Ordinance. The owner of the structure shall provide and maintain facilities and equipment in compliance with these requirements in addition to all other requirements of City Code.

(b) *Plumbing system hazards.* Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, back siphonage, improper installation, deterioration, or damage or for similar reasons the code official shall require the defects to be corrected to eliminate the hazard.

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

(d) *Heating facilities.* Heating facilities that are capable of maintaining a room temperature of 68° F (20° C) in habitable spaces, bathrooms, and toilet rooms are required in each dwelling unit. Cooking appliances and space heaters cannot be used to meet or maintain the room temperature required by this section.

(e) *Air conditioning facilities.* Cooling facilities that are capable of maintaining a room temperature of at least 20 degrees cooler than the outside temperature, but in no event higher than 85° F in each habitable room.

(f) *Window screens.* Every operable window in any dwelling unit which may be used for ventilation purposes directly to an outdoor space shall be equipped with an insect-proof screen. Such screen shall be maintained in good condition and fit tightly and securely in the window frame.

(g) *Electrical system hazards.* Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration, or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

(h) *Fire protection and life safety systems.* Fire protection and life safety systems shall be installed, repaired, operated, and maintained in accordance with this code and the International Fire Code and the International Building Code. Smoke detector alarms and carbon monoxide alarms shall be installed and maintained in dwellings in accordance with the International Fire Code and other applicable codes. Alarms and detectors that become inoperable or begin producing end-of-life signals shall be replaced.

(i) *Safety and security.*

(a) *Doors.* Doors providing access to a dwelling unit, unit or housekeeping unit that is rented, leased, or let shall be solid core and equipped with a deadbolt lock designed to be readily openable from the side from which egress is to be made without the need for keys, special

knowledge or effort and shall have a minimum lock throw of 1 inch (25 mm). Such deadbolt locks shall be installed according to the manufacturer's specifications and maintained in good working order. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock. Sliding glass doors shall be provided with a locking mechanism.

- (b) *Windows.* Operable windows located in whole or in part within 6 feet (1828 mm) above ground level or a walking surface below that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased, or let shall be equipped with a window sash locking device.
- (c) *Lighting.* Every common hall, breezeway, and stairway shall be lighted at all times with not less than a 60-watt standard light bulb for each 200 sq. ft. of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 ft.

(j) *Pest elimination.* Structures and exterior property areas shall be kept free from insect and rodent infestation. Where insects and rodents are found, they shall be immediately exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to eliminate insect and rodent harborage and prevent re-infestation. The occupant of any structure shall be responsible for the continued rodent and pest-free condition of the structure. Where the infestations are caused by defects in the structure, the owner shall be responsible.

(k) *Workmanship.* Repairs, maintenance work, alterations or installations that 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 instructions.

...”

SECTION 2. All provisions of the ordinances of the City of Allen, Texas in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 3. Should any word, sentence, paragraph, subdivision, clause, phrase, or section of this ordinance, or the ordinances, as amended hereby, be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance or the ordinances of the City, as amended hereby, which shall remain in full force and effect.

SECTION 5. An offense committed before the effective date of this Ordinance is governed by prior law and the provisions of the Allen Code of Ordinances, as amended, in effect when the offense was committed, and the former law is continued in effect for this purpose.

SECTION 6. This Ordinance shall take effect immediately upon its passage and approval by the City, as the law and charter in such cases provide; and it is accordingly so ordained.

SECTION 7. Any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Code of Ordinances of the City of Allen, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of two thousand (\$2,000) dollars for each offense.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, ON THIS 11TH DAY OF JULY 2023.

APPROVED:

Baine L. Brooks, MAYOR

APPROVED AS TO FORM:

ATTEST:

Peter G. Smith, CITY ATTORNEY
(06-29-2023: TM 134344)

Shelley B. George, TRMC, CITY SECRETARY