

ORDINANCE NO. O-2023-00

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA MARQUE, TEXAS, AMENDING CHAPTER 14, BUILDINGS AND BUILDING REGULATIONS, ARTICLE XI, ENTITLED "REGISTRATION FOR RESIDENTIAL RENTAL UNITS REQUIRED" MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of La Marque, Texas desires to amend its rental registration ordinance to update the fees charged for registration;

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

Section 1. The findings and recitations set out in the preamble to this Ordinance are found to be true and correct and they are hereby adopted by the City Council of the City of La Marque, Texas and made a part hereof for all purposes.

Section 2. That Section 14-423 is amended to read as follows:

Sec. 14-423. Definitions.

In this article, the following definitions shall be observed:

- (1) *Rental unit* means a single dwelling unit, including a single-family home, rented, leased, let, or hired out to be occupied for living purposes **including a multi-family apartment complex, duplex, triplex or townhome unit.** Rental unit shall not include any dwelling unit in a jail, licensed nursing home, hotel, or motel.
- (2) *Owner* means any person holding title according to the deed records of the Galveston County Clerk or tax records of the Galveston Central Appraisal District, or the duly authorized agent of the person holding title.
- (3) *Person* is defined in section 1-2.
- (4) *Tenant* means a person, corporation, partnership, or group other than the owner occupying a rental unit.

Section 3. That Section 14-424 is amended to read as follows:

Sec. 14-424. Registration required.

- (a) An owner who rents or leases a rental unit to a tenant shall file a written registration with the city.
- (b) The registration shall be on a form prescribed by the code enforcement officer **Code Compliance Division** and shall at a minimum contain the following information:
 - (1) The names, addresses, and telephone numbers of the owner;
 - (2) The name, address, and telephone number of any property manager, and/or real estate agent responsible for maintenance and/or rental of the property for the owner;
 - (3) The name and physical address of designated employees or authorized representatives of the owner and property manager who shall be assigned to respond to emergency conditions (fire, natural disaster, flood, burst pipes, collapse hazard, and violent crime) at the rental unit, and a telephone number where those employees or representatives can be contacted during any 24-hour period.
 - (4) ~~An owner shall comply with chapter 5, alarm systems, of the City of La-Marque Code or Ordinances.~~
 - (5) A **written** certification by the landlord that every rental unit is equipped with a smoke detector device in proper working order.
- (c) If any change in the information required by this section occurs then the owner shall notify the code enforcement officer **Code Compliance Division** in writing within 30 days of the change.

(d) In October of every year the Code Compliance Division will notify all registered rental property owners by mail as a reminder to register and will include a registration form, a smoke detector verification form, and affidavit of non-ownership form.

Section 4. That Section 14-425 is amended to read as follows:

Sec. 14-425. Registration fees.

- (1) Each registration shall include a registration application fee of ~~\$100.00~~ for the first rental unit **and a permit fee of \$50.00 for each single-family dwelling that is, leased, let or hired out to be occupied for living purposes.**
- (2) **Multi-family apartments, duplexes, triplexes or townhomes shall include a registration application and shall pay an application fee of** ~~a \$100.00 application fee and \$20.00~~ **\$30.00** per rental unit or apartment. The registration fee shall be waived for the owner of any rental unit that completes registration prior to December 31, 2018.
- (2) A rental registration is valid for one year from the date the completed registration form **beginning January 1st of each year after application is**

submitted to the office of the Code Compliance Division, and payment of the registration permit fees for that year have been paid in full. All registrations expire on December 31st of the year issued, a late fee of \$15.00 per dwelling or unit shall be added for all registrations submitted more than 30 days after the December 31st expiration date. unless the ownership of the rental unit changes.

- (3) A registration is not assignable or transferable **and the fees shall not be prorated**. If a change of ownership of the rental unit occurs during the period that a registration is otherwise valid, the new owner of the property shall have 30 days from the date the change of ownership occurred to file a new registration with the **Code Compliance Division and pay a new registration fee.**
- (4) **If a property owner presents a written statement that the dwelling or unit is occupied by a family member within the third degree of consanguinity or the second degree of affinity, the registration fees shall be waived.**

Section 5. It is hereby declared to be the intention of the City Council of the City of La Marque, Texas that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance.

Section 6. All Ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only.

Section 7. This ordinance is intended to be cumulative and shall not repeal any provision of a previous ordinance or City Code provision, except to the extent that a provision is inconsistent and cannot be reconciled with this ordinance.

Section 8. This Ordinance shall be effective **on December 31, 2023**, after final passage by City Council, a public hearing in accordance with Section 2.19 of the City Charter, and publication of this ordinance or a caption that summarizes the purpose of this ordinance.

PASSED, AND APPROVED by the City Council of the City of La Marque on First Reading this ____ day of _____, **2023**; and

PASSED, APPROVED AND ADOPTED by the City Council of the City of La Marque on Second and Final Reading this ____ day of _____, **2023**; and

CITY OF LA MARQUE, TEXAS

Keith Bell, Mayor

ATTEST:

Kierra Nance, TRMC, City Clerk

APPROVED AS TO FORM:

Gus Knebel
Consulting City Attorney