



ORDINANCE NO. 2022.04.02

AN ORDINANCE ESTABLISHING STANDARDS FOR MINIMUM HOUSING WITHIN THE CITY OF FRUITVALE, TEXAS; DEFINING "DWELLING UNIT"; PROVIDING A PENALTY FOR VIOLATION OF THIS ORDINANCE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING A CUMULATIVE CLAUSE; AND PROVIDING FOR PUBLICATION.

WHEREAS, the City Council of the City of Fruitvale finds it to be in the interest of the public health, safety and welfare to establish certain minimum standards for the continued use and occupancy of all dwellings units regardless of the date of their construction; and

WHEREAS, any dwelling unit which does not meet said minimum housing standards may be declared unfit for human habitation;

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

As used and described in this ordinance below, the term "dwelling" or "dwelling unit" shall mean a building occupied exclusively for residential purposes and providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

I.
ADMINISTRATION

Applicability to all dwellings or dwelling units. Every portion of a building or its premises used or intended to be used for any dwelling purpose shall comply with the provisions of this Chapter, irrespective of when such building shall have been constructed, altered, or repaired, and irrespective of any permits or licenses which shall have been issued for the use of occupancy of the building and building premises, for the construction or repair of the building, or for the installation or repair of building equipment prior to the effective date hereof. This Chapter establishes minimum standards for the initial and continued occupancy of all dwellings, and dwelling units, and does not replace or modify standards otherwise established for the construction, repair, or use of buildings or the installation of building equipment, except as they may be in conflict with the provisions of this Chapter.

Inspections. An inspection may be made of any dwelling or dwelling unit located within the corporate limits of the City of Fruitvale and suspected of being in violation of this Chapter. The Building Inspector or Building Official shall exhibit positive identification to the owner, operator or occupant thereof prior to conducting an inspection. Inspection shall be made only at reasonable hours and with either the consent of the owner, operator or occupant thereof, or in absence of consent, a warrant from a magistrate authorizing the inspection for suspected violations of this Chapter.

II. ENFORCEMENT

Discovery of violations. It shall be the duty of the Building Inspector or Building Official conducting an inspection under the provisions of this Chapter to make a written notation of any violations of this Chapter.

Notice of violations. Whenever a violation of this Chapter has been discovered and reported by the Building Inspector or Building Official under this Chapter, the person or persons responsible under the provisions of this Chapter for such violations shall be given written notification of the nature of the violation and the date on which a reinspection shall be made to determine if the violation has been eliminated. No reinspection shall be made until the person or persons responsible for a violation under the provisions of this Chapter have been given a reasonable time to eliminate the violation.

Extension of time. Any person or persons receiving written notification of a violation of this Chapter may request an extension of time to eliminate the violation prior to a reinspection and such requests for extensions of time shall be approved where reasonable.

III. DESIGNATION OF UNFIT BUILDINGS

Designation of unfit dwellings. Any dwelling or dwelling unit which shall be found by the Building Inspector or Building Official to violate the provisions of this Chapter shall be designated as unfit for human habitation.

Notice to vacate. Whenever any dwelling or dwelling unit, is found to be unfit for human habitation under this Chapter, and whenever necessary action to effect compliance with this Chapter is not accomplished prior to a reinspection, the owner, occupants, and operator, if any, shall be notified by registered mail to vacate such dwelling or dwelling unit, within 30 days of the date of mailing of the notice to vacate, unless compliance with the provisions of this Chapter is accomplished within the 30-day period.

Immediate vacation. Whenever a dwelling or dwelling unit, is found by the Building Inspector or Building Official to violate this Chapter and to present an immediate danger of injury to the occupants, the building inspector or Building Official shall order the immediate evacuation of the structure and such structure shall remain vacated until the danger is eliminated.

Vacation procedure. The owner or operator of any dwelling or dwelling unit, vacated under the provisions of this Chapter, shall make such structure safe and secure from entry by unauthorized persons. A placard stating that the dwelling or dwelling unit has been found unfit for human habitation shall be placed on the outside entrance to the structure in a conspicuous place. No person shall occupy any dwelling or dwelling unit posted with a placard signifying the placarded building is unfit for human habitation. No person shall deface, destroy or remove any placard designating a dwelling or dwelling unit unfit for human habitation.

Once a building is ordered vacated, the dwelling or dwelling unit may be ordered to be removed or demolished pursuant to Chapter 214 of the Local Government Code following the notice, public hearing and process therein.

IV.
SPECIFIC REQUIREMENTS

Every dwelling and dwelling unit, as hereinafter specified, located within the corporate limits of the City shall comply with the following requirements.

Sanitary facilities, plumbing, drainage.

Kitchen sink. Every dwelling unit shall be supplied with a kitchen sink located in the kitchen or adjacent kitchen pantry.

Flush toilet and lavatory basin. Every dwelling unit shall be supplied with a room or compartment which affords privacy to a person therein and which shall be equipped with an approved flush toilet and a lavatory basin.

Bathtub or showerbath. Every dwelling unit shall have supplied within such dwelling unit a room or compartment which affords privacy to a person therein and which shall be equipped with a bathtub or showerbath.

Water and sewer connections. Every kitchen sink, lavatory basin, flush toilet, and bathtub or showerbath required under this Chapter shall be properly connected to an adequate supply of safe, potable water approved by the local Water Supply Corporation. If a City of Fruitvale sewer line does not lie within 150 feet of the dwelling premises, the kitchen sink, lavatory basin, flush toilet and bathtub or showerbath shall be connected through an approved sewer connection to an adequate septic tank, or other waste disposal system, approved by the inspector approved by Van Zandt County.

Hot and cold water. Every kitchen sink, lavatory basin, and bathtub or showerbath required shall be supplied with hot and cold water properly connected as required in this Chapter.

Impervious flooring. The floor surface of every bathroom, toilet room or compartment shall be constructed of material impervious to water, or if constructed of material not impervious to water, it shall be covered with fitted linoleum or painted or varnished so as to make the floor surface reasonably impervious to water. All such floors shall be kept in a dry, clean and sanitary condition by the occupant.

Grading and drainage. The grading and drainage of dwelling premises shall be such that no water shall be allowed to seep into any basement or cellar, or to accumulate, or become stagnant therein or on the premises; and no roof, surface, or sanitary drainage shall create a structural, safety or health hazard by reason of construction, maintenance or manner of discharge.

Garbage disposal facilities. Every dwelling and dwelling unit shall have adequate garbage storage and disposal facilities or containers as otherwise required by the City.

Heating and refrigeration equipment.

Heating facilities. Every dwelling and dwelling unit shall be supplied heating facilities which bear the seal of approval of an approved, nationally recognized testing agency, and which heating facilities are used in the manner for which there were designed and approved. Such heating facilities shall be capable of safely and adequately heating all habitable rooms, bathrooms and toilet rooms or compartments within its walls to a temperature of at least 70 degrees F. at three feet above the floor level in the center of the room when the outside temperature is 20 degrees F. Doors, windows and other parts of the dwelling or dwelling unit shall be constructed and maintained so as to prevent abnormal heat losses.

Room heaters. In every dwelling and dwelling unit where room heaters utilizing gas as a fuel are used and operated, the room heaters shall be connected to the gas supply with either rigid pipe, approved flexible metal tubing and fittings or approved semi-rigid tubing and fittings. No room heater shall be placed so as to cause a fire hazard to walls, curtains, furniture, open doors and to the free movement of persons within the room where the room heater is located. A room heater of the free standing type shall be placed as to provide at least six inches clearance between the heater and any combustible material. Room heaters utilizing liquid fuels are prohibited, and room heaters utilizing solid fuels are prohibited except in heaters specifically designed and approved for such use.

Water heaters. Every dwelling and dwelling unit shall be supplied with approved, automatically controlled water heaters of not less than 20 gallon capacity, installed in compliance with the current plumbing and gas codes, capable of heating water so as to permit water at a temperature of not less than 120 degrees F. to be drawn at every kitchen sink, lavatory basin, bathtub or shower. Such water heater shall be properly connected to an adequate supply of safe, potable water approved by the local Water Supply Corporation.

Lighting, ventilation and electrical facilities.

Window area. Every habitable room shall have at least one window that faces directly to the outdoors. The minimum aggregate glass area available for unobstructed light for every habitable room shall be no less than ten percent of the floor area; provided, however, that if said windows open on covered porches and terraces or are in rooms any portion of which is more than 18 feet from a window, then glass area shall be not less than 15 percent of the floor area of the room.

Daylight obstruction. Whenever walls or other portions of structures face a window of an habitable room in any dwelling or dwelling unit and such light-obstructing structures are located less than five feet from the window and extend to a level above that of the ceiling of the room, such window shall not be included as contributing to the minimum total window area as otherwise required.

Openable window area. Every habitable room shall have at least one window that can be easily opened, or shall have an approved ventilating system. The total openable window area shall be equal to at least four percent of the floor area of such room provided said room has no exterior door or shall be equal to at least two percent of the floor area where said room has an exterior door. The foregoing ventilation requirement shall not apply where said room is supplied with some other approved ventilation system.

Bathroom light and ventilation. Every bathroom and toilet room shall comply with the light and ventilation requirements for habitable rooms contained above, except in no case shall the minimum glass area of such window be less than ten percent of the floor space of such room. Provided that no window shall be required in any bathroom or toilet compartment equipped with an approved ventilation system and an approved artificial lighting system.

Basement ventilation. Every cellar and basement shall have at least two vents or windows opening directly to the outside air sufficient to prevent mildew or structural deterioration, and properly equipped with screening of not less than 16 meshes to the square inch which shall be installed and maintained in a manner affording complete protection against entry in the cellar or basement of flies, mosquitoes or insects.

Illumination. Every dwelling and dwelling unit within 300 feet of an electrical distribution main shall be supplied with electricity as follows:

- (a) Every habitable room shall be supplied with base plugs and light fixtures which shall be properly installed, connected to the source of electrical power, and maintained in compliance with the current electrical code of the City as determined necessary by the building inspector or Building Official to be in a good and safe working condition.
- (b) Every stairway, or other means of exit, and corridors and passageways appurtenant thereto, shall be provided with an adequate system of lighting, either natural or artificial. Artificial lights for stairways, corridors and passageways shall have an intensity of not less than ten footcandles. In the absence of natural light, artificial light shall be kept burning at all times when the building served by such stairways or exits is being used or occupied.

Dwelling space and use and access.

Floor space per person. Every dwelling unit shall contain at least 150 square feet of floor space, exclusive of hall and closet space, for the first occupant and at least 100 square feet of additional floor space, exclusive of hall and closet space, for each occupant thereafter.

Sleeping space per person. In every dwelling unit of two or more rooms every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor space, exclusive of hall and closet space, and every room occupied for sleeping purposes by more than one person shall contain at least 50 square feet of floor space, exclusive of hall and closet space, for each occupant thereof.

Provisions for calculation of floor area. In every case, the floor space required shall be calculated on the basis of total habitable room area. Children under 12 years of age shall be deemed to be one-half of one occupant for purposes of this Chapter.

Ceiling height. Every habitable room of a dwelling or dwelling unit shall have a ceiling height of at least seven feet.

Cellars and basement occupancy. No cellar or basement shall be occupied as a habitable room unless it shall comply with the applicable provisions of the building code of the City as to exits, and unless the floors and walls are impervious to any leakage of underground and surface runoff water and are properly protected against dampness; and the minimum window area of each habitable room therein is either located above the finished grade or provided with an approved light well.

Means of egress. Every dwelling and dwelling unit shall be provided with two approved safe and unobstructed means of egress.

Safe and sanitary maintenance.

Foundations. Every foundation shall be so free of holes, cracks, buckling, crumbling and defects as to support adequately the dwelling structure.

Floors, exterior walls and roofs. Every floor, exterior wall and roof shall be so free of holes, cracks, and loose, rotten, warped or protruding boards as to protect the occupants of the dwelling or dwelling unit reasonably from weather elements and from danger of collapse.

Interior walls and ceilings. Every interior wall and ceiling shall be so free of holes, cracks, loose plaster, defective materials and structural deterioration as to reasonably serve their purpose and as to protect the occupants of the dwelling or dwelling unit from danger of collapse and of fire.

Protection of exterior surfaces. All exterior exposed surfaces shall be repaired, coated, treated or sealed so as to protect them from serious deterioration.

Windows and doors. Every window and exterior door shall be reasonably water and weather tight and shall be kept in sound working condition and good repair.

Stairways and porches. Every inside and outside stairway, and every porch and appurtenance thereto shall be maintained in a manner as to present no danger of collapse or injury to the occupants of a dwelling or dwelling unit or to the public.

Supplied facilities. Every supplied facility, piece of equipment or utility which is required under the provisions of this Chapter shall be so designed, constructed and installed according to law that it will function safely and effectively and shall be maintained in a safe and sanitary working condition.

Plumbing facilities. Every plumbing fixture and water supply, sewer line and waste disposal system shall be properly installed accordingly to law and maintained in safe and sanitary conditions free from defects, leaks and obstructions.

Infestation. Every dwelling, dwelling unit and all dwelling premises shall be free of infestation by rodents or vermin.

Dwelling premises and accessory structures. All dwelling premises and accessory structures, including fences, shall be maintained in good repair and sanitary condition. All fences shall be constructed and maintained so as to support their own weight.

Vertical structural sections. All buildings, including dwelling or dwelling units, where, on a vertical structural section designed as a gravity member, there occurs a lateral displacement which causes the resultant pressure to fall beyond the middle third of the base of such gravity member, it shall cause said section to be considered unsafe and subject to correction or demolition.

Walls, vertical and horizontal structural members. All buildings, including dwellings or dwelling units, whose walls, vertical structural members, or horizontal structural members, other than gravity type walls, list, lean, or buckle from their designed position, or show other visual signs of deterioration to such a degree that, in the opinion of the housing standards inspector or Building Official an imminent hazard to the building, dwelling or dwelling unit or its/their occupants is present, shall cause said section to be considered unsafe and subject to correction or demolition.

Deteriorated supporting members. All buildings, dwellings, or dwelling units which, exclusive of the foundation, show 33 percent or more of damage or deterioration of the supporting member or members, of 50 percent of damage or deterioration of the non-supporting enclosing or outside walls or covering, are hereby declared unfit for human occupation and in violation of this Chapter.

Insufficient structural strength. All buildings, dwellings or dwelling units which have improperly distributed loads upon the floors or roofs or in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purposes, substantially as defined by the building code of the City, are hereby declared unfit for human occupation and in violation of this Chapter.

Casualty damage. All buildings, dwellings or dwelling units which have been damaged by fire, explosion, wind, vandalism or elements of nature so as to have become dangerous to life, safety, morals or the general health and welfare of the occupants thereof or the people of the City of Fruitvale are hereby declared unfit for human occupation and in violation of this Chapter.

V.

RESPONSIBILITIES OF OWNERS, OPERATORS AND OCCUPANTS

The following provisions shall pertain to the responsibilities of owners, operators and occupants of dwellings and dwelling units and their premises:

Maintenance of private spaces. In the absence of a written agreement between the occupant and owner or operator to the contrary, every occupant of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit and dwelling premises thereof which he occupies and controls.

Provision for disposal facilities. In the absence of a written agreement between the occupant and the owner or operator to the contrary, the occupant shall supply on the premises garbage disposal facilities and storage containers for each dwelling thereon and shall maintain such facilities in good repair and sanitary condition, and shall provide for the proper collection and removal of their contents.

Manner of waste disposal. Every occupant of a dwelling or dwelling unit shall dispose of his garbage in a clean, non-fire-hazardous, and sanitary manner by placing it in the facilities provided by the City.

Extermination. Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any rodents, vermin or other pests therein or on the premises; and every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for such extermination whenever his dwelling unit is the only one infested; except that whenever such infestation is caused by the failure of the owner to carry out the provisions of this Chapter, extermination shall be the responsibility of the owner.

Maintenance of plumbing and equipment. Every occupant of a dwelling unit shall be responsible for the exercise of proper care and cleanliness in the use and operation of all plumbing fixtures, sanitary facilities, appliances, and equipment therein.

Discontinuance of utilities. No owner, operator, or occupant shall cause any service, facility, equipment, or utility, which is required to be supplied by the provisions of this Chapter, to be removed from or shut off from or discontinued from any occupied building or dwelling unit, except for such temporary interruption as may be necessary when actual repairs or alterations are being expeditiously made, or during other temporary emergencies when discontinuance of service is approved. This Section shall not prohibit the City or a utility provider from terminating service in cases in which it is otherwise authorized to do so.

Occupancy of vacant units. No person shall occupy as owner-occupant, or permit to be occupied by another, any vacant dwelling or dwelling unit unless or until it is in full compliance with all provisions of this Chapter.

Supplied heat. Every owner or operator of a dwelling who permits to be occupied any dwelling unit therein under an agreement, express or implied, to supply or furnish heat to the occupants thereof shall maintain the heat at the temperature specified in this Chapter. The provisions of this subsection shall not apply when the failure to maintain the required air temperature level is because of a shortage of fuel, a negligent or malicious act of the occupant or repairs being expeditiously made to the heating equipment or any cause beyond the control of the owner or operator.

VI. VIOLATION

Any person, firm or corporation who shall own or maintain any dangerous building as that term is defined herein, and who shall, after notice as provided in Section III hereof, fail to repair or eliminate the conditions which cause such building to be a dangerous building, shall be guilty of a misdemeanor, and upon conviction shall be fined in any sum not exceeding \$500.00, and each and every day's violation shall constitute a separate and distinct offence. In the event the owner or occupant of any dangerous building shall be a corporation, president, vice president, secretary and treasurer of such corporation, or the manager, agent or employee of such corporation shall be also severally liable for the penalties herein provided.

VII. CUMULATIVE

The provisions of this ordinance are to be cumulative of all other ordinances, or parts thereof, governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent of any such inconsistency or conflict.

VIII. SAVINGS AND SEVERABILITY

If any section, sub-section, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this ordinance. OR (If any section, paragraph, subdivision, clause, or phrase of provision of this article shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this article as a whole or any part or provision thereof other than the part so decided to be invalid or unconstitutional.) The Council of the City of Fruitvale hereby declares that it would have passed this ordinance and each section, sub-section, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, sub-sections, sentences, clauses or phrases be declared unconstitutional or invalid.

IX.
PUBLICATION

The City Secretary is hereby authorized and directed to publish the descriptive caption of this ordinance, together with the penalty provision contained herein, in the manner and for the length of time prescribed by law.

Vicki Ferguson, Mayor

ATTEST:

Susan Murre, City Secretary