

**CITY OF COCKRELL HILL, TEXAS**

**ORDINANCE NO. 2005-X**

**AN ORDINANCE OF THE CITY OF COCKRELL HILL, TEXAS, AMENDING THE CITY OF COCKRELL HILL CODE OF ORDINANCES, TITLE XI, "BUILDING REGULATIONS," TO ADD CHAPTER 117 PROVIDING FOR THE REGISTRATION OF RESIDENTIAL RENTAL PROPERTY; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00); PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City finds it necessary to adopt a residential rental registration ordinance to establish and organize an inspection program of residential rental units within the City in order to ensure that tenants are provided with residential dwellings that meet city and state life, safety, health, fire and zoning ordinances, regulations and codes; and to provide a more efficient system for compelling both absentee and local landlords to correct violations and to maintain rental units in proper condition for the benefit and protection of tenants within the City; and

**WHEREAS**, the City Council of the City of Cockrell Hill, Texas, finds that the most efficient system to provide for inspections of residential rental units is a creation of a program requiring the registration of all residential rental units within the City so that an orderly inspection can be made by appropriate city officials and to ensure that such rental units are in accordance with local and state requirements.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COCKRELL HILL, TEXAS:**

**Section 1.** That all of the above premises are hereby found to be true and correct and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

**Section 2.** The Code of Cockrell Hill, Title XI, is amended and a new Chapter 117 shall be established and shall read as follows:

**"CHAPTER 117 RENTAL REGISTRATION**

**§ 117.01 Definitions.**

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

*Building official* means the City Secretary for the City of Cockrell Hill, Texas, or designee.

*Non-owner Occupied Unit:* a unit that is not occupied by the owner as a primary residency

*Owner* means the person claiming, or in whom is invested, the ownership, dominion, or title of real property including but not limited to: holder of fee-simple title, holder of life estate, holder of leasehold estate for an interim term of five (5) years or more; a buyer under contract for deed; a mortgagee, receiver, executor or trustee in control of real property; but not including the holder of a leasehold estate or a tenancy for initial term of less than five (5) years.

*Person* means an individual, corporation, business trust, estate, trust, partnership or association, two or more persons having a joint interest, or any other legal or community entity.

*Property manager* means a person whom for compensation has managing control of a rental unit.

*Rent* means the offering, holding out or actual leasing of a rental unit to an occupant other than the owner and generally involves the payment of a rental amount although other forms of consideration may be involved or no consideration at all may be involved.

*Rental unit* means a single family dwelling unit, duplex dwelling unit, and a town home dwelling unit, or portion thereof that is rented or offered for rent as a residence.

*Tenant* means any person who rents or Leases a rental unit for living or dwelling purposes with the consent of the landlord.

**§ 117.02      Rental Registration.**

- (a) Each owner of a rental unit within the City shall register each such rental unit with the building official before March 1, 2005; and shall renew such registration annually on the date prescribed by the building official pursuant to Section 117.03 (a). Separate registration shall be required for each rental unit.
- (b) Each new owner of a rental unit within the City shall make application for registration with the building official within ten (10) days after the date of acquiring ownership of a rental unit.
- (c) Application for rental registration shall be made upon a form provided by the City for such purpose, and shall include at least the following information:

- (b) A separate offense shall be deemed committed upon each day during or on which a violation or failure to comply occurs or continues to occur.
- (c) Allegation and evidence of a culpable mental state is not required for the proof of a violation of this Chapter.”

**Section 3.** If any section, Chapter, paragraph, sentence clause, phrase or word in this ordinance or application thereto any person 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; and the City Council hereby declares it would have passed such remaining portions of this ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

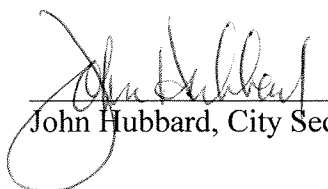
**Section 4.** That all provisions of the Ordinances of the City of Cockrell Hill, Texas, in conflict with the provisions of this Ordinance be and the same are hereby amended, repealed, and all other provisions of the Ordinances of the City not in conflict with the provisions of this Ordinance shall remain in full force and effect.

**Section 5.** This ordinance shall become effective, and be in full force and effect, from and after the date of its passage, and it is accordingly so ordained.

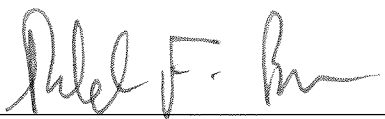
**PASSED AND APPROVED** the \_\_\_\_ day of January, 2005.

  
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C. P. Slayton, Mayor

ATTEST:

  
\_\_\_\_\_  
John Hubbard, City Secretary

APPROVED AS TO FORM:

  
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Robert F. Brown, City Attorney