

## Chapter 11

### HEALTH AND SANITATION

<b>ARTICLE 11.01</b>		§ 11.03.004.	Notice to remove or remedy condition.
<b>GENERAL PROVISIONS (RESERVED)</b>		§ 11.03.005.	Correction of conditions by city.
<b>ARTICLE 11.02</b>		§ 11.03.006.	Collection of city's expenses.
<b>FOOD AND FOOD ESTABLISHMENTS</b>		<b>ARTICLE 11.04</b>	
§ 11.02.001.	Required; persons eligible for temporary vendor issuance; transferable; posting required.	<b>DONATION BOXES</b>	
§ 11.02.002.	Establishment of food service inspection fees.	§ 11.04.001.	Definitions.
§ 11.02.003.	State rules adopted.	§ 11.04.002.	Prohibited.
§ 11.02.004.	Definition.	§ 11.04.003.	Transition provisions.
§ 11.02.005.	Inspection frequency; fees.	<b>ARTICLE 11.05</b>	
§ 11.02.006.	Access.	<b>MULTIFAMILY LICENSING AND INSPECTION</b>	
§ 11.02.007.	Report of inspections.	§ 11.05.001.	Title.
§ 11.02.008.	Correction of violations.	§ 11.05.002.	Purpose.
§ 11.02.009.	Requirements for food manager certification and food handler cards.	§ 11.05.003.	Definitions.
§ 11.02.010.	Examination and condemnation of food.	§ 11.05.004.	Applicability and administration.
§ 11.02.011.	Review of plans.	§ 11.05.005.	License required.
§ 11.02.012.	Procedure when infection is suspected.	§ 11.05.006.	License application, renewal, and expiration.
§ 11.02.013.	Service of notices.	§ 11.05.007.	License fee.
§ 11.02.014.	Injunctive relief.	§ 11.05.008.	License suspension, denial, and revocation.
§ 11.02.015.	Issuance.	§ 11.05.009.	Owner, operator and manager responsibilities.
§ 11.02.016.	Suspension.	§ 11.05.010.	Required postings.
§ 11.02.017.	Revocation of permit, license, or certificate.	§ 11.05.011.	Inspections and reinspections and reinspection fee.
§ 11.02.018.	Application after revocation.	§ 11.05.012.	Inspection standards.
§ 11.02.019.	Requirements for mobile vending units.	§ 11.05.013.	Offenses.
<b>ARTICLE 11.03</b>		§ 11.05.014.	Penalties.
<b>UNSANITARY OR UNSIGHTLY CONDITIONS ON PRIVATE PREMISES</b>		<b>ARTICLE 11.06</b>	
§ 11.03.001.	Stagnant water.	<b>SHORT-TERM RENTALS LICENSING</b>	
§ 11.03.002.	Rubbish, carrion, etc.	§ 11.06.001.	Title.
§ 11.03.003.	Weeds, grass and brush.	§ 11.06.002.	Purpose.

SEAGOVILLE CODE

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|---------------------|--|---------------------|--|
| <b>§ 11.06.003.</b> | <b>Definitions.</b>  | <b>§ 11.06.012.</b> | <b>Appeals of administrative decisions for short-term rentals.</b> |
| <b>§ 11.06.004.</b> | <b>Applicability, administration, and enforcement.</b>                 |                     |  |
| <b>§ 11.06.005.</b> | <b>Zoning and residential structure type restrictions.</b>             |                     | <b>ARTICLE 11.07</b>   |
| <b>§ 11.06.006.</b> | <b>License application, renewal, and expiration.</b>                   |                     | <b>PUBLIC AND SEMI-PUBLIC SWIMMING POOLS AND SPAS</b>              |
| <b>§ 11.06.007.</b> | <b>Inspection.</b>   | <b>§ 11.07.001.</b> | <b>Definitions.</b>  |
| <b>§ 11.06.008.</b> | <b>Denial or revocation of license.</b>                                | <b>§ 11.07.002.</b> | <b>Inspections.</b>  |
| <b>§ 11.06.009.</b> | <b>Reinstatement of license.</b>                                       | <b>§ 11.07.003.</b> | <b>Maintenance and operation.</b>                                  |
| <b>§ 11.06.010.</b> | <b>Property and use standards for short-term rental properties.</b>    | <b>§ 11.07.004.</b> | <b>Safety requirements.</b>  |
| <b>§ 11.06.011.</b> | <b>Violations - criminal offense, affirmative defenses, penalties.</b> | <b>§ 11.07.005.</b> | <b>Permit.</b>   |
|                     |  | <b>§ 11.07.006.</b> | <b>Certified pool operator.</b>                                    |

HEALTH AND SANITATION

**ARTICLE 11.01**  
**GENERAL PROVISIONS (RESERVED)**

**ARTICLE 11.02**  
**FOOD AND FOOD ESTABLISHMENTS**

**§ 11.02.001. Required; persons eligible for temporary vendor issuance; transferable; posting required.**

- (a) No person shall operate a food service establishment or temporary food establishment who does not have a valid permit, license, or certificate issued to him by the city in accordance with this article. Only a person who complies with the requirements of this article shall be entitled to receive or retain such permit, license, or certificate. Permits, licenses, or certificates are not transferable. A valid permit, license or certificate shall be posted in every food service establishment.
- (b) No person shall operate a food establishment, mobile food establishment, or temporary food establishment within the corporate limits of the city without compliance with the provisions of this chapter.

(Ordinance 19-13 adopted 10/7/13)

**§ 11.02.002. Establishment of food service inspection fees.**

Each food service establishment holding any permit, license, or certificate issued by the city shall pay a fee in such amount as provided by resolution of the city council. Such fee shall be paid on or before January 1st of each year, or at the time a food service establishment is first issued a permit, license or certificate by the city. Such fee shall be made payable to the city secretary or designee.

(Ordinance 19-13 adopted 10/7/13)

**§ 11.02.003. State rules adopted.**

All food service establishments, mobile food establishments and temporary food establishments shall be subject to the inspection of its establishment, vehicle or temporary establishment; the issuance, suspension and revocation of any permits to operate; the prohibiting of the sale of unsound or mislabeled food or drink; and the enforcement of this article shall be regulated in accordance with the current edition of the Texas Department of Health's "Texas Retail Food Rules," 25 TAC sections 228.1–228.278; and, all such establishments shall comply with the requirements of the Texas Retail Food Rules unless specifically exempt in this article.

(Ordinance 03-16 adopted 2/1/16)

**§ 11.02.004. Definition.**

The definitions established in the Texas Food Establishment Rules, as amended, shall apply except as been otherwise adopted in this chapter.

City. The City of Seagoville, Texas or its designee.

Flea market food vendor. A person, as defined in this section, that rents a space at the flea market on weekends for the purpose of bartering, distributing, and/or selling fresh produce, raw foods, prepared foods, and/or prepackaged foods for human consumption.

Person. Any natural person, firm, corporation, business or legal entity.

Texas Retail Food Rules or food code. The Texas Retail Food Establishment Rules, 25 TAC sections 228.1–228.278.

(Ordinance 19-13 adopted 10/7/13; Ordinance 08-14 adopted 8/25/14; Ordinance 03-16 adopted 2/1/16;

Ordinance 36-2023 adopted 12/18/2023)

**§ 11.02.005. Inspection frequency; fees.**

An inspection of each food service establishment shall be performed at least once every six (6) months by the city. Additional inspections of each food service establishment shall be performed as often as necessary for the enforcement of this article.

(Ordinance 19-13 adopted 10/7/13)

**§ 11.02.006. Access.**

Representatives of the city, including any sanitarian employed by the health department of Dallas County or Kaufman County, after proper identification, shall be permitted to enter any food service establishment at any reasonable time for the purpose of making inspections to determine compliance with this article. The representatives shall be permitted to examine the records of the establishment to obtain information pertaining to food and supplies purchased, received or used.

(Ordinance 19-13 adopted 10/7/13)

**§ 11.02.007. Report of inspections.**

Whenever an inspection of a temporary food establishment or commissary is made, the findings shall be recorded on the inspection report form set out in 25 TAC sections 228.1–228.278 of the state rules adopted herein. The inspection report form shall summarize the requirements of this article and shall set forth a weighted point value for each requirement. Inspectional remarks shall be written to reference, by section number, the section violated and shall state the correction to be made. The rating score of the establishment shall be the total of the weighted point values for all violations, subtracted from one hundred (100). A copy of the completed inspection report form shall be furnished to the person in charge of the establishment at the conclusion of the inspection. The completed inspection report form is a public document that shall be made available for public disclosure to any person who requests it according to law.

(Ordinance 03-16 adopted 2/1/16)

**§ 11.02.008. Correction of violations.**

- (a) The completed inspection report form shall specify a reasonable period of time for the corrections of the violations found, which shall not be later than 90 days from the date of inspection; and correction of the violations shall be accomplished within the period specified, in accordance with the following provisions:
- (1) If an imminent health hazard exists, such as complete lack of refrigeration or sewage backup into the establishment, the establishment shall immediately cease food service operations. Operations shall not be resumed until authorized by the city.
  - (2) All violations of four- or five-point weighted items shall be corrected as soon as possible, but in any event, within ten (10) days following inspection. Within fifteen (15) days after the inspection, the holder of the permit, license, or certificate shall submit a written report to the city stating that the four- or five-point weighted violations have been corrected. A followup inspection shall be conducted to confirm correction.
  - (3) All one- or two-point weighted items shall be corrected as soon as possible, but in any event, by the time of the next routine inspection.
  - (4) When the rating score of the establishment exceeds thirty (30) demerits, the establishment shall

initiate corrective action on all identified violations within forty-eight (48) hours. One (1) or more reinspections will be conducted at reasonable time intervals to ensure correction.

- (5) In the case of temporary food service establishments all violations shall be corrected within twenty-four (24) hours. If violations are not corrected within twenty-four (24) hours, the establishment shall immediately cease food service operations until authorized to resume by the city.
  - (b) The inspection report shall state that failure to comply with any time limits for corrections may result in cessation of food service operations. An opportunity for hearing on the inspection findings or the time limitations or both will be provided if a written request is filed with the city within ten (10) days following cessation of operations. If a request for hearing is received, a hearing shall be held within twenty (20) days of receipt of the request.
  - (c) Whenever a food service establishment is required under the provisions of this section to cease operations, it shall not resume operations until it is shown on reinspection that conditions responsible for the order to cease operations no longer exist. Opportunity for reinspection shall be offered within a reasonable time.
- (Ordinance 19-13 adopted 10/7/13)

**§ 11.02.009. Requirements for food manager certification and food handler cards.**

(a) Food manager certification requirements.

- (1) No person or company shall operate a food establishment unless the establishment has a person on duty who has completed an approved Texas Department of Health Food Protection Management class.
- (2) A food establishment with multiple shifts shall ensure that a person in charge of each shift has completed an approved food protection management class.
- (3) The person on duty and in charge shall make available to the city personnel their food manager certificate when inspections are conducted or when proof of class completion is required.
- (4) The food manager certificate shall be valid for not less than five (5) years at which time an approved food protection recertification class must be completed within forty-five (45) days after the expiration of the original certificate, and every five (5) years thereafter.
- (5) Temporary food vendors, mobile food vendors who sell only prepackaged foods, and small retail vendors who sell only prepackaged foods shall be exempt from the requirements of this section of this code.

(b) Food employee requirements.

- (1) All food employees shall complete a state approved food handler class within thirty (30) days of employment at a local food establishment. A food employee is any person employed in a food premises, who at any time may be involved in the manufacturing, preparation, serving or packing of food for sale.
- (2) Food handler cards shall be made available to city personnel when inspections are conducted or when proof of course completion is requested.
- (3) Food handler cards shall be valid for not less than two (2) years, at which time the card must be

renewed. Employees must renew the card within forty-five (45) days of the expiration of the original card and every two (2) years thereafter.

- (4) Any person not completing a food protection management class must complete an approved food handler class.
- (5) A food handler class may not be taken in place of a required food protection management class.
- (6) Mobile food vendors who sell only prepackaged foods shall be exempt from this subsection.
- (7) Temporary food vendors shall be exempt from this subsection.

(Ordinance 19-13 adopted 10/7/13; Ordinance 11-15 adopted 6/1/15)

#### **§ 11.02.010. Examination and condemnation of food.**

Food may be examined or sampled by the city as often as necessary for enforcement of this article. The city may, upon written notice to the owner or person in charge, specifying with particularity the reasons therefor, place a hold order on any food which it believes is in violation of 25 TAC sections 228.1–228.278 of the state rules adopted by section 11.02.003 or any other section of this article. The city shall tag, label, or otherwise identify any food subject to the hold order. No food subject to a hold order shall be used, served, or moved from the establishment. The city shall permit storage of the food under conditions specified in the hold order, unless storage is not possible without risk to the public health, in which case immediate destruction shall be ordered and accomplished. The hold order shall state that a request for hearing may be filed within ten (10) days and that if no hearing is requested, the food shall be destroyed. If a request for hearing is received, the hearing shall be held within twenty (20) days after receipt of this request. On the basis of evidence produced at that hearing, the hold order may be vacated or the owner or person in charge of the food may be directed by written order to denature or destroy such food or to bring it into compliance with the provisions of this article.

(Ordinance 03-16 adopted 2/1/16)

#### **§ 11.02.011. Review of plans.**

- (a) Submission. Whenever a food service establishment is constructed or extensively remodeled and whenever an existing structure is converted to use as a food service establishment, properly prepared plans and specifications for such construction, remodeling, or conversion shall be submitted to the city for review and approval before construction, remodeling or conversion is begun. The plans and specifications shall indicate the proposed layout, arrangement, mechanical plans, and construction materials of work areas, and the type and model of proposed fixed equipment and facilities. The city shall approve the plans and specifications if they meet the requirements of this article. No food service establishment shall be constructed, extensively remodeled, or converted except in accordance with plans and specifications approved by the city.
- (b) Preoperational inspection. Whenever plans and specifications are required by subsection (a) of this section to be submitted to the city, the city shall inspect the food service establishment prior to the start of operations, to determine compliance with the approved plans and specifications and with the requirements of this article.

(Ordinance 19-13 adopted 10/7/13)

#### **§ 11.02.012. Procedure when infection is suspected.**

- (a) Generally. When the city has reasonable cause to suspect possible disease transmission by an employee of a food service establishment, it may secure a morbidity history of the suspected

employee or make any other investigation as indicated and shall take appropriate action. The city may require any or all of the following measures:

- (1) The immediate exclusion of the employee from employment in food establishments.
  - (2) The immediate closing of the food service establishment concerned until, in the opinion of the city, no further danger of disease outbreak exists.
  - (3) Restriction of the employee's services to some area of the establishment where there would be no danger of transmitting disease.
  - (4) Adequate medical and laboratory examination of the employee and of other employees and of his and their body discharges.
- (b) Fees for inspection services. Fees for inspection services shall be determined from time to time by the city council, and rates authorized by the council shall be on file with the city secretary.  
(Ordinance 19-13 adopted 10/7/13)

**§ 11.02.013. Service of notices.**

A notice provided for in this article is properly served when it is delivered to the holder of the permit, license, or certificate, or the person in charge, or when it is sent by registered or certified mail, return receipt requested, to the last known address of the holder of the permit, license, or certificate. A copy of the notice shall be filed in the records of the city.

(Ordinance 19-13 adopted 10/7/13)

**§ 11.02.014. Injunctive relief.**

The city may seek equitable relief to enjoin violations of this article in addition to seek other forms of relief under law.

(Ordinance 19-13 adopted 10/7/13)

**§ 11.02.015. Issuance.**

- (a) Any person desiring to operate a food service establishment, food sales, temporary vending of food shall make written application for a permit on forms provided by the city. Such application shall include the name and address of each applicant, the location and type of the proposed food being served or sold and the signature of the applicant.
- (b) Prior to approval of an application for a permit, license, or certificate, the city shall inspect the proposed temporary food establishment to determine compliance with the requirements of this article. If the applicant has been convicted of a felony or misdemeanor, the application shall be considered in accordance with chapter 62 of the Code of Criminal Procedure.
- (c) The city shall issue a permit, license, or certificate to the applicant if its inspection reveals that the proposed temporary food establishment complies with the requirements of this article and the state regulations adopted herein.

(Ordinance 19-13 adopted 10/7/13)

**§ 11.02.016. Suspension.**

- (a) The city may, without warning, notice, or hearing, suspend any permit, license, or certificate to operate a food service establishment if the holder of the permit, license, or certificate does not comply

with the requirements of this article, or if the operation of the establishment does not comply with the requirements of this article, or if the operation of the food service establishment otherwise constitutes a substantial hazard to public health, or if the holder has been convicted of a misdemeanor or felony, as provided in chapter 62 of the Code of Criminal Procedure. Suspension is effective upon service of the notice required by subsection (b) of this section. When a permit, license, or certificate is suspended, food service operations shall immediately cease. Whenever a permit, license, or certificate is suspended the holder of the permit, license, or certificate shall be afforded an opportunity for hearing within twenty (20) days of receipt of a request for hearing.

- (b) Whenever a permit, license, or certificate is suspended, the holder of the permit, license, or certificate, or the person in charge shall be notified in writing that the permit, license, or certificate is, upon service of the notice, immediately suspended and that an opportunity for hearing will be provided if a written request for hearing is filed with the city by the holder of the permit, license or certificate within ten (10) days. If no written request for hearing is filed within ten (10) days, the suspension is sustained. The city may end the suspension at any time if reasons for suspension no longer exist.
- (c) The hearings provided for in this article shall be conducted by the city at a time and place designated by it. Any oral testimony given at a hearing shall be reported verbatim, and the presiding officer shall make provision for sufficient copies of the transcript. The city shall make a final finding based upon the complete hearing record and shall sustain, modify or rescind any notice or order considered in the hearing. A written report of the hearing decision shall be furnished to the holder of the permit, license, or certificate by the city.

(Ordinance 19-13 adopted 10/7/13)

**§ 11.02.017. Revocation of permit, license, or certificate.**

- (a) The city may, after providing opportunity for hearing, revoke a permit, license, or certificate for serious or repeated violations of any of the requirements of this article or for interference with the city in the performance of duty, or upon conviction of a felony or misdemeanor, as provided in chapter 62 of the Code of Criminal Procedure.
- (b) Prior to revocation, the city shall notify, in writing, the holder of the permit, license, or certificate, or the person in charge, of the specific reason(s) for which the permit, license, or certificate is to be revoked and that the permit, license, or certificate shall be revoked at the end of the ten (10) days following service of such notice unless a written request for hearing is filed with the city by the holder of the permit, license, or certificate within such ten-day period. If no request for hearing is filed within the ten-day period, the revocation of the permit, license, or certificate becomes final.

(Ordinance 19-13 adopted 10/7/13)

**§ 11.02.018. Application after revocation.**

Whenever a revocation of a permit, license, or certificate has become final, the holder of the revoked permit, license, or certificate may make written application for a new permit, license, or certificate.

(Ordinance 19-13 adopted 10/7/13)

**§ 11.02.019. Requirements for mobile vending units.**

- (a) A health permit is required for all mobile vending units.
- (b) All mobile vending units will be inspected before permit is issued and one (1) time each six (6) months.

- (c) Provide proof of automobile insurance with permit application.
- (d) Hours of operation in which the mobile food vending unit may be open for business shall be 7:00 a.m. until 10:00 p.m. However, mobile food vending units may engage in preparatory and clean-up or take-down operations one hour prior to opening and one hour after closing (6:00 a.m. to 11:00 p.m.). Mobile food vending units shall not remain in its place of business, and shall be off-premises, by 11:00 p.m. and may not remain in place overnight.
- (e) The operation of a mobile vending unit in the following locations is prohibited:
  - (1) All city parks, except for city-sponsored events.
  - (2) Within one block of a school, one (1) hour before or after school hours.
  - (3) No vending allowed within one hundred (100) feet of an intersection.
- (f) Ice cream trucks shall have the following equipment:
  - (1) Sign on front and back of truck that states in three-inch lettering “watch for children.”
  - (2) Company’s name and phone number on the vehicle.
  - (3) Serving window shall be located on curbside only.
  - (4) Mirrors shall be provided on the truck with capability to see around the entire truck.
  - (5) Operable yellow/amber flashing lights on front and rear of truck.
  - (6) A truck rear bumper cover required to prevent children from jumping on the rear of the vehicle.
  - (7) Sound equipment must comply with the following:
    - (A) Sound equipment shall be limited to music or human speech.
    - (B) Sound shall not be audible more than one hundred (100) yards from the truck. Sound shall be no louder than 80 dBA.
    - (C) Sound shall be turned off while the vehicle is stopped for vending.
  - (8) All drivers of ice cream trucks and vehicles vending products to children shall submit a copy of their driver’s license to the city and obtain the permit described in this article before operating such vehicle.

(Ordinance 19-13 adopted 10/7/13; Ordinance 2024-11 adopted 5/20/2024)

**ARTICLE 11.03**  
**UNSANITARY OR UNSIGHTLY CONDITIONS ON PRIVATE PREMISES**

**§ 11.03.001. Stagnant water.**

- (a) It shall be unlawful for any person who shall own or occupy, or have supervision or control of, any lot, tract or parcel of land in the city to permit or allow the accumulation of stagnant water or other unwholesome condition or any other condition that may produce disease thereon, or permit the same to remain thereon.
- (b) It shall be unlawful for any person who shall own or occupy, or have supervision or control of, any lot in the city to permit or allow holes or places on such lot where water may accumulate and become stagnant, or permit the same to remain thereon.
- (1977 Code, sec. 12-35)

**§ 11.03.002. Rubbish, carrion, etc.**

Any person who shall own or occupy, or have supervision or control of, any lot, tract or parcel of land in the city shall keep the same free from filth, carrion or other impure or unwholesome matter of whatever nature.

(1977 Code, sec. 12-36)

**§ 11.03.003. Weeds, grass and brush.**

- (a) It shall be unlawful for any person owning, claiming or occupying, or having supervision or control of any real property within the corporate limits of the city to:
- (1) Permit weeds, grass and brush to grow to a greater height than eight (8) inches upon any such real property within one hundred (100) feet of any property line. It shall be the duty of such person to keep the area from the line of his property to the curblin e next adjacent to it, if there be a curblin e, if not, then within ten (10) feet outside that property line, free and clear of the matter referred to above. All vegetation not regularly cultivated and which exceeds eight (8) inches in height shall be presumed to be objectionable and unsightly and in violation of this section; or
  - (2) Permit any weeds, grass or brush to encroach over the edge of a public sidewalk or curb.
- (b) It shall be the duty of any person owning, claiming or occupying or having supervision or control of any real property within the city to cut, edge, and remove all weeds, grass, and brush as often as may be necessary to comply with the requirements of subsection (a) above, provided that the cutting and removing of such weeds, grass and brush at least once every fifteen (15) days shall be deemed to constitute compliance with this section.

(Ordinance 32-2021 adopted 10/18/21)

**§ 11.03.004. Notice to remove or remedy condition.**

Whenever any condition described in this article is found to exist upon any lot or premises in the city, the mayor, health officer or city manager shall notify the owner, or any person claiming or occupying, or having supervision or control, of such lot or premises to remove or remedy the condition within seven (7) days after the date of such notice. The notice must be given personally to the owner in writing, by letter addressed to the owner at the owner's post office address, or, if personal service cannot be obtained or the

owner's post office address if unknown, by publication, by posting the notice on or near the front door of each building on the property to which the violation relates, or by posting the notice on a placard attached to a stake driven into the ground on the property to which the violation relates if the property contains no buildings. In the notice of violation, the city may inform the owner by certified mail, return receipt requested, that, if the owner commits another violation of the same kind or nature that poses a danger to the public health and safety on or before the first anniversary of the date of the notice, the city without further notice may correct the violation at the owner's expense and assess the expense against the property. In addition, the city may give notice to any person owning, claiming or occupying or having supervision or control of the property that, should any condition described in this article exist again on the property within one year from the date of such notice, no additional notice to remove or remedy the condition will be given, and a citation or citations will be issued to such person or persons as provided in this code. If a significantly different condition subject to the provisions of this article exists on the property after the date of such notice, but within one (1) year thereof, a new notice to remove or remedy the condition will be given as provided in this section.

(1977 Code, sec. 12-38; Ordinance adopting Code)

**§ 11.03.005. Correction of conditions by city.**

In the event the owner of the lot, tract, parcel, or premises does not comply with the requirement within ten (10) days of a notice of violation, the city may do the work or make the improvements required and pay for the work done or improvements made and charge the expenses to the owner of the property. The doing of such work and the charging and assessing of the expenses thereof against the owner shall not relieve the owner or occupant of any prosecution for a violation of this article.

(1977 Code, sec. 12-39)

**§ 11.03.006. Collection of city's expenses.**

- (a) In the event the owner fails or refuses to pay the expenses referred to in section 11.03.005 within thirty (30) days after notice of such expenses is given by mail by the appropriate city official, the city shall obtain a lien against the property for such expenses in the manner provided in this section.
- (b) To obtain a lien against the property, the code enforcement officer or other designated officer or employee must file a statement of expenses with the county clerk of Dallas County. The lien statement must state the name of the owner, if known, and the legal description of the property. The lien attaches upon the filing of the lien statement with the county clerk.
- (c) The lien obtained by the city is security for the expenditures and interest accruing at the rate of ten (10) percent on the amount due from the date of payment by the city.
- (d) The lien is inferior only to tax liens and liens for street improvements.
- (e) The city council may authorize the city attorney to bring a suit for foreclosure in the name of the city to recover the expenditures and interest due.
- (f) The statement of expenses filed or a certified copy of the statement is prima facie proof of the expenses incurred by the city in doing the work or making the improvements.
- (g) The remedy of the filing of a claim for expenses and lien is cumulative of the remedy available to the city by prosecution of a violation of this article in municipal court.

(1977 Code, sec. 12-40)

**ARTICLE 11.04  
DONATION BOXES**

**§ 11.04.001. Definitions.**

For purposes of this article, the following words and phrases shall have the following meanings unless the context clearly indicates a different meaning:

Attended donation box. A donation box where a person is located adjacent to the donation box for the purpose of receiving the personal property delivered to the donation box.

Donation box. A box, structure, trailer or other container, whether permanently or temporarily affixed to real property, which may or may not be equipped with skids or wheels such that it is movable, the purpose of which is to serve as a collection location of new and/or used personal property to be donated to a charitable organization. The phrase “donation box” included attended donation boxes and unattended donation boxes.

Unattended donation box. A donation box where no person is located to receive personal property from those delivering said personal property to the donation box.  
(Ordinance 13-16 adopted 3/7/16)

**§ 11.04.002. Prohibited.**

All donation boxes, whether attended or unattended, are prohibited from being placed on property located within the territorial limits of the city.  
(Ordinance 13-16 adopted 3/7/16)

**§ 11.04.003. Transition provisions.**

A donation box that is located in the city as of the effective date of this article shall be removed by September 1, 2016.  
(Ordinance 13-16 adopted 3/7/16)

**ARTICLE 11.05**  
**MULTIFAMILY LICENSING AND INSPECTION**

**§ 11.05.001. Title.**

These regulations shall be known as the “multifamily licensing and inspection article,” and may be cited as such.

(Ordinance 07-2022 adopted 2/28/22)

**§ 11.05.002. Purpose.**

The purpose of this article is to safeguard the life, health, safety, welfare, and property of the occupants of multifamily dwelling complexes and the general public, by developing a process to enforce city building, electrical, fire, residential, mechanical, plumbing, energy, fuel gas, and maintenance code standards; and to provide equitable and practical remedies for the violation of these city code standards.

(Ordinance 07-2022 adopted 2/28/22)

**§ 11.05.003. Definitions.**

For the purpose of this article, the terms, words, or phrases shall have the meanings given herein.

Bedroom. Any room or space used or intended to be used for sleeping purposes.

Building official. The official or other designated authority charged with the administration and enforcement of the city building, electrical, fire, residential, mechanical, plumbing, energy, fuel gas, and maintenance codes.

City. City of Seagoville.

City manager. City manager or designee.

Common area. Communal areas of the multifamily dwelling complex, including but not limited to hallways, stairways, lobby areas, laundry rooms, pool facilities, green spaces, recreation rooms and parking lots.

Director. The official, or designee, charged with the administration and enforcement of this article by the city manager.

Dwelling unit. A building or portion of a building which is arranged, occupied, or intended to be occupied as living quarters for not more than one family, and including facilities for food preparation, sleeping, and sanitation.

Family. A number of individuals living together as a single housekeeping unit, in which not more than four (4) individuals are unrelated by blood, marriage, or adoption.

Multifamily complex license. License issued by the city pursuant to this article.

Multifamily dwelling complex. Any building or portion thereof which is designed, built, rented, leased which contains three (3) or more dwelling units or apartments, including age restricted senior living facilities which are not licensed and inspected by the state. The term shall not include hotels, motels, or owner-occupied dwelling units.

Owner. Any person, partnership, corporation or other legal entity having a legal or equitable title to the property.

Person. An individual, corporation, partnership or any other legal entity.

Premises. A lot, plot, or parcel of land, including any structure thereon, including a dwelling unit, appurtenances thereto, grounds and facilities held out for the use of tenants generally and any other area of facility whose use is promised to the tenant.

Tenant. Any person who occupies a dwelling unit for living or dwelling purposes with the consent of the landlord.

(Ordinance 07-2022 adopted 2/28/22)

**§ 11.05.004. Applicability and administration.**

(a) This article shall apply to all multifamily complexes located in the city with three (3) or more dwelling units and which are more than one (1) year old measured from the date of the issuance of the certificate of occupancy for the original construction of such multifamily complex.

(b) The director is authorized to administer and enforce the provisions of this article.

(Ordinance 07-2022 adopted 2/28/22)

**§ 11.05.005. License required.**

(a) It shall be unlawful for any person to own, operate, or manage a multifamily complex in the city without a current and valid license having been issued for said multifamily complex. Any person who owns, operates, or manages managing a multifamily complex at more than one (1) location shall obtain a license for each multifamily complex. A multifamily complex for which the initial certificate of occupancy has been issued for the original construction thereof shall be exempt from this license requirement for a period of one year from the date of issuance of the certificate of occupancy.

(b) A license issued pursuant to this article is not assignable or transferable.

(Ordinance 07-2022 adopted 2/28/22)

**§ 11.05.006. License application, renewal, and expiration.**

(a) Any person who owns, operates, or manages a multifamily dwelling complex shall file a city-supplied application for a licensee with the director for each multifamily dwelling complex location. The application shall include the following information:

(1) Name, address, telephone number of the owner, operator, and the property manager.

(2) Trade name of the multifamily complex.

(3) Number of dwelling units broken down by bedroom configurations including efficiencies, one-bedroom, two-bedroom, three-bedroom, etc.

(4) Emergency contact information including the names of designated employees or other authorized persons who shall be assigned to respond to emergency conditions, and a telephone number at which said persons can be contacted during any twenty-four-hour-period. Emergency conditions include but are not limited to fire, natural disaster, flood, collapse hazard, burst pipes, crime or similar events or conditions.

(5) The application shall be signed by the owner, operator, or manager of the multifamily complex.

(b) The licenses shall expire on December 31st of each calendar year and shall be renewed annually. Any newly constructed multifamily complex applying for an initial license shall submit a license application within the one year after date of issuance of the certificate of occupancy for original

construction of the multifamily complex.

- (c) The director may from time to time revise the license application form and require additional information.
- (d) The director may at any time, require the applicant to submit additional information to clarify the application.
- (e) If there is a change in ownership of a multifamily complex, the owner, operator, or manager is required to submit a new license application and obtain a new license within thirty (30) days after the date of change in ownership with no license fee charged for such change. The owner or manager shall notify the city within thirty (30) days after the date of the change of ownership.
- (f) The license application (for initial license or renewal) shall be accompanied by the applicable license fee.

(Ordinance 07-2022 adopted 2/28/22)

**§ 11.05.007. License fee.**

Each applicant for a license for a multifamily dwelling complex, or for the renewal of a license, shall at the time of submittal of the application pay an annual license fee in an amount established by resolution of the city council from time to time and shall further pay any late fees established by resolution of the city council from time to time for late submission of the license application or renewal application.

(Ordinance 07-2022 adopted 2/28/22)

**§ 11.05.008. License suspension, denial, and revocation.**

- (a) The director may suspend, revoke, or deny a license for failure to comply with any of the terms or provisions of this article.
- (b) A license may be denied, suspended, or revoked if the applicant provides or has provided an incomplete application, false or misleading information in the license application.
- (c) A license may be suspended or revoked for failure of the owner, manager, or designee to attend the annual training required by this article.
- (d) Whenever a license is suspended or revoked, the holder of the license shall be notified in writing that the license is, upon delivery of the notice, immediately suspended or revoked. The suspension or revocation shall continue until the director determines that the multifamily complex is in compliance with this article, or a license has been reinstated. Suspension of, or revocation of a license shall not preclude the director from taking other enforcement action authorized by law.
- (e) The director may, without advance notice, suspend the license of a multifamily complex if the complex is found to have one or more violations that constitutes an imminent hazard to public health or safety.
- (f) While the license is under suspension, or if application has been denied, or if the license has been revoked the owner, operator or manager may not allow any new tenants to occupy any dwelling unit in the multifamily complex until the multifamily complex is in compliance with this article as determined by the director, or a license has been issued or reinstated.
- (g) The applicant for, or holder of a license may appeal the denial, suspension, or revocation of the license to the city manager, by submitting a written appeal stating the reasons for such appeal to the

office of the city manager, within five (5) business days after receipt of notice of such denial, suspension, or revocation.

- (h) Within five (5) business days after receipt of an appeal, the city manager shall set a date, time, and place for the hearing of the appeal and deliver written notice thereof to such person in accordance with this article.
- (i) A notice required to be provided or delivered by the city pursuant to this article is deemed to have been delivered by the city on the date that it is hand delivered, or three (3) days after the date the notice is sent by first class mail United States mail postage prepaid addressed to the person provided in the appeal or license application for the license.

(Ordinance 07-2022 adopted 2/28/22)

**§ 11.05.009. Owner, operator and manager responsibilities.**

- (a) The owner, operator, and manager of a multifamily complex shall maintain the structures and premises in compliance with the requirements established by this article and applicable city codes and ordinances. The owner, operator, and manager of a multifamily complex shall not permit a person to occupy, nor may a person occupy or permit another person to occupy any dwelling unit in a multifamily complex which is not in a sanitary and safe condition, and which does not comply with the requirements of this article or city code and ordinances.
- (b) At the time each tenant signs a lease for a dwelling unit in a multifamily complex the owner, operator or manager thereof shall provide to the tenant the following information:
  - (1) A copy of this multifamily licensing and inspection article.
  - (2) List of city contacts for services related to enforcement of this article.
  - (3) Any additional information as may be provided by the city.
- (c) The owner, operator, or manager of a multifamily complex shall inspect each dwelling unit in a multifamily complex prior to leasing such dwelling unit and shall comply with the following:
  - (1) The inspection of a dwelling unit shall be conducted by the owner, operator, or manager and with the tenant when the occupancy of the dwelling unit changes, and at a minimum each dwelling unit shall be inspected at least once each calendar year.
  - (2) The owner, operator, or manager shall prepare a written inspection report for each inspection using the form provided by the city and shall provide the tenant with a copy of such inspection report. The owner, operator, or manager shall maintain copies of such inspection reports on the premises of the multifamily complex and shall make such inspection reports available to the director for inspection upon request. The inspection reports shall be maintained by the owner, operator, or manager for a minimum of three (3) years following the date of each such inspection.
- (d) The owner, operator, or manager of a multifamily complex shall inspect the community rooms, common areas and grounds of the multifamily complex at least once each calendar year and prepare a written inspect report on the form provided by the city for each such inspection. Such inspection reports shall note and identify any safety and maintenance issues. Such inspection reports shall be maintained by the owner, operator, or manager for a minimum of three (3) years following the date of each such inspection, and shall make them available to the director for inspection upon request.

(Ordinance 07-2022 adopted 2/28/22)

**§ 11.05.010. Required postings.**

Each licensed multifamily dwelling complex shall have prominently displayed in the front lobby/reception area or, for those premises without a front lobby/reception area, a conspicuous, publicly accessible area on the premises of the multifamily complex visible to the public the following:

- (1) Current and valid license certificate.
- (2) Signs displaying a telephone number at which emergency conditions can be reported during any twenty-four (24) hour period.
- (3) Sign stating, “to report unresolved violations of the City’s Code of Ordinances for these premises, please contact the City of Seagoville code compliance division at 972-287-2050.”  
(Ordinance 07-2022 adopted 2/28/22)

**§ 11.05.011. Inspections and reinspections and reinspection fee.**

- (a) To determine compliance with city building, electrical, fire, residential, mechanical, plumbing, energy, fuel gas, and maintenance codes and any other applicable city codes and ordinances, and to determine compliance with this article, the director may conduct:
  - (1) Periodic inspections;
  - (2) Follow-up reinspections; and
  - (3) Inspections based on indications of city code or ordinance violations, including complaints filed with the city or the director.
- (b) The following areas of a multifamily dwelling complex shall be subject to periodic inspection by the director:
  - (1) All building exteriors;
  - (2) All exterior and interior common areas;
  - (3) All mechanical, maintenance, storage and equipment rooms and closets;
  - (4) Vacant dwelling units;
  - (5) Occupied dwelling units upon receipt of consent by the tenant of the dwelling unit or as may be provided by law.
- (c) The director and or the building official may inspect portions of a multifamily dwelling complex as frequently as the director or building official deems necessary.
- (d) The owner, operator, or manager of a multifamily dwelling complex shall make all exterior, interior, and exterior public areas, and vacant dwelling units of the multifamily complex available to the director for inspections at all reasonable times. If entry is refused or not obtained the director is authorized to seek a warrant as allowed by law.
- (e) The owner, operator, or manager shall be provided a copy of city inspection reports, including a list of any city code or ordinance violations or deficiencies requiring correction and a timeframe for correction of such violations or deficiencies. The owner, operator, or manager shall correct such violations or deficiencies identified in the inspection report within the timeframe established by the director or the city. Failure to correct such violations or deficiencies may result in additional

enforcement actions including, but not limited to the suspension or revocation of the license.

- (f) The owner of a multifamily complex shall be charged a reinspection fee, as may be established by the city council from time to time by resolution, for any dwelling unit or common area that requires a reinspection. The reinspection fee must be paid to city by the owner prior to issuance of the license.  
(Ordinance 07-2022 adopted 2/28/22)

**§ 11.05.012. Inspection standards.**

- (a) This article is intended to complement the requirements of other applicable city code and ordinances and shall not be deemed to lower any more restrictive standards required by city codes and ordinances.
- (b) Multifamily complexes shall comply with all applicable city codes and ordinances.  
(Ordinance 07-2022 adopted 2/28/22)

**§ 11.05.013. Offenses.**

- (a) It shall be unlawful for any person to violate any provision of this article.
- (b) A person commits an offense if the person owns, operates or manages, or causes to operated, a multifamily complex without a current valid license issued by the director, or while the license is suspended.
- (c) A person commits an offense if the person owns, operates, or manages, or causes to operated, a multifamily complex which is in violation of city codes or ordinances.
- (d) A person commits an offense if such person submits a license application that contains false or misleading information.
- (e) A person commits an offense if the person owns, operates, or manages, or causes to operated, a multifamily complex and the owner or manager, or designee for such multifamily complex has failed to attend the annual training as required by this article.
- (f) A person commits an offense if the person owns, operates, or manages, or causes to operated, a multifamily complex and rents, leases, advertises or holds out for rent, any multifamily complex without a current valid license having been issued for such premises.  
(Ordinance 07-2022 adopted 2/28/22)

**§ 11.05.014. Penalties.**

- (a) Any person violating any of the provisions of this article shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine not to exceed two thousand dollars (\$2,000.00) for each offense; and each day such violation continues to exist, shall constitute a separate offense.
- (b) In addition to the penalties of this article, the city is authorized to file suit for injunctive relief as may be necessary to enforce the provisions of this article.  
(Ordinance 07-2022 adopted 2/28/22)

**ARTICLE 11.06**  
**SHORT-TERM RENTALS LICENSING**

**§ 11.06.001. Title.**

The regulations in this article shall be known as the “short-term rentals licensing article,” and may be cited as such. A short-term rental property or properties as defined in this article may be known, cited, or referred to as a “short-term rental,” “short-term rentals.”

(Ordinance 16-2022 adopted 6/27/22)

**§ 11.06.002. Purpose.**

- (a) The purpose of this article is to safeguard the life, health, safety, welfare, and property of the occupants of short-term rentals and the general public, by developing a process to enforce the minimum standards of this article with regard to short-term rental activities within the city.
- (b) More specifically, the purpose of this article is to:
- (1) Establish regulations, standards, and a license registration process governing the renting of privately owned residential dwelling units on a short-term basis;
  - (2) Ensure the collection and payment of sales and occupancy taxes, as authorized in the Texas Tax Code, and city code (hotel occupancy tax);
  - (3) Ensure that short-term rental activities do not threaten the character of residential neighborhoods;
  - (4) Ensure the protection of the existing housing rental stock; and
  - (5) Ensure that such short-term rental activities do not become a nuisance or threaten the public health, safety, or welfare of neighboring properties.

(Ordinance 16-2022 adopted 6/27/22)

**§ 11.06.003. Definitions.**

For the purpose of this article, the terms, words, or phrases shall have the meanings given herein.

**Bedroom.** The living area(s) of the dwelling unit that is designed and furnished for sleeping and which has proper egress as required by the International Residential Code.

**Booking service.** Any reservation and/or payment service provided by a person or entity that facilitates a short-term rental transaction between an owner and a prospective occupant, and for which the person or entity collects or receives, directly or indirectly through an agent or intermediary, a fee in connection with the reservation and/or payment services provided for the short-term rental transaction.

**Building code(s).** The current locally adopted building, existing building, plumbing, mechanical, electrical, swimming pool and spa, fuels gas, energy, fire, and property maintenance codes.

**Commercial meetings.** Include, but are not limited to, luncheons, banquets, parties, weddings, meetings, charitable fundraising, commercial or advertising activities, or other similar gatherings in such numbers of participants or guests whereby such activities would normally occur in commercial facilities for direct or indirect compensation.

**Dwelling.** Any building that contains one or two dwelling units used, intended, or designed to be built,

used, rented, leased, let or hired out to be occupied, or that are occupied for living purposes. See International Residential Code, chapter 2, section R202 (definitions).

Dwelling unit. A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. See International Residential Code, chapter 2, section R202 (definitions).

HOA. A homeowners association or similar organization in a subdivision, planned community, or condominium building that makes and enforces rules for the properties and residents.

Host. Any person, who is the owner of record of residential real property with a dwelling unit, or the lessee of residential real property with a dwelling unit under a written agreement for the lease of such real property, who offers that dwelling unit, or portion thereof, for short-term rental property either through a hosting platform or individually.

Hosting platform. A person or entity that participates in the short-term rental business by providing, and collecting or receiving a fee for, booking services through which an owner may offer premises for an occupant on a short-term basis. Hosting platforms usually, though not necessarily, provide booking services through an online platform that allows an owner to advertise the premises through a website provided by the hosting platform and the hosting platform conducts a transaction by which potential occupants arrange their use and their payment, whether the would-be occupant pays rent directly to the owner or to the hosting platform.

License. See short-term rental license.

Local representative. An individual located within forty (40) miles of the city limits during the entire length of the short-term rental period who has access to the licensed premises, is authorized to make decisions regarding the licensed premises and is available at all times during the entire length of the short-term rental period.

Occupant. Any individual person living, sleeping, or possessing a building, or portion thereof. A person is not required to be paying rent, providing in-kind services, or named in any lease, contract, or other legal document to be considered an occupant.

Owner. Any person, agent, operator, firm, trust, corporation, partnership, or any other legal entity who has a legal or equitable interest in the premises; or who is recorded in the official records of the county as holding title to the premises; or who otherwise has control of the premises, including the guardian, trustee or executor of the estate of any such person.

Premise or premises. Real property, a lot, plot, or parcel of land, including any buildings, structures, or appurtenances or portions of buildings, structures, or appurtenances thereon.

Professional property management firm. An entity that is comprised of one or more professional property managers who oversee the operation, control, and maintenance of the real estate and physical property. This can include residential, commercial, and land real estate.

Professionally managed short-term rental. A short-term rental that is managed, operated, or controlled by a professional property management firm that oversees the operation, control, and maintenance of a short-term rental.

Property manager. A person who, for compensation, has managing control of real property for the host, or owner. This term includes professional property management firm or a person who is responsible for the day-to-day operations of a property.

Resident. An individual or family who permanently resides in the dwelling unit. The resident can be the owner or host of the short-term rental.

Short-term rental license (or STR license). Is license, issued by the director of community development, authorizing the applicant and/or owner to utilize the residential premises as a short-term rental property and confirming that the said residential premises referenced in the STR. Application complies with building codes and all health and safety regulations, satisfies all the conditions of this article, and has passed an inspection.

Short-term rental (STR). The rental of all or part of a residential premises, used for lodging accommodations, to occupants for a term of less than thirty (30) consecutive calendar days. the definition of short-term rental:

- (1) Does not include a bed and breakfast, defined as an owner-occupied home which offers lodging for paying guests and which serves breakfast to these guests, and which contains one or more guest bedrooms;
- (2) Does not include single-room occupancy such as rooms in a hotel or motel; and
- (3) For purposes of the imposition of a hotel occupancy tax under the Texas Tax Code, chapters 351 and 352 or other law, the term “hotel” includes a short-term rental. See TX, Tax Code, chapter 156, § 156.001 (definitions).

Short-term rental property. A residential property including a residential dwelling unit or any room therein or other space, available for rent for a term of less than thirty (30) consecutive calendar days but excluding bed and breakfast and single-room occupancy such as rooms in a hotel or motel.

Short-term renter. A person who exercises occupancy or is entitled to occupancy of a short-term rental property, because of concession, permit, right of access, license, or other agreement for a period of less than thirty (30) consecutive calendar days. Portions of days shall be counted as full calendar days. (Ordinance 16-2022 adopted 6/27/22)

**§ 11.06.004. Applicability, administration, and enforcement.**

- (a) This article shall apply to all dwelling units utilized for short-term rentals.
- (b) This article shall not supersede any private conditions, covenants, or restrictions, including homeowners association (HOA) regulations, applicable to a short-term rental property.
- (c) The director of community development and his or her designee(s) are authorized to administer and enforce the provisions of this article.
- (d) In addition to the powers and duties otherwise prescribed for the director of community development, as administrator of this article, he or she is required to:
  - (1) Administer and enforce all provisions of this article;
  - (2) Keep records of all licenses issued;
  - (3) Adopt rules and regulations, not inconsistent with the provisions of this article, with respect to the form and content of application for licenses, the investigation of applicants, and other matters incidental or appropriate to his or her powers and duties as may be necessary for the proper administration and enforcement of the provisions of this article;
  - (4) Conduct periodic investigations throughout the city with regard to short-term rental units concerning compliance with this article; and
  - (5) The director of community development, city field inspectors, building official, fire code

official, peace officers, any employee designated by the city manager, and any other person as authorized by state or other law having jurisdiction within the city, are hereby designated the authorized enforcement agents for this article.

(Ordinance 16-2022 adopted 6/27/22)

**§ 11.06.005. Zoning and residential structure type restrictions.**

- (a) Zoning. It is permissible for any short-term rental property to operate in residential zoning districts as indicated on the official zoning map of the city.
- (b) Residential structure types. A short-term rental property is only allowed in the following residential structure types:
- (1) Single-family residence, detached (e.g., a stand-alone single-family dwelling unit)
  - (2) Single-family residence, attached (e.g., a duplex, containing two units, where each unit is on a separate lot)
  - (3) Two-family dwelling unit (e.g., a duplex, on one lot, containing two units).
  - (4) Multifamily unit (e.g., an apartment or triplex)..
  - (5) Townhouse.
  - (6) A mixed-used property (e.g., residential dwelling above the ground floor).
  - (7) A HUD-code manufactured home.

(Ordinance 16-2022 adopted 6/27/22)

**§ 11.06.006. License application, renewal, and expiration.**

- (a) Short-term rental license required.
- (1) No person shall maintain, conduct, operate, or rent a residential short-term rental property for compensation within the city, or act as agent for another who is leasing short-term rental property, without first obtaining a short-term rental license (STR license) from the director of community development.
  - (2) Should a person own or maintain short-term rental property at more than one (1) location, a separate license is required for each additional location.
  - (3) The license issued to an owner authorizes such owner and its bona fide agents or employees to rent the short-term rental property to short-term renters.
- (b) Application for STR license.
- (1) Applications for a STR license shall be filed with the director of community development on a form provided for that purpose.
  - (2) Should an applicant own short-term rental property at more than one (1) location, a separate application must be filed for each location.
  - (3) The following information shall be required on the application:
    - (A) Names, current addresses, and telephone numbers of all hosts, owners, property managers,

- lienholders, and insurance companies for the intended short-term rental property;
- (B) State-issued driver's license or identification numbers and dates of birth of all hosts, owners, and property managers;
  - (C) Professional property management firm, and individual property manager(s), names, current address, and telephone numbers;
  - (D) Names and web-site addresses of all booking services, and hosting platforms utilized for the short-term rental property;
  - (E) Name, current addresses, telephone numbers, email address and state-issued driver's license or identification numbers of a local representative within forty (40) miles of the city limits;
  - (F) One trade name (if applicable);
  - (G) Street address of the property and telephone number for any landline at the property;
  - (H) Zoning district in which the property is located;
  - (I) Telephone number, name, and address of a person responsible for paying utility bills for the property; and
  - (J) The number of dwelling units broken down by number of bedrooms, bathrooms, etc.
- (4) The director of community development may, at any time, require additional relevant information of the host, owner, or property manager to clarify items on the application. The host, owner, and property manager shall provide the information the city requires within ten (10) calendar days of the city's request.
- (5) It is the duty of a host, owner, and property manager to update all information provided in the application within ten (10) calendar days of any change.
- (c) Issuance of license. The director of community development or his/her designee shall issue a license to the applicant only upon the:
- (1) Receipt of a completed application;
  - (2) Payment of the applicable fees;
  - (3) Successful inspection, or reinspection when applicable, of the property verifying the property is in compliance with the minimum standards set forth in this article; and
  - (4) Applicant's compliance with all the requisites of this article.
- (d) Annual license fee. The annual fee for a short-term rental license is calculated per dwelling. The annual fee, as set forth in the city's master fee schedule, is payable to the city and is due on or before April 1st of each year.
- (e) Expiration date of license. The license will expire on May 31st of each year.
- (f) Display of license. Each license issued pursuant to this article together with a copy of this article must be posted and displayed in a conspicuous place within the short-term rental property to which the short-term renter has access.

- (g) Replacement license. A replacement license may be issued for a license that is lost, destroyed, or mutilated, upon application on the form provided by the director of community development. A replacement license shall have the word “replacement” stamped across its face and shall bear the same license number as the one it replaces. See master fee schedule for applicable fees.
- (h) Transferability. A single-family residential rental property license for short-term rentals is not assignable or transferable.  
(Ordinance 16-2022 adopted 6/27/22)

**§ 11.06.007. Inspection.**

- (a) In general. No license shall be issued if, as a result of an inspection or reinspection, it is determined that the short-term rental property does not comply with the standards of this article.
- (b) Inspection. An inspection shall be conducted prior to the issuance of a short-term rental license.
- (c) Reinspection. Short-term rentals shall be periodically reinspected for compliance with the provisions of this article. A reinspection fee may be charged each time a reinspection is required pursuant to this article. See master fee schedule for applicable fees.
- (d) Inspection and reinspection required. Short-term rentals shall be inspected and/or periodically reinspected as follows:
- (1) Upon first time issuance of a license;
  - (2) If warranted by the city’s receipt of a complaint; and
  - (3) If an inspection of the rental property has not been conducted by the city within three (3) years or more.

(Ordinance 16-2022 adopted 6/27/22)

**§ 11.06.008. Denial or revocation of license.**

- (a) In general. For failure to comply with the terms of this article, the director of community development may deny or revoke the short-term rental license for the short-term rental property in violation or otherwise failing to comply with the terms of this article.
- (b) Process and procedures - denial or revocation of a license.
- (1) A license may be denied or revoked if:
    - (A) The application contains false or incomplete information;
    - (B) There are utility, tax, or property lien fees due for the property for which the landlord, owner, or applicant is responsible;
    - (C) The property is not in compliance with the standards set forth in this article;
    - (D) There exists any condition in, on or near the property that renders the rental property unsafe or unfit for human habitation or occupancy or presents a threat to public health or safety; or
    - (E) There is or in the last two years has been a serious or repeated violations of any of the requirements of this article, or interference with the city or any of its agents in the

performance of their duties.

- (2) The director of community development shall issue a written “notice of intent - administrative decision to deny or revoke a short-term rental license” (“notice of intent - administrative decision”) to deny or revoke a license, which shall set forth the grounds upon which the administrative decision is issued and inform the applicant or license holder:
  - (A) The director of community development “denies” the issuance of the license; or the director “revokes” the license.
  - (B) The decision to deny or revoke the issuance of a license will become final at the close of business on the thirtieth (30th) day after the date of the notice of intent - administrative decision unless the holder appeals the administrative decision in accordance with section 11.06.012 of this short-term rental article. The date of issuance of the notice of intent - administrative decision is considered day zero (0).
  - (C) This article (short-term rentals) shall be referenced in the notice of intent - administrative decision.
- (3) Failure of any person or entity to file a “notice of appeal” within the time period, as identified in section 11.06.012 of this short-term rental article is a waiver of the right to a hearing and the administrative decision to deny or revoke the license shall be final.

(Ordinance 16-2022 adopted 6/27/22)

#### **§ 11.06.009. Reinstatement of license.**

- (a) In general. If a short-term rental license is denied or revoked by the director of community development, the license may be issued, reinstated, or reissued by the director of community development, upon request by the owner or property manager and in accordance with the requirements of this article.
- (b) Reinstatement, reissuance, or issuance requirements. In order to reinstate, reissue, or issue a license, the director of community development must make a finding that the denial or revocation is no longer valid because:
  - (1) The violations have been corrected;
  - (2) There are no other grounds for the license to remain denied or revoked; and
  - (3) The license should be reinstated.
- (c) An administrative decision to deny the issuance, reissuance, and/or reinstatement of a license may be appealed in accordance with section 11.06.012 of this short-term rental article.

(Ordinance 16-2022 adopted 6/27/22)

#### **§ 11.06.010. Property and use standards for short-term rental properties.**

In addition to all other standards set forth in the building codes or other applicable laws and regulations, the following property and use standards apply to all short-term rentals and short-term rental properties:

- (1) Neighborhood compatibility. Short-term rentals shall be operated in accordance with the neighborhood compatibility provisions as follows:
  - (A) Number of overnight guests.

- (i) The total number of adults occupying a dwelling unit in a short-term rental may not exceed the lesser of:
    - a. Two (2) adults per bedroom, plus two (2) additional adults; or
    - b. Eight (8) adults.
  - (ii) Children under the age of 12 years shall not be considered as an adult for calculation purposes and children over the age of 12 years shall be considered as an adult for calculation.
- (B) Parking.
- (i) Parking for short-term rentals shall comply with all applicable residential parking provisions as described in chapter 17 (traffic) and article 17.04 (parking, stopping or standing) of this code.
  - (ii) Short-term rentals shall not create excessive traffic or an unreasonable parking congestion.
  - (iii) All vehicles shall be parked in designated parking areas, and parking is prohibited in any water-permeable or landscaped area.
  - (iv) On-street parking shall not to exceed two (2) vehicles for more than a 24-hour period.
- (2) Advertising.All advertisements for any short-term rental property must reference this article 11.06 and state the valid short-term rental license number issued hereunder for the property.
- (3) Special events prohibited.Weddings, corporate events, commercial functions, commercial meetings, parties, and other similar events which have the potential to cause traffic, parking, noise, or other impacts to the neighborhood are prohibited and may not be allowed as part of any short-term rental operation. A written prohibition against the use of a short-term rental for these purposes shall be included in every advertisement, listing, or other publication offering the premises for rent.
- (4) Noise.All occupants, guests, and hosts shall comply with the city noise ordinance, chapter 13 (offenses and nuisances), article 13.03 (noise).
- (5) Local representative.A local representative shall be available by telephone at all times during the short-term rental period, shall return telephone calls from any enforcement agent identified in section 11.06.004 of this short-term rental article within fifteen (15) minutes of receiving a voice mail from said enforcement agent, and shall, if required by the enforcement agent, report to the property within one (1) hour of such a request by an enforcement agent.
- (6) Occupant information sheet.A tenant information sheet shall be conspicuously posted in all short-term rental properties, setting forth basic standards of conduct, including but not limited to:
- (A) The name, email address and telephone number of the designated local representative;
  - (B) The maximum occupancy limit;
  - (C) Noise, parking and littering restrictions and notice that failure to conform to the city's noise, parking, and littering regulations may result in police intervention and criminal prosecution;
  - (D) Trash and solid waste collection information, including collection dates and trash container placement regulations; and

- (E) Other useful information about the surrounding community.
  - (7) Outside posted contact requirement. There shall be posted on the front door, or within one (1) foot of the front door at a location visible to any visitor to the property a document being at least 8.5" x 11" in size and containing in print no smaller than 16-point font-size the following information written in English:
    - (A) The short-term rental license number; and
    - (B) The names and telephone numbers of the owner, local representative and any other person available at all times during the short-term rental period.
- (Ordinance 16-2022 adopted 6/27/22)

**§ 11.06.011. Violations - criminal offense, affirmative defenses, penalties.**

- (a) Violations and offense.
  - (1) No person may violate any provision of this article, including hosts, owners, property managers, short-term renters, and occupants of the short-term rental property.
  - (2) A person commits an offense if he/she acts in the capacity of a host, owner, or property manager without a valid license issued under this article.
  - (3) A host, property manager, or an owner commits an offense if he/she rents, leases, or allows another to occupy short-term rental property that has not passed a city inspection, or does not have a valid license.
  - (4) A host, property manager or owner commits an offense if her/she rents, leases, or allows another to occupy short-term rental property for which a local representative is not available at all times during the short-term rental period.
  - (5) A local representative commits an offense if he/she violates a provision of this article.
  - (6) A host, property manager, or an owner commits an offense if he/she rents, leases, or allows another to occupy short-term rental property after having been provided with notice of a cease-and-desist order issued by any city enforcement agent identified in section 11.06.004 of this article, which order requires vacating of the premises or repair or remediation of a condition that is a violation of this article or which causes a public nuisance.
  - (7) No host, property manager, or an owner may prevent or impair an inspection under this article, or actively and knowingly conceal, cover, or disguise any condition that is a violation of the minimum standards imposed by this article.
- (b) Affirmative defenses. Notwithstanding all other sections of this article, it will be an affirmative defense to a complaint if the defendant is able to establish that:
  - (1) The rental property is a group home for elderly persons or persons with disabilities;
  - (2) The rental property is an assisted care facility, nursing home, hospital, clinic, or other facility providing medical, rehabilitation or healthcare; or
  - (3) The rental property is not used for residential purposes.
- (c) Penalties. Any person violating any of the provisions of this article shall be deemed guilty of a

misdemeanor and, upon conviction thereof, shall be subject to a fine not to exceed two thousand dollars (\$2,000.00) for each offense; and each day such violation continues to exist, shall constitute a separate offense. In addition to the penalties of this article, the city is authorized to file suit for injunctive relief as may be necessary to enforce the provisions of this article.

(Ordinance 16-2022 adopted 6/27/22)

**§ 11.06.012. Appeals of administrative decisions for short-term rentals.**

- (a) In general. Administrative decisions of city officials made pursuant to this article may be appealed to the city manager or his/her designee in accordance with this section.
- (b) Types of decisions that may be appealed. Appeals of administrative decisions under this article include, but may not be limited to:
  - (1) Denial of issuance of license;
  - (2) Revocation of license;
  - (3) Denial of reissuance of license; or
  - (4) Denial of reinstatement of license.
- (c) Process and procedures.
  - (1) Initiating an appeal.
    - (A) Notice of appeal. The appellant must file with the city manager's office a signed, written notice of appeal specifying the grounds for the appeal.
    - (B) Fee. Unless otherwise herein authorized, a notice of appeal must be accompanied by the required fee(s) as set in the city's master fee schedule.
    - (C) Appellate burden. The appellant is responsible for establishing the administrative official's administrative decision being appealed is contrary to the applicable law or regulations. The appellant is responsible for establishing the administrative official's administrative decision is:
      - (i) Contrary to the applicable law or regulations;
      - (ii) Incorrectly interprets or applies the applicable law or regulations;
      - (iii) In error because the provisions of the code, law, or rule do not fully apply; or
      - (iv) No longer valid because the violations have been corrected, and there are no other grounds for the license to remain revoked.
    - (D) Content of notice of appeal. A notice of appeal shall be filed in writing and shall be signed by the short-term rental property owner and, if different, the appellant. A notice of appeal shall identify the following:
      - (i) The name, address, and telephone number of the appellant.
      - (ii) The name of the original applicant if the appellant is not the original applicant.
      - (iii) The name or title of the administrative official that issued the decision.

- (iv) The decision being appealed.
  - (v) The date of decision being appealed.
  - (vi) The reasons the appellant believes the decision is in error and does not comply with the requirements of this article.
- (E) Deadline.The completed appeal, which complies with the requirements of this article, must be filed not later than the thirtieth (30th) day after the date the administrative decision is made. The date the administrative decision is made shall be considered day zero (0).
- (F) Acceptance and official filing of notice of appeal.A notice of appeal is considered accepted and officially filed upon the city manager's office receipt before 5:00 p.m. on a business day during normal office hours. Any notice of appeal received at or after 5:00 p.m. on a business day or on Saturday, Sunday, or a holiday shall not be considered officially accepted and filed until the next business day following the date the information was received or entered. A notice of appeal shall not be considered accepted and officially filed unless it is accompanied by the required fee(s) as set in the city's master fee schedule.
- (2) No stay of administrative decisions and proceedings.The appeal does not stay enforcement of the decision appealed or any related proceedings while the appeal is pending.
- (3) Scheduling of public hearing.A public hearing on an appeal shall be scheduled not later than the thirtieth (30th) day after the date the appeal is officially filed with and accepted by the city manager's office.
- (4) Hearing on appeal.
- (A) At the hearing, the city manager or his or her designee must determine the appeal based upon the evidence presented, including properly submitted records and comments, and must render a decision to:
- (i) Affirm;
  - (ii) Modify; or
  - (iii) Reverse the administrative official's order, requirement, decision, or determination from which an appeal is taken.
- If modifying, the city manager must issue the corrected order, requirement, decision, or determination, and for that purpose the city manager, or his/her has the same authority as the administrative official.
- (B) In order for the city manager, or his or her designee, to grant an appeal modifying or reversing an administrative decision, in whole or in part, the city manager or designee must:
- (i) Find the city staff's administrative decision is erroneous;
  - (ii) Provide a statement of grounds in support of the finding; and
  - (iii) State what the city manager or designee determines to be the correct interpretation of

the matter at issue in the appeal.

- (5) Postponement, continuance, or adjournment of hearing without decision. The city manager or designee may also take actions, including but not limited to:
  - (A) Postpone holding the public hearing and consideration of the appeal to a later date so long as the appeal is decided not later than the sixtieth (60th) day after the date the appeal is accepted and officially filed; or
  - (B) Continue an opened public hearing and consideration of the appeal to a later date so long as the appeal is decided not later than the sixtieth (60th) day after the date the appeal is accepted and officially filed.
- (6) Decision. The city manager or designee's decision shall be final with respect to the matter presented in the appeal, only open to reconsideration by the city manager or designee based upon application from the city attorney's office, in accordance with the same process and procedures of this section, that the city manager or designee's findings are inconsistent with or violate the law.

(Ordinance 16-2022 adopted 6/27/22)

**ARTICLE 11.07**  
**PUBLIC AND SEMI-PUBLIC SWIMMING POOLS AND SPAS**

**§ 11.07.001. Definitions.**

For the purpose of this article, the following words and phrases have the meanings ascribed to them:

Fecal coliform organisms. Bacteria, through lab analysis, that are indicative of fecal pollution.

Free chlorine residual. The chlorine concentration, in milligrams per liter (mg/l) of water, available for rapid and effective biocidal action. This is chlorine which remains uncombined with nitrogenous compounds after the initial chlorine demand of the water has been satisfied.

Health inspector. The registered sanitarian of the city or the designated representative.

Lifeguard. An individual certified in an approved course of instruction in life saving and water safety offered by the American Red Cross or its equivalent.

Operator. The person who is in control of the property upon which a public or semi-public swimming pool is located.

Person. An individual, partnership, company, corporation, association, firm, or organization, institution or similar entity.

Pool enclosure. The area immediately around a swimming pool enclosed by a fence, wall, or other solid structure in compliance with the Uniform Swimming Pool, Spa and Hot Tub Code, 1988 edition.

Public swimming pool. A swimming pool in which the general public has access.

Semi-public swimming pool. A swimming pool that is privately owned and open only to an identifiable class of persons, including, but not limited to, motel guests, apartment resident, and club members.

Spa. Any structure, basin, chamber, or tank containing an artificial body of water for swimming, diving, physical fitness, or recreational bathing and having a depth of two feet (2') or more at any point. A spa is a swimming pool.

(Ordinance 17-2022 adopted 7/18/22)

**§ 11.07.002. Inspections.**

The health inspector may inspect a public or semi-public swimming pool or spa at any reasonable time and shall have the authority to enter upon the premises where such swimming pool or spa is located to conduct such inspection. The health inspector shall have the authority to collect water samples for purposes of determining water quality.

(Ordinance 17-2022 adopted 7/18/22)

**§ 11.07.003. Maintenance and operation.**

All public and semi-public swimming pools and spas shall be chemically treated and maintained in accordance with the following standards by the operator:

- (1) Free residual chlorine for swimming pool shall be maintained between 1.0 part per million and 8.0 parts per million (ppm) by an automatic chlorine feeder. Free residual chlorine in spas shall be maintained between 2.0 and 8.0 parts per million. The use of any disinfectant other than chlorine must be approved by the health inspector. The use of chlorine gas is prohibited.
- (2) Pool and spa water must be maintained in an alkaline condition, so that the pH of the water is not less

than 7.2 and not more than 7.8.

- (3) No water sample shall show a positive test (confirmed) for fecal coliform organisms of human pathogenic bacteria.
- (4) Pool and spa water must be maintained with sufficient clarity to permit a distinct view of the main drain from outside the pool. Spa water shall have sufficient clarity to permit a distinct view of the bottom while the aeration is turned off.
- (5) Every pool and spa shall be kept free of scum, sediment, dirt, slime, algae, and all other foreign matter.
- (6) An air gap or anti-siphon device must be installed on any pipe or hose bib leading to the pool and spa.
- (7) Water temperature in any heated pool or spa shall never exceed 104 degrees Fahrenheit. A thermometer shall be available to measure water temperature in the range of 80 to 120 degrees Fahrenheit. Water temperature controls shall only be accessible to the operator.
- (8) The operator of the pool and/or spa shall be required to provide and maintain a test kit which is capable of detecting disinfectant residual as well as the pH.
- (9) All public or semi-public swimming pools and spas shall be equipped with either an erosion type disinfectant feeder or an automated O.R.P. meter and pH control device.
- (10) Drainage from all public and semi-public swimming pools and spas must go to the sanitary sewer system. Any swimming pool or spa not now in compliance on the adoption date of this article must correct the violation within three (3) months of adoption of this article.
- (11) All public and semi-public swimming pools and spas shall have operational flow meters installed on the discharge site of the pump. These meters will be listed in gallons per minute and shall be maintained in good repair.

(Ordinance 17-2022 adopted 7/18/22)

#### **§ 11.07.004. Safety requirements.**

Anytime a public or semi-public swimming pool and/or spa is open or otherwise available for use, the following safety equipment shall be readily available and in good working condition by the operator unless the health inspector has otherwise granted an exception in writing:

- (1) A life pole or shepherd's crook pole capable of reaching every part of the pool.
- (2) A guard line rope separating the shallow portion (less than four feet (4') in depth) of the pool from the deep portion at the break point depth. Pools with a maximum depth of five feet (5') are exempt from this requirement.
- (3) Depth marker number shall be minimum of 4" in height and have permanent colors for the numbers and background of the markers. Depth markers for pre 10/01/99 pools shall be at max. and min. points depth, at breakpoint and at 2' increments of depth change on deck and sidewalls. Depth markers in post 10/01/99 pools shall be no further than 25-foot intervals apart on deck and sidewalls.
- (4) Public and semi-public swimming pools and spa, where no lifeguard service is provided, must post in plain view a warning sign with legible letters at least four inches (4") in height which states:
  - (A) "Warning - no lifeguard on duty"; or

(B) “No lifeguard on duty.”

- (5) A placard listing swimming pool and spa rules shall be provided and placed in clear view of swimmers and persons entering the swimming pool enclosure. In addition, this list shall include emergency number “911.”
- (6) Chemical drums, barrels, bottles and other containers shall be properly closed or sealed when chemicals are not being properly dispensed. Swimming pool and spa chemicals shall not remain stored on decks or openly adjacent to the swimming pool or spa. All swimming pool and/or spa chemicals shall be stored under lock and key and shall be stored per the directions on the container label. No disinfectant tablets shall be placed anywhere in a swimming pool or spa where they are directly accessible to swimmers.

(Ordinance 17-2022 adopted 7/18/22)

**§ 11.07.005. Permit.**

- (a) Any person desiring to operate a public or semi-public swimming pool or spa shall make written application for an annual permit from the health inspector on forms provided by the city. Such application shall include:
- (1) Operator’s full name and address.
  - (2) Whether the operator is an individual, firm, corporation, or partnership.
  - (3) Location of the swimming pool or spa, size in gallons, type of filter equipment, automatic disinfectant in use, and such other information as may be required by the health inspector.
- (b) No person shall operate a public or semi-public swimming pool or spa within the city without first having obtained an annual permit issued by the health inspector.
- (c) The application shall be accompanied by a nonrefundable annual permit fee established by resolution of the city council from time to time to compensate the city for the cost of administering this article, and no permit hereunder shall be issued until such fee has been paid by the applicant.
- (d) The permit shall not be transferable and shall be available for inspection by the health inspector at all times.
- (e) A permit issued under this section shall be valid for one year from its issue date.

(Ordinance 17-2022 adopted 7/18/22)

**§ 11.07.006. Certified pool operator.**

- (a) Any person who operates a public or semi-public swimming pool and spas shall employ at least one (1) person with a current certified pool operator registration issued by the health inspector. A person in compliance with the provision if there is at least one (1) employee on the premises who is responsible for the maintenance of any swimming pool(s) present on the premises who has a current certified pool operator’s registration; provided, however, semi-public swimming pools owned by off-premises management companies may utilize swimming pool maintenance companies whose field employees are registered certified pool operators.
- (b) A person desiring a certified pool operator registration shall make application to the health inspector, accompanied with a non-refundable fee established by resolution of the city council from time to time. No registration shall be issued until the applicant provides written evidence of successful

completion of a certified pool operator's course approved by the health inspector and meeting the requirements set forth in subsection (c) below.

- (c) An approved certified pool operator course shall meet the following conditions;
  - (1) The course must have been completed within the previous three (3) years;
  - (2) The course shall be taught by a person adequately trained in swimming pool sanitation, such as a public health official, a person trained in the life sciences, a biologist, or a chemist;
  - (3) The course curriculum shall include: swimming pool design, disinfection, circulation, filtration, swimming pool chemistry, and safety procedures and
  - (4) Persons successfully completing the course shall be given a written document of certification by the course provider.
- (d) Unless sooner revoked by the health inspector, a certified pool operator registration expires three (3) years after the date of issuance.
- (e) Any person operating a public or semi-public swimming pool and spas must make available for inspection by health inspector evidence that a registered certified pool operator is employed on the premises at any time a swimming pool is open or otherwise available for use.
- (f) A certified pool operator registration is nontransferable.  
(Ordinance 17-2022 adopted 7/18/22)