

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

Section 1.

That Title 9 of the Code of Ordinance, City of Carrollton, Texas is hereby amended by adding a chapter, to be numbered Chapter 98, which said chapter reads as follows:

Chapter 98 Commercial Property Maintenance Code

- Chapter 98.01 Purposes
- Chapter 98.02 Definitions
- Chapter 98.03 General Requirements
- Chapter 98.04 Light and Ventilation Requirements
- Chapter 98.05 Plumbing Facilities and Fixture Requirements
- Chapter 98.06 Mechanical and Electrical Requirements
- Chapter 98.07 Fire Safety Requirements
- Chapter 98.08 Responsibilities of Owners, Manager or Occupants
- Chapter 98.09 Appeals
- Chapter 98.10 Repair, Vacation, and Demolition
- Chapter 98.11 Not Required to Show Culpable Mental State
- Chapter 98.12 Penalty

**98.01 PURPOSES**

The purpose of this chapter is to ensure the continued viability and maintenance of all non-residential structures and property within the City of Carrollton and to protect health, safety and welfare. The purpose of this chapter is to establish standards for the maintenance of non-residential structures and property; and providing penalties for violations thereof. This chapter is remedial and essential to the public interest, safety, health, and welfare. This chapter shall be liberally construed to effectuate its purposes.

**98.02 DEFINITIONS**

For the purpose of this chapter, the following terms, words, and derivations thereof shall have the meaning given herein, unless the context clearly indicates or requires a different meaning:

*Approved* – Approved by the D.C.O.

*Basement* – That portion of a building which is partly or completely below grade.

*Bathroom* – A room containing a water closet or urinal and bathtub or shower.

*Condemn* – To adjudge unfit for occupancy.

*D.C.O.* – Designated City Official.

*Easement* – That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall be permitted to be for use under, on or above a said lot or lots.

*Exterior Property* – the open space on the premises and on adjoining property under the control of owners or operators of such premises.

*Extermination* – The control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; by poison spraying, fumigating, trapping or by any other approved pest elimination methods.

*Garbage* – the animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

*Guard* – A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

*Imminent Danger* – A condition which could cause serious or life threatening injury or death at any time.

*Infestation* – The presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.

*Inoperable Motor Vehicle* – A vehicle which cannot be driven upon the public streets for reasons including but not limited to being unlicensed, wrecked, abandoned, in state of disrepair, or incapable of being moved under its own power.

*Labeled* – Devices, equipment, appliances, or materials to which has been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above labeled items and by whose label the manufacturer attests to compliance with applicable nationally recognized standards.

*Let for Occupancy or Let* – to permit, provide or offer possession or occupancy of a building, premises, unit or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

*Occupancy* – The purpose for which a building or portion thereof is utilized or occupied.

*Occupant* – Any individual having possession of a space within a building.

*Openable Area* – That part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.

*Operator* – Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

*Owner* – Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

*Person* – An individual, corporation, partnership or any other group acting as a unit.

*Premises* – A lot, plot or parcel of land, easement or public way, including any structures thereon.

*Public Way* – Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

*Rubbish* – Combustible and non-combustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

*Structure* – that which is built or constructed or a portion thereof.

*Tenant* – A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

*Toilet Room* – A room containing a water closet or urinal but not a bathtub or shower.

*Ventilation* – the natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

*Workmanlike* – Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

*Yard* – An open space on the same lot with a structure.

### 98.03 GENERAL REQUIREMENTS

- (A) The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as an owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter.
- (B) All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.
- (C) Exterior Property Areas:
  - 1. All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant and owner shall keep that part of the exterior of the property which such occupant occupies and owner controls in a clean and sanitary condition.
  - 2. All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon. (**Exception:** Approved retention areas, detention areas and reservoirs.)
  - 3. All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.
  - 4. All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.
  - 5. All accessory structures, including detached garages, fences and walls shall be maintained structurally sound and in good repair.
  - 6. Except as provided for in other regulations, no inoperable vehicle or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth. (**Exception:** A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is preformed inside a structure or similarly enclosed area designed and approved for such purposes.)
  - 7. Any swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

(D) Exterior Structure

1. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.
2. All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.
3. All exterior surfaces shall be painted in a uniform manner.
4. Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7mm).
5. All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.
6. All foundation walls shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.
7. All exterior walls shall be free from holes, breaks, and loose or rotting materials; and shall have maintained weatherproofing and be properly surface coated where required to prevent deterioration.
8. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.
9. All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.
10. All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in sound condition. When required, all exposed surfaces of metal or wood

shall be protected from the elements and against decay or rust by periodic application of weather coating materials, such as paint or similar surface treatment.

11. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.
12. All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather coating materials, such as paint or similar surface treatment.
13. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.
14. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.
15. All glazing materials shall be maintained free from cracks and holes.
16. Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.
17. All exterior doors, door assemblies and hardware shall be maintained in good condition.
18. Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.
19. Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents.
20. All exterior property and premises shall be free from any accumulation of rubbish or garbage.

(E) Interior Structure

1. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in sanitary condition. Occupants shall keep that part of the structure which they occupy or control in clean and sanitary condition.
2. All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.
3. All interior surfaces, including windows and doors shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.
4. Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.
5. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

6. Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.
7. Every interior and exterior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface, which is more than 30 inches (762mm) above the floor or grade below shall have guards. Guards and handrails shall be installed according the city building code. **(Exceptions:** Guards shall not be required where exempted by the city building code.)
8. The interior of every structure, shall be free from any accumulation of rubbish or garbage.
9. Every occupant of a structure shall dispose of all rubbish and garbage in a clean and sanitary manner by placing such rubbish and garbage in approved leakproof containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal.
10. The owner and/or occupant of every occupied premises shall supply approved covered containers for rubbish and garbage, and the owner and/or occupant of the premises shall be responsible for the removal of rubbish and garbage.
11. Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on the premises.
12. All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.
13. The owner of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure.
14. The occupant of any structure shall be responsible for the continued rodent and pest-free condition of the structure. **(Exception:** Where the infestations are caused by defects in the structure, the owner shall be responsible for extermination.)

#### **98.04 LIGHT AND VENTILATION REQUIREMENTS**

- (A) The owner of the structure shall provide and maintain light, ventilation and space conditions in compliance with these requirements and the city building code. A person shall not occupy as owner-occupant, or permit another person to occupy, any premises that do not comply with these requirements.
- (B) In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the city building code shall be permitted.

(C) Light

All spaces shall be provided with natural or artificial light established under the city building code sufficient to permit the maintenance of sanitary conditions, and the safe occupancy of the space and utilization of the appliances, equipment and fixtures.

(D) Ventilation

1. Every bathroom and toilet room shall comply with the ventilation requirements established by the city building code. Air exhausted by a mechanical ventilation system from a bathroom or toilet room shall discharge to the outdoors and shall not be recirculated.
1. Unless approved through the certificate of occupancy, cooking shall not be permitted to be present. (**Exceptions:** Where specifically approved in writing by the DCO. Devices such as coffee pots and microwave ovens shall not be considered cooking appliances.)
2. Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust ventilation system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be recirculated to any space.
3. Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted in accordance with the manufacturer's instructions.

## **98.05 PLUMBING FACILITIES AND FIXTURE REQUIREMENTS**

(A) The owner of the structure shall provide and maintain such plumbing facilities and fixtures in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any structure or premises which does not comply with these requirements.

(B) Required Facilities

1. A minimum of one water closet, one lavatory and one drinking facility shall be available to employees.
2. Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in toilet rooms or bathrooms.

(C) Toilet Rooms and Bathrooms

1. Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared bathrooms and toilet rooms.
2. Employee toilet facilities shall have access from within the employees' working area. The required toilet facilities shall be located not more than one story above or below the employees' working area and the path of travel to such facilities shall not exceed a distance of 500 feet (152m). Employee facilities shall either be separate facilities or combined



employee and public facilities. (**Exception:** Facilities that are required for employees in storage structures or kiosks, which are located in adjacent structures under the same ownership, lease or control, shall not exceed a travel distance of 500 feet (152m) from the employees' regular working area to the facilities.

3. Every toilet room or bathroom floor shall be maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition.

(D) Water System

1. Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the city plumbing code.
2. The water supply shall be maintained free from contamination.
3. The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.
4. Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 110°F (43°C). A gas burning water heater shall not be located in any bathroom, toilet room or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

(E) Sanitary Drainage System

1. All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.
2. Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

- (F) Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance.

## **98.06 MECHANICAL AND ELECTRICAL REQUIREMENTS**

- (A) The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises which does not comply with these requirements.

(B) Heating Facilities

1. Heating facilities shall be provided in structures as required by the city building code.
2. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.
3. Indoor occupiable work spaces shall be supplied with heat to maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied. (Exception: Processing, storage and operation areas that require cooling or special temperature conditions.)
4. The required room temperatures shall be measured 3 feet (914 mm) above the floor near the center of the room and 2 feet (610 mm) inward from the center of each exterior wall.

(C) Mechanical Equipment

1. All mechanical equipment, appliances, fireplaces, solid fuel burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.
2. All fuel burning equipment and appliances shall be connected to an approved chimney or vent. (**Exception:** Fuel burning equipment and appliances which are labeled for unvented operation.)
3. All safety controls for fuel burning equipment shall be maintained in effective operation.
4. A supply of air for complete combustion of fuel and for ventilation of the space containing the fuel burning equipment shall be provided for the fuel burning equipment.
5. Devices intended to reduce fuel consumption by attachment to a fuel burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping therefrom, shall not be installed unless labeled for such purpose and the installation is specifically approved.

(D) Electrical Facilities

1. Every occupied building shall be provided with an electrical system in compliance with the city electrical code.
2. All electrical equipment, wiring, outlets, receptacles, and appliances shall be properly installed and maintained in a safe and approved manner.
3. Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain at least one electric luminaire.

(E) Elevators, Escalators and Dumbwaiters

1. Elevators, dumbwaiters and escalators shall be maintained in compliance with ASME A17.1. The most current certification of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter, or the certificate shall be available for public inspection in

the office of the building operator. The inspection and test shall be performed at not less than the periodical intervals listed in ASME A17.1, Appendix N, except where otherwise specified by the authority having jurisdiction.

2. In buildings equipped with passenger elevators, at least one elevator shall be maintained in operation at all times when the building is occupied. (**Exception:** Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.)

- (F) Duct systems shall be maintained free of obstructions and shall be capable of performing the required function.

### **98.07 FIRE SAFETY REQUIREMENTS**

- (A) The owner of the premises shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A person may not occupy as an owner-occupant or permit another person to occupy any premises that do not comply with these requirements.

- (B) Means of Egress

1. A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the city fire code.
2. The required width of aisles in accordance with the city fire code shall be unobstructed.
3. All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the city building code.
4. Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction, and the following; required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the code that was in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.

- (C) All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the city fire code.

## **98.08 RESPONSIBILITIES OF OWNERS, MANAGERS OR OCCUPANTS**

- (A) An owner of a property remains liable for violations, unless specifically stated otherwise in this ordinance, even though a manager or an occupant of those premises is responsible for the premises and regardless of any agreement between the owner and another that imposes or attempts to delegate responsibility for the premises to the other.

## **98.09 APPEALS**

- (A) Any person directly affected by a decision of the DCO or a notice or order issued under this code shall have the right to appeal to the Property Standards Board provided that a written application for an appeal is filed within thirty (30) days after the date of the decision, notice or order has been served, except those appeals that are based on Section 96.08 of this code. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.
- (B) Appeals shall be heard by the Property Standards Board.
- (C) When a quorum by the Property Standards Board is not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.
- (D) The Property Standards Board may adopt, modify or reverse the decision of the DCO by a concurring vote, provided a quorum exists, of the majority of the board members.
- (E) The decision of the Property Standards Board shall be recorded in the office of the county recorder. Copies shall be furnished to the appellant and to the DCO. The DCO shall provide the following to be recorded at the office of the county recorder:
  - 1. A certificate describing the property and certifying that the building is substandard.
  - 2. That the owner has been so notified.
  - 3. The decision of the Property Standards Board.
- (K) Except for vacation orders made pursuant to this code, enforcement of any notice and orders of the DCO issued under this code shall remain until reversed or modified by the Property Standards Board.

## **98.10 REPAIR, VACATION AND DEMOLITION**

The following standards shall be followed by the DCO and by the Property Standards Board if an appeal is taken in ordering the repair, vacation or demolition of any substandard building or structure:

- (A) Any building declared a substandard building under this code shall be made to comply with one of the following:
  - 1. The building shall be repaired in accordance with the current Building Code or other current code applicable to the type of substandard conditions requiring repair.
  - 2. The building shall be demolished at the option of the building owner.
  - 3. If the building does not constitute an immediate danger to the life, limb, property or safety of the public, it may be vacated, secured and maintained against entry.
- (B) If the building or structure is in such condition as to make it immediately dangerous to life, limb, property or safety of the public or of the occupants, it shall be ordered to be vacated.
- (C) Notice to Vacate. Whenever the DCO has condemned a structure under the provisions of this code a Notice To Vacate shall be posted in a conspicuous place in or about the structure affected by the notice and served to the owner or the person(s) responsible for the structure. Such notice to be posted shall be in substantially the following form:

DO NOT ENTER  
UNSAFE TO OCCUPY  
It is a misdemeanor to occupy this building, or to remove or  
deface this notice.

Code Official

\_\_\_\_\_ of \_\_\_\_\_

- (D) The Notice To Vacate shall be removed by the DCO whenever the defect or defects upon which the vacation and notice were based on have been eliminated. Any person who defaces or removes a Notice To Vacate placard without the approval of the DCO shall be subject to the penalties provided under this code.
- (E) Disposition of dangerous and substandard structures will be performed accordingly under Title 15, Chapter 150.100 of the Carrollton Code of Ordinances.

## **98.11 NOT REQUIRED TO SHOW CULPABLE MENTAL STATE**

Allegation and evidence of a culpable mental state is not required for proof of an offense defined by this chapter.

## **98.12 PENALTY**

If a person and/or owner is found guilty of violating any provision of this chapter, that person and/or owner shall be punished as set forth in Sec. 10.99.

### Section 2

That Title 1, Chapter 10.99 General Penalties of the Carrollton City Code shall be amended in part to read:

“Sec. 10.99. General Penalty.

- (A) The conviction of a violation of a provision of this Code or any ordinance, rule, or regulation of the city, is punishable as follows:
  - (2) Not to exceed \$2,000.00 if the provisions violated govern fire, safety, zoning, or public health and sanitation provisions, as follows:
    - (x) Chapter 98 (Commercial Property Maintenance Code)

### Section 3

That the Code of Ordinance, City of Carrollton, Texas hereby amends numbered Subsection 34.040(C)(1), which said subsection reads as follows:

#### **PROPERTY STANDARDS BOARD**

Sec. 34.040. Creation; composition; powers and duties.

(C) *Scope and authority of Board.*

- (1) The Board shall hear and decide appeals of orders, decisions, or determinations made by the Building Official relative to the application and interpretation of building, electrical, plumbing and mechanical codes as well as the housing code, the commercial property maintenance code, and visibility ordinance, and shall receive and file applications for electrical licenses and notify applicants of the time and place of electrical examinations and the results thereof. The board shall also hear and decide appeals or orders, decisions or determination as made by the Fire Marshal relative to the application and interpretation of the Fire Code.

#### Section 4 Savings

All rights and remedies of the City are expressly saved as to any and all violations of the provisions of any other ordinances or statutes affecting commercial property maintenance which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

#### Section 5 Severability

It is hereby declared to be the intention of the City Council that in accordance with Section 10.07 of the Carrollton City Code, the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.