

ORDINANCE NO. _____

An ordinance amending Sections 27-4, 27-31, 27-33, 27-34, 27-36, and 27-44 of and adding Article VIII (composed of Sections 27-45 through 27-58) to CHAPTER 27, "MINIMUM URBAN REHABILITATION STANDARDS," of the Dallas City Code, as amended; defining terms; requiring apartment complexes with excessive crime rates to participate in a mandatory crime reduction program administered and enforced by the chief of police; establishing qualifications, procedures, requirements, formulae, and standards for the program; establishing a program fee; providing an appeal process; making conforming amendments to the multi-tenant property registration program; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That Section 27-4, "Violations; Penalty," of Article II, "Administration," of CHAPTER 27, "MINIMUM URBAN REHABILITATION STANDARDS," of the Dallas City Code, as amended, is amended to read as follows:

"SEC. 27-4. VIOLATIONS; PENALTY.

(a) A person who violates a provision of this chapter, or who fails to perform an act required of him by this chapter, commits an offense. A person commits a separate offense each day or portion of a day during which a violation is committed, permitted, or continued.

(b) Criminal penalties.

(1) An offense under this chapter is punishable by a fine not to exceed \$2,000; except, that an offense under Section 27-5.2 and 27-25 of this chapter is punishable by a fine not to exceed \$500.

(2) An offense under this chapter is punishable by a fine of not less than:

(A) \$200 for a first conviction of a violation of Section 27-11(a)(1), (3), or (4), ~~[or]~~ 27-11(b)(1), (2), (3), (4), (6), (7), (8), (9), or (10), or Article VIII of this chapter;

(B) \$500 for a first conviction of a violation of Section 27-11(a)(2), (5), or (6), 27-11(b)(5), 27-11(c), or 27-11(d); and

(C) \$2,000 for a first conviction of a violation of Section 27-30.

(3) The minimum fines established in Subsection (b)(2) will be doubled for the second conviction of the same offense within any 24-month period and trebled for the third and subsequent convictions of the same offense within any 24-month period. At no time may the minimum fine exceed the maximum fine established in Subsection (b)(1).

(c) The culpable mental state required for the commission of an offense under this chapter is governed by Section 1-5.1 of this code.

(d) In addition to imposing the criminal penalty prescribed in Subsection (b) or exercising the other remedies provided by this chapter, the city may, in accordance with Chapter 54, Subchapter B of the Texas Local Government Code, bring a civil action against a person violating a provision of this chapter. The civil action may include, but is not limited to, a suit to recover a civil penalty not to exceed \$1,000 for each day or portion of a day during which the violation is committed, continued, or permitted.

(e) The penalties provided for in Subsections (b), (d), and (h) are in addition to any other enforcement remedies that the city may have under city ordinances and state law.

(f) The director has the authority to enforce provisions of Chapter 7A and Article II, Chapter 18 of this code.

(g) A person commits an offense if he fails to correct a violation of this chapter in compliance with any order issued under this chapter that has become final.

(h) As an alternative to imposing the criminal penalty prescribed in Subsection (b), the city may impose administrative penalties, fees, and court costs in accordance with Article IV-b of this chapter, as authorized by Section 54.044 of the Texas Local Government Code, for an offense under this chapter. The alternative administrative penalty range for an offense is the same as is prescribed for a criminal offense in Subsection (b).”

SECTION 2. That Section 27-31, “Registration Application,” of Article VII, “Registration and Inspection of Multi-Tenant Properties,” of CHAPTER 27, “MINIMUM URBAN REHABILITATION STANDARDS,” of the Dallas City Code, as amended, is amended to read as follows:

“SEC. 27-31. REGISTRATION APPLICATION.

To obtain a certificate of registration for a multi-tenant property, a person must submit an application on a form provided for that purpose to the director. The applicant must be the person who will own, control, or operate the multi-tenant property. The application must contain the following information:

- (1) the name, address, and telephone number of the applicant or the applicant’s authorized agent;
- (2) the name, all legal addresses, and the main telephone number, if any, of the multi-tenant property;
- (3) the name, address, and telephone number of a person or persons to contact in an emergency as required by Section 27-39 of this article;
- (4) the form of business of the applicant and, if the business is a corporation or association, a copy of the documents establishing the business;
- (5) the number of units, buildings, and swimming pools located on the multi-tenant property and the total number of bedrooms located on the property (a unit with no separate bedroom will be counted as one bedroom);
- (6) documentary evidence of payment of ad valorem taxes owed in connection with the multi-tenant property;
- (7) the names, addresses, and telephone numbers of any lien holders and insurance carriers for the multi-tenant property;
- (8) the names, addresses, and telephone numbers of all owners, operators, property managers, and other persons in control of the multi-tenant property and of any other persons designated to attend crime watch meetings and safe complex symposiums as required by Section 27-44 of this article; [~~and~~]
- (9) the current occupancy rate of the multi-tenant property (expressed as a percentage); and
- (10) such additional information as the applicant desires to include or that the director deems necessary to aid in the determination of whether the requested certificate of registration should be granted.”

SECTION 3. That Section 27-33, “Issuance, Denial, and Display of Certificate of Registration,” of Article VII, “Registration and Inspection of Multi-Tenant Properties,” of

CHAPTER 27, "MINIMUM URBAN REHABILITATION STANDARDS," of the Dallas City Code, as amended, is amended to read as follows:

"SEC. 27-33. ISSUANCE, DENIAL, AND DISPLAY OF CERTIFICATE OF REGISTRATION.

(a) Upon payment of all required fees, the director shall issue a certificate of registration for a multi-tenant property to the applicant if the director determines that:

(1) the applicant has complied with all requirements for issuance of the certificate of registration;

(2) the applicant has not made a false statement as to a material matter in an application for a certificate of registration;

(3) the applicant has no outstanding fees assessed under this article or Article VIII of this chapter; and

(4) operation of the multi-tenant property would not violate the city's zoning ordinances.

(b) If the director determines that the requirements of Subsection (a) have not been met, the director shall deny a certificate of registration to the applicant.

(c) If the director determines that an applicant should be denied a certificate of registration, the director shall notify the applicant in writing that the application is denied and include in the notice the reason for denial and a statement informing the applicant of the right of appeal.

(d) A certificate of registration issued under this section must be displayed to the public in a manner and location approved by the director. The certificate of registration must be presented upon request to the director or to a peace officer for examination."

SECTION 4. That Section 27-34, "Revocation of License," of Article VII, "Registration and Inspection of Multi-Tenant Properties," of CHAPTER 27, "MINIMUM URBAN REHABILITATION STANDARDS," of the Dallas City Code, as amended, is amended to read as follows:

"SEC. 27-34. REVOCATION OF CERTIFICATE OF REGISTRATION [~~LICENSE~~].

(a) The director shall revoke any certificate of registration for a multi-tenant property if the director determines that:

(1) the registrant failed to comply with any provision of this chapter, any other city ordinance, or any state or federal law applicable to the operation of a multi-tenant property;

(2) the registrant intentionally made a false statement as to a material matter in the application or in a hearing concerning the certificate of registration;

(3) the registrant failed to pay a fee required by this article or Article VIII of this chapter at the time it was due; or

(4) operation of the multi-tenant property violates the city's zoning ordinances.

(b) Before revoking a certificate of registration under Subsection (a), the director shall notify the registrant in writing that the certificate of registration is being considered for revocation. The notice must include the reason for the proposed revocation, action the registrant must take to prevent the revocation, and a statement that the registrant has 10 days to comply with the notice.

(c) If, after 10 days from receipt of the notice required in Subsection (b), the registrant has not complied with the notice, the director shall revoke the certificate of registration and notify the registrant in writing of the revocation. The notice must include the reason for the revocation, the date the director orders the revocation, and a statement informing the registrant of the right of appeal.”

SECTION 5. That Section 27-36, “Expiration and Renewal of License,” of Article VII, “Registration and Inspection of Multi-Tenant Properties,” of CHAPTER 27, “MINIMUM URBAN REHABILITATION STANDARDS,” of the Dallas City Code, as amended, is amended to read as follows:

“SEC. 27-36. EXPIRATION AND RENEWAL OF CERTIFICATE OF REGISTRATION [~~LICENSE~~].

(a) A certificate of registration for a multi-tenant property expires one year after the date of issuance.

(b) A certificate of registration may be renewed by making application in accordance with Section 27-31. A registrant shall apply for renewal at least 30 days before the expiration of the certificate of registration.”

SECTION 6. That Section 27-44, “Attendance at Crime Watch Meetings and Safe Complex Symposiums,” of Article VII, “Registration and Inspection of Multi-Tenant Properties,” of CHAPTER 27, “MINIMUM URBAN REHABILITATION STANDARDS,” of the Dallas City Code, as amended, is amended to read as follows:

“SEC. 27-44. ATTENDANCE AT CRIME WATCH MEETINGS AND SAFE COMPLEX SYMPOSIUMS.

(a) The owner, operator, or other person in control of a multi-tenant property shall attend a total of at least three crime watch meetings each calendar year. The meetings attended must be held by crime watch organizations consisting of business owners, single-family residential property owners, or managers, employees, or tenants of multifamily properties, or any combination of those groups, gathered for the purpose of improving the quality of life in and around the properties, promoting crime prevention, reducing criminal opportunity, and encouraging cooperation with the Dallas Police Department. The meetings must be attended in the neighborhood in which the multi-tenant property is located or, if that neighborhood has no crime watch organization, then in the nearest neighborhood that does. A written statement, signed by a crime watch chair, verifying that the crime watch meeting was attended by the owner, operator, or other person in control of the multi-tenant property, or by the person designated to attend meetings for the property under Subsection (c), must be submitted to the director upon request.

(b) In addition to attending crime watch meetings, the owner, operator, or other person in control of a multi-tenant property shall attend at least one safe complex symposium sponsored by the city of Dallas, which will be held during the third week in May of each calendar year, unless otherwise rescheduled by city council resolution. It is a defense to prosecution for a violation of this subsection that the multi-tenant property was an apartment complex participating in a volunteer crime reduction program sponsored by the Dallas police department that required attendance at a training session on safe apartment complexes.

(c) If unable to personally attend every crime watch meeting and safe complex symposium required by this section, the owner, operator, or other person in control of a multi-tenant property may designate in the property registration application another person to attend the meetings and symposiums. A person may not be designated to attend crime watch meetings and safe complex symposiums for more than five separate multi-tenant properties.”

SECTION 7. That CHAPTER 27, “MINIMUM URBAN REHABILITATION STANDARDS,” of the Dallas City Code, as amended, is amended by adding Article VIII, entitled “Mandatory Crime Reduction Program for Designated Apartment Complexes,” (composed of Sections 27-45 through 27-58) to read as follows:

“ARTICLE VIII.

**MANDATORY CRIME REDUCTION PROGRAM
FOR DESIGNATED APARTMENT COMPLEXES.**

SEC. 27-45. PURPOSE.

(a) A correlation exists between high crime rates at an apartment complex and an apartment complex’s failure to meet minimum property standards. High crime rates contribute to the deterioration, decay, disrepair, and substandard appearance and condition of the structures and premises of an apartment complex. The purpose of this article is to protect the health, safety, morals, and welfare of the occupants of apartment complexes and other citizens of the city of Dallas by obtaining greater compliance with minimum property standards through the establishment of a mandatory crime reduction program for apartment complexes. Reducing the crime rate at an apartment complex is essential to making the apartment complex safe, sanitary, and fit for human use and habitation.

(b) This article does not create a private cause of action (other than one brought by the city) or expand existing tort liability against an owner, operator, property manager, or other person in control of an apartment complex that is designated for participation in a mandatory crime reduction program.

SEC. 27-46. DEFINITIONS.

In this article:

(1) APARTMENT COMPLEX means a multifamily property that contains 10 or more dwelling units that are leased or offered for lease and are not independently owned.

(2) CHAPTER 125 CRIMES means murder; capital murder; sexual assault; aggravated sexual assault; aggravated assault; robbery; aggravated robbery; unlawfully carrying a weapon; prostitution; gambling; delivery, possession, manufacture, or use of a controlled substance; discharging a firearm in a public place; reckless discharge of a firearm; engaging in organized criminal activity; commercial distribution or manufacture of obscene material; and other crimes listed in Chapter 125 of the Texas Civil Practice and Remedies Code, as amended. The term does not include nonapplicable crimes.

(3) CHIEF OF POLICE means the chief of the police department of the city or the chief’s authorized representative.

(4) COMMUNITY PER CAPITA CRIME INDEX or CRIME INDEX means a statistically-determined level of criminal activity in an individual apartment complex in the city during a 12-month period that is expressed on a per capita basis and calculated in accordance with Section 27-48 of this article.

(5) CRIME RISK THRESHOLD means a statistically-determined level of criminal activity in apartment complexes in the city during a 12-month period, adjusted for the occupancy of the apartment complexes surveyed and expressed on a per capita basis, that is calculated in accordance with Section 27-49 of this article.

(6) DESIGNATED APARTMENT COMPLEX means an apartment complex that is required to participate in a mandatory crime reduction program under Section 27-50 of this article.

(7) MULTI-TENANT PROPERTY REGISTRATION means registration as a multi-tenant property under Article VII of this chapter.

(8) NONAPPLICABLE CRIMES means all offenses involving domestic violence, forgery, counterfeiting, fraud, embezzlement, stolen property (buying, receiving, or possessing), crimes against family and children, driving while intoxicated, violations of alcoholic beverage laws, and vagrancy.

(9) PART 1 CRIMES means murder (excluding suicide and murder resulting from domestic violence), rape, robbery, aggravated assault (excluding domestic violence), burglary, theft, and auto theft. The term does not include nonapplicable crimes.

(10) PART 2 CRIMES means assaults other than those listed as Part I crimes, narcotics offenses (restricted to those of delivery, possession, or manufacture), arson, vandalism, weapons offenses, prostitution, gambling, and disorderly conduct. The term does not include nonapplicable crimes.

(11) REGISTERED APARTMENT COMPLEX means an apartment complex holding a certificate of registration as a multi-tenant property under Article VII of this chapter.

SEC. 27-47. AUTHORITY OF THE CHIEF OF POLICE.

The chief of police shall implement and enforce this article and may by written order establish such rules, regulations, or procedures, not inconsistent with this article, as the chief of police determines are necessary to discharge any duty under or to effect the policy of this article.

SEC. 27-48. COMMUNITY PER CAPITA CRIME INDEX.

(a) The chief of police shall calculate on a monthly basis the community per capita crime index for each registered apartment complex in the city.

(b) The community per capita crime index for an apartment complex is calculated as follows:

(1) Determine the total number of bedrooms in the apartment complex as designated in the most recent multi-tenant property registration application filed with the director for the property;

(2) Multiply the number of bedrooms by two (two occupants counted for each bedroom) to produce the ideal occupancy number for the property;

(3) Multiply the ideal occupancy number by the percent of units in the apartment complex that are occupied (as designated in the most recent multi-tenant property registration application filed with the director for the property) to produce the actual occupancy number;

(4) Divide the number of Part I crimes occurring on the property within the preceding 12 months by the actual occupancy number and multiply the result by 100 to produce the community per capita crime index for Part I crimes;

(5) Divide the number of Part II crimes occurring on the property within the preceding 12 months by the actual occupancy number and multiply the result by 100 to produce the community per capita crime index for Part II crimes.

(6) Divide the number of Chapter 125 crimes occurring on the property within the preceding 12 months by the actual occupancy number and multiply the result by 100 to produce the community per capita crime index for Chapter 125 crimes.

(c) Example of calculation of community per capita crime index.

<u>Apartment size:</u>	<u>100 units</u>
<u>Apartment occupancy rate:</u>	<u>90% occupied</u>
<u>Apartment crime in 12-month period:</u>	<u>10 Part I crimes; 20 Part II crimes;</u> <u>15 Chapter 125 crimes</u>
<u>Apartment-unit mix:</u>	<u>70 one-bedrooms; 30 two-bedrooms</u>
<u>Total bedrooms</u>	<u>130 (with two occupants counted for</u> <u>each bedroom)</u>

Ideal occupancy number = 130 x 2 = 260

Actual occupancy number = 260 x 90% = 234

Crime index for Part I crimes = (10 ÷ 234) x 100 = 4.3

Crime index for Part II crimes = (20 ÷ 234) x 100 = 8.5

Crime index for Chapter 125 crimes = (15 ÷ 234) x 100 = 6.4

SEC. 27-49. CRIME RISK THRESHOLD.

(a) The chief of police shall collectively calculate on a monthly basis the crime risk threshold for all registered apartment complexes in the city.

(b) The crime risk threshold for apartment complexes is calculated as follows:

(1) Determine the total number of registered apartment complexes in the city.

(2) Add together each apartment complex's crime index for Part I crimes and divide the sum by the total number of registered apartment complexes to produce the average crime index for Part I crimes.

(3) Subtract each apartment complex's crime index for Part I crimes from the average crime index for Part I crimes to get the apartment complex's deviation from the average crime index for Part I crimes.

(4) Add the square of each apartment complex's deviation from the average crime index for Part I crimes together and divide the sum by the total number of registered apartment complexes to produce the average squared deviation for Part I crimes.

(5) Take the square root of the average squared deviation for Part I crimes and add it to the average crime index for Part I crimes to produce the crime risk threshold for Part I crimes.

(6) Repeat the process using each apartment complex's crime index for Part II crimes and Chapter 125 crimes to determine the crime risk threshold for Part II crimes and Chapter 125 crimes, respectively.

(c) Example of calculation of crime risk threshold.

<u>Apartment Complex No.</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>	<u>9</u>	<u>10</u>	<u>SUM</u>
<u>Crime Index for Part I Crimes</u>	<u>12</u>	<u>9</u>	<u>3</u>	<u>10</u>	<u>12</u>	<u>22</u>	<u>7</u>	<u>11</u>	<u>15</u>	<u>19</u>	<u>120</u>
<u>Deviation from Average Crime Index</u>	<u>0</u>	<u>-3</u>	<u>-9</u>	<u>-2</u>	<u>0</u>	<u>10</u>	<u>-5</u>	<u>-1</u>	<u>3</u>	<u>7</u>	<u>0</u>
<u>Deviation Squared</u>	<u>0</u>	<u>9</u>	<u>81</u>	<u>4</u>	<u>0</u>	<u>100</u>	<u>25</u>	<u>1</u>	<u>9</u>	<u>49</u>	<u>278</u>

Average crime index for Part I crimes = $120 \div 10 = 12$

Average squared deviation = $278 \div 10 = 27.8$

Standard deviation = $\sqrt{27.8} = 5.27$

Crime risk threshold for Part I crimes = $12 + 5.27 = 17.27$

(Note: To calculate the crime risk threshold for Part II crimes and Chapter 125 crimes, repeat the formula using the crime indexes for Part II crimes and then for Chapter 125 crimes.)

SEC. 27-50. MANDATORY CRIME REDUCTION PROGRAM; WHEN REQUIRED.

(a) An apartment complex must participate in a mandatory crime reduction program, whenever the apartment complex has:

(1) a crime index for Part I crimes that is greater than the crime risk threshold for Part I crimes for all registered apartment complexes in the city and a crime index for Part II crimes that is greater than the crime risk threshold for Part II crimes for all registered apartment complexes in the city; or

(2) a crime index for Chapter 125 crimes that is greater than the crime risk threshold for Chapter 125 for all registered apartment complexes in the city.

(b) An apartment complex must remain in the mandatory crime reduction program for six months or until the apartment complex's crime index falls below the crime risk threshold for the applicable types of crime, whichever occurs later.

SEC. 27-51. NOTICE OF DESIGNATION TO PARTICIPATE IN PROGRAM.

(a) The chief of police shall provide written notice to the owner, operator, or property manager of each apartment complex designated to participate in the mandatory crime reduction program.

(b) The notice must include the following information:

(1) The name and address of the apartment complex.

(2) A statement that the apartment complex is required to participate in a mandatory crime reduction program, including a description of the fee and other requirements of the program.

(3) The community per capita crime index and crime risk threshold used to calculate the apartment complex's qualification for the mandatory crime reduction program.

(4) The actual occupancy number used to calculate the apartment complex's crime index.

(5) The number of Part I, Part II, and Chapter 125 crimes used to calculate the apartment complex's crime index, including the date, time, and location of each offense.

(6) A statement that a mandatory inspection of the apartment complex premises will be conducted by the chief of police at a scheduled date and time.

(7) The process for appealing the chief of police's decision requiring an apartment complex to participate in a mandatory crime reduction program.

(c) Designation of an apartment complex for participation in the mandatory crime reduction program and application of the requirements of this article are binding upon all subsequent owners or other transferees of an ownership interest in the apartment complex.

SEC. 27-52. DELIVERY OF NOTICES.

Any written notice that the chief of police is required to give to an apartment complex under this article is deemed to be delivered:

(1) on the date the notice is hand delivered to the owner, operator, or property manager of the apartment complex; or

(2) three days after the date the notice is placed in the United States mail with proper postage and properly addressed to the owner, operator, or property manager of the apartment complex at the address provided for in the most recent multi-tenant property registration application.

SEC. 27-53. APPEAL FROM DESIGNATION.

(a) If the chief of police designates an apartment complex for participation in the mandatory crime reduction program pursuant to this article, this action is final unless the owner, operator, or property manager of the apartment complex files a written appeal to the permit and license appeal board with the city secretary not later than 10 days after receiving notice of being a designated apartment complex.

(b) If the appeal of the chief of police's decision is based on changes in an apartment complex's occupancy rate, then the owner, operator, or property manager of the apartment complex shall, at the time of filing the appeal, also file with the city secretary and the chief of police a copy of a current and valid lease for every occupied dwelling unit in the apartment complex.

(c) If a written request for an appeal hearing is filed under Subsection (a) with the city secretary within the 10-day limit, the permit and license appeal board shall hear the appeal. The city secretary shall set a date for the hearing within 60 days after the date the appeal is filed.

(d) A hearing by the board may proceed if a quorum of the board is present. The board shall hear and consider evidence offered by any interested person. The formal rules of evidence do not apply. Any dispute of fact must be decided on the basis of a preponderance of the evidence presented at the hearing.

(e) In deciding the appeal, the permit and license appeal board is limited to the issue of whether the apartment complex's crime index is greater than the crime risk threshold calculated for all registered apartment complexes in the city for the particular types of crime that qualified the apartment complex for designation under Section 27-50(a). The board shall affirm the decision of the chief of police if the board finds that the apartment complex's crime index exceeds the applicable crime risk threshold and shall reverse the chief of police's decision if the board finds that the crime index does not exceed the applicable crime risk threshold.

(f) The board's decision must be by a majority vote. Failure to reach a majority vote will leave the decision of the chief of police unchanged. The decision of the permit and license appeal board is final, and no rehearing may be granted.

SEC. 27-54. PROPERTY INSPECTIONS.

(a) After an apartment complex has been designated to participate in the mandatory crime reduction program, the chief of police shall inspect the apartment complex to:

(1) determine whether the apartment complex is in compliance with applicable city ordinances and state laws relating to public safety and security, including but not limited to requirements for locks, door viewers, signage, building numbering, and crime prevention addenda;

(2) evaluate what changes and improvements to the premises and operations of the apartment complex will assist in reducing the occurrence of crimes at the apartment complex; and

(3) determine whether the apartment complex is in compliance with this article.

(b) The chief of police is authorized at a reasonable time to inspect:

(1) the exterior of the apartment complex; and

(2) the interior of the apartment complex, if the permission of the owner, operator, property manager, or other person in control is given or a search warrant is obtained.

(c) The chief of police shall inspect a designated apartment complex at least twice during each period that the apartment complex is required to participate in the mandatory crime reduction program. The first inspection must be conducted for the purposes of Subsections (a)(1) and (a)(2), and the second inspection must be conducted for the purposes of Subsection (a)(3). Other inspections may be conducted as the chief of police deems necessary to the administration and enforcement of this article.

(d) The owner, operator, property manager, or person in control of an apartment complex commits an offense if, either personally or through an agent or employee, he refuses to permit a lawful inspection of the apartment complex as required by this section.

(e) Whenever an apartment complex is inspected by the chief of police and a violation of this article or any other city ordinance or state law applicable to the apartment complex is found, the apartment complex will, after the expiration of any time limit for compliance given in a notice or order issued because of the violation, be reinspected by the chief of police to determine that the violation has been eliminated.

SEC. 27-55. CONFERENCE WITH POLICE.

(a) At least once during each period that an apartment complex is required to participate in the mandatory crime reduction program, the chief of police shall require a conference with the owner, operator, or property manager of a designated apartment complex to review:

- (1) the requirements of the mandatory crime reduction program;
- (2) the results of the chief of police's inspection of the apartment complex;
- (3) any voluntary recommendations for reducing crimes on and near the apartment complex; and
- (4) any other information the chief of police wishes to discuss at the conference.

(b) An owner, operator, or property manager of a designated apartment complex commits an offense if he fails to attend a scheduled conference after receiving notice of the conference from the chief of police.

(c) At least one individual with legal authority to act on behalf of the apartment complex must attend each conference required by this section.

SEC. 27-56. PROGRAM FEE.

(a) A program fee of \$250 will be charged to each designated apartment complex to defray the costs incurred by the chief of police in conducting inspections of the apartment complex, attending conferences with the owner, operator, or property manager of the apartment complex, and administering and enforcing the mandatory crime reduction program. A separate program fee is required each time an apartment complex is designated to participate in the mandatory crime reduction program.

(b) The owner, operator, or property manager of a designated apartment complex shall pay the program fee to the chief of police within 30 days after receiving notice of being a designated apartment complex.

(c) No refund of a program fee will be made.

SEC. 27-57. MANDATORY REQUIREMENTS.

(a) Within 30 days after receiving notice of being a designated apartment complex, the apartment complex must meet all of the requirements of this section, except Subsection (h) (fencing requirements). Subsection (h) (fencing requirements) must be met within 60 days after receiving notice of being a designated apartment complex. The chief of police may extend the deadlines of this subsection, in increments not exceeding 30 days each, upon a showing that the work cannot be performed within the required time period because of its scope and complexity.

(b) Trespass affidavits.

(1) An owner, operator, or property manager of the apartment complex shall execute a trespass affidavit, on a form provided by the chief of police for that purpose, that authorizes the police department to enforce, on behalf of the apartment complex, all applicable trespass laws on the premises of the apartment complex.

(2) A true and correct copy of the trespass affidavit must be posted at the apartment complex in a manner and location so that it is clearly visible to the public at all times.

(c) Background checks.

(1) A current official criminal history report (issued by the Texas Department of Public Safety within the preceding 12 months) must be obtained on all current and prospective employees of the apartment complex.

(2) A current official criminal history report (issued by the Texas Department of Public Safety within the preceding 12 months) must be obtained on all prospective tenants 18 years of age or older who apply for occupancy in the apartment complex on or after February 1, 2009.

(3) A current credit report must be obtained on all prospective tenants 18 years of age or older who apply for occupancy in the apartment complex on or after February 1, 2009.

(4) All records maintained on an employee or tenant in compliance with this subsection must be retained at the apartment complex for at least 90 days following the date of any termination of the employee's employment or the tenant's occupancy at the apartment complex.

(5) The owner, operator, or property manager of the apartment complex shall make all records maintained under this subsection available for inspection by a police officer at reasonable times upon request.

(d) Lighting.

(1) Security lighting must be provided, maintained, and operated so that it adequately illuminates all parking areas, walkways, stairs, steps, doorways, and garbage storage areas of the apartment complex to such a degree that the facial features of a person at least five feet tall are distinguishable from a distance of 35 feet.

(2) Security lighting must be in compliance with all applicable city ordinances and state law. If there is any conflict between Subsection (d)(1) of this section and another city ordinance or state law, the other law will prevail.

(e) Landscaping.

(1) No bush or shrub on the premises of the apartment complex may be taller than three and one-half feet.

(2) No tree on the premises of the apartment complex may have a canopy lower than six feet above the ground.

(3) All trees, shrubs, bushes, and other landscaping must be maintained in compliance with all applicable city ordinances and state law. If there is any conflict between Subsection (e)(1) or (e)(2) of this section and another city ordinance or state law, the other law will prevail.

(f) Locked common areas. All enclosed common areas of the apartment complex (including but not limited to laundry rooms, club rooms, and fitness rooms) must be kept locked and may only be accessed with a key, key card, key pad, or similar device.

(g) Key control plan. A description of the plan and procedures for storing and accessing keys, key cards, and key codes to dwelling units, enclosed common areas, and other facilities of the apartment complex must be filed with the chief of police.

(h) Fencing.

(1) The perimeter of the premises of a designated apartment complex must be enclosed with a fence that is at least six feet high, except that if a lower height is required by another city ordinance, the fence must be the maximum height allowed under the other city ordinance.

(2) Notwithstanding Subsection (h)(1) of this section, vehicular driveways and pedestrian walkways are not required to be fenced or gated, except that the combined width of openings in the fence for vehicular driveways and pedestrian walkways may not exceed 10 percent of the perimeter of the area of the property required to be fenced.

(3) All fencing must be maintained in compliance with applicable city ordinances and state law. If there is any conflict between Subsection (h)(1) or (h)(2) of this section and another city ordinance or state law, the other law will prevail.

(i) Pay phones. All pay phones on the premises of the apartment complex must be blocked to incoming calls or removed from the premises.

(j) Crime watch meetings.

(1) At least one crime watch meeting must be held each month on the premises of the apartment complex.

(2) The chief of police must be given at least 10 days advance notice of the meeting.

(k) Residential security survey.

(1) An owner, operator, or property manager of the apartment complex shall distribute a residential security survey, on a form provided by the chief of police, to each tenant of the apartment complex who is 18 years of age or older.

(2) The owner, operator, or property manager of the apartment complex shall file all returned surveys with the chief of police within 30 days after distribution.

SEC. 27-58. MODIFICATION OF FENCING REQUIREMENTS.

(a) The owner, operator, or property manager of a designated apartment complex may request a modification of the fencing requirements set forth in Section 27-57(h) by filing a written request with the city secretary not later than 10 days after receiving notice of:

(1) being designated for participation in a mandatory crime reduction program under Section 27-50; or

(2) having a previously-granted fencing modification revoked by the chief of police under Subsection (f) of this section.

(b) If a written request is filed under Subsection (a) with the city secretary within the 10-day limit, the permit and license appeal board shall consider the request. The city secretary shall set a date for the hearing within 45 days after the date the written request is filed.

(c) A hearing by the board may proceed if a quorum of the board is present. The board shall hear and consider evidence offered by any interested person. The formal rules of evidence do not apply. Any dispute of fact must be decided on the basis of a preponderance of the evidence presented at the hearing.

(d) The permit and license appeal board shall grant the request for a fencing modification if it finds that:

(1) an existing fence or other barrier, or a proposed fence or other barrier, on the premises of the apartment complex will serve to deter and reduce crime at the apartment complex to the same extent as the fence required under Section 27-57(h); and

(2) the existing fence or barrier, or the proposed fence or barrier, complies with all other applicable city ordinances and state law.

(e) The board shall grant or deny the request for a fencing modification by a majority vote. Failure to reach a majority vote will result in denial of the request. The decision of the permit and license appeal board is final, and no rehearing may be granted.

(f) If the board grants the request for a fencing modification, the modification remains valid and does not have to be renewed each time an apartment complex is designated for participation in the mandatory crime reduction program, unless the chief of police revokes the fencing modification upon a determination that the modified fence or other barrier:

(1) fails to deter and reduce crime at the apartment complex to the same extent as the fence required under Section 27-57(h); or

(2) fails to comply with a city ordinance or state law applicable to fences.

(g) Upon revoking a fencing modification, the chief of police shall notify the owner, operator, or property manager of a designated apartment complex in writing of the revocation. The notice must include the reason for the revocation, the date the chief of police orders the revocation, and a statement informing the owner, operator, or property manager of the right to appeal the decision by filing a new request for a fencing modification in accordance with Subsection (a). The chief of police may not revoke a fencing modification under Subsection (f) sooner than six months after the modification is granted by the permit and license appeal board.

(h) The grant of a request for modification of the fencing requirements of Section 27-57(h) does not exempt a designated apartment complex from any other provision of this chapter or other applicable city ordinances or state law.”

SECTION 8. That CHAPTER 27 of the Dallas City Code, as amended, will remain in full force and effect, save and except as amended by this ordinance.

SECTION 9. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of CHAPTER 1 of the Dallas City Code, as amended.

SECTION 10. That this ordinance will take effect on February 1, 2009, and it is accordingly so ordained.

APPROVED AS TO FORM:

THOMAS P. PERKINS, JR., City Attorney

By _____
Assistant City Attorney

Passed _____

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