ORDINANCE NO. 2025-12-15

AN ORDINANCE OF THE CITY OF LADONIA, TEXAS, REQUIRING LICENSES; PERMITS AND CERTIFICATES OF OCCUPANCY FOR RENTAL PROPERTY LOCATED IN THE CITY OF LADONIA, TEXAS; PROVIDING RESIDENTIAL RENTAL REGISTRATION REQUIREMENTS; REQUIRING A REGISTRATION FEE; PROVIDING STANDARDS; PROVIDING FOR INSPECTION OF PREMISES; PROVIDING FOR APPEALS; PROVIDING FOR PENALTIES, ASSIGNING MAINTENANCE RESPONSIBILITIES; PROVIDING FOR INSPECTIONS; PROVIDING A SAVINGS CLAUSE, PROVIDING A SEVERANCE CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR PUBLICATION.

WHEREAS, the City of Ladonia ("City") is a type A city consistent with the laws of the State of Texas, with full power of local self-government; and

WHEREAS, the City is committed to ensuring that residential rental properties within the City's limits are safe and maintained in accordance with the public health, safety and property maintenance standards of the City; and

WHEREAS, property safety and maintenance are necessary to protect all residents of the City, and to maintain property values in the City; and

WHEREAS, property owners who fail to maintain their residential rental properties put tenants and others at risk of injury or death and reduced property values; and

WHEREAS, the City Council finds that there are an increasing number of property maintenance and safety issues at single-family residential rental properties in the City; and

WHEREAS, the City Council finds that annual registration and periodic inspections of residential rental properties can minimize the dangers and other negative impacts to the health, safety and welfare of tenants of residential rental properties as well as surrounding neighborhoods; and

WHEREAS, the City Council find and determines that it is in the best interest of the health, safety and welfare of the citizens of the City to adopt regulations for residential rental dwellings and provide for registration and inspections thereof within the corporation limits of the City.

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

SECTION 1. Legislative Intent

The preamble above is adopted as the legislative intent of this Ordinance.

SECTION 2. Definitions

In this ordinance:

Administrator means the department(s) or division(s) of the City designated by the City to administer and enforce the provisions of this Ordinance and any person or persons designated by such a department or division to represent the department or division for said purpose.

Building means any structure having a roof that is built, maintained, or intended for use for the shelter or enclosure of people, animals, or property of any kind.

Building Official means the building official, or his/her designee, for the City of Ladonia, Texas.

Dwelling means any enclosed space wholly or partly used or intended to be used for human habitation, living, sleeping, cooking, eating, and sanitation and shall include any on-site septic system or appurtenance belonging thereto.

Dwelling Unit means a room or group of rooms located within a dwelling forming a single habitable unit with facilities used or intended to be used by a single family for human occupancy such as living, sleeping, cooking, and eating purposes.

Landlord means any person who leases, barters, or rents a rental unit to another.

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

Property Manager means the owner, or the person appointed or hired by the owner to be responsible for the daily operation of a rental unit.

Rent means the offering, holding out or actual leasing of a rental unit to a person other than the owner and generally involves the payment of an amount of money as consideration for the right to occupy the Rental Unit, although other forms of consideration or no consideration at all may be involved.

Residential Rental unit means a single-family dwelling, two-family dwelling (duplex) or townhouse, or any portion thereof, that is rented or offered for rent for periods of 30 days or more. Renewal of a rental period after a 30 day occupancy makes the occupied property a Residential Rental Unit.

Single family dwelling means a freestanding building or manufactured home.

Tenant means any person who rents or leases a rental unit for living or dwelling purposes.

Townhouse means a single-family unit constructed in a group of three or more attached units separated by property lines in which each unit extends from foundation to roof and with a yard or public way on at least two sides.

Two-family dwelling (duplex) means a freestanding building or manufactures home on one lot, having separate accommodations for and occupied by not more than two families, one family in each dwelling unit.

SECTION 3. Registration Required, Exceptions

(a) Each owner of a residential rental unit within the City shall annually register each such rental unit with the City in accordance with procedures contained in this Ordinance. A separate annual registration shall be required for each residential rental unit.

(b) Unless otherwise provided in subsection (j), each owner of a residential rental unit within the City shall make application for registration with the City and pay a registration fee within thirty (30) days after the effective date of this Ordinance or the date of acquiring ownership of a rental unit or within thirty (30) days after the date an owner of a dwelling unit converts the dwelling unit into a residential rental unit.

(c) Application for rental registration shall be made upon a form provided by the City for such purposes, and shall include, at a minimum, the following information:

(1) Owner's name, address, work and home telephone number, driver license number, or identification card number and state of issuance of the owner;

(2) If owner is a partnership, the names of all partners, the principal business address, and telephone number of each partner;

(3) If owner is a corporation, the person registering must provide the state of incorporation, must provide the corporation's mailing address, the corporation's physical address, the name and telephone number of the corporate officer with ultimate responsibility for the residential rental unit, the registered agent for the corporation, and the names of all officers and directors or trustees of such corporation;

(4) Name, address and telephone number of the Property Manager or other person who has the authority to act on behalf of the owner;

(5) Name, address, telephone number of mortgagee or other lien holder (if there is a mortgage or lien against property);

(6) Street address of the rental unit;

(7) Maximum number of people that the unit is designed to occupy as determined by the current adopted International Residential Code and current adopted International Property Maintenance Code, as amended; and

(8) Signature of the owner or owner's agent.

(d) The City shall within thirty (30) days after receipt of the registration application, either issue a certificate of registration or notify the owner that the application does not comply with the requirements of this Ordinance.

(e) Unless otherwise provided in this Ordinance, a residential rental registration application shall be valid for each rental unit for one year, unless there is a change in ownership for that unit. A change in ownership shall be deemed to have occurred upon any of the following:

(l) Any change in the individual ownership of the residential rental unit;

(2) Any change in the ownership of any entity(s) in whose name(s) the current registration for the residential rental unit is issued;

(3) Where the residential rental unit is managed by a Property Manager, upon change in the individual Property Manager and/or the Property Manager's ownership; or

(4) Upon the dissolution of any entity having any ownership interest in the residential rental unit; or upon said entity: (i) petitioning for bankruptcy or reorganization under the Bankruptcy Code, (ii) being judged bankrupt, or (iii) becoming insolvent or having a receiver appointed.

(f) The initial, nonrefundable Registration Fee for all registration applications made on or prior to June 30, 2026, shall be $25 for each residential unit and paid to the City at the same time as the application is filed. The initial, nonrefundable Registration Fee for all registration applications made after June 30, 2026, shall be $50 for each residential unit and paid to the City at the same time as the application is filed. Registration applications must be renewed annually. The annual renewal of Registration Fee shall be $25. Initial applications may be pro-rated for the time remaining between the application and November 30th of that calendar year. All applications shall be renewed during November of the calendar year. The annual renewal registration fee is $25.

(g) Any Registration Fee required to be paid under this Ordinance shall be deemed late if received by the City after the due dates established by the Ordinance and/or Administrator, as the case may be, and the owner shall be required to submit a non-refundable late registration fee in the amount of $75.

(h) No rental unit may be occupied by a tenant without first having a valid certificate of registration. It is an offense for an owner of a rental unit within the City to permit or allow a tenant to occupy any rental unit without first being issued a valid certificate of registration for the rental unit in accordance with this Ordinance. If an owner is required to register more than one rental unit, the owner's failure to register any individual rental shall constitute a separate offense for each and every day that the owner continues to fail to register a residential rental unit within the City.

(i) It shall be further unlawful for any person to make and/or file false information on their residential rental registration application with the City.

Upon a change of ownership, the owner or his agent shall notify the City within thirty (30) days of the change of ownership of the residential rental property. A new Residential Rental Registration Application and Registration Fee in the amount of $50 shall be submitted by the new owner within thirty (30) days of the change of ownership.

(k) No person shall make connections from a utility, source of energy, power or water to any rental unit regulated by this code and requires a Certificate of Registration until they are in compliance with this Ordinance.

(l) This Ordinance does not apply to:

(I) Owner-occupied residential rental units; or

(2) Rental units regulated by another ordinance or zoning code of the City such as "weekend" rentals or motels.

(m) Pro Rated Terms.

An initial registration under this section may have the terms of the registration prorated so that the annual registration requirement becomes due in November of each year.

SECTION 4. General Requirements

(a) Residential Rental Certificate of Occupancy (RRCO) Required. In addition to annual registration, it shall be unlawful for any person to own, operate, manage, or maintain a residential rental unit or portion thereof, or to offer for occupancy thereof, without a current and valid RRCO having been issued for said property by the City, or to violate any other requirement of this Ordinance. Any person owning, operating, managing or maintaining residential rental unit shall obtain an RRCO for each separate unit prior to offering that unit for rent.

(b) RRCO Issuance, Renewal and Expiration. An RRCO shall be required for each residential rental property offered under lease and/or occupancy upon the effective date of this Ordinance and shall be in full compliance on or before September 1, 2026. For residential rental properties, offered leased or occupied for rent after the effective date, an RRCO shall be obtained prior to occupancy.

(1) All RRCO's shall expire immediately with the change of tenant.

(2) An applicant for an RRCO shall file a written application with the City upon a form provided for that purpose. The application shall be signed by the owner or his/her designated and authorized representative. Should an applicant own more than one residential rental property at more than one location, a separate

application shall be filed for each rental unit. The following information shall be required in the application:

(A) Address of property

(B) Name of tenant and all other residents of the rental property;

(C) Acknowledgment by property owner (or property manager) and tenant of receipt of copy of this "Residential Rental Property Ordinance" as a condition to receiving and maintaining an RRCO.

(3) The Administrator, or designee, may, at any time, require additional relevant information from the owner or property manager to clarify items on the application and to ensure compliance with this Section.

(4) Upon a change of tenant of residential property, a new RRCO shall be obtained before the new tenant may occupy the property. An RRCO Fee shall be charged for issuance of an RRCO.

(c) RRCO Fees. The fee for an RRCO, reinstatement of an RRCO, or renewal and other fees provided for in this ordinance shall be $25 plus cost of inspection.

(d) Replacement and Transferability. A replacement RRCO may be issued for one lost, destroyed or mutilated upon application on a form provided by the City. A replacement RRCO shall have the word "Replacement" stamped across its face and shall bear the same number as the one it replaces.

(l) A residential rental property RRCO is not assignable or transferable.

(2) The form of the RRCO shall be prepared by the Administrator.

(3) The RRCO shall be held by the owner and a second copy kept on the premises.

(e) Standards of Maintenance. In addition to the requirements set forth in this Ordinance, all exterior and interior residential rental properties, whether occupied or vacant, shall be maintained as set forth in subsection (g) hereof.

(f) Maintenance Responsibility.

(1) The owner of any property in the City, whether vacant or occupied, shall be responsible for maintenance of all structures, equipment, appliances and accessories to the property in compliance with all applicable ordinances and permit requirements in force in the City.

(2) No owner shall permit the occupancy of property that is not in safe and sanitary condition, or that does not comply with all ordinances and permit requirements in force in the City.

(3) The owner shall be responsible for paying all abatement fees, taxes and liens assessed on the property.

(4) The owner shall notify the City of any eviction notice issued to a tenant. Furthermore, the owner shall provide the City with a plan for the clean-up and removal of personal items from the property 24 hours after the eviction and shall be responsible for such clean-up and removal.

(5) Tenants of any property shall be responsible for keeping the interior and exterior of the property in a clean, orderly and sanitary condition as provided in this Ordinance and other applicable city ordinances and adopted codes.

(6) No tenant or owner shall willfully or wantonly, or by neglect or negligence, damage, deface or destroy any part of the property or cause or allow any condition detrimental to safety or sanitation or in violation of any ordinance.

(7) In the event of any dispute between owner and tenant, or when the tenant is absent or unwilling or unable to correct the violations, the property owner shall be held responsible for compliance with all ordinances that affect the property.

(8) All exterior areas of residential rental units, and the interior of every structure, shall be kept clean and free from any accumulation of rubbish, trash, debris, filth, or garbage.

(g) Inspections During Occupancy. Upon the request of a tenant, the Administrator may inspect a property for structural, electrical, mechanical or plumbing problems, ceiling leaks, smoke detector checks, and insect or rodent infestation. Owner or landlord has thirty (30) days to correct or repair any inspection failures or deficiencies. Minimum standards to be referenced during the inspection are included in the Rental Property Ordinance No. 9212020-I which refers to certain Sections of the International Property Management Code.

SECTION 5 . Change of Ownership Registration

(a) An RRCO issued under Section 4 shall remain in effect until such time as:

(1) a change of ownership occurs in any manner;

(2) the RRCO is revoked for non-payment of fees ;

(3) the RRCO is revoked for violation of this Ordinance; or

(4) the expiration of one year from issuance if items 1, 2 or 3 above do not apply.

(b) Upon a change of ownership, the new owner of each residential rental unit shall complete a new residential rental property registration application for each unit in the manner provided by this Ordinance and deliver the same together with the applicable Registration Fee and RRCO Fee to the Administrator's office within thirty (30) days of the change in ownership.

(c) The Administrator shall not be required to send notice to an owner for a change of ownership registration required under this Ordinance.

SECTION 6 . Inspection Required Upon Change in Occupancy

(a) The owner shall provide written notice to the Administrator upon each and every change

in tenant occupancy that requires a new lease, sublease, or an assignment of rights under an existing lease.

(b) An inspection of the rental unit shall be required upon the City's receipt of written notice of a change in occupancy. Inspections required under this Section shall be exterior inspection performed within 30 days of lease start date.

SECTION 7. Single, Two-Family (Duplex) and Townhouse Inspections

(a) The Administrator, in addition to any other applicable requirement of this Ordinance, may inspect the interior and exterior of a residential rental unit to determine compliance with applicable state and local laws including, but not limited to, the current adopted International Residential Code and the current adopted International Property Maintenance Code, as amended. The Administrator or agent may provide written notice of the date and time that the inspection will be conducted. Upon request and/or consent of the owner if the residential rental unit is vacant, or tenant(s) if the unit is occupied, the Administrator may conduct an inspection of the interior of a residential rental unit.

(b) The Administrator or designee shall enforce the provisions of this Ordinance upon presentation of proper identification to the owner or tenant in charge of any residential rental unit and, with the owner or tenant in charge of any residential unit and, with the owner or tenant's permission, may inspect the rental unit in accordance with this Section between the hours of 8:00am and 5:00pm. The Administrator's authority to conduct both exterior and interior inspections is subject to all limitations provided in state and federal law. If entry is refused by the owner or any occupant, or if consent to enter the rental unit cannot be obtained, the Administrator is authorized to seek a warrant permitting the Administrator's entry pursuant to Vernon's Ann. Texas C.C.P. Art. 18.05, as the same may be amended from time to time. Any warrant issued will constitute authority for the Administrator to enter upon and inspect the premises described therein.

SECTION 8. Enforcement, Violations and Penalties

(a) Any person who violates any provision of this ordinance is guilty of a misdemeanor which, upon conviction, shall be punishable by a fine not to exceed five hundred dollars ($500.00). However, a fine for the violation of a provision of this chapter that governs safety, zoning, or public health and sanitation shall be punishable by a fine not to exceed two thousand dollars ($2,000.00). Each day that an unmitigated violation of this ordinance is committed, continued, or permitted shall constitute a separate, punishable offense. Property owners found to be guilty of a misdemeanor violation as described above may have their RRCO revoked for the unit(s) affected until all violations are resolved to the satisfaction of the Administrator.

(b) Any person / entity in violation of the provisions of this Ordinance may be assessed a Civil Penalty of up to $500 per day for each day of violation. A Civil Penalty is in addition to other remedies provided in this Ordinance.

(c) Nothing is this Ordinance shall preclude the City's pursuit of any and all other remedies allowed under civil and criminal statutes, and in equity, to address situations and conditions which are treated in this Ordinance, under the theory of public nuisance or public health and safety. Neither shall the city be required, nor prohibited, to issue criminal citations before, after, or during any proceeding prescribed in this Ordinance. Specifically, in addition to provisions of this Ordinance, the City asserts full authority to exercise its right to remedies under all provisions of the Texas Local Government Code, including, but not limited to, Chapter 54, Subchapter B, Municipal Health and Safety Ordinances, in prosecution of civil suits for enforcement, injunctive relief, and civil penalties to remedy conditions of public concern described in this Ordinance.

SECTION 9. Joint and several liability for violations

The owner, agent, lessee and any other person in control of a residential rental unit shall be jointly and severally liable for a violation of this Ordinance. Jointly and severally liable for a Civil violation of this Ordinance and are considered a party for purposes of criminal prosecution.

SECTION 10. - Appeals

An owner, tenant or other person or entity affected by the enforcement of this Ordinance may appeal the enforcement decision of the Administrator, including but not limited to the denial of a residential rental registration application or certificate of occupancy, to the Board of Adjustments. Any such appeal must be made in writing and within fifteen (15) calendar days following the date
of the enforcement action or decision of the Administrator. The decision of the Board of Adjustments shall be final.

SECTION 11. Reserved for expansion

SECTION 12. Savings Clause

In the event that any other Ordinance of the City hereto enacted is found to conflict with the provisions of this ordinance, this ordinance shall prevail.

SECTION 13. Severance Clause

Should any word, phrase, sentence, paragraph or section of this ordinance be held invalid or unconstitutional by a court or competent jurisdiction, the remaining provisions of this Ordinance and the amendments herein shall remain in full force and effect.

SECTION 14. Effective Date

This Ordinance shall be effective following the date of publication.

SECTION 15. Publication

The City Secretary is hereby authorized and directed to cause publication of the descriptive caption and penalty clause hereof as an alternative method of publication provided by law.

DATE: April 20, 2026

Mayor, City of Ladonia

ATTEST:

City Secretary- City of Ladonia

David Hamilton
Attorney- City of Ladonia

SECTION 15. Publication

The City Secretary is hereby authorized and directed to cause publication of the descriptive caption and penalty clause hereof as an alternative method of publication provided by law.

DATE: April 20, 2026

Mayor, City of Ladonia

ATTEST:

City Secretary- City of Ladonia

David Hamilton
Attorney- City of Ladonia