

## **TOWN OF LAKEWOOD VILLAGE**

### **ORDINANCE 21-18**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LAKEWOOD VILLAGE, TEXAS, REQUIRING RECERTIFICATION OF OCCUPANCY INSPECTION UPON CHANGES IN WATER BILLING RESPONSIBLE PARTIES FOR PROPERTIES INSIDE THE CORPORATE LIMITS OF THE TOWN OF LAKEWOOD VILLAGE; REQUIRING A TCEQ CUSTOMER SERVICE INSPECTION FOR PROPERTIES INSIDE THE CORPORATE LIMITS OF THE TOWN OF LAKEWOOD VILLAGE AND PROPERTIES LOCATED IN THE EXTRA TERRITORIAL JURISDICTION OF THE TOWN OF LAKEWOOD VILLAGE WHICH RECEIVE WATER SERVICE FROM THE TOWN OF LAKEWOOD VILLAGE; PROVIDING FOR THE COLLECTION OF FEES; PROVIDING A SEVERABILITY CLAUSE; AND AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Lakewood Village (“the Town”) finds there are a growing number of residential rental properties, homes owned on a temporary basis, and unoccupied dwellings;

**WHEREAS**, inadequate home maintenance directly affects the health, life, safety and welfare of the citizens of the Town and Extra Territorial Jurisdiction (ETJ) and negatively impacts the health and vitality of the surrounding neighborhood, Town, and ETJ as a whole;

**WHEREAS**, it is the responsibility of the Town to protect the safety of new residents and ensure that existing structures are in compliance with relevant property maintenance codes;

**WHEREAS**, Title 30 Texas Administrative Code, Chapter 290, Rule 290.46 requires water providers to perform customer service inspections (CSI) where the water provider has reason to believe that cross-connections or other potential contaminant hazards may exist;

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LAKEWOOD VILLAGE, TEXAS, THAT:**

#### **Section 1: Findings**

The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

#### **Section 2: Repeal**

CO / CSI Ordinance 18-05 is hereby repealed in its entirety.

### **Section 3: Penalty Clause**

#### **A. Violation**

A person who violates any provision of this chapter is guilty of separate offenses for each day during which the violation is continued after notification. Neither allegation nor evidence of a culpable mental state is required for the proof of an offense defined by this ordinance.

#### **B. Fine**

Each offense is punishable by a fine of not more than two-thousand (\$2,000) nor less than two-hundred (\$200). The minimum fine established in this paragraph shall be doubled for the second conviction of the same offense within any 24-month period and tripled for the third and subsequent convictions of the same offense within any 24-month period. At no time shall the minimum fine exceed the maximum fine established in this paragraph.

### **Section 4: Legal Rights**

The penal provision imposed under this Ordinance shall not preclude the Town of Lakewood Village from filing suit to enjoin the violation. The Town of Lakewood Village retains all legal rights and remedies available to it pursuant to local, state, and federal law.

### **Section 5: Severability**

#### **A. Unconstitutional or Invalid Section**

Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect.

#### **B. Independent Sections**

The Town hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and/or phrases be declared unconstitutional or invalid.

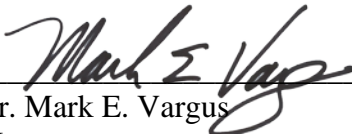
### **Section 6: Estoppel / Waiver**

The failure of the Town to enforce any term or condition of this Ordinance shall not constitute a waiver or estoppel or any subsequent violation of this Ordinance.

### **Section 7: Effective Date**

The amendments to this Ordinance shall become effective from and after its date of passage and publication as provided by law.

**PASSED AND APPROVED** by the Town Council of the Town of Lakewood Village, Texas  
this the 21st day of September, 2021

  
\_\_\_\_\_  
Dr. Mark E. Vargus  
Mayor

ATTESTED:

  
\_\_\_\_\_  
Linda Ruth, TRMC, CMC  
Town Administrator/Town Secretary





# **CERTIFICATE OF OCCUPANCY / CUSTOMER SERVICE INSPECTION ORDINANCE**

**Amended: September 21, 2021**

**Adopted: September 13, 2018**

## **SECTION 1: PROVISIONS**

### **1.1. PURPOSE**

A certificate of occupancy is evidence that the home complies substantially with the local codes as adopted by the Town of Lakewood Village and is safe to occupy.

### **1.2. APPLICATION**

#### **1.2.1. Certification of Occupancy**

The Town shall not provide municipal services (water, wastewater, or solid waste), nor shall the Town release electrical power, nor shall the town permit the occupancy of said residence until a Certification of Occupancy (CO) inspection has been performed and passed.

#### **1.2.2. Customer Service Inspection**

The Town shall not provide municipal services, nor shall the Town release electrical power, nor shall the Town permit the occupancy of said residence until a CSI inspection has been performed and passed. The CSI inspection report is to be retained by the Town for at least ten (10) years and is to be available for inspection by TCEQ (30 TAC Chapter 290.46(i)).

#### **1.2.3. Triggers**

- 1) A new home is constructed and occupied;
- 2) An application for utilities is received for an existing home; or
- 3) Reconnection of utilities for existing accounts that have not been in "good standing" for a period of six (6) months or more.

### **1.3. SCOPE**

This ordinance applies to all single and multi-family homes within the Town of Lakewood Village and the utility service area of the ETJ.

#### **Exceptions**

An inspection is not required if the change in the responsible billing party arises due to any of the following:

- 1) New home construction (builder to owner transfer);
- 2) Homes where a passing CO/CSI inspection has been obtained within 90 days prior to the current change in ownership or responsible party for a utility account; or
- 3) The new responsible party is a member of the current household.

### **1.4. CERTIFICATION OF OCCUPANCY INSPECTION**

The inspection shall be performed by the building official or his/her authorized designee. Areas to be covered under the inspection include general health and safety issues and include, but are not limited to:

- ☐ Electrical Hazards (exposed conductors, electrical service panels, GFCI protection in all wet areas, primary cold water ground and secondary grounding);
- ☐ Existing plumbing (visible leaks, fixtures, proper air gaps, vacuum breakers at all hose bibbs);
- ☐ Interior structure conditions (walls, ceiling);
- ☐ Smoke detectors (located in all bedrooms and adjacent areas);
- ☐ Foundation conditions (cracks/breaks);
- ☐ Stairs, hand / guardrail condition;
- ☐ Exterior surfaces (rotted);
- ☐ Exits from home (including operable bedroom windows);
- ☐ Heating equipment (water heater/furnace);
- ☐ A/C equipment condition (in proper working order);
- ☐ Adequate ventilation in bathrooms and laundry rooms (windows or exhaust fans);
- ☐ Garbage and debris (outside);
- ☐ Accessory buildings (structural condition, exterior surface rotted);
- ☐ Fence condition (rotted, upright position);
- ☐ Driveway / sidewalk hazards (cracks, breaks with more than three (3) inches of deflection and cracks in excess of three (3) inches); and
- ☐ Address posted minimum size four (4) inches of contrasting color.

#### **1.5. CUSTOMER SERVICE INSPECTION**

The inspection is to be performed by the building official or his/her authorized designee with a valid TCEQ CSI license or T.S.B.P.E. W.S.P. endorsement. The inspection shall assess whether the potential for contamination of the Town water supply exists. As per 30 TAC Chapter 290, the inspection should, at a minimum, ensure that neither cross-connections nor unacceptable plumbing practices are present, and identify and prevent potential contaminant hazards and illegal lead materials. The inspector must use the TCEQ approved CSI form (30 TAC 290.47(d)).

#### **1.6. FEES**

The fees associated with the required inspections and re-inspections are established in the Town's Consolidated Fee Ordinance.

#### **1.7. TEMPORARY CERTIFICATE OF OCCUPANCY (TCO) - NEW HOMES**

The granting of a Temporary Certificate of Occupancy (TCO) is at the discretion of the Town and is for new home construction only. Upon a request from a property owner, the building official is authorized to grant a Temporary Certificate of Occupancy in order to provide utilities which will allow the property owner to occupy the house while completing the final punch-list. The granting of TCO is subject to the following conditions:

1. A signed notarized agreement between the Town and the owner acknowledging:
  - a. The expiration date of the TCO,
  - b. The items to be corrected,

- c. An acknowledgement that utilities will be discontinued at the expiration of the TCO unless the CO/CSI inspection has been passed,
- d. The denial of a TCO by the Building Official can be appealed to the Town Council.

#### **1.8. TEMPORARY UTILITY SERVICES AGREEMENT - REMODELS**

If a new owner wishes to postpone the CO/CSI inspection to perform repairs/remodel, the Town may enter into a temporary utility services agreement. The terms of the agreement are:

1. The owner must complete a utility application and pay the deposit;
2. The dwelling cannot be occupied; no furniture can be placed inside the house; occupation of the house will be grounds for immediate termination of utility service.
3. The owner must submit a scope of work and obtain permits prior to beginning construction; based on the scope of work the building official will determine the expiration date of the agreement, however, the term cannot exceed 90 days.
4. The owner agrees that the Town's utility services can be disconnected if a CO/CSI inspection has not been passed by the expiration date. The Town building official can extend the agreement for an additional 90 days, at his discretion, based on the level of progress.

### **End of Exhibit A**

#### **Adoption and Summary of Amendments**

<b>Ordinance Number</b>	<b>Date</b>	<b>Summary</b>
21-18	September 21, 2021	<ul style="list-style-type: none"><li>• Clarified Temporary C/O terms</li><li>• Added Temporary Utility Services terms</li></ul>
18-05	September 13, 2018	<ul style="list-style-type: none"><li>• Added Section 1.7</li><li>• Repealed 16-02</li></ul>