

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARROLLTON, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY BY AMENDING TITLE IX, HEALTH, SAFETY AND PROPERTY MAINTENANCE, CHAPTER 99, APARTMENT CRIME REDUCTION PROGRAM, TO REVISE TERMS, PROCEDURES, REQUIREMENTS, AND STANDARDS FOR THE PROGRAM; PROVIDING FOR A PENALTY OF \$500; PROVIDING SAVINGS, SEVERABILITY AND PENALTY CLAUSES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Carrollton, Texas, has reviewed the need to continue the apartment crime reduction ordinance and has reviewed the entire ordinance;

WHEREAS, there are some apartment complexes in the City that have disproportionate crime rates as compared to other apartment complexes in the City or compared to the City crime rate;

WHEREAS, tenants at the apartment complexes are residents of the City and they as well as other residents of the City are impacted by crime;

WHEREAS, the City, by amending the mandatory apartment complex crime reduction program, desires to protect the tenants at these apartment complexes and all residents of Carrollton from the crime occurring at these complexes;

WHEREAS, there are measures that apartment complexes can take that are effective in increasing the safety of tenants and citizens and measures they can take to address the crime at their property; and

WHEREAS, to protect the health, safety, morals, and general welfare of the residents of the City of Carrollton, the City is amending Chapter 99 to ensure apartment complexes with higher crime rates are addressing crime and protecting their tenants and other residents of the City by mandating participation in a crime reduction program and requiring that apartment complexes in the program take steps to reduce crime, while also amending provisions to ensure due process is afforded to the apartment complexes.

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

SECTION 1

The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

SECTION 2

The Code of Ordinances of the City of Carrollton Title IX, Health, Safety and Property Maintenance is hereby amended to revise Chapter 99, “Apartment Crime Reduction Program” to read as follows:

“Sec. 99.01. – Purpose and Scope.

- (A) This chapter is known as the City of Carrollton Apartment Crime Reduction Program.
- (B) The purpose of this ordinance is to protect the health, safety, morals, and welfare of the occupants of all apartment complexes and other citizens of the City of Carrollton by obtaining greater compliance with minimum property standards through the establishment of a mandatory crime reduction program for apartment complexes, using principles effective in reducing crime to assess and incorporate safety and security measures on the premises of an apartment complex, and providing information and education regarding crime prevention and reduction strategies.
- (C) This chapter establishes due process provisions for the appeal of designation of an apartment complex into the Apartment Crime Reduction Program.
- (D) This chapter is found to be remedial and essential to the public interest, and it is intended that this chapter be liberally construed to effect its purpose.
- (E) The City of Carrollton establishes the standards in this chapter to protect public health and safety; however, nothing in this chapter shall be construed to waive the City’s governmental immunity from suit or from liability. Further, this chapter does not create a private cause of action other than one brought by the city or expand existing tort liability against an owner, agent, or other person in control of a designated apartment complex.

Sec. 99.02 - Administration.

The City Manager or his designee shall administer, implement, and enforce the provisions of this chapter. Any powers granted to, or duties imposed upon the City Manager or his designee, may be delegated by him to other City personnel or authorized representatives.

Sec. 99.03. - Definitions.

Agent. An agent of an apartment complex designated by the owner of the apartment complex in accordance with Sec. 99.04 of this chapter.

Apartment complex. An apartment complex is a multi-family dwelling community that contains 12 or more dwelling units that are rented, leased or offered for lease. This term includes the property on which the apartment complex is located.

Apartment complex crime index. The apartment complex crime index is calculated by dividing the total reportable events creditable to the apartment complex (A) by the total number of units in the apartment complex (B), then multiplying the product by 100, giving a ratio of crimes per 100 units for the apartment complex. This formula is expressed as:

$(A/B) \times 100 = \text{Apartment Complex Crime Index}$

Board. The Carrollton Property Standards Board.

City crime index. The city crime index is calculated by dividing the total reportable events in the city (X) by the total number of housing units in the City (Y), then multiplying the product by 100, giving a ratio of crimes per 100 housing units. This formula is expressed as:

$(X/Y) \times 100 = \text{City Crime Index}$

Crime risk safety threshold. The crime risk safety threshold is the city crime index.

City Manager. The City Manager or the City Manager's designee.

Designated apartment complex. An apartment complex whose apartment complex crime index exceeds the crime risk safety threshold.

Housing Unit. A residence such as a house, apartment, mobile home, or room(s) within a structure providing a space for occupants making up a single household to live and eat. Any determination made as to whether a space or structure is a housing unit shall apply equally in calculating the City and Apartment Complex crime indexes.

Owner. The owner of an apartment complex located in the City of Carrollton, Texas, including a person who shares an ownership interest in an apartment complex.

Reportable events. Reportable events include any and all incidents that occur in the City and that cause an offense or arrest report to be generated by the Carrollton Police Department. Reportable events include any investigation or self-initiated activity based on the observation(s) of a Carrollton Police Officer which results in an offense or arrest report. Notwithstanding the foregoing, reportable events shall not include: (a) arrests or offenses that result only from transition onto an apartment complex from the street as a result of police initiated traffic enforcement; (b) status offenses, i.e., offenses that constitute criminal activity because of the age of the accused, except the alcohol-related offenses of minor in possession and minor in consumption shall be included; (c) forgery and fraud offenses in which the victim resides at the apartment complex; (d) identity theft offenses in which victim resides at the apartment complex; (e) family violence offenses in which the victim resides at the apartment complex; and (f) criminal offenses or arrests that arise from an incident where an agent is the only complainant or from information provided to the police department solely by an agent.

The reportable events creditable to an apartment complex include any reportable events that occur on the premises of an apartment complex, including any reportable events occurring within the surrounding area that, through information or investigation, can be attributed to or traced to the premises of the apartment complex.

Sec. 99.04. - Designation of Agents.

- (A) The owner of an apartment complex shall designate at least one agent for the apartment complex for purposes of this chapter. The designation may be made by filing a city-supplied form with the City Manager. An owner may designate itself as its agent for purposes of this chapter. The designation of an agent shall include the following information:
 - (1) Names, current addresses, and telephone numbers of all owners, lien holders, and insurance companies for the apartment complex;
 - (2) State-issued driver's license or identification number and date of birth of the agent;
 - (3) If the owner is a corporation or association, the name, address, state-issued driver's license or identification number, and date of birth of the owner's registered agent for service of process;
 - (4) The trade name of the apartment complex; and
 - (5) The number of dwelling units within the apartment complex.
- (B) The owner shall update the information provided in the designation form within seven calendar days of any change.
- (C) The city may, at any time, require additional relevant information from the owner to clarify items on the form. The owner shall provide the required information within seven calendar days of the city's request.
- (D) When more than 50 percent of the ownership of an apartment complex changes or there is a change of a general partner or managing member, the new owner, partner, managing member, or other managerial agent, as applicable, shall supply current information to the city within 30 calendar days of the change.

Sec. 99.05. - Mandatory apartment crime reduction program.

- (A) All apartment complexes located in the city shall be subject to the mandatory apartment crime reduction program ordinance provisions.
- (B) The City Manager shall calculate the apartment complex crime index for each apartment complex in the city and the city crime index annually in the month of January for the previous calendar year. The City Manager may calculate the city crime index and the apartment complex crime index for an apartment complex at any other time determined necessary by the City Manager utilizing the records for the twelve months immediately preceding the month in which the indexes are being calculated. Reportable events are calculated in the City crime index and apartment complex crime index as classified in the offense report title as of the date of the crime index calculation. For the purposes of this ordinance, the city crime index and apartment crime index calculations shall be determined on reportable events occurring the same twelve month period. The City Manager, or his designee, must include all reportable offenses.
- (C) An apartment complex shall be designated to comply with all the requirements of this chapter when the apartment complex crime index for the apartment complex exceeds the crime risk safety threshold based on the City Manager's mandatory annual calculation under Section 99.05(B).
- (D) An apartment complex designated under subsection (C) of this section must remain in compliance with the requirements of this Chapter applicable to a designated apartment complex for at least one year, and thereafter until the apartment complex crime index for

the apartment complex falls below the crime risk threshold based on the mandatory annual calculation performed by the City Manager or another calculation performed by the City Manager under Section 99.05(B).

Sec. 99.06. - Notice of designation into the mandatory apartment crime reduction program.

- (A) The City Manager shall provide written notice to an agent of each apartment complex designated to comply with the requirements of this chapter under the mandatory apartment crime reduction program.
- (B) The notice must include the following information:
 - (1) The name and address of the apartment complex;
 - (2) A statement that pursuant to the mandatory apartment crime reduction program, the apartment complex is designated to comply with the requirements of Chapter 99, Carrollton City Code;
 - (3) A description of the fee and other requirements of the mandatory apartment crime reduction program;
 - (4) The apartment complex crime index and the city crime index that support the apartment complex's designation;
 - (5) The number of dwelling units used to calculate the apartment complex crime index;
 - (6) A statement that a mandatory inspection of the apartment complex premises will be conducted by the City Manager at a scheduled date and time; and
 - (7) A statement that the Apartment complex has a right to appeal the designation pursuant to Chapter 99 of the Carrollton Code of Ordinances.
- (C) Designation of an apartment complex under the mandatory apartment crime reduction program and application of the requirements of this chapter are binding upon all subsequent owners or other transferees of an ownership interest in the apartment complex.

Sec. 99.07. – Filing and delivery of notices.

- (A) Any written notice the City Manager is required to give a designated apartment complex under this chapter is deemed to be delivered:
 - (1) On the date the notice is hand delivered to an agent of the designated 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 an agent of the designated apartment complex at the most recent address provided in accordance with section 99.04.
- (B) Any and all correspondence, documents or other information required to be submitted or filed by an Apartment Complex to the City shall be delivered to the City Manager's Office and shall be deemed to be delivered:
 - (1) On the date the document is delivered to the City Manager's office during the City's regular business hours of operation; or
 - (2) Three days after the date the document is placed in the United States mail with proper postage and properly addressed to the Apartment Crime Reduction Program at the City of Carrollton City Manager's address.

Sec. 99.08. - Appeal from designation.

- (A) An owner or agent of an apartment complex may appeal the City Manager's designation of an apartment complex under the mandatory apartment crime reduction program to the Board by filing a written notice of appeal not later than ten calendar days after delivery of the notice of being designated. The notice of appeal shall set forth the following:
 - (1) The name and contact information of the person filing the appeal;
 - (2) The name and address of the apartment complex;
 - (3) A brief statement setting forth the material facts that are the bases for the appeal; and
 - (4) The verification (by declaration under penalty of perjury) by an owner of the apartment complex to the truth of the matters stated in the appeal.
- (B) The Board shall sit as an appeal board for the purposes of hearing appeals under this chapter.
- (C) If a written request for an appeal from designation is filed timely, the Board shall hear the appeal. Within 60 days after receipt of a timely written request for an appeal, the Board shall set a date for the hearing. The requirement for a designated apartment complex to comply with the requirements of this chapter shall be stayed until the Board issues its decision on the appeal.
- (D) A hearing by the Board may proceed if a quorum of the Board is present. The Board shall hear and consider relevant evidence offered by the apartment complex and by the City Manager. The Board shall not make findings on the merits of the individual reportable events in determining whether an event is properly included in the crime index calculations. 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 Board is limited to the issue of whether the apartment complex's crime index was greater than the crime risk safety threshold. The Board shall affirm the decision of the City Manager if the Board finds that the apartment complex's crime index exceeded the crime risk safety threshold and shall reverse the City Manager's decision if the Board finds that the apartment complex's crime index did not exceed the crime risk safety threshold.
- (F) The Board, and the apartment complex, shall be provided the following information regarding reportable events for the purposes of the appeal:
 - (1) the name of offender or subject of the investigation, except that in the case the offender is a juvenile, the name shall be provided only as "juvenile subject"
 - (2) offense title
 - (3) date of offense
 - (4) address where offense occurred, including apartment number if applicable
 - (5) name of the reporting person, except that: (a) in the case the reporting person is a juvenile, the name shall be provided only as "juvenile complainant"; and (b) in a case where the name is confidential by statute or other law, the name shall be provided only as "confidential complainant"
 - (6) name of the victim, except that: (a) in the case the victim is a juvenile, the name shall be provided only as "juvenile victim"; and (b) in a case where the name is confidential by statute or other law, the name shall be provided as "confidential victim"
 - (7) the address of the victim for forgery and fraud offenses, identity theft offenses, and family violence offenses included in the calculation of the apartment complex crime index, except when such address is confidential by statute or other law

- (G) The Board's decision must be by a majority vote of the members present at the hearing. In the case of an even vote such that a majority vote cannot be reached to uphold or reverse the City Manager's decision, then the decision of the City Manager shall remain unchanged. The decision of the Board is final, and no rehearing may be granted.

Sec. 99.09. - Apartment complex inspections.

- (A) The City Manager shall inspect each designated apartment complex for the purpose of:
- (1) Determining whether the designated apartment complex is in compliance with applicable state law and city ordinances relating to public safety and security, including, but not limited to, requirements for locks, door viewers, signage, building numbering, and additional crime prevention measures as applicable;
 - (2) Evaluating 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) Determining whether the apartment complex is in compliance with this chapter.
- (B) The City Manager is authorized at a reasonable time to inspect:
- (1) The exterior of a designated apartment complex; and
 - (2) The interior of a designated apartment complex, if the permission of an agent or other person in control is given or if a search warrant is obtained.
- (C) The City Manager shall inspect each designated apartment complex at least twice during each period that the apartment complex is designated. The first inspection must be conducted within 10 days of delivery of the notice of designation, and the second inspection must be conducted at least 30 days after notice of designation has been delivered. The City Manager may perform additional inspections of any designated apartment complex if deemed necessary for the administration and enforcement of this chapter.
- (D) An owner or agent commits an offense by refusing to permit or interfering with a lawful inspection authorized by this chapter or other law.
- (E) If a violation of this chapter or any state law or city ordinance applicable to the apartment complex is observed during an inspection authorized by this section, the City Manager shall re-inspect the apartment complex, after the expiration of 30 days to determine if the violation has been corrected.

Sec. 99.10. - Conference with the City Manager.

- (A) At least once during each period that a designated apartment complex is designated the City Manager shall conference with an agent of the apartment complex to review:
- (1) The requirements of the mandatory crime reduction program;
 - (2) The results of the City Manager's inspection of the designated apartment complex;
 - (3) Any voluntary recommendations for reducing crimes on or near the designated apartment complex; and
 - (4) Any other information relevant to the designation of the apartment complex in the apartment crime reduction program.
- (B) Within 10 days of the date of first inspection, an owner or agent of a designated apartment complex shall schedule a conference with the City Manager or designee. An owner commits

an offense if the owner or agent fails to schedule a conference or fails to attend, or fails to require an agent to attend, the scheduled conference.

Sec. 99.11. - Requirements for designated apartment complexes.

- (A) Within 30 calendar days after receiving notice of being designated, a designated apartment complex must meet all of the requirements of this chapter, except as provided for sections 99.11(F) and (G) or where a modification request pursuant to 99.11(C) is timely submitted. A designated apartment complex must meet the requirements of Sections 99.11(F) and (G) within 60 calendar days after notice of being designated is delivered. The City Manager may extend the deadlines of this section, in increments not exceeding 30 calendar days each, upon a sufficient showing by the owner or agent that the work cannot be performed within the required time period because of its scope and complexity.
- (B) Lighting.
 - (1) The exterior of the designated apartment complex, including adjacent public sidewalks and parking lots under the control of the owner or manager of the apartment complex, shall be illuminated at least between one hour after sundown and one-half hour before sunrise. Such illumination shall be to such a degree that the facial features of a person at least five feet in height are distinguishable from a distance of 35 feet, and shall provide a minimum of four-tenths of one foot-candle of illumination on the premises of the designated apartment complex.
 - (2) Security lighting must be in compliance with all applicable city ordinances. If there is any conflict between this section and another city ordinance, the more restrictive requirements shall apply.
- (C) Landscaping.
 - (1) No bush or shrub on the premises of a designated apartment complex may be taller than three feet in height, and no tree on the premises of a designated apartment complex shall have any branch lower than seven feet above the ground. except as follows:
 - a. Upon proper written request, the City Manager may allow an apartment complex to maintain:
 - 1. a shrub or bush taller than three feet in height if the foliage is cut three feet from the ground, and a person on one side of the shrub or bush has a clear view of the feet and lower leg of a person on the other side of the shrub or bush, or if sufficient evidence is provided by the apartment complex that a proposed modification would provide the same crime prevention as the standard requirement for a shrub or bush in this section; or
 - 2. a tree so that it has a branch lower than seven feet above the ground if sufficient evidence is provided by the apartment complex that a proposed modification would provide the same crime prevention as the standard requirement for trees in this section.
 - b. A written request to the City Manager for a modification to 99.11(C) must be submitted by an owner or agent within 10 calendar days of the first inspection of the property;
 - c. Within ten calendar days of receiving a written request for a modification described in 99.11(C), the City Manager shall grant or deny the request in writing and deliver the decision to an owner or agent; and

- d. A copy of the request for a modification described in 99.11 and the approval by the City Manager must be maintained by the City Manager while the designated apartment complex remains in the mandatory crime reduction program.
- (3) All trees, shrubs, bushes, and other landscaping must be maintained in compliance with all applicable city ordinances. If there is any conflict between this section and another city ordinance, the more restrictive requirements shall apply.
- (D) Locked common areas. All enclosed common areas of a designated apartment complex (including, but not limited to, laundry rooms, club rooms, pools and fitness rooms) must be kept locked and may only be accessed with a key, key card, key pad, or similar device.
- (E) Key control plan. A description of the plan and procedures for storing and assessing keys, key cards, and key codes to dwelling units, enclosed common areas, and other facilities of a designated apartment complex must be filed with the City Manager.
- (F) Entry doors. The front entry door to each apartment must be solid core or metal.
- (G) Fencing.
 - (1) The perimeter of the entire premises of a designated apartment complex must be enclosed with a fence that is at least six feet in height, except that if a lower height is required by another ordinance the fence must be the maximum height allowed under the other city ordinance.
 - (2) Vehicular driveways and pedestrian walkways are not required to be fenced or gated, except that the combined width of openings due to vehicular driveways and pedestrian walkways shall not exceed ten percent of the entire length of the perimeter of the premises.
 - (3) All fencing must be maintained in compliance with applicable city ordinances. If there is any conflict between this section and another city ordinance, the more restrictive requirements shall apply.
- (H) Pay phones. All pay phones located at a designated apartment complex must be blocked to incoming calls or removed from the apartment complex, unless the pay phone is otherwise required by law.
- (I) Background checks.
 - (1) A designated apartment complex must obtain a current criminal history report issued by the Texas Department of Public Safety within the preceding 12 months or criminal history information obtained from an on-line database approved by the Carrollton Police Department for all current employees of the designated apartment complex and applicants for employment at the designated apartment complex.
 - (2) A designated apartment complex must obtain a current criminal history report issued by the Texas Department of Public Safety within the preceding 12 months or criminal history information obtained from an on-line database approved by the Carrollton Police Department for all persons 17 years of age or older who apply for occupancy in a designated apartment complex and for every proposed member of the applicant's household who is 17 years of age or older.
 - (3) A designated apartment complex must obtain a current credit report for all prospective tenants 18 years of age or older and for all members of their proposed household who apply or are required by the apartment complex standard policies to apply for occupancy in the designated apartment complex.
 - (4) All records maintained on an employee or tenant in compliance with this section must be retained by the designated 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 designated apartment complex.

(J) Crime watch meetings.

(1) Crime watch meetings at the apartment complex.

- a. At least one crime watch meeting must be held every six months at the designated apartment complex.
- b. The designated apartment complex must post written notice in the common areas of the apartment complex in English and Spanish notifying the tenants of the crime watch meetings at least ten calendar days prior to the meeting.
- c. The City Manager must be given at least ten calendar days' advance written notice of the meeting.

(2) Neighborhood crime watch meetings. An agent of a designated apartment complex shall attend at least two crime watch meetings each calendar year in addition to the meetings required by section 99.11(J)(1). 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 apartment complexes, 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 Carrollton Police Department. The meetings must be attended in the neighborhood in which the designated apartment complex 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 an agent of the designated apartment complex must be submitted to the City Manager upon request. In lieu of this requirement, an agent of a designated apartment complex can, within each calendar year, attend at least 3 apartment manager meetings sponsored by the Carrollton Police Department.

(3) Apartment complex crime prevention and information seminar. An agent shall attend the apartment complex crime prevention and information seminar as provided by the Carrollton Police Department.

(K) Residential security survey.

- (1) The designated apartment complex shall distribute a residential security survey, on a form provided by the City Manager, to each resident of the apartment complex who is 18 years of age or older. Distribution shall be required within 30 days of being notified of a status as a designated apartment complex.
- (2) The designated apartment complex shall file all returned surveys with the City Manager within 30 calendar days after distribution.
- (3) The owner shall insert the following language in each lease or renewal thereof if the apartment complex does not use the standard Texas Apartment Association rental lease: "Failure to disclose the information, or providing untruthful answers, in this form, or any other addendum or renewal shall be grounds for eviction."

(L) Program fees.

- (1) A program fee of \$500.00 will be charged to each designated apartment complex to defray the costs incurred by the city in administering the requirements of this chapter including conducting inspections, manufacturing signs, mailing of notices, and conducting meetings, . The program fee shall be charged each time that an apartment complex is designated under the mandatory apartment crime reduction program.

- (2) The program fee shall be submitted to the city within 30 calendar days after receiving notice of being a designated apartment complex. No refund of a program fee will be made.
- (M) On-site security.

The designated apartment complex may be required by the City Manager to provide 24-hour on-site security provided by commissioned security officers upon evidence provided by the police department that it is reasonably necessary to protect the health and safety of the tenants and other city residents. All commissioned security officers must be in uniform while working on the premises of a designated apartment complex and must be registered with the Private Security Bureau of the Texas Department of Public Safety. Commissioned security officers must have a Class B security contractor license issued from the Private Security Bureau of the Texas Department of Public Safety.

Sec. 99.12. – Appeal for modification and on-site security requirements.

- (A) A designated apartment complex may request a modification of the fencing or landscaping requirements set forth in this Chapter by filing a written request with the City Manager not later than ten calendar days after delivery of notice of:
 - (1) Being designated as a designated apartment complex under the mandatory crime reduction program and notified of the requirement for fencing after an inspection by the City Manager.
- (B) An owner or agent of a designated apartment complex may appeal the decision of the City Manager to require on-site security or to deny a landscaping or fencing modification by filing a written request with the Board not later than ten calendar days after delivery of written notice of the City Manager's decision to require on site security or to deny the request for a modification.
- (C) If a written appeal of a City Manager's determination is timely filed with the Board, the Board shall consider the request. Within 45 calendar days of a timely written request for appeal of the City Manager's decision related to on-site security or fencing and/or landscaping modifications under this section, a date for the hearing shall be set. The requirement to comply with the applicable fencing and/or landscaping requirements shall be stayed until a final decision is made by the Board pursuant to section 99.12(G).
- (D) The Board shall hear and consider all relevant 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 relevant evidence presented at the hearing.
- (E) The 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 designated apartment complex will serve to deter and reduce crime at the apartment complex to the same extent as the fence required under section 99.11(G); and
 - (2) The existing fence or barrier or the proposed fence or barrier complies with all other applicable city ordinances.
- (F) The Board shall grant an agent's landscaping modification if it finds that:
 - (1) A person on one side of the shrub or bush has a clear view of the feet and lower leg of a person on the other side of the shrub or bush;
 - (2) Such modification will serve to deter and reduce crime at the designated apartment complex to the same extent as the standard landscaping requirements under this ordinance; and

- (3) The requested modification complies with current requirements under all City ordinances.
- (G) The Board shall grant or deny the request for a landscaping or fencing modification by a majority vote of the members present at the hearing. The decision of the Board is final, and no rehearing may be granted. A favorable vote by a majority of the members present at the hearing is required in order to grant a request.
- (H) If the Board has previously granted a request for a landscaping or fencing modification, the modification remains valid and does not have to be renewed unless the apartment complex is designated for the crime reduction program in a subsequent year and the City Manager makes a determination the existing landscaping or fencing:
 - (1) does not comply with the Board's modification requirements or has not been sufficiently maintained according to the requirements; and
 - (2) fails to deter and reduce crime at the designated apartment complex to the same extent as the landscaping or fence or other barrier required by this ordinance.
- (I) Upon a determination made by the City Manager under subsection (H) of this section, the City Manager shall notify an owner or agent of the designated apartment complex in writing of such determination. The notice must include the reason for the determination, the date the City Manager orders compliance with the ordinance be completed, and a statement informing an agent of the right to appeal the decision to the Board pursuant to 99.12.
- (J) The grant of a request for modification of the landscaping or fencing requirements does not exempt a designated apartment complex from complying with any other provision of this chapter or other applicable city ordinances.

Sec. 99.13. - Adoption of rules by the Board serving as an appeals board.

The Board may adopt rules to govern its proceedings and conduct of business before the Board. Any rule or rules shall be adopted by a resolution by the Board entered upon the minutes of the Board and a copy thereof shall be filed with the City Manager.

Sec. 99.14. - Appeals to District Court.

Once a decision of the Board is issued, the decision may be appealed to the State District Court by the city, the owner or agent of the designated apartment complex, or by any other person aggrieved by the decision. An appeal to the State District Court must be filed within 30 calendar days after the date of the Board's final decision. An appeal to the State District Court is limited to a hearing to determine whether or not the Board abused its discretion. An appeal to the State District Court will not toll the enforcement of this chapter.

Sec. 99.15 - Signs:

- (A) All apartment complexes in the city must display two signs, both of which contain the following language:

ALL APARTMENT COMPLEXES IN THE CITY OF CARROLLTON ARE SUBJECT TO THE APARTMENT CRIME REDUCTION PROGRAM. PLEASE CONTACT THE CARROLLTON POLICE DEPARTMENT FOR INFORMATION REGARDING COMPLIANCE AT THIS LOCATION.

IT IS A VIOLATION OF CHAPTER 99 OF THE CITY OF CARROLLTON CODE OF ORDINANCES TO INSTRUCT A PERSON THAT THEY MAY NOT REPORT CRIMINAL ACTIVITY THAT IS OBSERVED OR SUSPECTED AT AN APARTMENT COMPLEX OR TO THREATEN EVICTION FOR REPORTING CRIMINAL ACTIVITY THAT IS OBSERVED OR SUSPECTED AT AN APARTMENT COMPLEX.

- (B) Signs required by this section shall be maintained in good condition, and the letters on the signs shall be in a contrasting color to the background of the sign with block letters at least one inch in height.
- (C) Signs required by this section must be displayed in a conspicuous manner clearly visible to the public.
- (D) If there is a leasing office located on the premises of the apartment complex, one such sign shall be located at the entrance to the leasing office, and another shall be located inside the leasing office.
- (E) One set of signs will be provided to each apartment complex by the City, and must be properly displayed within five calendar days of receipt.

Sec. 99.16. - Criminal penalty; continuing violations.

- (A) A violation of any of the provisions of this chapter shall be punishable by a fine not to exceed \$500.00, and shall not require a culpable mental state.
- (B) It shall be a violation of this chapter for:
 - (1) an owner or an agent or any other person at their direction, or
 - (2) any personto instruct another person that they may not report criminal activity that is observed or suspected at an apartment complex.
- (C) It shall be a violation of this chapter for:
 - (1) an owner or an agent or any other person at their direction, or
 - (2) any personto instruct another person that they could be evicted from an apartment complex for reporting criminal activity that is observed or suspected at an apartment complex.
- (D) Each day any violation of any provision of this chapter continues shall constitute a separate offense. Each structure or premises which are in violation of any part of this chapter is a separate offense. Each violation in any structure or premises is a separate offense.”

SECTION 2

Section 10.99 – General Penalty (A)(1) of the Carrollton Code of Ordinances is amended by adding Chapter 99 to the list.

SECTION 3

Section 10.99 – General Penalty subsection (A)(2) of the Carrollton Code of Ordinances is amended by removing Chapter 99 from the list.

SECTION 4

The provisions of this ordinance are severable in accordance with Section 10.07 of the Carrollton Code of Ordinances.

SECTION 5

If any section, subsection, sentence, paragraph, clause, phrase or provision in this Ordinance, or application thereof to any person or circumstance, shall be adjudged invalid or held unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares it would have passed such remaining portions of the Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 6

Any person violating a provision of this ordinance, upon conviction, is guilty of an offense punishable as provided in Section 10.99 of the Carrollton Code of Ordinances.

SECTION 7

This Ordinance shall become and be effective on and after its adoption and publication.

DULY PASSED AND APPROVED by the City Council of the City of Carrollton, Texas, this 6th day of December, 2016.

Matthew Marchant, Mayor

ATTEST:

Laurie Garber, City Secretary

APPROVED AS TO FORM:

Susan Keller, Assistant City Attorney

APPROVED AS TO CONTENT:

Rex D. Redden, Chief of Police