



AUSTIN CODE DEPARTMENT



2015 COA Property Maintenance Code Recommendation



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Code Recommendation related to Insect Screens



AGENDA

- **Summary of Recommendation related to Insect Screens**
- **Stakeholder Feedback**
- **Interdepartmental Input**
- **Comparison with other cities**
- **Public Health Risk Factors and Trends**
- **Staff Recommendation**

Austin Texas Current Screening Requirements



Window and Door Insect Screen Code Requirements							
Code	Housing Code in 1977	1976 Uniform Building Code (UBC)	2009 International Property Maintenance Code (IPMC)	2009, 2012, 2015 International Residential Code (IRC)	2009, 2012, 2015 International Building Code (IBC)	2017 Building Criteria Manual	Proposed 2015 IPMC Requirement
Adopted by COA?	Yes, through 1977 City Council Amendment of Chapter 40 of the Austin City Code	Yes	Did not adopt insect screens provisions	Yes	Yes	Yes	Pending: Gathering Public Input
Relevant Section	Chapter 40 Article 1 Section D:Health Standards Subsection (2)	Ch. 13: Requirements for Group R, Division 1 Occupancies, Exit Facilities; Sect. 1304	304.14 Insect Screens	R312.2 Window Fall Protection	Section 2405 Sloped Glazing and Skylights, 2405.3 Screening.	Section 2.2.0 Building Permits, Food Establishments	304.14 Insect Screens
General Interpretation	All openings in a dwellings without refrigerated air is required to have insect screens	Operable windows on residential and some commercial structures required for bedrooms or exterior doors (emergency exits)	Screens required seasonally on residential structures. Example: April to December. Required on every door, window and opening used for ventilation.	This section defines window fall protection including required window seal dimensions designed to reduce or prevent falls. Does not allow insect screens as a substitution for protection against falls.	This section describes screen requirements for residential and commercial structures under certain conditions. It also describes where exceptions apply, generally related to structures with two or more dwelling units, and other exceptions.	This section requires insect screens for commercial structures that include food establishments and rooms where food is prepared, served and/or consumed.	Screens required seasonally on residential structures. Example: April to December. Required on every door, window and opening used for ventilation.
Code Exerpts	"Provide a structure intended for human habitation with a screen for keeping insects at each of the structure, if the structure is not cooled with refrigerated air."	[...] Every sleeping room below the fourth story shall have at least one operable window or exterior door approved for emergency egress or rescue. The units shall be operable from the inside to provide a full clear opening without the use of separate tools. All egress or rescue windows from sleeping rooms shall have a minimum net clear opening of 5.7 square feet. [...]	During the period from [DATE] to [DATE], every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.	In dwelling units, where the opening of an operable window is located more than 72 inches (1829 mm) above the finished grade or surface below, the lowest part of the clear opening of the window shall be a minimum of 24 inches (610 mm) above the finished floor of the room in which the window is located. Operable sections of windows shall not permit openings that allow passage of a 4-inch diameter (102 mm) sphere where such openings are located within 24 inches (610 mm) of the finished floor.	Where used in monolithic glazing systems, heat strengthened and fully tempered glass shall have screens installed below the glazing material. 4. Screens shall not be required in individual dwelling units in Groups R-2, R-3, and R-4 where fully tempered glass is used as single glazing or as both panes in an insulated glass unit, and the following conditions are met: 4.1 Each pane of the glass is 16 square ft or less in area; 4.2 The highest point of the glass is 12 ft or less above any walking surface or other accessible area; 4.3 The glass thickness is 3/16 inch or less.	23. All outside openings must have tight fitting self-closing doors, closed windows, screens or controlled air currents. 24. Screens must be tight fitting and free of breaks. 25. Screen material not less than 16 mesh to the inch	During the period from (date) to (date) every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of minimum 16 mesh per inch and every screen door used for insect control shall have a self closing device in good working condition.



Purpose

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PART 2. The Council directs the City Manager to engage in additional stakeholder discussion related to insect screening requirements and to bring any recommended ordinance changes to Council by June 30, 2018.

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ACD Recommendation

In consideration of the results of **community** input, **internal** departmental feedback and an already present ordinance that can address the concern of inadequate window protection it is the recommendation of the Austin Code Department to **not consider** implementation of the proposed amendment. Currently the concern related to substandard conditions or safety and health related complaints may be addressed by current ordinances within the International Property Maintenance Code .



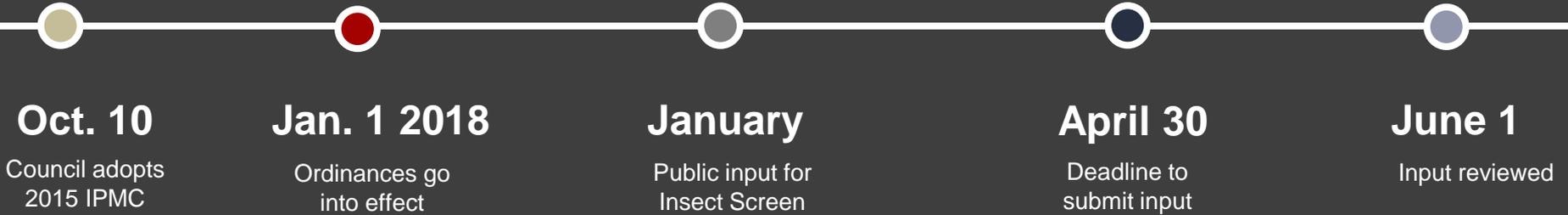
Stakeholder Feedback

The Code Education and Outreach Division utilized several outreach mediums.

- Targeted stakeholder involvement
- Quantitative online thorough survey (English and Spanish)
- Radio station social media poll (Spanish): 3rd party poll 107.1
- Kids' Festival face-to-face poll with parents (English and Spanish)
- Qualitative email communication with the community



Insect Screen Feedback timeline



Quantitative and Qualitative Stakeholder Feedback



Emails

ACD received more than 100 emails. More than **94%** expressed concerns including the following mentions:

- 22% mentioned it would cause financial burden
- 22% mentioned “government overreach”



Survey

3,000+
responses

88%
Rated insect screens
as “not important”

Stakeholder Feedback

Question: Please rank the following requirements to insect screens by order of importance to you

	<i>Not important</i>	<i>Moderately important</i>	<i>Very important</i>
<i>Required for every door</i>	92%	5%	4%
<i>Required for every window</i>	88%	5%	6%
<i>Required for every outside opening required for ventilation</i>	86%	7%	7%

Tenants Feedback

Question: Please rank the following requirements to insect screens by order of importance to you

	<i>Not important</i>	<i>Moderately important</i>	<i>Very important</i>
<i>Required for every door</i>	69%	11%	20%
<i>Required for every window</i>	60%	9%	31%
<i>Required for every outside opening required for ventilation</i>	58%	12%	29%

Stakeholder Input

“

During the period from (date) to (date) every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of minimum 16 mesh per inch and every screen door used for insect control shall have a self closing device in good working condition.

”



Interdepartmental Communication

- Is there a quantitative risk associated with insects?
- What types of precautionary measures exist now?
- What cost impact will this have on owners?
- What is the real benefit for insect screens?



Is there a quantitative risk?

Mosquito-borne disease transmission is an on-going public health concern. However, to further minimize the risk of mosquito-borne disease transmission, APH participates in about 20 public outreach events each year to provide educational information. Due to increased public education there is **no** increased risk of disease.

Table 2. Number of Reported Zika Virus Cases in Texas by Exposure Classification, 2015-2018*

Year	Number of Cases	Travel-associated	Local Mosquito Transmission	Other Transmission (Sexual)
2015	8	8	0	0
2016	315	307	**6	2
2017	55	50	* **5	0
2018	3	3	0	0

Source: Texas Department of State Health Service and the Center for Disease Control

*Data as of May 25, 2018

**2016 local mosquito-transmission cases from Cameron Count

***2017 local mosquito-transmitted cases Cameron County (1) and Hidalgo County (4)

In 2012, an outbreak of West Nile virus occurred in Texas. Over 1,800 human cases were reported (Table 4). During this outbreak, 153 human cases were reported in Travis County (Table 1).

Table 4. Number of Mosquito Pools, Birds, Horses, Sentinel Chickens and Humans with Evidence of West Nile Virus Infections, Texas, 2012 - 2018*

Year	Mosquito	Birds	Horses	Sentinel Chicken	Human					Total
					Fever	Neuroinvasive	Total (Human)	Deaths	PVD†	
2012	1,403	211	121	0	1,024	844	1,868	89	103	3,603
2013	487	5	69	0	70	113	183	14	36	744
2014	2,032	77	25	0	126	253	379	6	59	2,513
2015	1,565	14	31	1	79	196	275	16	32	1,886
2016	1,775	5	135	17	112	235	347	16	46	2,279
2017	1,041	3	19	0	48	85	133	5	14	1,196
2018*	4	0	0	0	0	0	0	0	0	4

What cost impact will this have on owners?

 Affordability Impact Statement Neighborhood Housing and Community Development Department Insect Screen Ordinance	
Proposed Regulation	The proposed ordinance would add a requirement to the Property Maintenance Code requiring all landlords and homeowners to install and maintain insect screens on all residential windows and doors in non-mechanically ventilated rooms.
Impact on Housing Cost	<input type="checkbox"/> Positive <input checked="" type="checkbox"/> Negative <input type="checkbox"/> Neutral The estimated average cost per screen is \$37. If a homeowner had to add all new screens to an average single family home it could cost approximately \$225. Considering the vast majority of residential homes would either already be in compliance with this requirement or exempt from the requirement, as all or most rooms would be mechanically ventilated, the magnitude of impact citywide is likely marginal. Nevertheless, the proposed requirement will likely impact the most cost-burdened and vulnerable homeowners and the negative impact for these individuals and families not in compliance or exempt could be significant.
Imagine Austin Housing and Neighborhood Policies Implemented	None.
Strategic Housing Blueprint Strategies Implemented	None.
Other Policy Considerations	The proposed requirement addresses public health policy concerns and attempts to decrease the occurrence of insect-borne diseases.
Proposed Alternative Policy Language	None.
Date Prepared	May 23, 2018
Manager's Signature _____	

- The estimated average cost per screen is \$37. If a homeowner had to add all new screens to an average single family home it could cost approximately \$225.

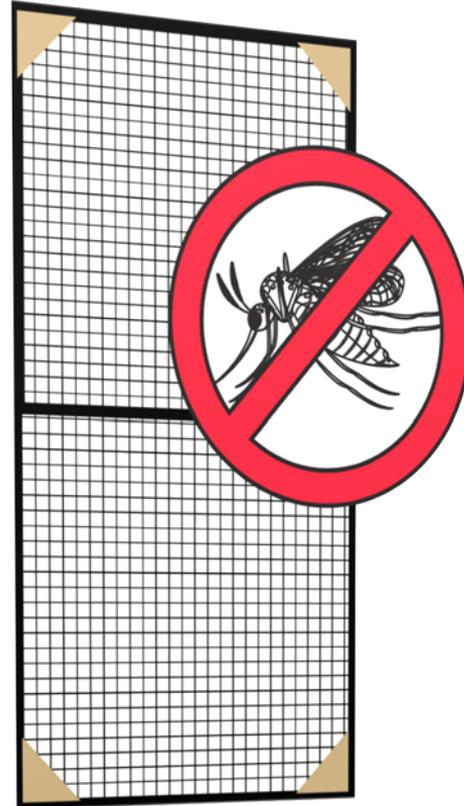


- The proposed requirement will likely impact the most cost-burdened and vulnerable homeowners and the negative impact for these individuals and families not in compliance or exempt could be significant.

What is the benefit to having screens?

- Screens allow for ventilation
- Diminished increased insect risk in food preparation areas
- Reduce insect risk entrance into the home
- Allows for added privacy to the home

*Insect screens shall not be considered as guards. Which are covered under the IRC Code R312.1.1



Insect Screen Research



- Comparison of these cities, and additional Texas cities, seeking ordinances or related policy to Austin's current proposed ordinance of insect screens.
- All research notes and relevant ordinance links can be found here:
 - G:\Code Enforcement\ACD Admin Operations\GIS\Projects\Code Industry Research\2018-04-25 Insect Screen Requirement\00_Research

Ordinance Comparison Chart

Cities	State	Ordinance	Legal Reference
Fort Worth	TX	Yes	Chapter 7, Article 4- <u>Min Stds</u> § 7-93
City of Houston	TX	Yes	Chapter 29, Article III, Division 6, Sec. 29-122. - Insect and rodent control
Dallas	TX	No	
El Paso	TX	No	
San Antonio	TX	Yes	Chapter 6, Article IV, Sec. 6-52, 304.14 Insect screens
Austin	TX	No	
Atlanta	GA	Yes	Part III, App. E, Article II, Sec 21. <u>Min Stds</u>
Chicago	IL	No	
Boston	MA	Yes	105 CMR (Dept. of Public Health), 410.551, 410.552 and 410.553, <u>Min Stds</u>
Trenton	NJ	No	
Fort Lauderdale	FL	Yes	Sec. 9-278. - Light, ventilation
Washington	DC	No	
Tampa	FL	Yes	Chapter 19, Div2, Sec.19-231, (7) Protection against mosquitoes



Public Health Response

Austin Public Health – Vector Control



- APH conducts mosquito control on an ongoing basis through integrated mosquito management (IMM).
- The IMM approach focuses on conducting site assessments of likely mosquito breeding areas; mosquito surveillance, trapping and testing; public outreach and education; and, the application of control measures such as larviciding and adulticiding (the extermination of larval and adult mosquitos, respectively).



Risk Factors

- APH's Environmental Health Officers conduct site assessments of properties to identify actual or likely mosquito breeding areas.
- These assessments are frequently conducted at the request of property owners; other areas are assessed based on local drainage patterns, vegetation type, or accumulation of debris, such as used tires.





ADULTICIDING RESPONSE RISK LEVELS

Policy: Establish procedures for adulticide spraying in the City and County in response to identified “Risk Levels” associated with the probability of a human mosquito-borne disease outbreak in accordance with the Department’s Mosquito-borne Disease Response Procedure.

Procedure:

- **Risk Level One – Normal Response**
Conditions: Low probability of human outbreak
Trigger: Normal mosquito activity with little or no evidence of arbovirus isolates from adult mosquito samples collected at different times and locations.

Site assessments with education given out to property owners stating actions to be taken to eliminate mosquito breeding sites. When able, larviciding will take place as needed.

- **Risk Level Two – Enhanced Response**
Conditions: Moderate probability of human outbreak
Trigger: Multiple arbovirus isolates from adult mosquito samples collected at different times and locations

There will be no adult mosquito spraying within the City limits of Austin. A no-spray list will not be maintained for the City of Austin or Travis County. Adult mosquito spraying may be conducted in unincorporated areas of the County where site assessments and/or surveillance warrant.

- **Risk Level Three – Public Health Warning**
Conditions: High probability of human outbreak
Trigger: Multiple arbovirus isolates from mosquito samples collected at different times and locations AND confirmed or probable human cases supported by laboratory results

The department will continue to implement and adjust Integrated Mosquito Management (IMM) components as necessary, including the use of larvicides. Evaluation and recommendation for targeted broadcast spraying will be based on a variety of factors, including clustering and number of human cases. If broadcast spraying is indicated by the local Health Authority, proper authorities and elected officials will be consulted, including the City Manager. Communications staff will increase public awareness efforts. Notice of intended spray areas may be disseminated through media press releases and other means as necessary.

- **Risk Level Four – Public Health Alert**
Conditions: Confirmed human outbreak
Trigger: Multiple human cases confirmed by laboratory testing

Summary

As a result of the findings through **community** input and **internal** departmental feedback some of which is dependent on science based protocol initiatives used by the Austin Public Health approach to the minimization of mosquito borne disease transmission in the Austin Travis County area, the recommendation of the Austin Code Department is to **defer the adoption of the insect screen proposed amendment.**





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THANK YOU

ORDINANCE NO. 20171012-SPEC001

AN ORDINANCE REPEALING AND REPLACING ARTICLE 9 OF CITY CODE CHAPTER 25-12 TO ADOPT THE 2015 INTERNATIONAL PROPERTY MAINTENANCE CODE AND LOCAL AMENDMENTS; CREATING OFFENSES; AND IMPOSING PENALTIES.

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

PART 1. City Code Chapter 25-12 is amended to repeal Article 9 (*Property Maintenance Code*) and replace it with a new Article 9 to read as follows:

ARTICLE 9. PROPERTY MAINTENANCE CODE.

§ 25-12-211 PROPERTY MAINTENANCE CODE.

- (A) The International Property Maintenance Code, 2015 Edition, published by the International Code Council ("2015 Property Maintenance Code") is adopted and incorporated by reference into this section with the deletions in Subsection (B) and amendments in Section 25-12-213 (*Local Amendments to the 2015 Property Maintenance Code*).
- (B) The following provisions of the 2015 Property Maintenance Code are deleted. A subsection contained within a deleted section, or within a subsection is not deleted, unless specifically listed below.

Section 101.1	Section 102.3	Section 102.7
Section 103.1	Section 103.2	Section 103.3
Section 103.4	Section 103.5	Section 104.2
Section 104.3	Section 104.5	Section 106.1
Section 106.2	Section 106.3	Section 106.4
Section 106.5	Section 107.1	Section 107.2
Section 107.3	Section 107.5	Section 107.6
Section 108.1	Section 108.2	Section 108.3
Section 108.4	Section 108.4.1	Section 108.5
Section 108.7	Section 109.1	Section 109.2
Section 109.3	Section 109.4	Section 109.5
Section 109.6	Section 110.1	Section 110.4

Section 111.1	Section 111.2	Section 111.2.1
Section 111.2.2	Section 111.2.3	Section 111.2.4
Section 111.2.5	Section 111.3	Section 111.4
Section 111.4.1	Section 111.5	Section 111.6
Section 111.6.1	Section 111.6.2	Section 111.7
Section 111.8	Section 112.1	Section 112.2
Section 112.3	Section 112.4	Section 201.3
Section 304.3	Section 304.14	Section 304.19
Section 305.1.1	Section 307.1	Section 307.4
Section 309.1	Section 401.3	Section 404.4.1
Section 404.5	Section 404.5.1	Section 404.5.2
Section 502.5	Section 505.1	Section 505.4
Section 506.3	Section 602.2	Section 602.3
Section 602.4	Section 604.2	Section 604.3.1.1
Section 604.3.2.1	Section 605.3	Section 605.4
Section 606	Section 702.1	Section 702.2
Section 702.3	Section 702.5.1	Section 704.1
Section 704.2	Section 704.3	

- (C) The city clerk must retain a copy of the 2015 Property Maintenance Code with the official ordinances of the City of Austin.

§ 25-12-212 CITATIONS TO THE 2015 INTERNATIONAL PROPERTY MAINTENANCE CODE.

In the City Code, "Property Maintenance Code" means the 2015 International Property Maintenance Code adopted by Section 25-12-211 (*Property Maintenance Code*), as amended by Section 25-12-213 (*Local Amendments to the International Property Maintenance Code*). In this article, "this code" means the Property Maintenance Code.

§ 25-12-213 LOCAL AMENDMENTS TO THE 2015 PROPERTY MAINTENANCE CODE.

The following provisions are local amendments to the 2015 Property Maintenance Code. Each provision of this section is a substitute for any identically numbered provision of the 2015 Property Maintenance Code deleted by Section 25-12-211(B) (*International Property Maintenance Code*) or is an addition to the 2015 Property Maintenance Code.

101.1 Title. These regulations are known as the City of Austin Property Maintenance Code and are referred to as the "Property Maintenance Code" or "this code."

102.3 Application of other codes. Repairs, additions or alterations to a structure, or changes of occupancy, must be done in accordance with the procedures and provisions of Title 25 (*Land Development Code*).

103.1 General. The City Manager must designate the department or departments charged with enforcement of this code.

103.2 Designation. The City Manager must designate a code official.

103.3 Inspectors. The code official may designate inspectors to assist with enforcement of this code. Such employees must have powers and duties delegated by the code official.

103.5 Costs. The City may assess a property owner for costs incurred to demolish, board, fence, secure, vacate, relocate occupants, repair, treat, remediate or similar action identified in this code. This includes the costs incurred because a property owner fails to comply with a Commission order. Unless exempted by the Texas Constitution, the expense incurred by the City under this code may be recorded as a lien against the real property on which the building, structure, or noncompliant condition is located, with interest on the unpaid balance to accrue at the maximum rate allowed by law.

103.6 Funds. Unless otherwise provided for or directed by a Commission order, a cost incurred by the city or its agent to repair, remediate, vacate, relocate occupants from, secure, or clean a structure, building, or property because an owner fails to comply with a Commission order must be paid from demolition funds budgeted by the city council.

104.2 Inspections. The code official is authorized to make inspections and may consider written inspection reports prepared and certified by approved agencies or individuals. The code official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise.

104.3 Right of Entry. Whenever it is necessary to make an inspection to enforce the provisions of this code, or whenever the code official has reasonable or probable cause to believe that a violation exists in a structure or upon a premises, the code official is authorized to enter the structure or premises at reasonable times to inspect or perform the duties authorized by this code or City Code. An owner or other authorized individual may refuse to consent to an inspection conducted by the code official. If consent is refused, the code official may seek an administrative search warrant authorized by Article 18 of the Texas Code of Criminal Procedure (*Search Warrant*) and City Code Section 2-10-1 (*Municipal Court Jurisdiction and Authority*). Nothing in this code limits the ability of the code official to inspect as necessary or as authorized by other law.

104.7 Commencement of Proceedings. Whenever the code official finds that a structure or premise is substandard or dangerous, the code official is authorized to begin proceedings to cause the repair, rehabilitation, vacation, demolition, removal, boarding or fencing or other means of closure of the building, structure, or premise.

104.8 Corrective Action. The code official is authorized to require the owner of the property or other responsible person to take action to correct a violation of this code. If the owner or other responsible person does not take corrective action within a specified time period, the code official may serve notice to the person(s) to appear before the Building and Standards Commission to show cause why the structure or premise should not be ordered repaired, boarded, fenced, vacated, occupants relocated, or demolished.

104.9 Utility Termination Authorized. The code official may request utility termination for a structure or premise as provided for under the applicable provisions of state law and City Code. Provisions of state law and City Code regarding notice and appeal of utility termination apply to a utility terminated under this section.

106.1 Unlawful acts. A person that fails to comply with this code, a notice of violation issued under this code, or an order issued under this code commits an offense.

106.3 Prosecution of a Violation. A violation of this code is a misdemeanor punishable as set forth in City Code Section 25-1-462 (*Criminal Enforcement*). The filing of a criminal action does not preclude the pursuit of a civil, quasi-judicial, or administrative action for violation of this code.

106.5 Abatement of violation. The code official may enforce the provisions of this code by pursuing all civil, quasi-judicial, administrative, and criminal actions; all remedies available to a city under state law; or by any combination of remedies available at law or equity. In any court action, the code official may pursue the collection of attorney's fees and costs; and maximum interest on liens and judgments as allowed by law. The filing of a civil action does not preclude the pursuit of any other action or remedy, whether quasi-

judicial, administrative, or criminal. All remedies authorized under this code are cumulative of all others unless otherwise expressly provided.

107.1 Notice to person responsible. Whenever the code official determines that a violation of this code exists or has grounds to believe that a violation exists, notice will be issued and served as set forth in applicable state law, City Code, and this code. Failure of the code official to serve any person required to be served does not invalidate any proceedings as to any other person properly served or relieve that person from any duty or obligation imposed by this code.

107.2 Form. A written notice directed to the owner of record and, if applicable, occupant of the structure or premise notice must:

1. identify the structure or premise by street address, or provide a description sufficient for identification of the structure or premise;
2. state that the code official has found the structure or premise to be substandard or dangerous, with a summary description of the applicable provisions of this code and the alleged violations;
3. specify the corrective measures required to bring the structure or premise into compliance with applicable provisions of this code;
4. provide a time period for compliance;
5. include a description of the applicable appeal procedures; and
6. include a provision in Spanish stating that a Spanish translation will be provided on request if the recipient is not able to read the notice in English.

107.3 Method of Service. Required notices must be served via any method or combination of methods permitted in state law, City Code, and this code.

107.3.1 Property Manager. The code official may also provide a copy of any notice sent to a property owner to the manager of the property. On receipt of a copy of the notice under this section, a property manager must notify the owner of the specifics of the notice within 10 days and must make every reasonable effort to have the owner correct the violation.

107.6 Transfer of ownership. Except as otherwise provided by applicable law, the following applies:

107.6.1. Responsibility of Owner. An owner of a structure or premise who has been served with a notice, order, or other notification under this code may not sell,

transfer, grant, mortgage, lease, or otherwise dispose of the structure or premise until the owner has:

1. furnished to the purchaser, transferee, grantee, mortgagee, or lessee a true copy of the notice, order or other notification; and
2. provided written notice to the code official of the owner's intent to enter into a transaction affecting the structure or premise, including the name and address of the proposed buyer, transferee, grantee, mortgagee, or lessee.

107.6.2. Responsibility of Purchaser. A purchaser of a premise subject to a notice, order, or other notification issued under this code and recorded in the real property records of the county where the premise is located must comply with the terms of the notice, order, or other notification.

107.6.3 Effect of Transfer. A transfer of the property does not impact the validity of the notice, order, or other notification.

107.7 Appeal. A person affected by a notice may appeal the violation findings contained in the notice to the Building and Standards Commission.

107.7.1 Deadline to Appeal. An appeal must be submitted to the code official within 20 days from the date the notice is mailed by the City. It is presumed the City mailed the notice on the date printed on the notice.

107.7.2 Requirements. An appeal must be in writing and must contain a brief statement identifying the notice or action being appealed, setting forth any facts supporting the appeal, describing the relief sought, and presenting the reasons why the appealed notice or action should be reversed, modified or otherwise set aside. A request for additional time to comply with the notice due to financial inability or other extenuating circumstance is not a proper basis for appeal.

107.7.3 Effect of an appeal. Unless otherwise provided in this code or, in the opinion of the code official, a delay would present an immediate danger or unreasonable risk to any person or property, filing an appeal stays further City action under the notice being appealed.

107.8 Duty to comply. A person has a duty to comply with the provisions, requirements, and prohibitions in this code even if the code official has not served the person with separate notice personally informing the person of the duty to comply with this code.

108.1 General. When the code official finds a structure, premise, or equipment is unsafe, is unfit for human occupancy, or is unlawful, such structure, premise, or equipment must be subject to the provisions of this code.

108.4 Placarding. A structure or premise vacated under this code will be placarded at each entrance and exit of the structure or premise. The placard must be in substantially the following form:

DO NOT ENTER
UNSAFE TO OCCUPY
IT IS UNLAWFUL TO REMOVE OR DAMAGE THIS NOTICE.
CODE OFFICIAL
CITY OF AUSTIN

108.4.1 Placard Removal. Until the required repair, abatement, demolition, or removal is complete, a person may not remove or damage the placard after it is posted by the code official. A required repair, abatement, demolition, or removal is complete when the code official releases the notice or order, or when the building official issues a certificate of occupancy for the structure.

108.5 Prohibited Occupancy. A person may not remain in or enter any building, structure, or premise that is subject to an order to vacate or is posted with a placard. A person may not induce, allow, or authorize another person to occupy a structure or premise that is subject to an order to vacate or that is posted with a placard.

108.5.1 Affirmative Defense. It is an affirmative defense to prosecution under this section if a person enters a structure or premise described above to repair, abate, demolish, or remove the structure or condition under an applicable permit.

109.1 Imminent danger. When, in the opinion of the code official, a condition exists that could cause serious or life-threatening injury or death in the near future, the code official is authorized to recommend the occupants to vacate the premises. A condition means a structure or part of a structure that has fallen or may fall; a structure or part of a structure that has collapsed or may collapse; the presence of explosives, explosive fumes or vapors, toxic fumes, gases, materials; or the presence of dangerous or defective equipment. If a premise is vacated due to an imminent danger, a notice reading as follows: "This Structure/Premise Is Unsafe To Occupy" must be posted at each entrance to such structure or premise.

109.2 Temporary Safeguards. The code official may secure a structure before a public hearing is held by the Commission if the code official determines that the structure

violates this code; and is unoccupied or is occupied only by persons who do not have a lawful right of possession to the structure.

109.2.1. Notice.

1. Before the 11th day after the date the structure is secured, the code official must give notice of the closure:
 - a. by personal service to the owner; or
 - b. by regular mail and certified mail, return receipt requested, to the owner at the owner's last known address; or
 - c. if personal service cannot be obtained and the owner's post office address is unknown, by
 - i. publication at least twice within a 10 day period in a newspaper of general circulation in the county in which the structure is located, or
 - ii. posting the notice on or near the front door of the structure.
2. The notice must contain the following:
 - a. an identification, which is not required to be a legal description, of the structure and the premise on which it is located;
 - b. a description of the violations of this code or the City Code that are found at the structure;
 - c. a statement that the code official has secured the structure or premise; and
 - d. an explanation of the owner's right to request a hearing about any matter relating to the securing of the structure by the code official.

109.2.3. Appeal of Emergency Closure. The owner of a structure may appeal an emergency closure to the Commission. An appeal must be in writing and must be provided to the code official within 30 days after the date the code official secured the structure. Unless the appellant, in writing, requests or agrees to postpone the hearing on the appeal to a later date, a hearing on the appeal must be heard at the next available agenda date at which a quorum of the Commission is present.

109.2.4 Costs. The City may assess costs incurred for emergency closures under this code against the owner of the affected premise and, unless exempted under the Texas Constitution, may secure those costs with a lien against the affected premise.

110.1 General. An owner must demolish and remove a structure, equipment, or property condition if the code official finds:

1. the structure, equipment, or property condition so deteriorated, dilapidated, or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy; and
2. it is unreasonable to repair the structure, equipment, or property condition.

110.4 Salvage materials. If the City demolishes and removes a structure, then the City, or its agent, may sell the salvage and valuable materials at the highest price obtainable.

112.1 Authority. The code official is authorized to issue a notice that requires an owner or the owner's agent to stop work that is being performed in a dangerous or unsafe manner.

201.3 Terms defined in other codes. If a term is not defined in this code but is otherwise defined in Title 25 (*Land Development Code*), the term has the meaning given in Title 25 (*Land Development Code*).

202.1 Supplemental and replacement definitions. The definitions in this subsection apply throughout this code and supplement the definitions in Section 202 (*General Definitions*) of the 2015 Property Maintenance Code, as published, unless the term is defined in both places, in which case the definition in this subsection replaces and supersedes the definition in Section 202 of the 2015 Property Maintenance Code.

ACTIVITY. Constructing, enlarging, altering, repairing, moving, demolishing, erecting, installing, removing, converting, or replacing a structure, component of a structure, or any electrical, gas, mechanical, or plumbing system.

ADULT. A person 18 years of age or older.

BED AND BREAKFAST. The use of an owner-occupied single-family residential structure to provide limited meal service and rooms for temporary lodging for overnight guests in return for compensation.

BOARDING HOUSE. A structure, other than a hotel, where lodging and meals are provided for more than six unrelated persons in return for compensation. When used in this code, the term Boarding House includes a transient boarding house.

COMMISSION. The Building and Standards Commission described in Section 2-1-122 (*Building and Standards Commission*) of the City Code.

COMMISSION ORDER. An order issued by the Commission.

COMPENSATION. Any money, thing of value, payment, consideration, reward, tip, donation, gratuity, or profit paid to, accepted, or received by the owner or operator of a lodging establishment; whether paid upon solicitation, demand or contract, or voluntarily, or intended as a gratuity or donation.

DANGEROUS. A condition that violates this code that could cause serious or life-threatening injury or death.

HOTEL. A structure or a part of a structure, in which there are guest rooms, rooming units, or apartments which may be rented on a daily basis and are used primarily for transient occupancy, and for which desk service is provided. In addition, one or more of the following services may be provided: maid, telephone, bellboy, or furnishing of linen. When used in this code, the term hotel includes a motel.

JUDICIAL ORDER. An order issued by a court of competent jurisdiction.

ORDER. A commission order or a judicial order.

PERSONALTY. Personal property that is not attached to real property.

PREMISE. A lot, plot or parcel of land, property, or easement. The term includes the structures located on the lot, plot or parcel of land, or easement.

ROOMING HOUSE. A structure, other than a hotel, where lodging for more than six unrelated persons is provided without meals in return for compensation.

SHORT-TERM RENTAL. The use of a residential dwelling unit or accessory building, other than a unit or building associated with a group residential use, on a temporary or transient basis in accordance with Chapter 25-2, Subchapter C, Article 4, Division 1, Subpart C (*Requirements for Short-Term Rental Uses*). The use does not include an extension for less than 30 consecutive days of a previously existing rental agreement of 30 consecutive days or more. The use does not include a rental between parties to the sale of that residential dwelling unit.

SUBSTANDARD. A structure or premise that does not comply with this code.

202.2 Nuisance. Each of the following is declared to be a nuisance for purposes of this code:

1. Any public nuisance known at common law or in equity jurisprudence.
2. Any attractive nuisance which may prove detrimental to children whether in a building, on the premises of a building, or on an unoccupied lot. This includes any abandoned wells, shafts, basements, or excavations; abandoned refrigerators and motor vehicles; or any structurally unsound fences or structures; or any lumber, trash, fences, debris or vegetation which may prove a hazard for inquisitive minors.
3. Whatever is dangerous to human health or is detrimental to health, as determined by the health officer.
4. Unsanitary conditions described in City Code Section 10-5-21 (*Duty to Maintain Property in a Sanitary Condition*).
5. A utility room not maintained free of flammable liquids, oil and grease, and other similar materials.
6. Yards, courts, and vacant lots not maintained clean and free of holes, excavations, dead trees and tree limbs, sharp protrusions, and other objects, conditions and hazards that are reasonably capable of causing injury to a person.
7. A manufactured residential building, mobile home, or tourist court not maintained in accordance with the provisions of this code, the manufacturer specifications under which the structure was constructed, or Title 25 (*Land Development Code*) of the City Code.

301.4 General requirement to obtain a permit. After receiving written notice that an activity was conducted on the premises without the appropriate permit, an owner must obtain a permit for the activity that was conducted without the appropriate permit.

304.3 Address Identification. A premise must be identified with address numbers that are legible and visible from the street or road. The address numbers must comply with the Fire Code and Fire Criteria Manual.

304.19 Gates. All exterior gates, components of a gate, operator systems, if provided, and hardware must be maintained in good condition.

305.1.1 Unsafe conditions. The following conditions violate this code and are declared unsafe:

1. A structure or a component of a structure cannot perform as intended;

2. A wall or column is not anchored to support a floor or roof;
3. Structural members, including stairs, landings, decks, balconies, walking surfaces, handrails, and guardrails, cannot perform as intended;
4. Structural members, including stairs, landings, decks, balconies, walking surfaces, handrails, and guardrails, are not anchored to support use of the structural member; or
5. Any portion of the foundation system is not supported by footings, is not supported by adequate soil, has cracks or breaks, or is not adequately anchored.

Exception: If a person, using an approved method, establishes that the condition is safe, then the condition does not violate this code.

307.1 General. A stairway must be maintained in good condition and in accordance with the building code in effect at the time of construction. A handrail or guardrail must be provided and maintained in good condition at stairs, landings, balconies, porches, decks, ramps and other walking surfaces; and be in accordance with the building code in effect at the time of construction.

307.2 Guardrails. A guardrail is required for an open portion of a stair, landing, balcony, porch, deck, ramp, or other walking surface that is more than 30 inches above floor or grade.

307.2.1 Guards must be spaced in a manner to prevent a nine inch or larger sphere from passing between the guards.

307.2.2 Guards must be at least 30 inches tall when measured from the floor of the stair, landing, balcony, porch, deck, ramp, or other walking surface.

309.1 Infestation. A structure must not be infested with insects or rodents. A structure that is infested with insects or rodents must be exterminated immediately by an approved process that is not injurious to human health. After pests are eliminated, a person must take proper precautions to prevent re-infestation.

309.1.1 Exception. The keeping, maintenance or management of common domestic honey bee colonies, *Apis mellifera* species, must be in accordance with City Code Chapter 3-6 (*Beekeeping*).

401.3 Alternative devices. Artificial light or mechanical ventilation that complies with the applicable Building Code or Residential Code requirements is authorized as an alternative to the requirements for natural light and ventilation prescribed in Sections 402 and 403.

404.4.1 Room Area. Except for qualifying efficiency units, a bedroom must contain at least 70 square feet; and a bedroom occupied by more than two adults must contain at least 120 square feet plus an additional 50 square feet for each adult in excess of three.

404.5 Overcrowding. The number of persons occupying a dwelling unit must not create conditions that, in the opinion of the code official, endanger the life, health, safety, or welfare of the occupants.

501.3 General requirement to obtain a permit. After receiving written notice that an activity was conducted on the premises without the appropriate permit, an owner must obtain a permit for the activity that was conducted without the appropriate permit.

505.1 General requirements for water systems. A sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture must be properly connected to either a public water system or to an approved private water system. A kitchen sink, lavatory, laundry facility, bathtub and shower must be supplied with hot or tempered and cold running water in accordance with the Plumbing Code.

505.4 Water heating facilities. A water heating facility must be properly installed, maintained and capable of providing an adequate amount of water to be drawn at each sink, lavatory, bathtub, shower, and laundry facility at a temperature of not less than 110°F (43°C).

505.4.1 Compliance. A water heating facility in a structure with one or more dwelling units complies with the requirement in 505.4 if the temperature of the water drawn at the kitchen sink reaches 110°F (43°C) within three minutes.

505.4.2 Valves. A relief valve discharge pipe and approved combination temperature and pressure-relief valve must be properly installed and maintained on water heaters.

505.4.3 Gas-burning water heater. Unless installed in a sealed enclosure with adequate air combustion that does not take air from the living space, a gas-burning water heater must not be located in a bathroom, toilet room, bedroom or other occupied room that is normally kept closed when in use. Direct vent water heaters are not required to be installed within an enclosure.

601.3 General requirement to obtain a permit. After receiving written notice that an activity was conducted on the premises without the appropriate permit, an owner must obtain a permit for the activity that was conducted without the appropriate permit.

602.2 Residential Occupancies. Heating facilities that are capable of maintaining a room temperature of 68°F (20°C) in habitable spaces, bathrooms, and toilet rooms are required

in each dwelling unit. Cooking appliances and unvented fuel-burning space heaters cannot be used to meet or maintain the room temperature required by this section. A portable electric space heater may be used on a temporary basis if used consistent with manufacturer's specifications.

602.3 Heat Supply. An occupied commercial structure that includes dwelling units or sleeping units must maintain a temperature of at least 68°F (20°C) in all habitable areas, bathrooms, and toilet rooms.

602.4 Occupiable work spaces. Except as otherwise provided, an occupied commercial structure with indoor occupiable work spaces must maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied.

602.4.1 Processing, storage, and operation. A commercial structure with areas that require cooling or special temperature conditions are not required to maintain the temperature in Section 602.4.

602.4.2 Physical activities. Areas within a commercial structure where persons are primarily engaged in vigorous physical activities are not required to maintain the temperature in 602.4.

604.2 Service. In accordance with NFPA 70, the size and usage of appliances and equipment determines the need for additional electrical facilities. A dwelling unit must be served by an electrical service with a rating of at least 60 amperes.

604.3.1.1 Electrical equipment. Electrical distribution equipment, motor circuits, power equipment, transformers, wire, cable, flexible cords, wiring devices, ground fault circuit interrupters, surge protectors, molded case circuit breakers, low-voltage fuses, luminaires, ballasts, motors and electronic control, signaling and communication equipment that are exposed to water must be replaced in accordance with the provisions of the Electrical Code.

Exception: The following equipment may be repaired when an inspection report from the equipment manufacturer or approved manufacturer's representative indicates that the equipment has not sustained damage that requires replacement:

1. Enclosed switches, rated 600 volts or less;
2. Busway, rated 600 volts or less;
3. Panelboards, rated 600 volts or less;
4. Switchboards, rated 600 volts or less;

5. Fire pump controllers, rated 600 volts or less;
6. Manual and magnetic motor controllers;
7. Motor control centers;
8. Alternating current high-voltage circuit breakers;
9. Low-voltage power circuit breakers;
10. Protective relays, meters and current transformers;
11. Low- and medium-voltage switchgear;
12. Liquid-filled transformers;
13. Cast-resin transformers;
14. Wire or cable that is suitable for wet locations and whose ends have not been exposed to water;
15. Wire or cable, not containing fillers, that is suitable for wet locations and whose ends have not been exposed to water;
16. Luminaires that are listed as submersible;
17. Motors;
18. Electronic control, signaling and communication equipment.

604.3.2.1 Electrical equipment. Electrical switches, receptacles and fixtures, including furnace, water heating, security system and power distribution circuits that are exposed to fire, must be replaced in accordance with the provisions of the Electrical Code.

Exception: Electrical switches, receptacles and fixtures may be repaired where an inspection report from the equipment manufacturer or approved manufacturer's representative indicates that the equipment has not sustained damage that requires replacement.

605.3 Luminaires. Luminaires must be maintained in good condition and in accordance with the applicable code(s) in effect at the time of construction.

605.4 Wiring. Except as otherwise provided, flexible cords, including extension cords, must not be:

1. used for permanent wiring;
2. used for running through doors, windows, or cabinets; or
3. concealed within walls, floors, or ceilings.

Exception. A flexible cord used as permanent wiring, for running through doors, windows, or cabinets, or to be concealed within walls, floors, or ceilings complies with this code if the flexible cord was manufactured for such use and was installed as part of a project permitted by the City. For purposes of this exception, a project permitted by the City means the project passed all required inspections, was completed by a licensed electrician, and was installed consistent with the manufacturer's specifications.

702.1 General requirements for egress. A safe, continuous and unobstructed path of travel must be provided from any point in a structure to the public right-of-way. Means of egress must comply with this code as well as applicable provisions of the Fire Code, the Building Code and the Residential Code.

702.2 Aisles. Aisles must be unobstructed to achieve the width required in the Fire Code.

702.3 Locked doors. Except for door hardware that conforms to the applicable Building, Fire, or Residential Code, doors used for egress must be readily openable from the side used to exit a structure. Readily openable means a door that can be opened without the need for keys, special knowledge, or effort.

702.5 Additional emergency escape and rescue opening requirements. Unless the sleeping room(s) meet a specific exception of the code under which the structure was constructed, sleeping rooms in R-2 and R-3, one- and two-family and multiple-family occupancy groups must have at least one emergency escape and rescue opening. An existing escape or opening complies with this code if:

1. the existing emergency escape and rescue opening meets the minimum height and width dimensions, openable area and the maximum sill height requirement of the code(s) under which the structure was constructed; or
2. at the time of construction no code was in effect, an existing emergency escape and rescue opening satisfies this code if it has:
 - a. a minimum net clear openable area of 5 square feet (0.465 m²),
 - b. a minimum net clear opening height of 22 inches (559 mm),
 - c. a minimum net clear opening width of 20 inches (457 mm), and

- d. a sill height not greater than 48 inches (1219 mm) above the floor; or
3. it meets an alternative method of compliance described in Section 702.5.1.

702.5.1 Alternate Method of Compliance for existing emergency escape and rescue openings. An alternate method of compliance for a sleeping room with an emergency escape and rescue opening that does not meet the requirements referenced in Section 702.5 is to install hard-wired, dual chamber smoke alarms with battery backup capability that are served with primary power from the structure wiring. The smoke alarms must be installed inside and outside of the sleeping room and must be interconnected through either wired or wireless interconnection.

704.1 General requirements for fire protection systems. All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination must be maintained in an operable condition at all times in accordance with the applicable requirements in Chapter 25-12 (*Technical Codes*).

704.2 Smoke alarms. Single- or multiple-station smoke alarms must be installed and maintained in dwellings that are not classified Group R-1, regardless of occupant load. Single- or multiple-station smoke alarms must be located:

1. on the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms;
2. in each room used for sleeping purposes;
3. in each story within a dwelling unit, including basements and cellars but not including crawl spaces and uninhabitable attics; and
4. in dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level may suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

704.2.1 Other Groups. Single- or multiple-station smoke alarms must be installed and maintained in accordance with the Fire Code.

704.3 Power source. Except as otherwise provided, a single-station smoke alarm in a dwelling must receive its primary power from the commercial power source wired into the structure; and must be equipped with a battery backup. Wiring must be permanent and, except as required for overcurrent protection, without a disconnecting switch. Smoke alarms must emit a signal when the batteries are low.

Exceptions:

1. A smoke alarm may be solely battery operated if, at the time of construction, the existing structure was not required to be wired to provide power to a smoke alarm and any reconstruction, alteration, or repairs does not include the removal of interior walls or ceilings.
2. A smoke alarm may be solely battery operated if the structure is not served by a commercial power source.

SECTION 705 CARBON MONOXIDE ALARMS.

705.1 Installation and Maintenance. A carbon monoxide alarm must be installed and maintained consistent with manufacturer's specifications.

705.2 Location. In a dwelling unit, a carbon monoxide alarm must be installed outside of each separate sleeping area and in the immediate vicinity of each sleeping area. A carbon monoxide alarm must be installed within a sleeping area if a fuel-burning or solid fuel appliance is located within a sleeping area, a bathroom attached to the sleeping area, or a garage attached to the sleeping area.

705.3 Combination Alarms. A carbon monoxide alarm that is part of a smoke alarm complies with this code.

705.4 Power Source. Except as otherwise provided, a carbon monoxide alarm in a dwelling must receive its primary power from the commercial power source wired into the structure; and must be equipped with a battery backup. Wiring must be permanent and, except as required for overcurrent protection, without a disconnecting switch. Smoke alarms must emit a signal when the batteries are low.

Exceptions.

1. A carbon monoxide alarm may be solely battery operated if, at the time of construction, the existing structure was not required to be wired to provide power to a carbon monoxide alarm and any reconstruction, alteration, or repairs does not include the removal of interior walls or ceilings.
2. A carbon monoxide alarm may be operated by battery if a structure is not served by a commercial power source.

CHAPTER 9 QUASI-JUDICIAL ENFORCEMENT.**SECTION 901 BUILDING AND STANDARDS COMMISSION.**

901.1 Purpose. The Building and Standards Commission is established to hear cases concerning alleged violations of City Code related to the condition of, and minimum standards for, the maintenance of existing residential and nonresidential structures, premises, property, and establishments; and to hear appeals when required by City Code and this code. The Commission has the powers and duties under this code, Section 2-1-122 (*Building and Standards Commission*), and applicable state law.

901.2 Duties. The Commission shall hear and decide cases concerning alleged violations of this code and appeals as required by this code and City Code. The Commission shall issue orders regarding the cases, as appropriate. The Commission shall hear evidence from each party that attends a hearing. Each order that requires removing or relocating an occupant or repairing, securing, or demolishing a structure must include a time period for compliance.

901.3 Powers. The Commission may order or initiate any action, remedy, response, security, or penalty within its authority under applicable state law, this code, or City Code, including:

1. ordering a structure be repaired within a fixed period;
2. declaring a structure or premise to be substandard or dangerous in accordance with the powers granted under state law, City Code, and this code;
3. ordering, as necessary,:
 - a. that a structure be vacated;
 - b. that occupants be relocated;
 - c. that persons or property be removed from private property;
 - d. entry on private property; or
 - e. that a substandard or dangerous condition or structure on private property be removed or demolished.
4. issuing orders or directives to any peace officer of the state, including the Austin Chief of Police, a sheriff, or constable, to enforce and carry out the lawful orders or directives of the Commission;
5. determining the amount and duration of the civil penalty allowed under state law;

6. hearing and deciding appeals which may be taken to the Commission; and
7. considering and recommending amendments to the City's housing and building regulations or ordinances.

901.4 Rules. The Commission shall adopt rules for its own procedure. The rules shall establish procedures to provide opportunity for presentation of evidence and testimony in its hearings by persons who are alleged to have violated ordinances.

901.5 Meetings. Meetings of the Commission are held at the call of the Chairperson and at other times as the Commission may determine. The Chairperson, or the Acting Chairperson in the absence of the Chairperson, may administer oaths and compel the attendance of witnesses. Six members constitute a quorum and the concurring vote of six members is necessary to take any action. The Commission must render all decisions and findings in writing in accordance with the applicable requirements of state law and City Code.

901.6 Records. The Commission shall keep records of its minutes, hearings, decisions, and other official actions. The Commission's minutes shall show the vote of each Commission member on each question submitted to the Commission and the fact that a member is absent or fails to vote. Commission records shall be filed in the office of the code official.

901.7 Notice. Notice and any required recordation of all Commission hearings, orders, or actions must be posted, filed, served, accomplished or disseminated in accordance with the applicable provisions of state law and City Code.

901.8 Orders. A Commission order is final unless appealed in accordance with Chapters 54 and 214 of the Texas Local Government Code. Except for appeals related to temporary safeguards, a Commission order does not include appeals.

901.9 Civil Penalty. The Commission is authorized to determine the amount and duration of the civil penalty allowed under state law. The filing of a criminal action or a conviction under 902.1 does not preclude assessment or enforcement of the civil penalty.

901.10 Satisfaction of Civil Penalty.

901.10.1 Applicability. This section applies to a civil penalty assessed under Section 901.9 of this code for violations relating to:

1. a structure that is designated as an historic landmark or located in a designated historic district; or
2. a residential structure with three or fewer dwelling units.

901.10.2 Offset Provision. The code official must accept as full payment of the civil penalty an amount equal to the assessed penalty minus the cost to complete repairs or other corrective action required by the Commission order establishing the penalty if:

1. all repairs or other corrective action required by the Commission order establishing the penalty have been completed;
2. the code official has determined that all repairs or other corrective action comply with City regulations; and
3. the City has not initiated a lawsuit based on the Commission order assessing the penalty.

901.10.3 Evidence. A person that seeks an offset must provide evidence to the code official of the cost of repairs or other corrective action required by a Commission order.

901.10.4 Determination. The code official must determine whether the evidence, as that term is used in 901.10.3, is associated with a repair or other corrective action ordered by the Commission. The determination by the code official may not be appealed.

901.11 Validity of Order Not Affected by Transfer. When a Commission order has been filed in the deed records, the Commission order is valid even if the property is sold or otherwise transferred. A person who acquires an interest in property after a Commission order is recorded is subject to the requirements of the Commission order. Each Commission order must include the text of this provision.

SECTION 902 FAILURE TO COMPLY WITH A COMMISSION ORDER.

902.1 Criminal Offense and Penalty. A person commits an offense if the person fails to comply with a final order issued by the Commission. Each day that a person fails to comply with a final order is a separate occurrence. An offense under this section is a class C misdemeanor. The maximum penalty must be \$500 per offense, per occurrence. Proof of a culpable mental state is not required for conviction of an offense under this section.

SECTION 903 PERFORMANCE OF WORK REQUIRED FOR COMPLIANCE WITH A COMMISSION ORDER.

903.1 Demolition and Remediation authorized. In addition to any other remedy provided in this section, and on the failure of the owner to comply with any predicate or

requirement of a Commission order, the code official may perform, procure, or contract for any work, services, materials, accommodations, or action required of the property owner by the Commission order. This includes engineering surveys or inspections, cost estimates, construction scheduling, asbestos testing, design services, plan preparation, permitting, fencing, stabilization, grading, filing, draining, the closure of a building, the vacation and relocation of occupants, the removal of personalty or disposal of debris, and the treatment or cleaning of the premises and the lot.

903.2 Personalty on the Premises. A property owner is responsible for removing personalty from a structure that must be vacated or demolished. If the City or its agent demolishes the structure, the personalty remaining on the property is considered abandoned and may be removed by the City or its agent in the same manner as other rubbish or debris.

CHAPTER 10 LANDLORD/TENANT RELATIONSHIPS.

1001 Responsibility of Landlord. The owner of a building, structure, or property remains responsible for compliance with this Code notwithstanding any rental or other agreement purporting to give tenants or other third parties certain duties or responsibilities with respect to the building, structure, or property.

1002 Retaliation.

1002.1 Prohibited. A property owner, owner's agent, management company, or other person responsible for managing a property commits an offense if the property owner, owner's agent, management company, or other person responsible for managing a property raises a tenant's rent, diminishes services to the tenant, or attempts eviction for reasons other than nonpayment of rent or other good cause for six months after a complaint is filed by the tenant with the code official complaining of violations of this code or for six months after completion of repairs required by a notice or order issued under this code, whichever time period is longer.

1002.2 Penalty. Unless a culpable mental state is established, a violation of Section 1002 (*Retaliation*) is an offense, punishable by a fine not to exceed \$500 per occurrence. If proof of a culpable mental state is established, a violation of Section 1002 (*Retaliation*) is punishable by a fine not to exceed \$2,000 per occurrence.

1002.3 Affirmative Defense. It is an affirmative defense to prosecution under Section 1002 (*Retaliation*) if the action was:

1. an increase in rent under an escalation clause for utilities, taxes, or insurance in a written rental agreement;

2. an increase in rent or reduction in services against the complaining tenant which are a part of a pattern of rental increases or service reductions uniformly applied for an entire multifamily dwelling project of four or more units; or
3. an increase in rent that is reasonably related to repairs or improvements actually made by the landlord after a complaint has been filed and which do not cause the total rent to exceed fair market value of the premises. However, no rental increase may be made until the structure is in full compliance with any notice or order issued under this code.

CHAPTER 11 INTERFERENCE WITH REPAIR OR DEMOLITION WORK PROHIBITED.

1101 GENERAL. No person must obstruct, impede, or interfere with work performed by any of the following individuals for purposes of boarding, securing, repairing, vacating or demolishing a building, structure, or property under the provisions of this code, or in performing a necessary act preliminary or incidental to work authorized under this code:

1. a peace officer;
2. a City employee;
3. a City contractor;
4. an authorized representative of the City;
5. a person who owns or holds an estate or interest in a building, structure, or property; or
6. a person to whom such a structure has been lawfully sold under this code.

CHAPTER 12 [Reserved for Expansion].

CHAPTER 13 REGULATED LODGING ESTABLISHMENTS.

1301 INSPECTIONS. The code official must make inspections to determine the condition of short-term rentals, boarding houses, hotels, rooming houses and bed and breakfast establishments located within the City, to ensure compliance with this chapter and other applicable laws. For the purpose of making inspections, the code official or the code official's representative may enter, examine, and survey, at all reasonable times, all buildings, dwelling units, guest rooms, and premises on presentation of the proper credentials. An owner or other authorized individual may refuse to consent to an inspection conducted by the code official. If consent is refused, the code official may

seek an administrative search warrant authorized by Article 18 of the Texas Code of Criminal Procedure (*Search Warrant*) and City Code Section 2-10-1 (*Municipal Court Jurisdiction and Authority*). Nothing in this code limits the ability of the code official to inspect as necessary or as authorized by other law.

1302 LICENSES AND PERMITS REQUIRED. No person may operate a boarding house, hotel, rooming house, short-term rental, or bed and breakfast establishment unless a license for the operation, in the name of the owner or operator and for the specific dwelling unit, partial unit, accessory unit, building, structure, or property used, has been issued by the code official and is currently valid and in good standing. Unless specifically exempted by the provisions of Chapter 10-3 (*Food and Food Handlers*), each regulated lodging establishment that provides meals or food service is required to have a permit as a food service establishment issued by the Health Authority.

1303 LEASING, RENTING, OR ADVERTISING UNITS OR ROOMS IN AN UNLICENSED HOTEL, BOARDING HOUSE, ROOMING HOUSE, SHORT-TERM RENTAL, OR BED AND BREAKFAST ESTABLISHMENT IS AN OFFENSE.

(A) An owner, manager, operator, or person in control of a hotel, boarding house, rooming house, short-term rental, or bed and breakfast establishment commits an offense if the owner or other person leases, rents, advertises, promotes, or otherwise solicits or induces occupancy of a room, structure, dwelling unit, or partial unit in a hotel, boarding house, rooming house, short-term rental, or bed and breakfast establishment which does not have a valid license issued and displayed as required by this chapter or as required by Title 25 (*Land Development*).

(B) A person may not advertise or promote a licensed establishment without including the license number assigned to the establishment by the city in the advertisement or promotion.

(C) Each day that an owner, manager, operator, or other person in control of the property leases, rents, advertises, promotes, or otherwise solicits or induces occupancy of a room in a hotel, boarding house, rooming house, short-term rental, or bed and breakfast establishment which does not have a valid license issued, disclosed, and displayed as required by this chapter is a separate occurrence. An offense under this section is a class C misdemeanor, punishable by a fine not to exceed \$500 per offense, per occurrence, unless proof of a culpable mental state is proven. If proof of a culpable mental state is demonstrated, an offense under this section is punishable by a fine not to exceed \$2,000 per occurrence.

(D) It is an affirmative defense to a violation of Section 1303 if the advertisement or promotion conspicuously disclosed that reservation, occupancy, or rental of the facility is contingent on a pending city licensure application.

1304 APPLICATION. An application for a license required by this chapter must be in writing and submitted to the code official. To be considered complete, the application must include all information and documentation required by the Land Development Code regulations specific to the use type or indicated as required by the code official and this code.

1305 FEE. Each application for a rooming house, hotel, motel, boarding house, short-term rental, or bed and breakfast establishment license must be accompanied by the payment of a fee in an amount established by separate ordinance. Except for payment of the fee due for a short-term rental, a regulated lodging establishment fee must be prorated on a quarterly basis.

1306 ISSUANCE. A boarding house, hotel, rooming house, short-term rental, or bed and breakfast establishment license must be issued by the code official after the code official determines that the owner or operator has complied with all applicable ordinances and rules. A license must not be issued or renewed by the code official for any applicant or location in the absence of proof of the applicant or location's substantial compliance with all applicable local hotel occupancy tax rules and regulations.

1307 LICENSE SUSPENSION.

(A) Except as provided in subsections (D) and (E), whenever the code official finds on inspection of the physical premises or review of applicable records of any boarding house, hotel, rooming house, short-term rental, or bed and breakfast establishment that conditions or practices exist that violate any provision of the Property Maintenance Code, City Code, or any rule or regulation adopted under this code, or that the establishment has failed to comply with any provision, prohibition, or requirement related to the registration, reporting, collection, segregation, accounting, disclosure, or payment of local hotel occupancy taxes, the code official must give written notice to the owner of the property and the operator of the boarding house, hotel, rooming house, short-term rental, or bed and breakfast establishment that unless the violations are corrected by an identified deadline, the license must be suspended.

(B) At the end of the time provided for correction of the violation(s), the code official must re-inspect the location or records of the boarding house, hotel, rooming house, short-term rental, or bed and breakfast establishment and, if the conditions or practices

have not been corrected, must suspend the license and give written notice to the licensee that the license has been suspended.

(C) On receipt of notice of suspension, the licensee must immediately stop operation of the boarding house, hotel, rooming house, short-term rental, or bed and breakfast establishment, and no person may occupy for sleeping or living purposes any rooming unit therein, except that the code official may allow continued occupancy by the property owner of a short-term rental use subject to Section 25-2-788 (*Short-Term Rental (Type 1) Regulations*). The notice required by this subsection must be served in accordance with the notice provisions of applicable law.

(D) The code official may immediately suspend a license if the code official determines that the license was issued in error. A suspension is effective until the code official determines that the licensee has complied with the requirements of the City Code or any rule or regulation adopted under this code. The code official must give written notice to the owner of the property and the operator of the establishment that the license is suspended.

(E) If a short-term rental is the subject of two or more substantiated violations of applicable law during the license period, the code official may suspend the short-term rental license. The code official must give notice to the licensee of a notice of intent to suspend a license issued under this subsection.

(F) In determining whether to suspend a license as described in subsection (E), the code official must consider the frequency of the substantiated violations, whether a violation was committed intentionally or knowingly, and any other information that demonstrates the degree to which a licensee has endangered public health, safety, or welfare.

1308 APPEALS.

(A) The following actions of the code official may be appealed to the Building and Standards Commission as provided in this Code: the denial of an application for a license to operate a boarding house, hotel, rooming house, short-term rental, or bed and breakfast establishment; the suspension of a license to operate a boarding house, hotel, rooming house, short-term rental, or bed and breakfast establishment; and the issuance of a notice that a license to operate a boarding house, hotel, rooming house, short-term rental, or bed and breakfast establishment will be suspended unless existing conditions or practices are corrected.

(B) An appeal filed under this section must be filed with the code official no later than the 20th day following the date on which the license was denied or suspended, or notice

of violation was received. The appeal must identify each alleged point of error, facts and evidence supporting the appeal, reasons why the action of the code official should be set aside, modified, or reversed, and must be sworn. The appeal must be set for hearing before the Commission on the next available agenda date following receipt of the appeal and must be heard following setting on the scheduled agenda if a quorum is present at the hearing, unless the appellant requests a later date and waives the scheduled hearing.

(C) An appeal of under this section does not stay enforcement of license requirements.

1309 EXPIRATION.

(A) Each rooming house, boarding house, hotel, motel, or bed and breakfast establishment license expires at the end of the calendar year for which the license is issued, unless prior to the end of the calendar year, the license is voided, suspended, or revoked as provided in this chapter, as provided in another section of City Code, or by court order, or other operation of law.

(B) Each short-term rental establishment license expires one year from the date the license is issued, unless prior to the end of one year from the date the license is issued, the license is voided, suspended, or revoked as provided in this chapter, as provided in another section of City Code, or by court order, or other operation of law.

1310 TRANSFER AND NOTICE ON SALE OF PREMISES. A license issued under this chapter is not transferable. Every person holding a license must give written notice to the code official no later than 10 days before the conveyance, transfer, or any other disposition of the ownership of, interest in, or control of any boarding house, hotel, rooming house, short-term rental, or bed and breakfast establishment. The notice must include the name and address of the person succeeding to the ownership or control of the boarding house, hotel, rooming house, short-term rental, or bed and breakfast establishment.

1311 DISPLAY. The license required by this chapter must be displayed at all times in a conspicuous place designated by the code official within each boarding house, hotel, rooming house, short-term rental, or bed and breakfast establishment.

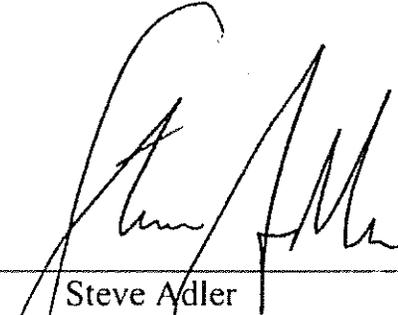
PART 2. The Council directs the City Manager to engage in additional stakeholder discussion related to insect screening requirements and to bring any recommended ordinance changes to Council by June 30, 2018.

PART 3. This ordinance, except for Section 705 (*Carbon Monoxide Alarms*), takes effect on January 1, 2018. Section 705 (*Carbon Monoxide Alarms*) takes effect on April 1, 2018.

PASSED AND APPROVED

October 12, 2017

§
§
§



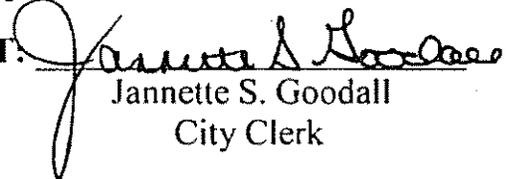
Steve Adler
Mayor



APPROVED:

Anne L. Morgan
City Attorney

ATTEST:



Jannette S. Goodall
City Clerk

Insect Screen Ordinance Community Feedback



Background

The Austin City Council adopted the 2015 IPMC on October 12, 2017, and issued some local amendments to it: Ordinance no. 20171012-SPEC001. Public input regarding insect screen requirements was collected from November 2017 to April 30, 2018. All input received will be submitted to the Austin City Council on or before June 30, 2018.

Objective

The City of Austin Code Department was tasked with obtaining public input about a proposed City ordinance that could require some property owners to install insect screens on windows or exterior doors.

The proposed ordinance will be based on the current language found in the International Property Maintenance Code, but Austin can adopt our own local amendment of the international model code concerning insect screens.

Feedback approach

The Code Education and Outreach Division utilized several outreach mediums. See communication flowchart.

Methods of feedback:

- Targeted stakeholder involvement
- Quantitative online thorough survey (English and Spanish)
- Radio station social media poll (Spanish)
- Kid's Fest face-to-face poll (English and Spanish)
- Qualitative email communication

Results – Quantitative Survey

The quantitative survey had a total of 2,906 responses that were collected from November 2017 to April 30, 2018. More than 3,000 were collected from all the methods of feedback. The following results reflect the Quantitative online survey.

Out of the total respondents, 247 self-identified as “tenants” in the online survey. The following data reflects that population for the online survey.

Tenants

Question: What types of properties should be included in the insect screen ordinance? (Check all that apply.)

Note: The following results only reflect the population that self-identified as a “tenant”.

Properties with habitable rooms without air conditioning	5%
--	----

Properties with habitable rooms regardless of air conditioning	10%
Food service areas	19%
Food consumption areas	0%
None	63%
Commercial/business only	3%

Question: Where should the screens be required? Mark only one oval.

Note: The following results only reflect the population that self-identified as a “tenant”.

All doors, windows and outside opening required for ventilation	24%
All windows and outside openings	14%
Only windows	19%
All doors, windows and outside openings in the first floor	0.9%
Nowhere/none	41%
Only in commercial buildings	0.4%
Food service areas	0%
Properties without A/C	0%
Only in new homes	0%

Question: Please rank the following requirements to insect screens by order of importance to you.

Note: The following results only reflect the population that self-identified as a “tenant”.

	Not important	Moderately important	Very important
Required for every door	69%	11%	20%
Required for every window	60%	9%	31%
Required for every outside opening required for ventilation	58%	12%	29%

Question: Please rank the following exceptions to insect screens by order of importance to you.

Note: The following results only reflect the population that self-identified as a “tenant”.

	Not important	Moderately important	Very important
In properties where air curtains are installed	46%	17%	37%
In properties where insect repellent fans are installed	47%	20%	33%

In properties where air conditioning is installed

47%

15%

38%

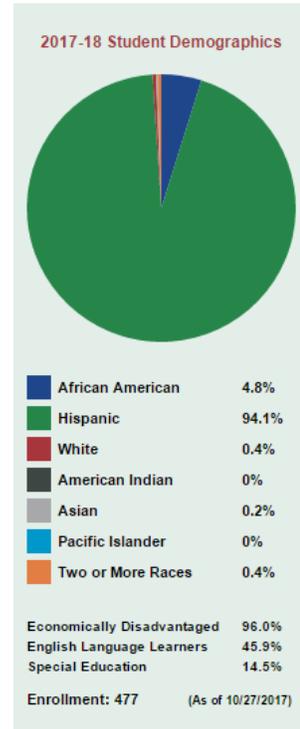
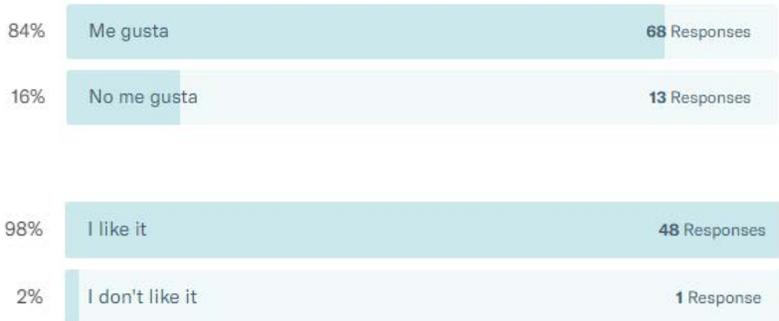
Results – Quantitative Polls, Spanish-Speakers

The Code Education & Outreach Division reached out to an Austin ISD event that was attended by a predominately Spanish-speaking Hispanic population. A simple “agree” or “disagree” poll was taken.

The following is the student demographic.

We received 81 responses in Spanish and 50 responses in English.

Question: What do you think about an ordinance that would require insect screens in homes and apartments?



The most popular Hispanic listening station, La Zeta conducted a third-party poll to their Spanish-speaking audiences and the following were the results.



107.1 La Z created a poll.
April 17 at 7:58am · 🌐

Allí nueva propuesta para ley aqui en Austin que requeriria tener mosqueteros en casas y apartamentos #PreguntaPaLaRaza: tu que piensas sobre esta nueva propuesta?

[See Translation](#)

61% Me Gusta Y Debe Ser Ley

39% No Me Gusta

This poll has ended.

44 Votes

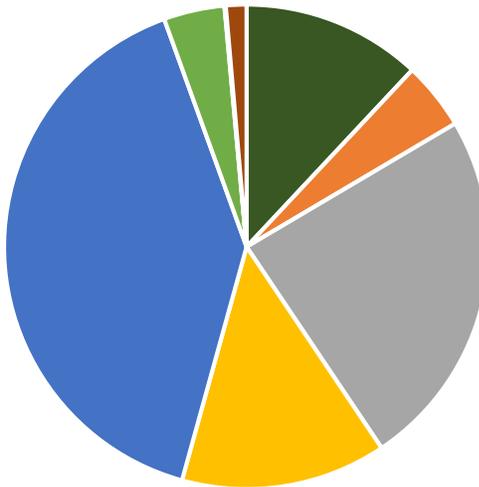
Results – Quantitative Survey

The quantitative survey had a total of 2,906 responses that were collected from November 2017 to April 30, 2018. More than 3,000 were collected from all the methods of feedback. The following results reflect the Quantitative online survey.

All participants

Question: What types of properties should be included in the insect screen ordinance?
(Check all that apply.)

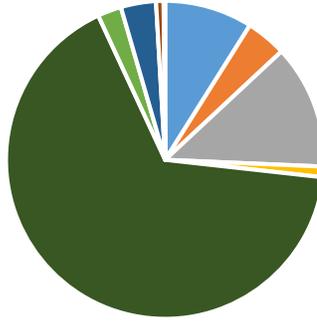
Properties with habitable rooms without air conditioning	15.9%
Properties with habitable rooms regardless of air conditioning	6%
Food service areas	32%
Food consumption areas	18.2%
None	53.4%
Commercial/business only	5.4%
All	0.1%
Not residential	1.8



- Without AC
- Regardless of AC
- Food service
- Food consumption
- None
- Commercial
- All
- Not private residential

Question: Where should the screens be required? Mark only one oval.

All doors, windows and outside opening required for ventilation	9%
All windows and outside openings	4%
Only windows	13%
All doors, windows and outside openings in the first floor	1%
Nowhere/none	66%
Only in commercial buildings	2%
Food service areas	4%
Properties without A/C	0.7%
Only in new homes	0.2%



- All doors, windows and outside opening required for ventilation
- All windows and outside openings
- Only windows
- All doors, windows and outside openings in the first floor
- None/nowhere
- Commercial only
- Restaurants only
- Without AC

Question: What exceptions should be included?

Properties with functioning air conditioning	37%
Properties with air curtains	29%
Properties with insect repellent fans	26%
On fixed windows	38.2%
On historical buildings	30%
On doors	31.3%
All properties	38%
Residential/Private homes	14.1%
None	3.3%

Question: Please rank the following requirements to insect screens by order of importance to you.

	Not important	Moderately important	Very important
Required for every door	92%	5%	4%
Required for every window	88%	5%	6%
Required for every outside opening required for ventilation	86%	7%	7%

Question: Please rank the following exceptions to insect screens by order of importance to you.

	Not important	Moderately important	Very important
In properties where air curtains are installed	86%	14%	0%
In properties where insect repellent fans are installed	85%	14%	0%
In properties where air conditioning is installed	84%	16%	0%

Question: The IPMC states: "During the period from [DATE] to [DATE]," ... Should the ordinance take place year-round or only during a timeframe? (Mark only one oval.)

Year-round	16%
During a timeframe	16%
Never	68%

Question: Which of the following best represents you?

A property owner	87%
A tenant	10%
A property manager	6%

Qualitative Emails

The Austin Code Department received near 100 emails from citizens expressing their thoughts on the insect screen proposal. More than 90% of those emails express concerns over the ordinance.



**AUSTIN TENANTS
COUNCIL**
Safe • Decent • Fair • Housing for All

1640-B East 2nd Street
Austin, TX 78702

512.474.7006
housing-rights.org

Austin Code Department
PO Box 1088
Austin TX 78767
Via email: codecommunications@austintexas.gov
CC: City Manager and City Council Members

RE: Proposed IPMC Amendments re: insect screen requirements

April 30, 2018

Dear Austin Code Department:

The Board of Directors of the Austin Tenants Council appreciates the opportunity to express our support for adoption of insect screen requirements in the Local Code adaptation to the 2015 International Property Management Code (IPMC.) Voicing our support is particularly important because there is opposition to including the insect screen requirements in the IPMC in the City of Austin's Code update.

Austin Tenants Council is a local non-profit agency that provides education, counseling, mediation, and resources to over 10,000 tenants in the Greater Austin Area per year. In the course of that work, we work with hundreds of tenants living in substandard conditions. These tenants are often unable to assert their right to safe, decent conditions directly via their landlord. In these cases, tenants rely on Austin Code Enforcement to hold the property to code standards and provide minimal maintenance to Austin's rental housing stock.

Window, door and vent screens protect interior spaces against insects entering living spaces and food preparation and storage areas. Insects, particularly mosquitos can cause disease transmission. Other problems may include food contamination, painful bites, and nuisance. Preventing the entry of insects into a living space is the first and healthiest line of defense. Once insects enter living spaces pesticides are the common solution. Reducing dependence on pesticides is in the best interests of the residents and the environment.

Screens encourage ventilation and clean air flow, which are crucial to good health and temperature regulation. Some screens also protect against solar radiation and can improve energy efficiency by eliminating the need to use air conditioning. Screens that filter out solar radiation can reduce air conditioning loads by reducing the indoor heat gain. This saves energy and money even when the air conditioner is in use.

Finally, screens allow for privacy within the home. This is to the advantage of the tenant and the property owner. Having a screening requirement for all windows and doors makes it more difficult to see indoors. It also makes the windows and doors uniform and improves the overall appearance of the property.

The 2015 International Property Maintenance Code requires insect screens in section 304.14:

“.... every door, window, and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas... shall be supplied with approved tightly fitting screens of minimum 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.”

Renters in Austin should be protected by the international standard without exception. An international standard is subject to a rigorous vetting process. Standards recommended by the process are deemed reasonable and necessary. Surely, the City of Austin would adopt the international standards as recommended including the insect screening requirement which is opposed by some property owners.

We believe that everyone in our community has the right to safe, decent, fair, affordable housing. We acknowledge and appreciate the role of the Code Department in enforcing the IPMC and other local regulations, to ensure that local rental housing is safe and decent. Please bring City Council a recommendation to include insect screen requirements in our local property maintenance code.

Sincerely,
Austin Tenants Council Board of Directors



MEMORANDUM

TO: Cora D. Wright, Director, Austin Code Department
FROM: Stephanie Hayden, LMSW, Director, Austin Public Health
DATE: June 8, 2018
SUBJECT: APH Mosquito Control Strategies

The purpose of this memo is to briefly outline the initiatives used by Austin Public Health (APH) to control our area's mosquito population and to minimize the risk of mosquito-borne disease transmission in Austin and Travis County. This memo also provides a summary of recent mosquito-related disease rates, and provides an overview of Austin's mosquito (or vector) control and disease response plans.

APH conducts mosquito control on an ongoing basis through integrated mosquito management (IMM). The IMM approach focuses on conducting site assessments of likely mosquito breeding areas; mosquito surveillance, trapping and testing; public outreach and education; and, the application of control measures such as larviciding and adulticiding (the extermination of larval and adult mosquitos, respectively). These measures are further explained below.

Mosquito Surveillance and Testing

APH's Environmental Health Officers conduct site assessments of properties to identify actual or likely mosquito breeding areas. These assessments are frequently conducted at the request of property owners; other areas are assessed based on local drainage patterns, vegetation type, or accumulation of debris, such as used tires.

Based on the results of site assessments, mosquito traps are then set in these known or likely mosquito breeding areas. This surveillance activity occurs annually between the months of May and November. All trapped, live mosquitoes are delivered to the Texas Department of State Health Services' Entomology Lab for mosquito species identification and arbovirus testing.

Staff of APH's Epidemiology and Public Health Preparedness Division continually monitor these laboratory results for the presence of mosquito-borne viruses and pathogens such as Zika, West Nile, Chikungunya, and Dengue. If a given mosquito test pool tests positive for a mosquito-borne pathogen, APH follows the protocols and procedures outlined in Attachment 1: *Surveillance Response to Positive Mosquito Pools*. If mosquito-borne diseases are locally identified, APH follows the procedures outlined in Attachment 2: *Adulticiding Response Risk Levels*, which specifies vector control responses based on identified "Risk Levels" that reflect APH's estimated probability of a human mosquito-borne disease outbreak.



Mosquito-Related Public Outreach and Education: Preventative Measures

Mosquito-borne disease transmission is an on-going public health concern. However, to further minimize the risk of mosquito-borne disease transmission, APH participates in about 20 public outreach events each year to provide educational information on the “DOs and DON’Ts of mosquito control at the personal level, including to: use insect repellants such as DEET; wear long pants and long sleeve shirts; drain nearby standing water and maintain lawns; avoid outdoor activity between dusk and dawn; stay inside an air-conditioned living space or, in non-air-conditioned spaces, to use insect screens on all windows and doors opened for ventilation.

Occurrence of Mosquito-Borne Diseases

Data on various mosquito-borne diseases in Travis County, Texas, and the United States are shown in Tables 1 through 4.

Mosquito-borne diseases commonly reported in Travis County are Dengue, Chikungunya Virus, Malaria, and West Nile virus (Table 4). Some Zika virus infections are also reported since the virus’s emergence in the West Hemisphere in May 2015. All the reported cases of Zika virus, dengue virus, chikungunya virus and malaria in Travis County were associated with exposure to mosquitoes outside the United States.

Table 1. Number of Reported Mosquito-borne Disease Cases by Disease, Travis County, 2008-2017

Year	Zika Virus	Dengue Virus	Chikungunya Virus	Malaria	West Nile Virus
2008	0	4	0	5	2
2009	0	2	0	5	2
2010	0	1	0	10	2
2011	0	3	0	3	0
2012	0	2	0	5	153
2013	0	4	0	6	0
2014	0	3	8	7	6
2015	0	6	7	3	0
2016	14	4	1	4	3
2017	16	2	1	12	0
Total	30	31	17	60	168

Over 350 and 5,600 Zika virus cases were reported in Texas and the United States, respectively, during 2016 through 2017 (Tables 2 and 3). About 4% of the Zika cases reported in the United States acquired their infections through local mosquito transmission. During 2016 through 2017, 30 Zika virus cases were reported in Travis County (Table 1). None of these cases in Travis County acquired their infections through local mosquito transmission.

Table 2. Number of Reported Zika Virus Cases in Texas by Exposure Classification, 2015-2018*

Year	Number of Cases	Travel-associated	Local Mosquito Transmission	Other Transmission (Sexual)
2015	8	8	0	0
2016	315	307	**6	2
2017	55	50	* **5	0
2018	3	3	0	0

Source: Texas Department of State Health Service and the Center for Disease Control

*Data as of May 25, 2018

**2016 local mosquito-transmission cases from Cameron Count

***2017 local mosquito-transmitted cases Cameron County (1) and Hidalgo County (4)

Table 3. Number of Reported Zika Cases in the United States by Exposure Classification, 2015-2018*

Year	Number of Cases	Travel-associated	Local Mosquito Transmission	Other Transmission (Sexual/Lab/Blood Transfusion)
2015	62	62	0	0
2016	5,168	4,897	224	47
2017	449	434	7	8
2018	21	21	0	0

Source: Texas Department of State Health Service and the Center for Disease Control

*Data as of May 2, 2018

In 2012, an outbreak of West Nile virus occurred in Texas. Over 1,800 human cases were reported (Table 4). During this outbreak, 153 human cases were reported in Travis County (Table 1).

Table 4. Number of Mosquito Pools, Birds, Horses, Sentinel Chickens and Humans with Evidence of West Nile Virus Infections, Texas, 2012 - 2018*

Year	Mosquito	Birds	Horses	Sentinel Chicken	Human					Total
					Fever	Neuroinvasive	Total (Human)	Deaths	PVD‡	
2012	1,403	211	121	0	1,024	844	1,868	89	103	3,603
2013	487	5	69	0	70	113	183	14	36	744
2014	2,032	77	25	0	126	253	379	6	59	2,513
2015	1,565	14	31	1	79	196	275	16	32	1,886
2016	1,775	5	135	17	112	235	347	16	46	2,279
2017	1,041	3	19	0	48	85	133	5	14	1,196
2018*	4	0	0	0	0	0	0	0	0	4

Source: Texas Department of State Health Services

*Year 2018 reflects data through mid-May

‡PVD-Presumptive viremic blood donors (PVDs) are people who had no symptoms at the time of donating blood through a blood collection agency, but whose blood tested positive when screened for the presence of West Nile virus. Unless they meet the case reporting criteria, they are not counted as a case for official reporting purposes and are not included in the “total reports” column.

In closing, this information has been reviewed by the Chief Epidemiologist, Janet Pichette and Don Hastings, Assistant Director, Environmental Health Services. If you have questions or require additional information feel free to call me at 512-972-5010 or Janet Pichette at 512-(512) 972-5486.

Attachments:

SURVEILLANCE RESPONSE TO POSITIVE MOSQUITO POOLS
ADULTICIDING RESPONSE RISK LEVELS

Attachment 1:
SURVEILLANCE RESPONSE TO POSITIVE MOSQUITO POOLS

Policy: Establish Program action guidelines in response to disease confirmed mosquito pools reported by the Texas Department of State Health Services (TDSHS) arbovirus lab.

Procedure: Upon TDSHS arbovirus lab notification of a confirmed positive virus isolate from a mosquito pool collected as part of the Program's adult mosquito surveillance activity, staff will initiate the following response procedures:

1. Site Assessments (after initial positive)
 - A. Within a 0.25 mile radius of the confirmed positive pool trap location, conduct and properly document an in-depth and comprehensive site assessment to identify possible mosquito breeding sources.
 - (1) Obtain dipping counts per protocol.
 - (2) Identify any creeks, drainage easements and other possible breeding sources.
 - B. Expand the site assessment radius to 0.5 miles to identify additional locations for gravid trap surveillance.
 - C. If needed, contact the following City Departments for assistance:
 - (1) Watershed Protection
Access and survey assistance with local creeks and waterways.
 - (2) Storm Water Management
Access and survey assistance with drainage easements.
 - (3) Code Compliance Department
Information concerning standing water and rubbish complaints.
2. Enhanced Adult Mosquito Surveillance trapping (after initial confirmed positive)
 - A. Verification of Positive
 - (1) For verification, gravid traps should be reset at the same location one (1) additional time within one (1) week after initial positive notification from the DSHS arbovirus laboratory.
 - B. Surveillance (after verification of positive)
 - (1) If positive, establish monthly surveillance (trapping) at the site for the remainder of the season.
 - (2) If negative, expand trapping to another location/area.

(continued)

3. Education



- A. Locate high risk population facilities within 0.5 miles of the site where the positive pool was identified using the internet or other available sources to target:
 - (1) Retirement homes and/or elder care facilities
 - (2) Heavily used outdoor recreation facilities (public & private parks, swimming pools, golf courses, etc.)
- B. Hand-deliver signage, flyers, door hangers and any other information deemed appropriate to those facilities identified in 3A.

DRAFT

Attachment 2:
ADULTICIDING RESPONSE RISK LEVELS

Policy: Establish procedures for adulticide spraying in the City and County in response to identified “Risk Levels” associated with the probability of a human mosquito-borne disease outbreak in accordance with the Department’s Mosquito-borne Disease Response Procedure.

Procedure:

- **Risk Level One – Normal Response**
Conditions: Low probability of human outbreak
Trigger: Normal mosquito activity with little or no evidence of arbovirus isolates from adult mosquito samples collected at different times and locations.

Site assessments with education given out to property owners stating actions to be taken to eliminate mosquito breeding sites. When able, larviciding will take place as needed.

- **Risk Level Two – Enhanced Response**
Conditions: Moderate probability of human outbreak
Trigger: Multiple arbovirus isolates from adult mosquito samples collected at different times and locations

There will be no adult mosquito spraying within the City limits of Austin. A no-spray list will not be maintained for the City of Austin or Travis County. Adult mosquito spraying may be conducted in unincorporated areas of the County where site assessments and/or surveillance warrant.

- **Risk Level Three – Public Health Warning**
Conditions: High probability of human outbreak
Trigger: Multiple arbovirus isolates from mosquito samples collected at different times and locations AND confirmed or probable human cases supported by laboratory results

The department will continue to implement and adjust Integrated Mosquito Management (IMM) components as necessary, including the use of larvicides. Evaluation and recommendation for targeted broadcast spraying will be based on a variety of factors, including clustering and number of human cases. If broadcast spraying is indicated by the local Health Authority, proper authorities and elected officials will be consulted, including the City Manager. Communications staff will

increase public awareness efforts. Notice of intended spray areas may be disseminated through media press releases and other means as necessary.

- **Risk Level Four – Public Health Alert**

Conditions: Confirmed human outbreak

Trigger: Multiple human cases confirmed by laboratory testing

The Department will continue to evaluate situational status reports issued by the Disease Surveillance Program, including the number of deaths, clustering of positive mosquito pools and guidance from local, State or Federal health authorities, and make recommendations based on all available information. If broadcast spraying is indicated by the local Health Authority, proper authorities and elected officials will be consulted, including the City Manager and State Health Commissioner. Notice of intended spray areas may be disseminated through media press releases and other means as necessary.



Affordability Impact Statement

Neighborhood Housing and Community Development Department Insect Screen Ordinance

Proposed Regulation	The proposed ordinance would add a requirement to the Property Maintenance Code requiring all landlords and homeowners to install and maintain insect screens on all residential windows and doors in non-mechanically ventilated rooms.
Impact on Housing Cost	<input type="checkbox"/> Positive <input checked="" type="checkbox"/> Negative <input type="checkbox"/> Neutral The estimated average cost per screen is \$37. If a homeowner had to add all new screens to an average single family home it could cost approximately \$225. Considering the vast majority of residential homes would either already be in compliance with this requirement or exempt from the requirement, as all or most rooms would be mechanically ventilated, the magnitude of impact citywide is likely marginal. Nevertheless, the proposed requirement will likely impact the most cost-burdened and vulnerable homeowners and the negative impact for these individuals and families not in compliance or exempt could be significant.
Imagine Austin Housing and Neighborhood Policies Implemented	None.
Strategic Housing Blueprint Strategies Implemented	None.
Other Policy Considerations	The proposed requirement addresses public health policy concerns and attempts to decrease the occurrence of insect-borne diseases.
Proposed Alternative Policy Language	None.
Date Prepared	May 23, 2018

Manager's Signature _____

Insect Screen City Ordinance Research

Iqbal M. Naviwala and Nathan Brigmon

This document summarizes the investigation into insect screen requirements by various US cities. The starting point for this research, was a recent report (04/23/2018) of the [10 most problematic cities concerning mosquitoes¹](#). We took these cities, and additional TX cities, and sought out to find ordinances or related policy to Austin’s current investigation of insect screens. While insect screens are not only used to primarily fight mosquitoes, we felt this would be a great starting point. The duration of this research was less than seven days.

All research notes and relevant ordinance links can be found here:

<G:\Code Enforcement\ACD Admin Operations\GIS\Projects\Code Industry Research\2018-04-25 Insect Screen Requirement\00 Research>

Results:

Over half the cities we contacted have some sort of ordinance with similar language and physical requirements for the insect screen. It’s worth pointing out, cities that had no ordinance were more likely to be northern US cities. Typically, enforcement is not done on a proactive basis and fines are not levied unless it is a commercial establishment (especially food-related). No government provides funds or sets up programs to assist, although some cities provide alternative mechanisms to fight mosquitos. For example, [Dallas provides free mosquito dunks](#) to residents to fight mosquito-born illnesses.

Cities	State	Ordinance	Legal Reference
Fort Worth	TX	Yes	Chapter 7, Article 4- Min Stds § 7-93
City of Houston	TX	Yes	Chapter 29, Article III, Division 6, Sec. 29-122. - Insect and rodent control
Dallas	TX	No	
El Paso	TX	No	
San Antonio	TX	Yes	Chapter 6, Article IV, Sec. 6-52, 304.14 Insect screens
Austin	TX	No	
Atlanta	GA	Yes	Part III, App. E, Article II, Sec 21. Min Stds
Chicago	IL	No	
Boston	MA	Yes	105 CMR (Dept. of Public Health), 410.551, 410.552 and 410.553, Min Stds
Trenton	NJ	No	
Fort Lauderdale	FL	Yes	Sec. 9-278. - Light, ventilation
Washington	DC	No	
Tampa	FL	Yes	Chapter 19, Div2, Sec.19-231, (7) Protection against mosquitoes

Example from Atlanta, GA:

“Such screen shall not be required for doors or windows in rooms which are air conditioned or mechanically ventilated, nor shall they be required above the fourth floor of a building, unless specifically required by the Director because of insect prevalence”

¹ PRNEWswire. April 23, 2018. “TruGreen Announces List of Top 10 Cities Bothered by Mosquitoes” <https://www.prnewswire.com/news-releases/trugreen-announces-list-of-top-10-cities-bothered-by-mosquitoes-300633945.html>

Municipalities with Insect Screen Policy

Fort Worth, TX

Source:

[http://library.amlegal.com/nxt/gateway.dll/Texas/ftworth_tx/cityoffortworthtexascodeofordinances?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:fortworth_tx](http://library.amlegal.com/nxt/gateway.dll/Texas/ftworth_tx/cityoffortworthtexascodeofordinances?f=templates$fn=default.htm$3.0$vid=amlegal:fortworth_tx)

- Go to PART II: CITY CODE
- Chapter 7, Article 4- Minimum Standards

§ 7-93 SANITATION STANDARDS.

(a) Infestations. Where evidence of infestation exists, the owner or landlord of a vacant one- or two-family dwelling, a vacant or occupied multifamily dwelling, or any other building, structure or property, shall eliminate infestations of vectors, rodents or other pests. It shall be a defense if the landlord can show that the landlord had a vacant one- or two-family dwelling, a vacant or occupied multifamily dwelling, or any other building, structure or property treated to eliminate vectors, rodents or other pests within the preceding 30 days.

(b) Screens.

- (1) On every dwelling unit not provided with a thermostatically controlled central heating and air conditioning system, all exterior openings capable of being used for ventilation shall be securely screened with 16/18 mesh insect wire to prevent the entrance of vectors and other pests.

Houston, TX**Source:**

<https://library.municode.com/search?stateId=43&clientId=2679&searchText=insect&contentType=CODES>

Sec. 20-21.21. - Insect and rodent control.

(a) *Controlling pests, generally.* Effective measures intended to eliminate the presence of rodents, flies, cockroaches, and other insects on the premises shall be utilized. The premises shall be kept in such condition as to prevent the harborage or feeding of insects or rodents. The presence of insects, rodents, and other pests shall be controlled to eliminate their presence within the physical facility and its contents and on the contiguous land or property under the control of the permit holder by:

- (1) Routinely inspecting incoming shipments of food and supplies;
- (2) Routinely inspecting the premises for the evidence of pests;
- (3) Using appropriate methods of pest control, such as trapping devices or other means of pest control as specified under [section 20-21.27](#) of this Code, if pests are found; and
- (4) Eliminating harborage conditions.

(b) *Openings.* Openings to the outside shall be effectively protected against the entrance of rodents. Outside openings shall be protected against the entrance of insects by filling or closing holes and other gaps along floors, walls, and ceilings; tight-fitting, self-closing doors, kept closed, closed windows, screening, properly designed and installed air curtains to control flying insects, or other means. Screen doors shall be self-closing, and screens for windows, doors, skylights, transoms, intake and exhaust air ducts and other openings to the outside shall be tight-fitting and free of breaks. Screening materials shall not be less than sixteen mesh to the inch (16 mesh to 25.4 mm). Exterior doors used as exits need not be self-closing if they are: solid and tight-fitting; designated by the fire protection authority that has jurisdiction over the food establishment for use only when an emergency exists; and limited-use so they are not used for entrance or exit from the building for purposes other than the designated emergency exit use. Perimeter walls and roofs of a food establishment shall effectively protect the establishment from the weather and the entry of insects, rodents, and other animals.

(Ord. No. 99-1346, § 1, 12-15-99; Ord. No. 07-1051, § 2 (Exh. A), 9-12-07; Ord. No. 2015-1202, §§ 59, 60, 12-2-2015)

Additional Notes:

- The ordinance was approved in December 1999, with subsequent updates in 2007 and 2015.
- The ordinance applies to all buildings within the jurisdiction. The Code Enforcement does not issue fines related to this. The City of Houston Health Department however does issue a \$284 fine to restaurants/mobile food units who fail to control insects/rodents.
- The City of Houston does not proactively enforce this ordinance; any enforcement would come by way of complaint and is overseen by the Health department.
- No funding resource for low incomes citizens.

San Antonio, TX

email correspondence

From: Martin Ruiz (DSD) [mailto:Martin.Ruiz@sanantonio.gov]
Sent: Monday, April 30, 2018 10:37 AM
To: Naviwala, Iqbal <Iqbal.Naviwala@austintexas.gov>
Cc: Albert Mora (DSD) <Albert.Mora@sanantonio.gov>; Jenny Ramirez (DSD) <Jenny.Ramirez@sanantonio.gov>
Subject: RE: Online Feedback Submission:Any Insect Screens Ordinance for buildings

Good morning!

We've adopted and amended the 2015 IPMC into the 2015 San Antonio Property Maintenance Code (SAPMC).

The code we enforce is in Chapter 6, Article IV, Sec. 6-52. - Amendment to the San Antonio Property Maintenance Code. Within 6.52 is the SAPMC and the specific section is below;

It should also be noted that we are currently reviewing the 2018 IPMC for our local 2018 SAPMC adoption and amendment.

I've copied our Code Enforcement Section trainer Albert Mora so he may better assist you if you have any questions on the current code. Albert may also be reached at 210-207-4453.

V/R,

Tell us how we're doing by taking our [survey](#)

Martin L. Ruiz

Development Services Manager
Code Enforcement Section, Field Services Division
Phone: 210-207-8262 Fax: 210-207-0199
E-mail: martin.ruiz@sanantonio.gov
Website: www.sanantonio.gov/dsd

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Source: <http://www.sanantonio.gov/CES/News-Media/Publications/SAPMC-Book>

https://library.municode.com/tx/san_antonio/codes/code_of_ordinances?nodeId=PTIICO_CH6BU_ARTIVMIPRMACO_S6-52AMSAANPRMACO

304.14 Insect screens.

Every door, window and other outside opening required for *ventilation of habitable spaces*, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with *approved* tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exceptions: (1) Screens shall not be required where other *approved* means, such as air curtains or insect repellent fans, are employed. (2) *Habitable spaces* served by air conditioning unless the air conditioning has not been functioning for more than seven (7) consecutive days. (3) Doors are not required to be screened if there is an additional *ventilation* source in the room.

Boston, MA

Source: <https://www.mass.gov/regulations/105-CMR-41000-minimum-standards-of-fitness-for-human-habitation-state-sanitary-code>

<https://www.mass.gov/files/documents/2017/09/11/105cmr410.pdf>

410.551: Screens for Windows

The owner shall provide screens for all windows designed to be opened on the first four floors opening directly to the outside from any dwelling unit or room unit provided, that in an owner-occupied unit, the owner need provide screens for only those windows used for ventilation. All new or replacement screens shall be of not less than 16 mesh per square inch.

Said screens:

- (1) shall cover that part of the window that is designed to be opened but in no case less than the area as required in 105 CMR 410.280(A); and
- (2) shall be tight fitting as to prevent the entrance of insects and rodents around the perimeter.
- (3) Expandable temporary screens shall not be deemed to satisfy the requirements of 105 CMR 410.551(1) or (2).

410.552: Screens for Doors

The owner shall provide a screen door for all doorways opening directly to the outside from any dwelling unit or rooming unit where the screen door will be permitted to slide to the side or open in an outward direction, provided, that in an owner-occupied unit, the owner need provide screens only for those doorways used for ventilation. All new or replacement screens in screen doors shall be of not less than 16 mesh per square inch.

Said screen door:

- (1) shall be equipped with a self-closing device except where the screen is designed to slide to the side; and
- (2) shall be tight-fitting as to prevent the entrance of insects and rodents around the perimeter; and

410.553: Installation of Screens

The owner shall provide and install screens as required in 105 CMR 410.551 and 410.552 so that they shall be in place during the period between April first to October 30th, both inclusive, in each year.

Atlanta, GA

Source:

<https://library.municode.com/search?stateId=10&clientId=1093&searchText=nuisance&contentType=CODES>

Sec. 21. - Minimum Standards for Light, Ventilation and Heating.

Code of Ordinances

PART III - CODE OF ORDINANCES—LAND DEVELOPMENT CODE

APPENDIX E - ATLANTA HOUSING CODE OF 1987

ARTICLE II. - MINIMUM STANDARDS

Insect Protection Screens. Every door opening directly from a dwelling unit to outdoor space shall be supplied with a fourteen by eighteen inch mesh wire screen or equivalent

(h) *Insect Protection Screens.* Every door opening directly from a dwelling unit to outdoor space shall be supplied with a fourteen by eighteen inch mesh wire screen or equivalent protective screen; and, with the exception of sliding glass doors, shall possess a self-closing device consisting of at least a spiral spring. Every window with an opening to outdoor space used or intended to be used for ventilation shall likewise be supplied with adequate screens. Such screens shall not be required for doors or windows in rooms which are air conditioned or mechanically ventilated, nor shall they be required above the fourth floor of a building, unless specifically required by the Director because of insect prevalence.

Fort Lauderdale, FL:

Source:

https://library.municode.com/fl/fort_lauderdale/codes/code_of_ordinances?nodemd=COOR_CH18NU

Chapter 9 – Building and Construction

Sec. 9-278. - Light, ventilation.

(g) The openable area of every window or other device opening to the outdoors and intended to provide ventilation for a habitable room shall be properly fitted with an adequate screen for protection against mosquitoes, flies and other insects.

(h) Every door opening directly from a dwelling, hotel, or rooming unit to outdoor spaces shall be adequately screened for protection against mosquitoes, flies and other insects.

(1) Where separate screen doors are provided they shall be self-closing.

(2) Screen doors shall not be required for units which are mechanically air conditioned or which have a total openable window area of fifteen (15) percent of the total floor area.

**** Research Notes ****

- Enforcement year 1975, rental complaints only,
- Food: Restaurant, only when complaint, notice to owner, Magistrate hearing will decide

Tampa, FL

Source: https://library.municode.com/fl/tampa/codes/code_of_ordinances

Chapter 19 – Property Maintenance and Structural Standards**DIVISION 2. - SPECIFIC TECHNICAL REQUIREMENTS****Sec. 19-231. - Standards for dwellings generally.**

(7) *Protection against mosquitoes, insects.* Every door opening directly to outdoors from a dwelling unit used or intended to be used for ventilation shall be supplied screens and a self-closing device as protection against *mosquitoes*, flies and other insects. Every window and other device with openings to outdoor space used or intended to be used for ventilation shall likewise be supplied with screens with removable frames. The screen wire installed on every screen door or on every window screen shall be of at least eighteen (18) by fourteen (14) mesh. Openings on existing screen doors and windows shall not exceed sixteen (16) mesh. Dwellings and dwelling units containing central heating furnaces and air-conditioning equipment for mechanically ventilating the structure year-round shall not be required to have screens on door or window openings. Window-type air-conditioning units shall not qualify dwellings or dwelling units for the exception eliminating the screen requirements.

(Ord. No. 89-269, § 2(48-171), 10-12-89; Ord. No. 90-124, § 2(48-171), 5-17-90; Ord. No. 96-204, § 33, 9-26-96)