

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, AMENDING THE CITY OF PFLUGERVILLE, TEXAS CODE OF ORDINANCES, CHAPTER 92, ADDING ARTICLES III AND IV REGARDING THE QUASI-JUDICIAL ENFORCEMENT OF HEALTH AND SAFETY ORDINANCES CREATING A BUILDING AND STANDARDS COMMISSION IN ACCORDANCE WITH CHAPTER 54 OF THE LOCAL GOVERNMENT CODE, SUBCHAPTER C TO MEET LOCAL CONDITIONS; AND THE AUTHORITY REGARDING A SUBSTANDARD BUILDING PER 214 OF THE LOCAL GOVERNMENT CODE; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; REPEALING ALL ORDINANCES TO THE EXTENT THEY ARE IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS, the City Council desires to set minimum standards to safeguard the public safety, health, and welfare, insofar as they are affected by building construction, through structural strength, adequate means of egress facilities, stability, sanitary equipment, light and ventilation, energy conservation, fire safety, and in general to promote safety to life and property; and**

**WHEREAS, it is the opinion of City Council that the best interest of the citizens of Pflugerville will be best served by amending Chapter 92, by adding Articles IV and V to the City's Code of Ordinances to adopt the processes and procedures for a Building and Standards Commission and to address substandard buildings.**

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PFLUGERVILLE, TEXAS:**

**SECTION 1.** The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

**SECTION 2.** Chapter 92, Article IV and V of the City of Pflugerville, Texas Code of Ordinances is hereby added in its entirety as shown in attached Exhibit A.

**SECTION 3.** Cumulative and Repealer Clause. This ordinance shall be cumulative of all other ordinances of the City of Pflugerville, Texas, and shall not operate to repeal or affect any other ordinances of the City except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this Ordinance, in which event such conflicting provisions, if any, are hereby repealed to the extent of such conflict.

**SECTION 4.** That it is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

**SECTION 5.** This Ordinance will take effect upon its adoption by the City Council and publication of the caption hereof in accordance with Section 3.15(d) of the City Charter.

**PASSED AND APPROVED THIS** \_\_\_\_\_ day of \_\_\_\_\_ 2026

**CITY OF PFLUGERVILLE,**

**TEXAS**

**By:** \_\_\_\_\_  
**Doug Weiss, Mayor**

**ATTEST:**

\_\_\_\_\_  
**TRISTA EVANS/City Secretary**

APPROVED AS TO FORM:

\_\_\_\_\_  
Charles E. Zech, City Attorney  
DENTON NAVARRO RODRIGUEZ BERNAL SANTEE & ZECH, PC

## **EXHIBIT A**

### **CHAPTER 92 HEALTH AND SANITATION**

#### **ARTICLE IV BUILDING AND STANDARDS COMMISSION**

##### **§ 92.15 Creation**

The City Council appoints the Building and Standards Commission in accordance with Chapter 54 of the Local Government Code, Subchapter C, as may be amended.

##### **§ 92.16 Composition and Term**

Serving as a quasi-judicial board, the Building and Standards Commission consists of five (5) regular members and two (2) alternate members who shall serve two-year staggered terms. Alternate members may participate in meetings and vote on matters in the absence of regular members when requested to do so by the City Manager. The City Council may remove a member for cause set out in a written charge and as determined by the City Council after a public hearing, if requested by the member, on the charge.

##### **§ 92.17 Rules of Procedure**

The presiding officer shall call meetings when directed by the city secretary and may administer oaths to witnesses and compel the attendance of witnesses. Cases shall be heard in an open meeting by at least four (4) members and not more than five (5) members. The minutes of meetings are public records of the Building and Standard Commissions' examinations, official actions, and other proceedings and shall reflect each member's vote, absence or failure to vote on each question.

##### **§ 92.18 Powers and Duties.**

The Building and Standards Commission shall hear cases related to ordinances subject to quasi-judicial enforcement as listed in Chapter 54 of the Local Government Code, Section 54.032, as may be amended.

##### **§ 92.19 Notice.**

A public hearing shall be held so that the Building and Standards Commission may determine whether remediation is necessary and what, if any, civil penalties will be assessed in accordance with Chapter 54 of the Local Government Code, Sections 54.001 and 54.036(5) as may be amended.

(1) Notice of hearing.

(a) The city secretary shall make a diligent effort to discover the identity and address of the owner(s) of record and any lienholders or mortgagees of the building and/or the underlying property.

(b) The city secretary shall notify each owner by personal delivery, by certified mail with return receipt requested, or by delivery by the United States Postal Service using signature confirmation service, to the record owners of the affected property, and each holder of a recorded lien against the affected property, as shown by the records in the office of the county clerk of the county in which the affected property is located if the address of the lienholder can be ascertained from the deed of trust establishing the lien or other applicable instruments on file in the office of the county clerk lienholder, or mortgagee by mail.

(c) The notice must be posted and either personally delivered or mailed on or before the tenth day before the date of the hearing before the commission panel and must state the date, time, and place of the hearing, and alleged code violations. In addition, the notice must be published in a newspaper of general circulation in the municipality on one occasion on or before the tenth day before the date fixed for the hearing.

(d) The building official shall notify any unknown interested parties by posting a copy of the notice on each building or improvement as close to the front door as practicable.

(e) The building official shall file a notice of hearing in the official public records of real property in the county. The notice must contain the name and address of the owner of the affected property if that information can be determined from a reasonable search of the instruments on file in the office of the county clerk, a legal description of the affected property, and a description of the proceeding.

(2) When a municipality mails a notice in accordance with this section to a property owner, lienholder, or registered agent and the United States Postal Service returns the notice as "refused" or "unclaimed," the validity of the notice is not affected, and the notice is considered delivered.

**§ 92.20 Role of Building Official.**

A building official of the city shall be the authority to present all cases before the Commission.

**§ 92.21 Right of Appeal and Finality of Decisions.**

In each case, the building official shall mail by first-class mail, certified return receipt requested, to all parties entitled to notice of the original hearing, a copy of the final decision of the Building and Standards Commission. In addition, an abbreviated copy of the order shall be published one time in a newspaper of general circulation in the municipality within 10 calendar days after the date of the delivery or mailing of the copy, including the street address or legal description of the property, the date of the hearing, a brief statement indicating the results of the order, and instructions stating where a complete copy of the order may be obtained, and a copy shall be filed in the office of the city secretary. All persons aggrieved by a decision of the Building and Standards Commission may present a petition to any district court in Travis County, duly verified, setting forth that the decision is illegal, in whole or in part, and specifying the grounds of the illegality. A petition for review must be presented to a district court within thirty (30) calendar days of the date copies of the final decision are sent to interested parties. If no appeals are taken from a decision of the Building and Standards Commission within the required period, the decision of the Building and Standards Commission is, in all things, final and binding.

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**ARTICLE V SUBSTANDARD BUILDINGS**

**§92.22 Definitions.**

(1) Building. Any structure of any kind or any part thereof, erected for the support, shelter or enclosure of persons, animals, chattel, or property of any kind.

(2) Building codes. The most recent version of the codes adopted by the city, including, but not limited to, the International Property Maintenance Code, the International Building Code, the International Residential Code, the International Plumbing Code, the International Existing Building Code, and the National Electric Code.

(3) Building Official. The Building Official of the City of Pflugerville or their designee appointed to conduct periodic inspections of buildings to ensure that the same are being maintained in a manner consistent with prescribed building codes of the city and not in violation of this section.

(4) Substandard Building. Any building located within the City limits determined to be in any of the following conditions, including but not limited to:

(a) In such a state or condition of repair or disrepair that all or any of the following conditions exist:

- (i) Walls or other vertical structural members list, lean, or buckle;
- (ii) Damage or deterioration exists to the extent the building cannot be used or occupied without risk of injury, or to the extent the building poses a danger to persons on the property or adjacent property;
- (iii) Loads on floors or roofs are improperly distributed, or the floors or roofs are of insufficient strength to be reasonably safe for the purposes used;
- (iv) Damage by fire, wind, or other cause has rendered the building dangerous to life, safety, morals, or the general health and welfare of the occupants or the people of the City;
- (v) The building is so dilapidated, substandard, decayed, unsafe, unsanitary or otherwise lacking in the amenities essential to decent living or use that the same is unfit for human habitation or occupancy, or is likely to cause sickness, disease or injury or otherwise to constitute a detriment to the health, morals, safety or general welfare of those persons assembled, working, or living therein or is a hazard to the public health, safety and welfare;
- (vi) Light, air, and sanitation facilities are inadequate to protect the health, morals, safety, or general welfare of persons who assemble, work, or live therein;

- (vii) Stairways, fire escapes, and other facilities of egress in case of fire or panic are inadequate;
  - (viii) Parts or appendages of the building are so attached that they are likely to fall and injure persons or property;
  - (ix) The floors, exterior walls, or roof fail to protect occupants of the building from weather, injury, and the danger of collapse due to the presence of holes, cracks, and loose, rotten, warped, or protruding boards or other similar damage in floors, exterior walls, or the roof;
  - (x) Conditions of the building constitute a material violation of provisions of the City's most recently adopted version of the Building Codes, Plumbing Code, Fire Prevention Code, Property Maintenance Code, or Electrical Code (the "Codes"). For the purposes of this section, a "material" violation is a violation of any provision or provision of the Codes that creates a significant risk of personal injury, death, or property damage;
- (b) Dilapidated, substandard, or unfit for human habitation and a hazard to the public health, safety, and welfare of the City's residents;
  - (c) Regardless of its structural condition, unoccupied by its owners, lessees, or other invitees, and is unsecured from unauthorized entry to the extent that it could be entered or used by vagrants or other uninvited persons as a place of harborage or could be entered or used by children; or
  - (d) Boarded up, fenced, or otherwise secured in any manner if:
    - (i) The building constitutes a danger to the public even though secured from entry; or
    - (ii) The means used to secure the building are inadequate to prevent unauthorized entry or use of the building to the extent it could be entered or used by vagrants or other uninvited persons as a place of harborage or could be entered or used by children;
    - (iii) Defined as dangerous or unsafe by any of the most recently adopted Building Codes.

- (5) Diligent Effort. Best or reasonable effort to determine the identity and address of an owner, a lienholder, or a mortgagee by following the procedures for service under Section [82.118](#), Texas Property Code, or searches of the following records:
  - (a) County real property records of the county in which the building is located;
  - (b) Appraisal district records of the appraisal district in which the building is located;
  - (c) Records of the secretary of state;
  - (d) Assumed name records of the county in which the building is located;
  - (e) City tax records; and
  - (f) City utility records.
- (6) Minimum Housing Standards. Those standards found in the city's adopted standard building, electrical, plumbing, gas, mechanical, existing building, fire prevention codes, and any other regulations adopted under Chapter 214, Texas Local Government Code.
- (7) Occupant. Any person with a legal right of possession to the property by renting or leasing a property or building.
- (8) Owner. Any person claiming or in whom is vested the ownership, dominion, or title of real or personal property, including, but not limited to:
  - (a) The holder of the fee simple title.
  - (b) The holder of a life estate.
  - (c) The holder of a leasehold estate for an initial term of five (5) years or more.
  - (d) A buyer in possession or having right of possession under a contract for deed.
  - (e) A mortgagee, receiver, executor, or trustee in possession or control, or having right of possession or control of real property.
  - (f) Any agent who is responsible for managing, leasing, or operating property on behalf of the owner.
- (9) Repair. The reconstruction, renovation, or renewal of any part of an existing building for the purpose of its maintenance. This term shall not apply to any change or construction, alteration, or addition to a building other than for the purpose of reconstruction, renovation, or renewal.

- (10) Responsible Person. Any person who rents, leases, occupies, or resides within, or in the custody and control of the building.
- (11) Securing. The measures that assist in making the property inaccessible to unauthorized persons, including but not limited to the repairing of fences and walls, erecting fences or walls, chaining/padlocking of gates, and the repair or boarding of doors, windows, or other openings.

### **§ 92.23 Substandard Building Determination Authority.**

The Building and Standards Commission shall be the authority for proceeding under this Article.

### **§ 92.24 Abatement of substandard buildings.**

- (1) It shall be unlawful for any owner, occupant, or other person in control of a building to allow that building to be in a condition that does not conform to the minimum standards.
- (2) Any building that does not conform to the minimum standards is hereby declared to be a public nuisance and shall be abated by vacation, relocation of occupants, repair, demolition, or removal as necessary upon the issuance of an order to abate issued by the Building Standards Commission in accordance with the procedures set forth more specifically in this article.

### **§ 92.25 Conditions requiring abatement.**

Regardless of its date of construction, a building is considered not to meet the minimum standards of the city and shall not continue to be used or occupied if the following conditions are present and constitute a danger to persons or property:

- (1) Unoccupied buildings.
  - (a) Any building or any part thereof constructed or maintained in violation of any provision of this Code, or any law of the county, state, or federal government which makes the structure unsafe;
  - (b) Any building with a roof, ceiling, floors, walls, sills, windows, foundation, or any combination thereof, rotted or decayed, and falling apart;

- (c) Any building with shingles or roofing material not in place, or that is not free from leaks and sags;
- (d) Any building that is uninhabitable due to obsolescence and deterioration caused by neglect, vandalism, fire damage, old age, or the elements;
- (e) Any building that is in danger of falling and injuring persons or property;
- (f) Any building that is a fire menace because it is in a dilapidated condition, or that is likely to become a fire menace or be set on fire; or contains a fire load with the potential to cause a fire;
- (g) Any building that has been damaged by fire, water, earthquake, wind, hail, rain, vandalism, or other cause to such an extent that the roof, windows, or doors, or portions of the building that protect the interior from the weather, no longer reasonably protect from the weather;
- (h) Any building that is open and accessible so as to become a harbor for insects, rodents, vermin, uninvited persons, or transients; or a place for potential illegal activity;
- (i) Any building that is in unsanitary condition and likely to create disease because of the presence of insects, rodents, or vermin;
- (j) Any building that is damp and in unsanitary condition and is likely to create disease and sickness;
- (k) Any building that has holes, cracks, or other defects in it;
- (l) Any building that does not have railings for stairs, steps, balconies, or porches;
- (m) Any building that is not weathertight and waterproof, including but not limited to, roofs, walls, windows, doors, and flooring;
- (n) Any building that does not have a moisture-resistant finish or material for the flooring or subflooring of each bathroom, shower room, and toilet room;
- (o) Any building with floors that are missing, buckled, warped, worn, loose, or unlevel;

(p) Any building with an electric system that is a hazard due to inadequate maintenance, dilapidation, fire hazard, disaster, damage, abandonment, or not safely capable of carrying a load imposed by normal use of appliances and fixtures;

(q) Any building where the deterioration, decay, inadequacy of its floor joists, floors, subfloors, or foundation is likely to cause the structure to partially or completely collapse;  
or

(r) Any building not in compliance with the adopted codes of the City of Pflugerville, specifically including the International Property Maintenance Code, that otherwise fails to meet the requirements of this chapter.

(2) Occupied buildings. In addition to the conditions for an unoccupied building:

(a) Any building that does not have in operating condition a connection to discharge sewage from the structure or land into a public sewer system or septic system;

(b) Any building that does not have the minimum required fixtures as required in the International Property Maintenance Code and the International Plumbing Code; all of which shall be in operating condition and connected to both hot and cold water sources;

(c) Any building that does not have electrical service meeting required codes as described by the International Property Maintenance Code or the National Electric Code; or

(d) Any building that does not meet the standards established for an occupied structure as established by the adopted building codes of the city.

(3) Any building that is not occupied by its owners, lessees, or other invitees, has been left unsecured from unauthorized entry to the extent that it may be entered by vagrants, transients or other uninvited persons as a place of harborage or may be entered and utilized by children as a play area, regardless of its structural condition.

(4) Any structure that is boarded up, fenced, or secured if:

(a) The structure constitutes a danger to the public even though secured from entry; or

(b) The means used to secure the structure are inadequate to prevent unauthorized entry or use of the structure.

### **§ 92.26 Structural Maintenance.**

- (1) Exterior surfaces. The foundation, exterior wall, floor, roof, windows, doors and frames, and all exterior surfaces of every building shall be maintained in a state of repair sufficient to exclude rats, rodents, birds, vermin, or water intrusion. Peeling paint, cracked or loose plaster, broken glass, decayed wood, and other defective surface conditions shall be repaired, replaced, or restored. Garage doors shall be capable of being closed reasonably plumb, properly attached, and the exterior surface maintained weatherproof as required to prevent deterioration.
- (2) Exterior attachments. All exterior canopies, marquees, signs, awnings, stairways, standpipes, rain gutters, exhaust ducts, and similar overhang extensions attached to a building shall be maintained in good repair and be properly anchored to be kept in a safe and sound condition. Their exterior surface materials shall be maintained weatherproof and shall be painted or protected as required to prevent deterioration.
- (3) Chimneys. All chimneys and similar appurtenances shall be maintained structurally safe, sound, properly mortared, and in good repair. Their exterior surface material shall be maintained weatherproof and shall be painted or protected as required to prevent deterioration.
- (4) Stairs and porches. Every stair, porch, balcony, and all appurtenances attached thereto shall be so constructed as to be safe to use and capable of supporting the loads to which it is subjected. They shall be kept in sound condition and good repair, and their exterior surface shall be maintained weatherproof.

### **§ 92.27 Inspections and Duties of the Building Official.**

- (1) The building official is authorized to inspect, or cause to be inspected, every building, or portion thereof, reported to be a Substandard Building. If such a building, or any portion thereof, is determined to be unsafe, the building official shall give the responsible parties notice in accordance with the requirements set forth in this article. If the building official is denied permission to inspect any building or portion thereof reported to be unsafe, the building official may employ or seek any legal assistance, including warrants, necessary to

secure the ability to inspect for compliance with this chapter. The building official shall further:

- (a) Inspect or cause to be inspected, when necessary, any building within the incorporated limits of the city, including public buildings, schools, halls, churches, theaters, hotels, tenements, or apartments, multifamily residences, single-family residences, garages, warehouses, and other commercial and industrial building of any nature whatsoever for the purpose of determining whether any conditions exist which render such places a substandard building as defined herein.
- (b) Inspect any building, wall about which complaints have been filed by any person to the effect that a building, wall is or may be existing in violation of this article.
- (c) Report to the Building and Standards Commission members any noncompliance with the minimum standards set forth in this article. The building official shall obtain from the city secretary a hearing date at the earliest opportunity possible for a public hearing by the Building and Standards Commission on any building believed to be a substandard building and shall provide the city secretary with copies of the written notice to persons with interests in the property.
- (d) Appear at all hearings conducted by the Building and Standards Commission and testify as to the conditions of substandard buildings within the city.
- (e) Place a notice on any substandard building found to be out of compliance with the general requirements of the "Code".
- (f) Make a diligent effort to identify each owner, mortgagee or lienholder, and their respective addresses, by searching the following: the real property records of the county; the tax appraisal district records; the records of the secretary of state; the assumed name records of the county; the tax records of Travis County; and the utility records of record.
- (g) Perform the other requirements with respect to notification of public hearings as are set forth more specifically in this article.

**§ 92.28 Notice.**

- (1) Whenever the building official discovers a state of disrepair as defined in this article, the building official, or the designated agent, shall give notice to the owner, lienholder, and mortgagee, as applicable, of the building requiring remediation by:
  - (a) Personally serving the owner with written notice; or
  - (b) Depositing the notice in the United States mail addressed to the owner at the owner's post office address, either as certified mail with return receipt requested or using signature confirmation service; or
  - (c) Publishing the notice at least twice within a ten-day period in a newspaper of general circulation in a county in which the building is located if personal service cannot be obtained and the owner's post office address is unknown; or
  - (d) Posting the notice on or near the front door of the building if personal service cannot be obtained and the owner's post office address is unknown, which notice the commission finds to be reasonably calculated to give the owner notice of such violations.
  - (e) Notice is deemed given when it is sent by certified mail to the property owner's last known address as reflected in the appraisal district records, and delivery is attempted by the United States Postal Service. The compliance period specified in this notice shall commence on the date of attempted delivery, regardless of whether the notice is accepted, refused, or claimed by the recipient. If notice is also posted on the property, the compliance period shall begin on the earlier of the date of posting or the date of attempted delivery by mail.
  
- (2) The notice must:
  - (a) Contain a description of the substandard building and its location;
  - (b) Contain a statement of the specific conditions that make the building a substandard building;
  - (c) Contain a statement that it may/shall be illegal to occupy or utilize said building for any purpose until such time as the premises have been brought into compliance with the applicable provisions of the most recently adopted codes of the City of Pflugerville, and the International Property Maintenance Code;

- (d) Include notice of date for compliance with the initial notice of violation, or the date and time of a public hearing before the Building and Standards Commission to determine whether the building complies with the standards set out in this article, when the responsible party has failed to abate in accordance with the initial notice of violation;
  - (e) Include a statement that the owner, lienholder, or mortgagee will be required to submit at the hearing, proof of the scope of any work that may be required to comply with this article and the amount of time it will take to reasonably perform the work; and
  - (f) Be served upon the responsible parties as set forth in this article.
- (3) Compliance with initial notice of violation and notice of hearing. The parties responsible for the substandard building shall have until the date and time given in the initial notice of violation to bring the substandard building into compliance with the provisions of this Chapter and Chapter 150 Building Regulations.
- (4) Further occupancy prohibited. Once a building is determined to be a substandard building, the building official shall affix a placard on or near the front door of said building. The placard shall note the date of posting, provide the name and signature of the building official who determined the building to be a substandard building, provide an identification, which is not required to be a legal description, of the building and the property on which it is located, and shall state the following:
- “THIS BUILDING HAS BEEN FOUND TO BE A SUBSTANDARD BUILDING UNDER THE TERMS OF THE [INSERT NAME OF CODE] CODE. OCCUPANCY OR USE OF THIS BUILDING BY ANY PERSON OR FOR ANY PURPOSE IS HEREBY PROHIBITED UNTIL SUCH TIME AS THE PREMISES HAVE BEEN BROUGHT INTO COMPLIANCE WITH THE APPLICABLE PROVISIONS OF THE [INSERT NAME OF CODE] CODE AND THIS PLACARD REMOVED BY THE CODE OFFICIAL. REMOVAL OF THIS PLACARD BY ANY PERSON OTHER THAN THE UNDERSIGNED OFFICER OF THE CITY SHALL BE UNLAWFUL.”

**Or**

"THIS BUILDING HAS BEEN FOUND TO BE DANGEROUS ACCORDING TO THE MINIMUM STANDARDS SET FORTH IN THE CITY OF PFLUGERVILLE CODE OF ORDINANCES, CHAPTER 92, SECTION IV, AND UNDER THE TERMS OF THE (NAME OF CODE) CODE. USE OF THE BUILDING BY ANY PERSON OR FOR ANY PURPOSE IS HEREBY PROHIBITED UNTIL SUCH TIME AS THE PREMISES HAVE BEEN BROUGHT INTO COMPLIANCE. THIS NOTICE SHALL REMAIN ON THIS STRUCTURE UNTIL REPAIRED, REMOVED FROM THE CITY OF PLFUGERVILLE CITY LIMITS, OR DEMOLISHED. REMOVAL OF THIS PLACARD BY ANY PERSON OTHER THAN THE UNDERSIGNED OFFICER OF THE CITY SHALL BE UNLAWFUL."

**§ 92.29 Building and Standards Commission as Determination Body under Chapter 214.**

- (1) Upon receiving the report from the building official regarding a property, the Building and Standards Commission shall proceed under Chapter 214 of the Local Government Code as follows:
  - (a) Schedule and hold a public hearing on or after the eleventh (11th) day after the notice required by this ordinance and hear testimony from the building official, the owner, and other persons having an interest in the substandard building, and any person desiring to present factual evidence relevant to the unsafe building. Such testimony shall relate to the determination of the question of whether the building in question is a substandard building and the scope of any work that may be required to comply with this article, and the amount of time it will take to reasonably perform the work. The owner or a person having an interest in the substandard building shall have the burden of proof to demonstrate the scope of any work that may be required to comply with this article and the time it will take to reasonably perform the work.
  - (b) The Building and Standards Commission, when evaluating whether a building is substandard, shall:
- (2) Use the standards of criteria related to: deterioration of the building, fire hazard, pestilence, structural deformity, inadequate fire safety measures, and other conditions as recognized by the building codes adopted by the city in Chapter 150.

(3) Hear evidence and shall, upon a finding that the conditions as set out in the ordinances have been met, declare a building substandard.

(4) The Building and Standards Commission may issue one of the following orders:

(a) Order to secure or vacate the building and relocate the occupants.

(b) Order to repair, remove, or demolish.

(c) Order to remove or demolish.

(d) Order to release.

(i) If the building is occupied and the commission issues an order pursuant to subsection (4)(a) above, the building shall be vacated and the occupants relocated.

(ii) Orders of the commission issued pursuant to subsections (4)(b) and (c) shall determine the number of days before the ordered action to be completed.

(iii) If a residential building is removed or demolished pursuant to this article, any and all accessory buildings located on the same property shall be removed or demolished, regardless of structural condition.

(5) Upon conclusion of the hearing, the Building and Standards Commission shall determine by majority vote whether the building in question is substandard. Upon determination that the building in question constitutes a dangerous building or distressed property, the Building and Standards Commission shall issue a recommendation:

(a) Containing an identification of the building and the property on which it is located;

(b) Making written findings of the violations of the minimum standards that are present at the building;

(c) Requiring the owner and persons having an interest in the building to repair, vacate, or demolish the building within thirty (30) days, from the issuance of such order, unless the owner or a person with an interest in the building establishes at the hearing that the work cannot reasonably be performed within thirty (30) days, in which instance the board of appeals shall specify a reasonable time for the completion of the work;

- (d) Containing a statement that the city will vacate, secure, remove or demolish the substandard building and relocate the occupants of the building if the ordered action is not taken within the time specified by the Building and Standards Commission; and
- (e) The building official shall deliver a copy of the order by hand delivery or certified mail to the owner and all persons having an interest in the property, as such persons appear in official public records, including all identifiable mortgagees and lienholders, within ten (10) days after the date of the Building and Standards Commission issues its order which shall include an identification and address of the building and the property on which it is located; a description of the violation of this article that is found to be present on the property; a statement that the municipality will vacate, secure, remove, repair, or demolish the building or relocate the occupants of the building if the ordered action is not taken within a reasonable time; or that the city will take no action; and instructions stating where a complete copy of the order may be obtained.
- (f) If the Building and Standards Commission allows the owner or a person with an interest in the substandard building more than thirty (30) days to repair, remove, or demolish the building, the Building and Standards Commission in its written order shall establish specific time schedules for the commencement and performance of the work and shall require the owner or person to secure the property in a reasonable manner from unauthorized entry while the work is being performed. The securing of the property shall be in a manner found to be acceptable by the building official
- (g) The Building and Standards Commission may not allow the owner or person with an interest in the substandard building more than ninety (90) days to repair, remove, or demolish the building or fully perform all work required to comply with the written order unless the owner or person;
  - (i) Submits a detailed plan and time schedule for the work at the hearing; and
  - (ii) Establishes at the hearing that the work cannot reasonably be completed within ninety (90) days because of the scope and complexity of the work.
- (h) If the Building and Standards Commission allows the owner or person with an interest in the substandard building more than ninety (90) days to complete any part of the work required to repair, remove, or demolish the building, the Building and Standards

Commission shall require the owner or person to regularly submit progress reports to the building official to demonstrate that the owner or person has complied with the time schedules established for commencement and performance of the work. The written order may require that the owner or person with an interest in the building appear before the building official to demonstrate compliance with the time schedules.

- (i) Any owner, lienholder, or mortgagee of record of property jointly or severally aggrieved by an order of the board of appeals may file in district court a verified petition for writ of certiorari stating that the decision is illegal, in whole or in part, and specifying the grounds of the illegality. The petition must be filed by an owner, lienholder, or mortgagee within thirty (30) calendar days after the respective dates a copy of the final decision of the Building and Standards Commission is personally delivered to them, mailed to them by first-class mail with certified return receipt requested, or delivered to them by the United States Postal Service using signature confirmation service, or such decision of the Building and Standards Commission shall become final as to each of them upon the expiration of such thirty (30) calendar day period.
- (j) In the event the owner or a person with an interest in a substandard building fails to appeal from the order issued pursuant to this section within thirty (30) days or such longer period of time as may be specified in the order, the city may, at any time after the expiration of thirty (30) days from the date a copy of the final decision of the board of appeals is mailed to each known owner, lienholder or mortgagee, cause any occupants of the substandard building to be relocated, and may cause the substandard building to be secured, removed, or demolished at the city's expense. The city may assess the expenses on, and the city has a lien against, unless it is a homestead as protected by the state constitution, the property on which the substandard building was located. The lien is extinguished if the property owner or a person having an interest in the building reimburses the city for the expenses. The lien arises and attaches to the property at the time the notice of the lien is recorded and indexed in the office of the county clerk in the county in which the property is located. The notice of lien must contain the name and address of the owner of the substandard building if that information can be determined by a diligent effort, a legal description of the real

property on which the building was located, the amount of expenses incurred by the city, and the balance due. Such lien is a privileged lien subordinate only to tax liens and all previously recorded bona fide mortgage liens attached to real property.

- (k) In addition to the authority set forth in subsection (h), after the expiration of the time allotted in the order for the repair, removal, or demolition of a substandard building, the city may repair the building at its expense and assess the expenses on the land on which the building stands or to which it is attached. The repairs contemplated by this section may only be accomplished to the extent necessary to bring the building into compliance with the minimum standards established by this article, and to the extent such repairs do not exceed minimum housing standards. The city shall follow the procedures set forth in Chapter 214 of the Texas Local Government Code for filing a lien on the property on which the building is located.
- (l) After the public hearing, if a building is found in violation of standards set out in this article, the Building and Standards Commission may order that the occupants be relocated within a reasonable time.

**§ 92.30 Emergency Measures.** In addition to the procedures set forth in this article, the city may follow the procedures set forth in section 214.0011 of the Texas Local Government Code, as amended, to secure a building that the city determines violates the minimum standards set forth in this article and is unoccupied or is occupied only by persons who do not have a right of possession to the building. Such buildings may be ordered to be and shall be secured as an emergency precaution under the following conditions, regulations, and procedure:

- (a) When it shall appear that a building in the city is a substandard building under the terms of this article and that such building or the manner of its use constitutes an immediate and serious danger to life or property. When such conditions exist, the city manager or the building official may order that the building be immediately secured and allow any of the following emergency measures to be taken:
  - (i) Immediate vacation of such building and/or adjoining buildings or structures;
  - (ii) Vacation of the danger area around such building;

- (iii) Such emergency shoring up and bracing of walls, roofs, and supports as are required to render such building safe; or
  - (iv) The destruction of such walls, roofs, and supports or the entire building or so much thereof as cannot be braced or made secure with safety, or post notices on or near such building, or buildings, notifying the public of such orders and ordering all persons to keep out of such building, buildings and the areas of danger surrounding it or them.
- (b) When any of the above-mentioned measures are ordered to be taken, notice of such order shall be given as follows:
  - (i) Such order shall be directed to the owner of such substandard building, or his authorized representative, if the same shall be known. Where notification can be accomplished without increasing the danger to life or property, notice shall be given by personal service on the owner of the building, or his said representative.
  - (ii) In the event that such notification would create such a delay as would materially increase the danger to life or property, then such notice need not be given.
- (c) In the event that such notification cannot be given before the building is secured or in the event such notice is given and the owner or his representative shall refuse or fail to carry out the orders of the city manager or building official, then, the city manager or building official may proceed to carry out such orders either by private contract, the city fire department, or through an agency of the city, and the cost thus incurred shall constitute a valid lien against the property so repaired.
- (d) Right to request a public hearing. The Building and Standards Commission shall conduct a public hearing on the emergency securing of a building as provided under this section is within thirty (30) days after the date the building is secured, the owner files with the city a written request for the hearing. A hearing requested under this subsection shall be conducted within twenty (20) days after the date the request is filed.

**§ 92.31 Duty of City Attorney.**

It shall be the duty of the city attorney of the city to enforce the orders of the Building and Standards Commission or the building official, upon appeal, by filing an action in the appropriate court of the state, when so authorized by the city council.

**§ 92.31 Penalties for Violation of Article.**

Any person who shall willfully refuse or fail to leave a building which has been ordered vacated under the terms of this article, or who shall enter an area around such building that has been declared to be dangerous and notice of which declaration shall have been posted, and for any person who shall interfere with or hinder the vacation, repair, or demolition of any building under the terms of this article, shall be deemed guilty of a misdemeanor and shall be subject to a fine in accordance with the general penalty provision found in Section 10.99 of this code, and each and every day's violation shall constitute a separate and distinct offense. In case the owner or occupant of any substandard building ordered vacated, repaired, or demolished under the terms of this article, shall be a corporation, and shall violate any provision of the article, the president, vice-president, treasurer of such corporation, or any manager, agent, or employee of such corporation, shall also be severally liable for the penalties therein provided.

**§ 92.32 Additional Remedies.**

The remedies provided for in this section are not exclusive, and the City may take any additional actions authorized by Local Government Code, Chapter 214, including assessment of a civil penalty or any other remedies available by law.

**§ 92.33 City Action and Liens.**

- (1) In the event the owner or a person with an interest in a substandard building fails to appeal the order issued pursuant to this section within thirty (30) calendar days, the City may cause any occupants of the substandard building to be relocated, and may cause the substandard building to be secured, removed, or demolished at the City's expense.

- (2) The repairs contemplated by this section may only be accomplished to the extent necessary to bring the building into compliance with the minimum standards established by this article, and to the extent such repairs do not exceed minimum housing standards.
- (3) The city may assess the expenses on, and the city has a lien against the property, unless it is a homestead as protected by the state constitution. The lien is extinguished if the property owner or a person having an interest in the building reimburses the city for the expenses.
- (4) The lien arises and attaches to the property at the time the notice of the lien is recorded and indexed in the office of the county clerk in the county in which the property is located. The notice of lien must contain the name and address of the owner of the substandard building if that information can be determined by a diligent effort, a legal description of the real property on which the building was located, the amount of expenses incurred by the City, and the balance due. Such lien is a privileged lien subordinate only to tax liens and all previously recorded bona fide mortgage liens attached to real property.