

## CHAPTER 150: BUILDING REGULATIONS

### Section

#### *General Provisions*

150.01 Building and technical codes adopted by reference

#### *Dilapidated, Unsafe or Dangerous Buildings*

150.15 Urban nuisance defined

150.16 Minimum standards for continued use and occupancy of buildings

150.17 Inspection of buildings

150.18 Notice

150.19 Hearing

150.20 Findings and action at hearing

150.21 Publication of Council's order

150.22 Determination of identity and address of the owner and any lien holder of a building

150.23 Judicial review

150.24 Assessment of civil penalty

#### **GENERAL PROVISIONS**

#### **§ 150.01 BUILDING AND TECHNICAL CODES ADOPTED BY REFERENCE.**

(A) (1) The following codes are adopted:

(a) Uniform Building Code with appendix chapters:

1. Appendix Chapter 4 - Barriers for pools, spas and hot tubs;
2. Appendix Chapter 15 - Reroofing;
3. Appendix Chapter 33 - Excavation and grading;

**Cockrell Hill - Land Usage**

4. Appendix Chapter 34 - Existing structures (division I);

- (b) Uniform Plumbing Code;
- (c) Uniform Mechanical Code;
- (d) Uniform Fire Code;
- (e) National Electric Code;
- (f) Uniform Sign Code;

(2) All of the Uniform Codes are the 1997 edition as proposed by the North Central Texas Council of Governments.

(B) (1) The following 2000 edition of the International Building Code with regional amendments are hereby adopted:

- (a) International Building Code;
- (b) International Residential Code;
- (c) International Fire Code;
- (d) International Plumbing Code;
- (e) International Mechanical Code;
- (f) International Fuel Gas Code;
- (g) International Energy Conservation Code.

(2) The 1999 edition of the International Electrical Code with regional amendments is hereby adopted.

(Ord. 2000-D, passed 5-9-00; Am. Ord. 2001-K, passed 11-13-01)

***DILAPIDATED, UNSAFE OR DANGEROUS BUILDINGS*****§ 150.15 URBAN NUISANCE DEFINED.**

Any building or structure which on account of its dilapidated condition, state of disrepair, nonworking or malfunctioning condition, or any other reason, is dangerous to the physical health or safety of any person (including, but not limited to, any occupant of same) or is reasonably likely to cause injury, damage, harm or inconvenience to a considerable portion of the community in the use and enjoyment of property, or materially interferes with the proper use, comfort or enjoyment of surrounding property, taking into consideration the nature and use of the properties in the area and the character of the community in which they are situated, which condition would be substantially offensive and annoying to persons of ordinary sensibilities, tastes, and habits living in the community, is declared to be an urban nuisance subject to abatement pursuant to the following procedures and regulations. (Ord. 2002-D, passed 3-26-02)

**§ 150.16 MINIMUM STANDARDS FOR CONTINUED USE AND OCCUPANCY OF BUILDINGS.**

Every building, regardless of its date of construction, must be constructed of such materials and maintained in a sufficient state of repair that it does not constitute an urban nuisance as defined in § 150.15 above, in order for such building to be used for human habitation or occupancy. (Ord. 2002-D, passed 3-26-02)

**§ 150.17 INSPECTION OF BUILDINGS.**

The Code Enforcement Officer or his or her agents or representatives shall inspect or cause to be inspected any building which is suspected or reported as being an urban nuisance as defined in § 150.15 above. If the Code Enforcement Officer determines that such building reasonably appears to be an urban nuisance, he or she shall initiate proceedings for the abatement of the conditions, which appear to make such buildings an urban nuisance. (Ord. 2002-D, passed 3-26-02)

**§ 150.18 NOTICE.**

(A) The Code Enforcement Office shall cause a written notice to be sent to the owner and any lien holder of any building for which abatement proceedings under this subchapter are initiated. The notice shall advise of the time, date and place of a public hearing to be held by the City Council to determine whether the building constitutes an urban nuisance as defined in this subchapter.

(B) The notice shall include a statement that the owner and any lien holder will be required to submit at the hearing proof of the scope of any work that may be required to eliminate the nuisance condition of the building and the time it will take to reasonably perform such work.

(C) The notice shall contain:

(1) An identification (which is not required to be a legal description) of the building and the property on which it is located;

(2) A description of the violation of municipal standards that exist regarding the building; and

(3) A statement that the city will vacate, secure, remove or demolish the building if any action ordered by the City Council is not taken within a reasonable time as specified in the Council's order.

(D) The city shall make a diligent effort to determine the identity and address of any owner and lien holder of any building processed under this subchapter and shall personal deliver or mail the notice of hearing to any such owner and lien holder by certified mail, return receipt requested. Notice of the hearing shall be mailed at least 15 days prior to the hearing date. If the notice as set forth herein is mailed and the United States Postal Service returns the notice as "refused" or "unclaimed," the validity of the notice is not affected, and the notice shall be deemed as delivered.

(Ord. 2002-D, passed 3-26-02)

#### **§ 150.19 HEARING.**

At the hearing the Code Enforcement Officer or his or her agent or representative shall present evidence supporting his or her determination that the building appears to constitute an urban nuisance. The property owner and lien holder, if present, shall be allowed to examine any demonstrative evidence and cross-examine the Code Enforcement Officer and any witnesses for the city. The hearing shall not be required to be conducted in accordance with technical rules of law relating to evidence and testimony, but the Council shall give any building owner and lien holder a full, fair and impartial hearing on the merits of the issue of whether the building constitutes an urban nuisance as defined herein and any reasonably related issue. In a hearing to determine whether a building complies with the standards required herein, the owner or lien holder has the burden of proof to demonstrate the scope of any work that may be required to comply with this subchapter and the time it will take to reasonably perform the work. Subpoenas may be issued prior to the hearing upon the request of any Council member, the Code Enforcement Officer, the building owner or any lien holder. Any person who refuses, without excuse deemed reasonable by the Council, to respond to any subpoena issued and served hereunder shall be guilty of a violation of this subchapter and subject to prosecution in the municipal court. The Council's hearing shall be deemed a public hearing subject to the requirements of the state Open Meetings Law.

(Ord. 2002-D, passed 3-26-02)

**§ 150.20 FINDINGS AND ACTION AT HEARING.**

(A) After the public hearing, if the Council finds a building to be an urban nuisance in violation of the standard set forth above, it may order the building to be vacated, secured, repaired, removed or demolished within a reasonable time as provided herein. Any such order shall require the owner or lien holder of the building to, within 30 days:

(1) Secure the building from unauthorized entry; or

(2) Repair, remove or demolish the building, unless the owner or lien holder establishes at the hearing that such work cannot reasonably be performed within 30 days.

(B) If the Council allows the owner or lien holder more than 30 days to repair, remove or demolish the building, it shall establish specific time schedules for the commencement and performance of the work and shall require the owner or lien holder to secure the property in a reasonable manner from authorized entry while the work is being performed. The Council may not allow the owner or lien holder more than 90 days to repair, remove or demolish the building or fully perform all work required to comply with its order unless the owner or lien holder:

(1) Submits at the hearing a detailed plan and time schedule for the work; and

(2) Establishes at the hearing that the work cannot reasonably be completed within 90 days because of the scope and complexity of the work.

(C) If the Council allows the owner or lien holder more than 90 days to complete any part of the work required to repair, remove or demolish the building, the Council shall require the owner or lien holder to regularly submit progress reports to the city to demonstrate compliance with the time schedules established for commencement and performance of the work. The Council may require the owner or lien holder to appear before the Council or the Council's designee to demonstrate compliance with the time schedules. If the owner or lien holder owns property, including structures or improvements on property, within the municipal boundaries that exceeds \$100,000 in total value, Council may require the owner or lien holder to post a cash or surety bond in an amount adequate to cover the cost of repairing, removing or demolishing the subject building. In such event the bond must be posted not later than the thirtieth day after the date the Council issues its order.

(Ord. 2002-D, passed 3-26-02)

**§ 150.21 PUBLICATION OF COUNCIL'S ORDER.**

(A) Within ten days after the date any order is issued by the Council, the City shall:

**Cockrell Hill - Land Usage**

- (1) File a copy of the order in the office of the City Secretary; and
- (2) Publish in a newspaper of general circulation in the city a notice containing:
  - (a) The street address or legal description of the property;
  - (b) The date of the hearing;
  - (c) A brief statement indicating the results of the hearing; and
  - (d) Instructions stating where a complete copy of the order may be obtained.

(B) After the hearing the city shall promptly mail by certified mail, return receipt requested, or personally deliver, a copy of the Council's order to the owner and any lien holder of the building. If the notice of the Council's order is mailed to the owner and any lien holder of the building in accordance with this section and the United States Postal Service returns the notice as "refused" or "unclaimed," the validity of the notice is not affected and the notice shall be considered delivered.

(Ord. 2002-D, passed 3-26-02)

**§ 150.22 DETERMINATION OF IDENTITY AND ADDRESS OF THE OWNER AND ANY LIEN HOLDER OF A BUILDING.**

(A) The city shall make a reasonable effort to determine the identity and address of the owner and any lien holder of any building for which the subject abatement proceedings are initiated.

(B) The city satisfies this requirement of making a reasonable effort to determine the identify and address of an owner or lien holder if the city searches the following records:

- (1) County real property records;
- (2) Appraisal district records;
- (3) Records of the Secretary of State as to any corporate owner or lien holder;
- (4) Assumed name records of the County Clerk;
- (5) City's tax records; and
- (6) City's utility records.

(Ord. 2002-D, passed 3-26-02)

**§ 150.23 JUDICIAL REVIEW.**

Any owner or lien holder aggrieved by an order issued pursuant to the foregoing sections shall have a right to judicial review as set forth in Tex. Loc. Gov't Code, § 214.0012 or any amendment thereto. (Ord. 2002-D, passed 3-26-02)

**§ 150.24 ASSESSMENT OF CIVIL PENALTY.**

The Council may assess a civil penalty against the property owner for failure to repair, remove or demolish a building ordered to be repaired, removed or demolished by the Council, which civil penalty shall be in an amount not to exceed \$1,000 per day for each violation or, if the owner shows that the property is the owner's lawful homestead, in an amount not to exceed \$10 per day for each violation, if the city proves:

(A) The property owner was notified of the requirements of the subchapter and the owner's need to comply with the requirements; and

(B) After notification, the property owner committed an act in violation of the subchapter or failed to take an action necessary for compliance with the subchapter.

(Ord. 2002-D, passed 3-26-02)

