



**August 26, 2025**  
**Building Standards Commission**  
**AMENDED**

Notice is hereby given of a Nacogdoches Building Standards Commission meeting to be held on the above date in the City Council Chambers of City Hall, 202 E. Pilar Street, Nacogdoches, Texas, beginning at 4:00 p.m. for the purpose of considering the following agenda items. Some Commission members may attend via videoconference, but a quorum of the Commission and the Presiding Officer will be present at the above-stated physical location.

PLEASE LIMIT PRESENTATIONS TO THREE MINUTES  
(UNLESS PRIOR APPROVAL IS OBTAINED)

1. CALL TO ORDER.

2. PLEDGE OF ALLEGIANCE.

3. **CONSENT AGENDA**

- A. Consider approval of minutes from the Building Standards Commission meeting held on April 23, 2025.

4. **REGULAR AGENDA**

- A. Consider an appeal by ETX Park Fund #1 LP of a decision of the city that sewer utility extensions proposed alongside a property being developed, and generally located on Park Street near the intersection of Park Street and Martinsville Street, shall be required to extend at least to the mid-point of the developer's frontage. (Director of Public Works/City Engineer) **withdrawn by appellant**
- B. Consider possible action on proposed ordinance updates, amending Chapter 14 "Buildings and Building Regulations," Article VIII "Minimum Urban Standards Code," Division 4 "Unsafe Structures," of the Code of Ordinances of the City of Nacogdoches, Texas; Providing a Severability Clause; Providing a Continuation Clause; Providing a Repeal Clause; and Providing an Effective Date. (Executive Director of Development and Infrastructure and City Attorney)

5. ADJOURN.

Cristina Trujillo, Permit Technician

**CERTIFICATION**

This meeting will be conducted pursuant to Chapter 551 of the Texas Government Code. The Commission reserves the right to adjourn into Executive Session at any time during the meeting to discuss any of the above-posted agenda, as authorized by Texas Government



Code Section 551.071 [consultation with attorney]. The City of Nacogdoches is committed to compliance with the Americans with Disabilities Act. Reasonable modifications and equal access to communications may be provided upon request. Please contact the City Secretary at (936) 559-2506 for information. I certify the notice of meeting was posted in the directory outside of City Hall, 202 E. Pilar Street, Nacogdoches, Texas 75961, on August 22, 2025, by 4:00 p.m. pursuant to Chapter 551 of the Texas Government Code.

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Cristina Trujillo, Permit Technician



## **Building Standards Commission**

Date: August 26, 2025

Agenda Item: 3.A.

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### **PRESENTER:**

**ITEM/SUBJECT:** Consider approval of minutes from the Building Standards Commission meeting held on April 23, 2025.

### **SUMMARY / BACKGROUND:**

### **REVIEW CRITERIA & REQUIRED FINDINGS:**

### **NOTICES:**

**Not Applicable**

**CITY CONTACT:** Cristina Trujillo, Permit Technician

**ATTACHMENTS:** 1. BSC Minutes 04.23.2025



**Regular Meeting Minutes**  
**Nacogdoches Building Standards Commission**  
**April 23, 2025 – 3 p.m.**

City Council Chambers, 202 E. Pilar Street, Nacogdoches, TX

**Members Present:** Travis Davis; John Windham; Sally Ann Swearingen; Brandon Rowell; Jerson Jaramillo; Nathaniel Walker

**Staff Present:** Angela Sowell, Code Enforcement Supervisor; Aimee Cloutier, Planning Coordinator; Jason Vickery, Assistant City Engineer; Mike Neu, Executive Director of Development and Infrastructure; Armando Rodriguez, Code Enforcement Officer; Christy Cessna, Code Enforcement Technician; Don Shoemaker, Building Official; Mike Brown, Fire Chief; Jody Chandler, Fire Marshal; Jason Tobias, Division Fire Chief; Jerry Baker, City Attorney; Cristina Trujillo, Permit Technician; Dan Taravella, Assistant Police Chief

**1. CALL TO ORDER.** Swearingen called the meeting to order at 3:03 p.m.

**2. PLEDGE OF ALLEGIANCE.** Swearingen led the Pledge of Allegiance.

**3. Administer Statement of Officer and Oath of Office for newly appointed Building Standard Commissioners.**

Cloutier administered the Statement of Officer and Oath of Office for newly appointed Commissioner Jeramillo.

**4. CONSENT AGENDA.**

- A. Approval of Minutes: Consider approval of minutes from the September 16, 2024, Building Standards Commission meeting.

Rowell moved to approve the minutes as written. Walker seconded the motion. The motion passed unanimously.

**5. REGULAR AGENDA.**

- A. **Public Hearing:** Consider action regarding Code Enforcement Case CS24-0004 to declare a substandard structure on the property located at 1530 Looneyville Road, Nacogdoches, Texas, according to the Code of Ordinances of the City of Nacogdoches, Texas, Chapter 14- "Buildings and Building Regulations", Article VIII- "Minimum Urban Standards Code", Division 47- "Unsafe Structures".

Sowell stated the property is currently in violation of numerous ordinances and the structure was before the Commission before and was ordered to remove all visible rubbish from public view, connect to utilities, and repair the hole in the roof. She stated that the property owner has not complied. She recommended that the Commission find the structure to be substandard and order its demolition within 60 days.

Swearingen opened the public hearing. No public comment. Swearingen closed the public hearing.

Rowell asked if the property owner had reached out to staff since the last hearing. Sowell stated that the property owner did speak to her and ask when the next meeting would be held, and that he did start to pick up a few items from the yard but then stopped. Davis asked if the letter that was sent to the property owner by staff dated 3/22/2024 would make a difference in declaring the structure substandard, since there was a discrepancy, and Baker stated no, due to the Commission already hearing the case back in September.

Davis moved to declare the structure substandard and ordered its demolition within 60 days. Walker seconded. The motion passed unanimously.

- B. **Public Hearing:** Consider action regarding Code Enforcement Case CS23-0014 to declare two (2) substandard structures on the properties located at 1616 and 1618 Castleberry Street, Nacogdoches, Texas, according to the Code of Ordinances of the City of Nacogdoches, Texas, Chapter 14- "Buildings and Building Regulations", Article VIII- "Minimum Urban Standards Code", Division 47- "Unsafe Structures".

Sowell stated the structures were located on one parcel and that the Commission heard this item back in September 2024 and granted a 90-day extension but the property owner did not comply. She recommended the Commission find the structure to be substandard and order its demolition. There was discussion amongst the Commission and staff regarding the notices being sent out with no responses from the property owner.

Swearingen opened the public hearing. No public comment. Swearingen closed the public hearing.

Walker moved to declare the structure substandard and ordered its demolition within 60 days. Windham seconded. The motion passed unanimously.

- C. **Public Hearing:** Consider action regarding Code Enforcement Case CS21-0009 to declare a substandard structure on the property located at 1800 Woden Road, Nacogdoches, Texas, according to the Code of Ordinances of the City of Nacogdoches, Texas, Chapter 14- "Buildings and Building Regulations", Article VIII- "Minimum Urban Standards Code", Division 47- "Unsafe Structures".

Sowell stated the property appears to be abandoned and vacated. She stated the Commission previously heard this item back in September 2021 and deemed the structure unsafe and gave the property owners 60 days to either demolish or repair the structure. She stated there has not been any contact with the property owner and recommends the structure to be declared substandard and demolished.

Swearingen opened the public hearing. No public comment. Swearingen closed the public hearing.

Windham moved to declare the structure substandard and ordered its demolition within 60 days. Davis seconded. The motion passed unanimously.

- D. **Public Hearing:** Consider action regarding Code Enforcement Case CS24-0008 to declare a substandard structure on the property located at 1020 Jack Lock Street, Nacogdoches, Texas according to the Code of Ordinances of the City of Nacogdoches, Texas, Chapter 14- "Buildings and Building Regulations", Article VIII- "Minimum Urban Standards Code", Division 47- "Unsafe Structures".

Sowell stated that the property has been declared a nuisance, and there have been police reports of vagrants inside the structure. Sowell stated there was previous contact but nothing since February 2025 and recommended the Commission find the structure substandard and order its demolition. There was discussion amongst the Commission and staff regarding the last conversation with the property owner, stating he would demolish the structure himself, but has yet to pull a demolition permit.

Swearingen opened the public hearing. No public comment. Swearingen closed the public hearing.

Rowell moved to declare the structure substandard and ordered its demolition within 60 days. Windham seconded. The motion passed unanimously.

- E. **Public Hearing:** Consider action regarding Code Enforcement Case CS23-0005 to declare a substandard structure on the property located at 2015 Terry Street, Nacogdoches, Texas according to the Code of Ordinances of the City of Nacogdoches, Texas, Chapter 14- "Buildings and Building Regulations", Article VIII- "Minimum Urban Standards Code", Division 47- "Unsafe Structures".

Sowell stated that the property is currently owned by Nacogdoches ISD Trustees, and the structure is unsecured, and there is a hole in the roof. She recommended its demolition and declared the structure substandard. There was discussion amongst the Commission and staff regarding the interest of the taxing entities in maintaining the property, and further discussion on how these types of properties may be handled in the future.

Swearingen opened the public hearing. No public comment. Swearingen closed the public hearing.

Windham moved to declare the structure substandard and ordered its demolition within 60 days. Walker seconded. The motion passed unanimously.

- F. **Public Hearing:** Consider action regarding Code Enforcement Case CS23-0005 to declare a substandard structure on the property located at 827 Richmond Street, Nacogdoches, Texas according to the Code of Ordinances of the City of Nacogdoches, Texas, Chapter 14- "Buildings and Building Regulations", Article VIII- "Minimum Urban Standards Code", Division 47- "Unsafe Structures".

Sowell stated the structure was part of an extensive fire in 2020, leaving a hole in the roof and now a harboring place for vagrants, according to police reports. Sowell stated the property is on the Nacogdoches ISD strike-off list and recommended it be declared substandard and demolished.

Swearingen opened the public hearing. No public comment. Swearingen closed the public hearing.

Walker moved to declare the structure substandard and ordered its demolition within 60 days. Davis seconded. The motion passed unanimously.

- G. **Public Hearing:** Consider action regarding Code Enforcement Case CE24-0471 to declare a substandard structure on the property located at 1301 Meisenheimer Street, Nacogdoches, Texas according to the Code of Ordinances of the City of Nacogdoches, Texas, Chapter 14- "Buildings and Building Regulations", Article VIII- "Minimum Urban Standards Code", Division 47- "Unsafe Structures".

Sowell stated that staff have deemed the structure unsafe as it has been open to the elements for some time and has been vacated. She stated that staff have received numerous complaints over the years and recently had contact with the property owner regarding demolishing the property. Sowell stated someone has demolished the structure, but no permit has been pulled, and unsure who did it. She recommended that the Commission order the property owner to remove the debris from the property.

Swearingen opened the public hearing. No public comment. Swearingen closed the public hearing.

Davis moved to ordered the property owner to pull a permit for the demolition as well as to clean up the property within 60 days. Walker seconded. The motion passed unanimously.

- H. **Public Hearing:** Consider action regarding Code Enforcement Case CS25-0001 to declare a substandard structure on the property located at 711 Second Street, Nacogdoches, Texas according to the Code of Ordinances of the City of Nacogdoches, Texas, Chapter 14- "Buildings and Building Regulations", Article VIII- "Minimum Urban Standards Code", Division 47- "Unsafe Structures".

Sowell stated that the property is in violation of numerous ordinances. She explained that the structure caught fire in 2022 and remains unsecured, has no active utilities, and notices have been sent out with no response from the property owner. Shoemaker stated in his professional opinion that the structure is salvageable as of right now, but if nothing is done to rehabilitate it, it will not be able to be revived within the next 12 months, and therefore recommends demolition since the same property owner of 1301 Meisenheimer has not maintained that property either.

Swearingen opened the public hearing. No public comment. Swearingen closed the public hearing.

Swearingen moved to declare the structure substandard and ordered its demolition within 60 days. Windham seconded. The motion passed unanimously.

- I. Discuss and consider action on a recommendation to the City Council to consider adoption of 2024 international Code Council standards and 2023 National Electrical Code standards for building and construction.

Shoemaker explained that the city currently operates under the 2015 ICC and 2017 NEC, and there have been numerous clarifications and safety upgrades in the new code. There was discussion amongst staff and the Commission stating the codes would tentatively go into effect October 1, 2025, if adopted, which would allow staff to hold workshops for local contractors and educate the public on the updated changes and the city's expectations. Chandler explained to the Commission that the biggest change was regarding battery and energy storage, and the hazards that come along with them. There was additional discussion amongst the Commission and staff regarding the changes in IRC and IMC and imaginary lot line changes.

Commissioner Swearingen moved to recommend that the City Council adopt the standards. Jaramillo seconded. The motion passed unanimously.

6. **ADJOURN.** Swearingen adjourned the meeting at 3:57 p.m.

**Video Archive:** A video recording of the Building Standards Commission regular meeting held on April 23, 2025, may be viewed online at <https://youtu.be/RrpDB2NPXSq>.

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Sally Ann Swearingen, Chair  
Building Standards Commission  
City of Nacogdoches

ATTEST:

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Cristina Trujillo, Permit Technician  
City of Nacogdoches

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**PRESENTER:** Case Opperman, Director of Public Works

**ITEM/SUBJECT:** Consider an appeal by ETX Park Fund #1 LP of a decision of the city that sewer utility extensions proposed alongside a property being developed, and generally located on Park Street near the intersection of Park Street and Martinsville Street, shall be required to extend at least to the mid-point of the developer's frontage. (Director of Public Works/City Engineer) **withdrawn by appellant**

**SUMMARY / BACKGROUND:**

As part of a developer agreement with the City of Nacogdoches, ETX Park Fund #1 LP (ETX) is proposing to install approximately 1,400 linear feet of new 6-inch sanitary sewer main from an existing sanitary sewer line southwest of the subject property, which consists of three parcels of land approximately 44.03 acres  $\pm$  in size and more particularly described by Nacogdoches Central Appraisal District Parcels 26834, 24696, and 24677. On [June 17, 2025](#), City Council approved a utility extension agreement with ETX for the installation of 740 linear feet of public sewer main line to serve a portion of the subject property. On [July 14, 2025](#), the Planning and Zoning Commission approved the ETX preliminary plat for Park Hill subdivision, which proposes to redraw and subdivide the subject property into four lots fronting Park Street. ETX now seeks to further extend the sewer main to serve the additional subdivided lots.

In accordance with Chapter 106, Article VIII of the Nacogdoches Code of Ordinances, a developer proposing along-site extensions of water or sanitary sewer pipelines intended for public use shall be responsible for the design, construction and all related costs of extensions that lie alongside the property being developed. Such an extension shall be required to extend at least to the mid-point of the developer's frontage along a dedicated, improved public street. See [Code Sec. 106-672\(b\)\(1\)](#) for reference.

As provided under [Code Sec. 106-677](#), ETX is appealing the decision of the city that the proposed sewer utility extension be required to extend at least to the mid-point of the developer's frontage. The northeast end of the subject property is the focal point of the appeal. ETX intends to extend the sewer main further to proposed Lots 2, 3, and 4 (original Lot 20) as shown in the attached exhibit. The sewer main extension would stop just within Lot 4 to the west, rather than at the Lot 4 mid-point. Since the adjacent lots to the east of the subject property already receive public sewer utility service, ETX is appealing the requirement to extend sewer utility to the Lot 4 mid-point, alleging that the provisions of the article do not apply in this case.

**REVIEW CRITERIA & REQUIRED FINDINGS:**

Pursuant to Chapter 552.001 et seq. of the Texas Local Government Code, the City of Nacogdoches may regulate its utility system in a manner that protects the interests of the municipality. As such, it is City staff's understanding that the intent of Code Sec. 106-677 is to facilitate the logical and necessary extension of public utilities to serve adjacent properties.

Regarding existing conditions, the adjacent lots to the east of this development on Park Street are

currently connected to public sewer service, and the proposed extension of the 6-inch sanitary sewer main by ETX from the west would serve each of the subdivided lots proposed within the subject property. In addition, ETX is proposing to dedicate a public utility easement alongside the entire Park Street right-of-way frontage to allow for other proposed extensions or changes, if deemed necessary.

In consideration of the information presented, the Commission may take one of two actions:

1. Uphold the City's decision. The provisions of Chapter 106, Article VIII of the Nacogdoches Code of Ordinances apply to this specific case, and the developer *would* be required to extend the 6-inch sanitary sewer main to at least to the mid-point of the developer's property frontage for Lot 4, as shown in the proposed exhibit.
2. Overturn the City's decision. The provisions of Chapter 106, Article VIII of the Nacogdoches Code of Ordinances do not apply to this specific case, and the developer *would not* be required to extend the 6-inch sanitary sewer main to at least to the mid-point of the developer's property frontage for Lot 4, as shown in the proposed exhibit.

**NOTICES:**

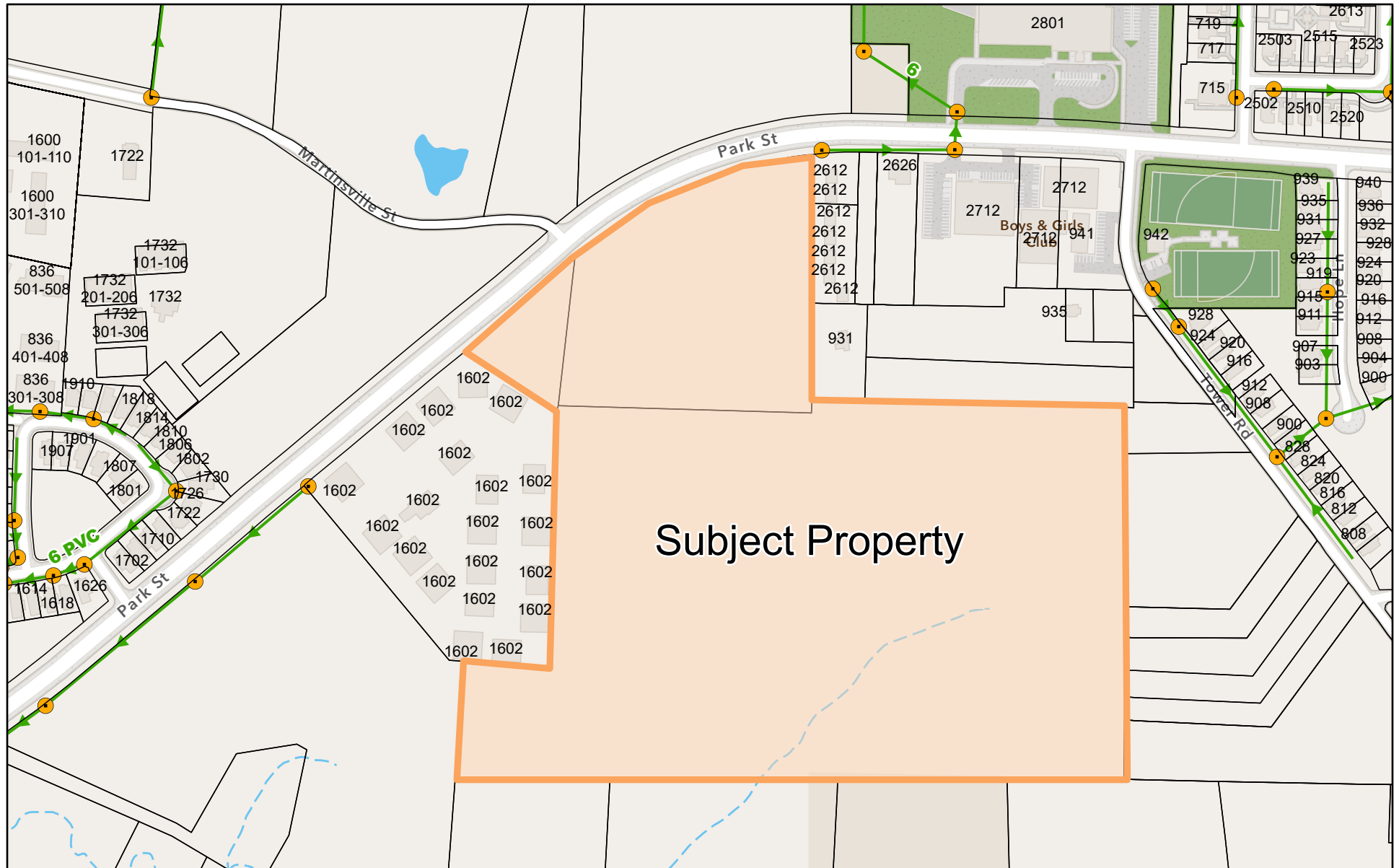
**Not Applicable**

**CITY CONTACT:** Case Opperman - Director of Public Works/City Engineer  
[oppermanc@nactx.us](mailto:oppermanc@nactx.us)  
(936) 559-2515

**ATTACHMENTS:**

1. City Sewer Utility System Exhibit
2. Utility Extension Contract Exhibit
3. Proposed Exhibit Amendment

# Sewer Utility System



8/19/2025, 9:49:12 AM

## Buildings

## Man Holes

## Sewer Mains

 CAD Parcels

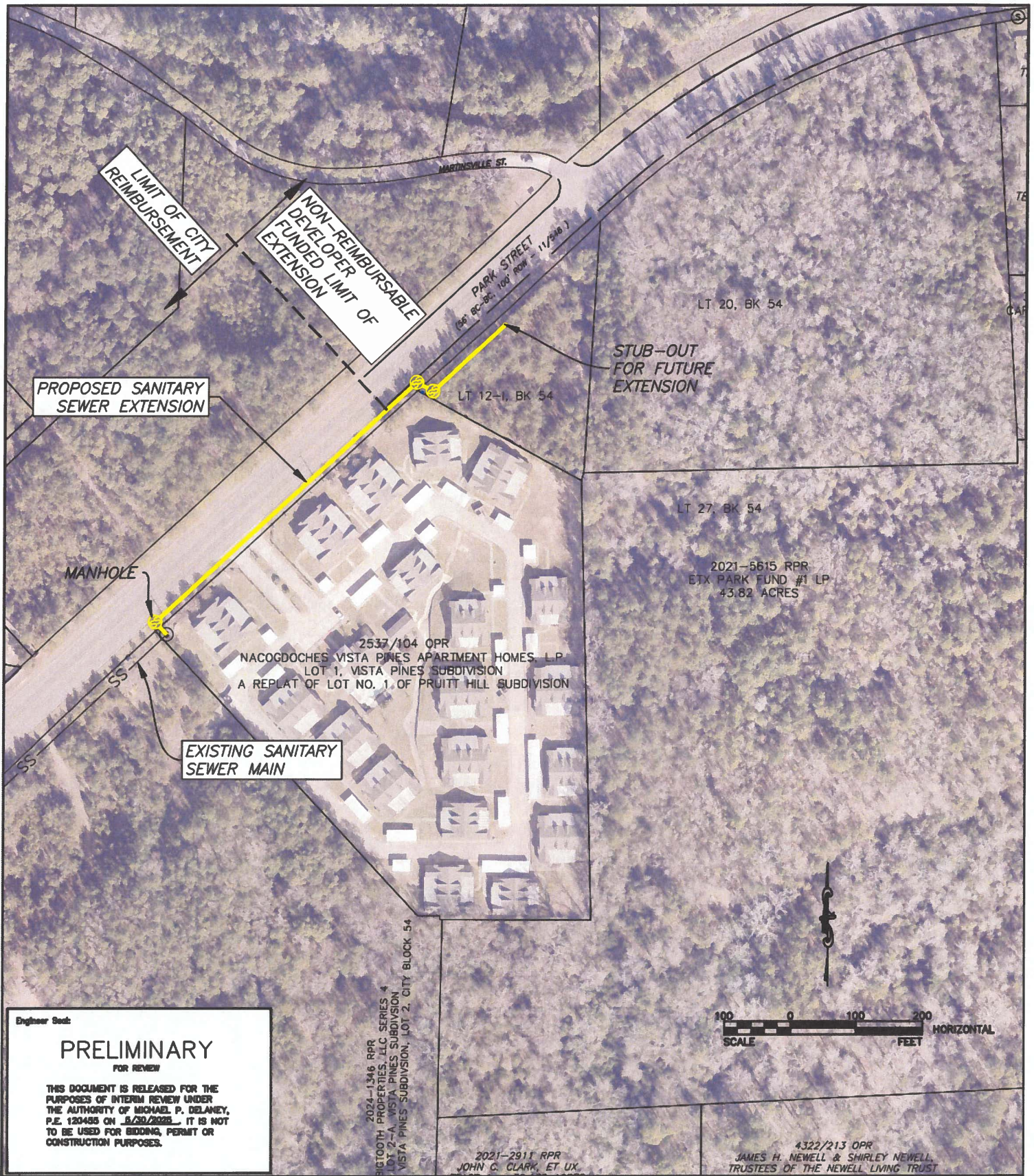
City Located/GPS'd

 Sewer Mains

 City Limits

Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

City of Nacogdoches



Engineer Seal:

**PRELIMINARY**  
FOR REVIEW

THIS DOCUMENT IS RELEASED FOR THE PURPOSES OF INTERIM REVIEW UNDER THE AUTHORITY OF MICHAEL P. DELANEY, P.E. 120495 ON 8/30/2025. IT IS NOT TO BE USED FOR BIDDING, PERMIT OR CONSTRUCTION PURPOSES.

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| 1   | ISSUED FOR UTILITY EXTENSION AGREEMENT | 05/29/25 |
| No. | Revision/Issue                         | Date     |

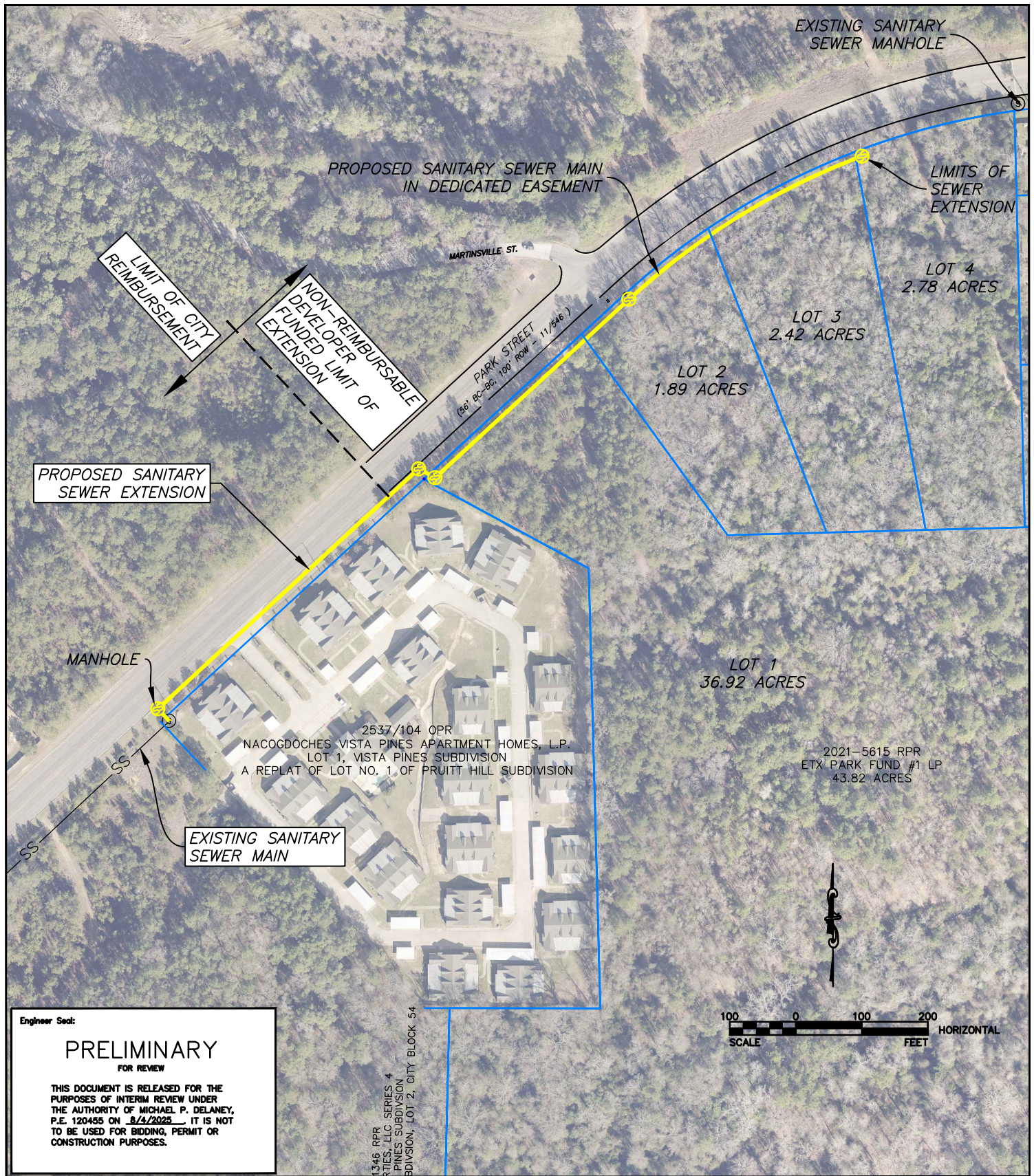
**TWO FIFTEEN CONSULTING**  
ENGINEERS + SURVEYORS

402 North St.  
Nacogdoches, TX 75801  
P: 936-569-0505

TOPE F-0748  
TOPLS 0104330

**EXHIBIT B**  
**SCHEMATIC LAYOUT**  
**PARK ST. SEWER**  
**EXTENSION**  
**ETX PARK FUND #1, LP**  
**NACOGDOCHES, TEXAS**

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|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|-------------|------------|
| Scale:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | SEE PLAN      | Issue Date: | 05/29/2025 |
| Drawn By:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | MPD           | Checked By: | MPD        |
| File:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 25025_300.dwg | Drawing No. | EX B       |
| THIS DRAWING AND OTHER RELATED DOCUMENTS, INCLUDING DOCUMENTS ON ELECTRONIC MEDIA, WERE PREPARED BY TWO FIFTEEN CONSULTING AND SHALL REMAIN THE PROPERTY OF TWO FIFTEEN CONSULTING. ALL INFORMATION SHALL BE USED ONLY FOR DESCRIBING, CONSTRUCTING, OR INSTALLING THE WORK SHOWN AT THE SITE OF THE WORK SPECIFIED HEREON. ANY OTHER USE OF THIS DRAWING, INCLUDING WITHOUT LIMITATION, ANY REPRODUCTION OR ALTERATION IS STRICTLY PROHIBITED, AND TWO FIFTEEN CONSULTING SHALL BE INDEMNIFIED FROM LIABILITY ARISING FROM THE CONSTRUCTION, USE, OR RESULT OF SUCH UNAUTHORIZED USE OR CHANGES. |               |             |            |



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| 2   | ISSUED FOR PER CITY REQUEST            | 08/04/25 |
| 1   | ISSUED FOR UTILITY EXTENSION AGREEMENT | 05/29/25 |
| No. | Revision/Issue                         | Date     |

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TYPE F-1748  
TBLPL 10184888

**EXHIBIT B**  
**SCHEMATIC LAYOUT**  
**PARK ST. SEWER**  
**EXTENSION**  
**ETX PARK FUND #1, LP**  
**NACOGDOCHES, TEXAS**

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| Scale:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | SEE PLAN      | Issue Date: | 05/29/2025  |
| Drawn By:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | MPD           | Checked By: | MPD         |
| File:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 25025_300.dwg | Drawing No. | <b>EX B</b> |
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**PRESENTER:** Mike Neu, Executive Director of Development and Infrastructure

**ITEM/SUBJECT:** Consider possible action on proposed ordinance updates, amending Chapter 14 “Buildings and Building Regulations,” Article VIII “Minimum Urban Standards Code,” Division 4 “Unsafe Structures,” of the Code of Ordinances of the City of Nacogdoches, Texas; Providing a Severability Clause; Providing a Continuation Clause; Providing a Repeal Clause; and Providing an Effective Date. (Executive Director of Development and Infrastructure and City Attorney)

**SUMMARY / BACKGROUND:**

This item proposes to amend Chapter 14 “Buildings and Building Regulations,” Article VIII “Minimum Urban Standards Code,” Division 4 “Unsafe Structures,” of the Code of Ordinances. Changes include:

- Removal of outdated references to state code;
- Creation of a separate Standards section for declaring unsafe conditions;
- Clarification of procedures for determination and abatement;
- Clarification of building standards commission order authority; and
- Confirmation of judicial review authority on appeal.

**REVIEW CRITERIA & REQUIRED FINDINGS:**

In consideration of the information presented, the Commission may take one of two actions:

1. Recommend to City Council the ordinance amendments as proposed. The attached redline document will be presented for final consideration by City Council.
2. Recommend to City Council certain ordinance amendments as discussed by the Commission. If the Commission has discussed changes other than, or in addition to, the attached redline document, the Commission's changes will be reflected in a modified redline document for final consideration by City Council.

**NOTICES:**

**Not Applicable**

**CITY CONTACT:** Mike Neu, Executive Director of Development and Infrastructure  
Jerry Baker, City Attorney

- ATTACHMENTS:**
- 1. Ordinance Amendment redline**
  - 2. Ordinance Amendment clean**

### ***DIVISION 4. UNSAFE STRUCTURES<sup>1</sup>***

#### **Sec. 14-756. Adoption of subchapter C of Chapter 54 of the Local Government Code of the State of Texas; providing for the implementation of said chapter within the city limits of the city.**

The city adopts the provisions of the ~~V.T.C.A. Texas~~ Local Government Code, ch. 54, subch. C thereof, which is entitled Quasi-Judicial Enforcement of Health and Safety Ordinances ~~of Home Rule Municipality~~, and does declare the implementation of that subchapter.

(Ord. No. 1540-4-10, § 3, 4-20-2010)

#### **Sec. 14-757. Duties of the housing official.**

- (a) The city manager shall designate a housing official who shall perform such duties as directed by the city council, the city manager and by orders of the building standards commission of the city, constituted and acting pursuant to the provisions of the ~~V.T.C.A. Texas~~ Local Government Code, ch. 54, subch. C thereof relating to the Quasi-Judicial Enforcement of Health and Safety Ordinances ~~of Home Rule Municipalities~~. In addition, the housing official shall inspect all buildings or structures reported or believed to be substandard and shall present preliminary reports to the commission. Further, upon proper notice to property owners and occupants and upon direction of the commission, the housing official shall present testimony to the commission in support of any allegations of substandard character of buildings and structures.
- (b) The housing official, in performance of the duties of said office, shall give notices and shall take such actions as shall be from time to time provided for and directed by the City of Nacogdoches Code of Ordinances and the legislature of the State of Texas, as currently set out in the provisions of the ~~V.T.C.A. Texas~~ Local Government Code, ch. 54, subch. C thereof, as well as any amendments and changes which shall be made from time to time.

(Ord. No. 1540-4-10, § 3, 4-20-2010)

#### **Sec. 14-758. Standards for declaring substandard buildings or structures.**

- (a) The building standards commission shall hear evidence and shall, upon finding of the conditions and circumstances as hereinafter set out, declare a building or structure substandard and may order its repair, vacation or demolition as it may deem just, proper and appropriate taking into consideration the circumstances and conditions found to exist.

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<sup>1</sup>Editor's note(s)—Ord. No. 1540-4-10, § 3, adopted April 20, 2010, amended div. 4 in its entirety. The former div. 4 pertained to similar subject matter and derived from the Code of 1971, §§ 8-42(e), 8-50, 8-50(1)—(8). 8-51; Ord. No. 1274-12-01, adopted Dec. 4, 2001; Ord. No. 1535-11-09, § 3, adopted Nov. 17, 2009.

Cross reference(s)—Environment, ch. 34.

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(b) A building or structure may be found to be substandard if:

- (1) *Deteriorated building or structure.* A building or structure has become deteriorated and unsafe through natural causes or by damage as a result of exposure to the elements to the extent that the roof, windows and doors or portions of the house, building or structure which protect from the weather will no longer reasonably protect from the elements thereby threatening the health, safety and well-being of the residents, citizens and inhabitants of the city.
- (2) *Fire hazard.* A building or structure, which because of its wiring, construction or present status, constitutes a fire hazard.
- (3) *Pestilence.* A building or structure which constitutes a menace to the health and safety of the residents, citizens and inhabitants of the city because of the existence of conditions therein which are conducive to the harboring of rats or mice or other disease-carrying animals or insects reasonably calculated to spread disease.
- (4) *Structural deformities.* A building or structure which has been built and constructed in such a manner as to be hazardous in that the construction of the building or structure is of such a nature that it has placed the same in jeopardy of collapse or that the building or structure will not reasonably withstand customary and ordinary exposure to the elements; a building or structure which, because of the deficiency of its materials, methods or means of construction, including the foundation, structural elements, wiring or apparatus, plumbing and fixtures, entrances or exits, renders the building or structure unsafe and dangerous.
- (5) *Inadequate fire safety provisions.* A building, structure or improvements which, because of the materials used, types of construction or design, warning devices, sprinklers or other fire suppression devices, availability of water supply for extinguishing fires or location, design or width of the entrances or exits, make the structure hazardous.
- (6) *Other.* The existence of such other conditions or circumstances which may from time to time be delineated under the terms and provisions of law and within the scope of authority of the building standards commission.

(Ord. No. 1540-4-10, § 3, 4-20-2010)

#### **Sec. 14-~~761~~759. Standards for declaring unsafe conditions.**

- (a) The building standards commission shall hear evidence and shall, upon finding of the conditions and circumstances as hereinafter set out, declare a condition unsafe on a property located in the city due to accumulations of refuse, vegetation or other matter that creates breeding and living places for insects and rodents and may order abatement of said nuisances as it may deem just, proper and appropriate taking into consideration the circumstances and conditions found to exist.
- (b) The buildings standards commission shall follow the same procedures for declaring unsafe conditions as are followed for determining unsafe buildings.

(Ord. No. 1540-4-10, § 3, 4-20-2010)

#### **Sec. 14-~~759~~760. Procedure for determination and abatement; notice; hearing; ~~appeal~~.**

The procedure set out herein shall be the minimum necessary for the building standards commission to enter a valid order concerning any building, ~~or structure,~~ or unsafe condition in the city. A case before the commission may be commenced by the housing official or by the commission on its own initiative; in either case, the following procedures shall apply:

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- (1) Inspection. ~~Upon written report of t~~The housing official, upon his/her own initiative or the recommendation of the building standards commission, ~~the commission shall~~ establish a docket and make inquiry into ~~inspect~~ the present conditions and circumstances of any building or structure alleged to be substandard or an alleged unsafe condition on a property under the criteria set out ~~herein in this~~ article. If, upon ~~receipt of such information~~ the inspection and investigation of the allegations, the ~~housing official~~ building standards commission believes and concludes that there is a reasonable basis ~~upon which to investigate substantiate~~ such ~~preliminary~~ allegations and findings, then the ~~housing official~~ commission shall proceed ~~as herein provided~~ with a hearing before the building standards commission.
- (2) Notice requirements. Notice shall be provided to the property owners, ~~and all occupants~~ and any lienholders or mortgagees of the property, identifying such property owners, ~~and occupants and~~ lienholders, and mortgagees as can best be determined by statutory due diligence, and further identifying the property, its location, and the improvements thought to be substandard and/or the purported unsafe condition(s) on the property.
- a. A title examination may occur in order that all owners and lienholders might be identified. Such notice shall state the possible result if the condition(s) described are judged substandard or unsafe, and shall state any deadlines that have been established for the hearing and review process. ~~The owners and occupants shall be given notice of an opportunity to appear and show cause why said building, structure or improvements should not be declared substandard under the criteria set out in this Code and why the Commission should not enter appropriate orders to remedy the conditions determined to exist. The notice shall also 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 time it will take to reasonably perform the work.~~
- b. Such notice shall be delivered by certified mail, with return receipt requested, or by delivery by the United States Postal Service using signature confirmation service, to the known owners, and occupants and lienholders, or mortgagees at their last-known business address or place of residence and may also be personally delivered to the owners, tenants, or occupants residing upon the property.
- c. Notice to all unknown owners shall be given ~~by posting the same~~ by attaching a copy of the notice to the front door or as close to the front door as practicable on each structure situated on the affected property.
- d. The notice ~~Notice~~ shall be mailed and posted on or before the tenth (10<sup>th</sup>) day before the date of the hearing before the ~~Commission~~ commission and must state the date, time, and place of the hearing. In addition, the notice must be published in a newspaper of general circulation in the ~~municipality~~ city on ~~one occasion~~ or before the tenth (10<sup>th</sup>) day before the date fixed for the hearing. In the event any notice which is required herein to be served in person or by certified mail cannot be served because the owner, lienholder, or mortgagee cannot be found, such notice shall be deemed to have been served by its publication in a newspaper of general circulation.
- e. Notice of a proceeding before the commission may also be filed in the Official Public Records of Real Property of Nacogdoches 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. The filing of the notice is binding on subsequent grantees, lienholders, or other transferees of an interest in the property who acquire such interest after the filing of the notice and constitutes notice of the proceeding on any

subsequent recipient of any interest in the property who acquires such interest after the filing of the notice.

- (3) Hearing. On the day set in such ~~citation and~~ notice ~~to show cause~~, a hearing shall be held before the building standards commission. The housing official or other designated individual appointed by the city manager shall present evidence before the commission, and the commission shall hear any additional evidence or rebuttal that may be presented by any party to the hearing. The owners, lienholders, and mortgagees shall be given an opportunity to appear before the building standards commission and show cause why said building, structure, improvements, or property should not be declared substandard or unsafe under the criteria set out in this article, and why the commission should not enter appropriate orders to remedy the conditions determined to exist. Based upon the evidence presented and ~~solely under assessment of~~ the criteria set out in this ~~Code article~~, the commission shall ~~then make a determine determination of~~ whether or not such building or structure is a substandard building or structure or whether an unsafe condition exists on a property.
- (4) Findings. By majority vote. ~~The the~~ building standards commission shall have the power to order the demolition, partial demolition, repair, renovation, or remodeling of any building or structure found to be substandard; order the building or structure to be secured, vacated, or to relocate any occupants therein; and/or order the repair, remediation, or clean-up of any property determined to be unsafe under the criteria herein provided. The commission shall make findings concerning the requirements stated in this section, and issue an order ~~as to stating any the decision made of the commission, and such order shall specifying~~ the action to be taken and the time period in which such action is to be taken ~~and shall make affirmative findings as to the name of the property owner(s) and/or tenants and lien holders.~~
- (5) Disposition of order. A copy of the final order of the commission shall be:
- a. served ~~Served~~ upon the property owners, ~~and occupants and any~~ lien-holders or mortgagees in the same manner as provided for the service of the notice herein required ~~;~~;
  - b. Filed in the office of the city secretary; and
  - c. Published in a newspaper of general circulation in the city, either in its entirety or as a summary of said order, which summary shall contain the following information:
    - i. the street address or legal description of the property;
    - ii. the date of the hearing;
    - iii. a brief statement indicating the results of the order; and
    - iv. instructions stating where a complete copy of the order may be obtained.
- (5) ~~In the event any notice which is required herein to be served in person or by certified mail cannot be served because neither the owner nor occupant can be found, such notice shall be deemed to have been served if the same is published in a newspaper of general circulation. Any notice so published need not be the exact text of the notice intended to be mailed but may be a synopsis thereof so long as the same is of sufficient clarity and content to place all persons on notice as to the intent thereof.~~
- (6) ~~Either the owner and/or occupant of any building or structure declared substandard by order of the building standards commission or any other third party aggrieved by a decision of the building standards commission may appeal the decision of the building standards commission by giving notice thereof to the city secretary within ten days from the date of such order and by paying a fee of \$150.00.~~

~~Upon perfection of such appeal, the secretary of the building standards commission shall forward the record of the commission to the city secretary. The city council shall review the same and may make any~~

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~~additional investigations or hear additional evidence and/or receive additional documents, which may be tendered and/or deemed necessary in order to determine the merit of any appeal. Upon appeal, the city council shall have the power to affirm, reverse or modify the order of the building standards commission and shall enter its order in accordance with its findings. A copy of the final order of the city council shall be served upon the appellant, the property owners and occupants in the same manner as provided for the service of the notice herein required.~~

- (7) **Non-compliance.** — If the owner, ~~lienholder, and/or mortgagee or his representative~~ shall fail or refuse to carry out such order or shall fail to carry out such order satisfactorily, the building standards commission or the housing official may, upon approval of the city manager, proceed to carry out such orders either by private contract or through an agency of the city, and the cost thus incurred shall constitute a valid lien against the property. The lien against the property for the expenses incurred by the city, including fees and interest, shall be prepared and filed in accordance with the provisions of section 34-33 of the code of ordinances.

(Ord. No. 1540-4-10, § 3, 4-20-2010)

### **Sec. 14-~~760~~761. Emergency procedure.**

- (a) When it shall appear that a building or structure in the city is a substandard building under the terms of this article and that such building or structure or the manner of its use constitutes an immediate and serious danger to life or property, the condition shall be deemed a condition justifying the use of emergency measures. In such case, the building standards commission, ~~a majority of the commissioners~~ or the housing official may, with the consent and approval of the city manager, order any of the following emergency measures to be taken:
- (1) Immediate vacation of such building, structure and/or adjoining buildings or structures;
  - (2) Vacation of the danger area around such building or structure;
  - (3) Such emergency shoring-up and bracing of walls, roofs and supports as are required to render such building or structure safe;
  - (4) Destruction of such walls, roofs and supports or the entire structure or so much thereof as cannot be braced or made secure with safety;
  - (5) Posting of notices on or near such building or structure or buildings or structures notifying the public of such order and ordering all persons to keep out of such building, buildings, structure or structures and the areas of danger surrounding it or them; and
  - (6) Securing the structure to prevent or restrict entry.
- (b) When any of the above-mentioned measures are ordered to be taken, notice of such order shall be given as follows:
- (1) Such order shall be directed to the owner of such substandard building or structure or his authorized representative if the same is 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 structure or his said representative.
  - (2) 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) If the owner or his representative shall fail or refuse to carry out such order or shall fail to carry out such order satisfactorily, the building standards commission or the housing official may, upon approval of the city

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manager, proceed to carry out such orders either by private contract or through an agency of the city, and the cost thus incurred shall constitute a valid lien against the property.

(Ord. No. 1540-4-10, § 3, 4-20-2010)

#### **~~Sec. 14-761. Standards for declaring unsafe conditions.~~**

~~(a) The building standards commission shall hear evidence and shall, upon finding of the conditions and circumstances as hereinafter set out, declare a condition unsafe due to accumulations of refuse, vegetation or other matter that creates breeding and living places for insects and rodents and may order abatement of said nuisances as it may deem just, proper and appropriate taking into consideration the circumstances and conditions found to exist.~~

~~(b) The buildings standards commission shall follow the same procedures for declaring unsafe conditions as are followed for determining unsafe buildings.~~

~~(Ord. No. 1540-4-10, § 3, 4-20-2010)~~

#### **Sec. 14-762. Civil penalties.**

Failure to comply with the terms and provisions of any order of the building standards commission ~~or of the city council~~ within the time specified shall constitute a violation of the Code of Ordinances of the city, of this article and of the requirements of law. Pursuant to the requirements of law, any owner, owner's representative or third party found by the building standards commission ~~or by the city council upon appeal~~ to have control over any premises made the subject of any order of the commission ~~or of the city council~~ shall be deemed to be in violation of the terms and provisions of said order and in violation of this Code if such person shall fail to take such action as is mandated or required by said order; and upon the effective date of said order as set out therein, such person shall be subject to a civil penalty not to exceed \$1,000.00 per day for violation of this Code.

(Ord. No. 1540-4-10, § 3, 4-20-2010)

#### **Sec. 14-763. Enforcement.**

It shall be the duty of the city manager or his designee to enforce the orders of the building standards commission ~~or of the city council~~ by filing action in the appropriate court of this state when authorized.

(Ord. No. 1540-4-10, § 3, 4-20-2010)

#### **Sec. 14-764. Liability of city.**

Neither the city nor any authorized agent acting under the terms of this article shall be liable or have any liability by reason of orders issued or work done in compliance with the terms of this article.

(Ord. No. 1540-4-10, § 3, 4-20-2010)

#### **Sec. 14-765. Judicial review.**

(a) Any owner, lienholder, or mortgagee of record jointly or severally aggrieved by any decision of the commission may present a petition to a district court, duly verified, setting forth that the decision is illegal, in whole or in part, and specifying the grounds of the illegality. The petition must be presented to the court within thirty (30) calendar days after the date a copy of the final decision of the commission is personally

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delivered or mailed by first class mail, certified, return receipt requested, to all persons to whom notice is required to be sent, as set forth herein.

(b) If no appeals are taken from the decision of the commission within the required period, the decision of the commission shall, in all things, be final and binding.

**Sec. 14-~~765~~766—14-795. Reserved.**

### ***DIVISION 4. UNSAFE STRUCTURES<sup>1</sup>***

**Sec. 14-756. Adoption of subchapter C of Chapter 54 of the Local Government Code of the State of Texas; providing for the implementation of said chapter within the city limits of the city.**

The city adopts the provisions of the Texas Local Government Code, ch. 54, subch. C thereof, which is entitled Quasi-Judicial Enforcement of Health and Safety Ordinances, and does declare the implementation of that subchapter.

(Ord. No. 1540-4-10, § 3, 4-20-2010)

**Sec. 14-757. Duties of the housing official.**

- (a) The city manager shall designate a housing official who shall perform such duties as directed by the city council, the city manager and by orders of the building standards commission of the city, constituted and acting pursuant to the provisions of the Texas Local Government Code, ch. 54, subch. C thereof relating to the Quasi-Judicial Enforcement of Health and Safety Ordinances. In addition, the housing official shall inspect all buildings or structures reported or believed to be substandard and shall present preliminary reports to the commission. Further, upon proper notice to property owners and occupants and upon direction of the commission, the housing official shall present testimony to the commission in support of any allegations of substandard character of buildings and structures.
- (b) The housing official, in performance of the duties of said office, shall give notices and shall take such actions as shall be from time to time provided for and directed by the City of Nacogdoches Code of Ordinances and the legislature of the State of Texas, as currently set out in the provisions of the Texas Local Government Code, ch. 54, subch. C thereof, as well as any amendments and changes which shall be made from time to time.

(Ord. No. 1540-4-10, § 3, 4-20-2010)

**Sec. 14-758. Standards for declaring substandard buildings or structures.**

- (a) The building standards commission shall hear evidence and shall, upon finding of the conditions and circumstances as hereinafter set out, declare a building or structure substandard and may order its repair, vacation or demolition as it may deem just, proper and appropriate taking into consideration the circumstances and conditions found to exist.

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<sup>1</sup>Editor's note(s)—Ord. No. 1540-4-10, § 3, adopted April 20, 2010, amended div. 4 in its entirety. The former div. 4 pertained to similar subject matter and derived from the Code of 1971, §§ 8-42(e), 8-50, 8-50(1)—(8). 8-51; Ord. No. 1274-12-01, adopted Dec. 4, 2001; Ord. No. 1535-11-09, § 3, adopted Nov. 17, 2009.

Cross reference(s)—Environment, ch. 34.

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(b) A building or structure may be found to be substandard if:

- (1) *Deteriorated building or structure.* A building or structure has become deteriorated and unsafe through natural causes or by damage as a result of exposure to the elements to the extent that the roof, windows and doors or portions of the house, building or structure which protect from the weather will no longer reasonably protect from the elements thereby threatening the health, safety and well-being of the residents, citizens and inhabitants of the city.
- (2) *Fire hazard.* A building or structure, which because of its wiring, construction or present status, constitutes a fire hazard.
- (3) *Pestilence.* A building or structure which constitutes a menace to the health and safety of the residents, citizens and inhabitants of the city because of the existence of conditions therein which are conducive to the harboring of rats or mice or other disease-carrying animals or insects reasonably calculated to spread disease.
- (4) *Structural deformities.* A building or structure which has been built and constructed in such a manner as to be hazardous in that the construction of the building or structure is of such a nature that it has placed the same in jeopardy of collapse or that the building or structure will not reasonably withstand customary and ordinary exposure to the elements; a building or structure which, because of the deficiency of its materials, methods or means of construction, including the foundation, structural elements, wiring or apparatus, plumbing and fixtures, entrances or exits, renders the building or structure unsafe and dangerous.
- (5) *Inadequate fire safety provisions.* A building, structure or improvements which, because of the materials used, types of construction or design, warning devices, sprinklers or other fire suppression devices, availability of water supply for extinguishing fires or location, design or width of the entrances or exits, make the structure hazardous.
- (6) *Other.* The existence of such other conditions or circumstances which may from time to time be delineated under the terms and provisions of law and within the scope of authority of the building standards commission.

(Ord. No. 1540-4-10, § 3, 4-20-2010)

#### **Sec. 14-759. Standards for declaring unsafe conditions.**

- (a) The building standards commission shall hear evidence and shall, upon finding of the conditions and circumstances as hereinafter set out, declare a condition unsafe on a property located in the city due to accumulations of refuse, vegetation or other matter that creates breeding and living places for insects and rodents and may order abatement of said nuisances as it may deem just, proper and appropriate taking into consideration the circumstances and conditions found to exist.
- (b) The buildings standards commission shall follow the same procedures for declaring unsafe conditions as are followed for determining unsafe buildings.

(Ord. No. 1540-4-10, § 3, 4-20-2010)

#### **Sec. 14-760. Procedure for determination and abatement; notice; hearing.**

The procedure set out herein shall be the minimum necessary for the building standards commission to enter a valid order concerning any building, structure, or unsafe condition in the city. A case before the commission may be commenced by the housing official or by the commission on its own initiative; in either case, the following procedures shall apply:

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- (1) *Inspection.* The housing official, upon his/her own initiative or the recommendation of the building standards commission, shall inspect the present conditions and circumstances of any building or structure alleged to be substandard or an alleged unsafe condition on a property under the criteria set out in this article. If, upon the inspection and investigation of the allegations, the housing official believes and concludes that there is a reasonable basis to substantiate such allegations, then the housing official shall proceed with a hearing before the building standards commission.
- (2) *Notice requirements.* Notice shall be provided to the property owners, and any lienholders or mortgagees of the property, identifying such property owners, lienholders, and mortgagees as can best be determined by statutory due diligence, and further identifying the property, its location, and the improvements thought to be substandard and/or the purported unsafe condition(s) on the property.
- a. Such notice shall state the possible result if the condition(s) described are judged substandard or unsafe, and shall state any deadlines that have been established for the hearing and review process. The notice shall also 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 time it will take to reasonably perform the work.
  - b. Such notice shall be delivered by certified mail, with return receipt requested, or by delivery by the United States Postal Service using signature confirmation service, to the known owners, lienholders, or mortgagees at their last-known business address or place of residence and may also be personally delivered to the owners, tenants, or occupants residing upon the property.
  - c. Notice to all unknown owners shall be given by attaching a copy of the notice to the front door or as close to the front door as practicable on each structure situated on the affected property.
  - d. Notice shall be mailed and posted on or before the tenth (10<sup>th</sup>) day before the date of the hearing before the commission and must state the date, time, and place of the hearing. In addition, the notice must be published in a newspaper of general circulation in the city on or before the tenth (10<sup>th</sup>) day before the date fixed for the hearing. In the event any notice which is required herein to be served in person or by certified mail cannot be served because the owner, lienholder, or mortgagee cannot be found, such notice shall be deemed to have been served by its publication in a newspaper of general circulation.
  - e. Notice of a proceeding before the commission may also be filed in the Official Public Records of Real Property of Nacogdoches 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. The filing of the notice is binding on subsequent grantees, lienholders, or other transferees of an interest in the property who acquire such interest after the filing of the notice and constitutes notice of the proceeding on any subsequent recipient of any interest in the property who acquires such interest after the filing of the notice.
- (3) *Hearing.* On the day set in such notice, a hearing shall be held before the building standards commission. The housing official or other designated individual appointed by the city manager shall present evidence before the commission, and the commission shall hear any additional evidence or rebuttal that may be presented by any party to the hearing. The owners, lienholders, and mortgagees shall be given an opportunity to appear before the building standards commission and show cause why said building, structure, improvements, or property should not be declared substandard or unsafe under the criteria set out in this article, and why the commission should not enter appropriate orders to remedy the conditions determined to exist. Based upon the evidence presented and assessment of

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the criteria set out in this article, the commission shall make a determination of whether or not such building or structure is a substandard building or structure or whether an unsafe condition exists on a property.

- (4) *Findings.* By majority vote, the building standards commission shall have the power to order the demolition, partial demolition, repair, renovation, or remodeling of any building or structure found to be substandard; order the building or structure to be secured, vacated, or to relocate any occupants therein; and/or order the repair, remediation, or clean-up of any property determined to be unsafe under the criteria herein provided. The commission shall make findings concerning the requirements stated in this section, and issue an order stating the decision of the commission and specifying the action to be taken and the time period in which such action is to be taken.
- (5) *Disposition of order.* A copy of the final order of the commission shall be:
- a. Served upon the property owners, and any lienholders or mortgagees in the same manner as provided for the service of the notice herein required;
  - b. Filed in the office of the city secretary; and
  - c. Published in a newspaper of general circulation in the city, either in its entirety or as a summary of said order, which summary shall contain the following information:
    - i. the street address or legal description of the property;
    - ii. the date of the hearing;
    - iii. a brief statement indicating the results of the order; and
    - iv. instructions stating where a complete copy of the order may be obtained.
- (6) *Non-compliance.* If the owner, lienholder, and/or mortgagee shall fail or refuse to carry out such order or shall fail to carry out such order satisfactorily, the building standards commission or the housing official may, upon approval of the city manager, proceed to carry out such orders either by private contract or through an agency of the city, and the cost thus incurred shall constitute a valid lien against the property. The lien against the property for the expenses incurred by the city, including fees and interest, shall be prepared and filed in accordance with the provisions of section 34-33 of the code of ordinances.

(Ord. No. 1540-4-10, § 3, 4-20-2010)

### **Sec. 14-761. Emergency procedure.**

- (a) When it shall appear that a building or structure in the city is a substandard building under the terms of this article and that such building or structure or the manner of its use constitutes an immediate and serious danger to life or property, the condition shall be deemed a condition justifying the use of emergency measures. In such case, the building standards commission or the housing official may, with the consent and approval of the city manager, order any of the following emergency measures to be taken:
- (1) Immediate vacation of such building, structure and/or adjoining buildings or structures;
  - (2) Vacation of the danger area around such building or structure;
  - (3) Such emergency shoring-up and bracing of walls, roofs and supports as are required to render such building or structure safe;

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- (4) Destruction of such walls, roofs and supports or the entire structure or so much thereof as cannot be braced or made secure with safety;
  - (5) Posting of notices on or near such building or structure or buildings or structures notifying the public of such order and ordering all persons to keep out of such building, buildings, structure or structures and the areas of danger surrounding it or them; and
  - (6) Securing the structure to prevent or restrict entry.
- (b) When any of the above-mentioned measures are ordered to be taken, notice of such order shall be given as follows:
- (1) Such order shall be directed to the owner of such substandard building or structure or his authorized representative if the same is 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 structure or his said representative.
  - (2) 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) If the owner or his representative shall fail or refuse to carry out such order or shall fail to carry out such order satisfactorily, the building standards commission or the housing official may, upon approval of the city manager, proceed to carry out such orders either by private contract or through an agency of the city, and the cost thus incurred shall constitute a valid lien against the property.
- (Ord. No. 1540-4-10, § 3, 4-20-2010)

#### **Sec. 14-762. Civil penalties.**

Failure to comply with the terms and provisions of any order of the building standards commission within the time specified shall constitute a violation of the Code of Ordinances of the city, of this article and of the requirements of law. Pursuant to the requirements of law, any owner, owner's representative or third party found by the building standards commission to have control over any premises made the subject of any order of the commission shall be deemed to be in violation of the terms and provisions of said order and in violation of this Code if such person shall fail to take such action as is mandated or required by said order; and upon the effective date of said order as set out therein, such person shall be subject to a civil penalty not to exceed \$1,000.00 per day for violation of this Code.

(Ord. No. 1540-4-10, § 3, 4-20-2010)

#### **Sec. 14-763. Enforcement.**

It shall be the duty of the city manager or his designee to enforce the orders of the building standards commission by filing action in the appropriate court of this state when authorized.

(Ord. No. 1540-4-10, § 3, 4-20-2010)

#### **Sec. 14-764. Liability of city.**

Neither the city nor any authorized agent acting under the terms of this article shall be liable or have any liability by reason of orders issued or work done in compliance with the terms of this article.

(Ord. No. 1540-4-10, § 3, 4-20-2010)

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**Sec. 14-765. Judicial review.**

- (a) Any owner, lienholder, or mortgagee of record jointly or severally aggrieved by any decision of the commission may present a petition to a district court, duly verified, setting forth that the decision is illegal, in whole or in part, and specifying the grounds of the illegality. The petition must be presented to the court within thirty (30) calendar days after the date a copy of the final decision of the commission is personally delivered or mailed by first class mail, certified, return receipt requested, to all persons to whom notice is required to be sent, as set forth herein.
- (b) If no appeals are taken from the decision of the commission within the required period, the decision of the commission shall, in all things, be final and binding.

**Sec. 14-766—14-795. Reserved.**