

ORDINANCE 5 J

BUILDING CODES FOR THE CITY OF LOG CABIN

AN ORDINANCE ADOPTING THE MOST CURRENT BUILDING CODES FOR COMMERCIAL AND RESIDENTIAL PROPERTIES. THIS ORDINANCE WILL FOLLOW ALL FUTURE AMENDMENTS AND ADDITIONS TO THE FOLLOWING BUILDING CODES. THIS ORDINANCE WILL ALSO COVER MINIMUM STANDARDS, SUB STANDARDS, VACANT BUILDINGS/HOMES, DANGEROUS BUILDINGS/HOMES, GUIDE FOR REPAIRS, VIOLATIONS, PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING PENALTIES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council for the City of Log Cabin, Texas ("City") previously passed Ordinance 5I which adopted building codes and set forth minimum standards for buildings and structures; and

WHEREAS, the City Council for the City of Log Cabin, Texas finds that amendments to Ordinance 5I are necessary to further the health, safety and general welfare of the citizens of Log Cabin, Texas; and

WHEREAS, the City Council for the City of Log Cabin, Texas adopts this Ordinance as authorized by Texas Local Government Code Chapter 51, Chapter 54 and Chapter 214.

NOW, THEREFORE, BE IT ORDAINED by the City Council for the City of Log Cabin, Texas as follows:

SECTION I: PURPOSE

Be it ordained by the City Council of the City of Log Cabin, Texas that:

- A. This ordinance updates and supersedes all other building codes, electrical codes, and plumbing code ordinances.
- B. This ordinance will reference the IRC electrical, plumbing, and dangerous buildings national codes.
- C. This ordinance will be maintained by the Planning and Zoning (P&Z) Commission.
- D. This ordinance will be enforced by the Ordinance Enforcement Officer, Log Cabin Police Department, and Log Cabin City Council and Mayor.
- E. This ordinance and Ordinance 31 Zoning and Buildings Standards will work together for the City of Log Cabin.

SECTION II: MINIMUM STANDARDS

No person shall occupy, let another occupy, and no owner shall suffer or permit any person to occupy any dwelling or dwelling unit for the purpose of living, sleeping, cooking, or eating therein or any building for any purpose which does not comply with the following minimum requirements:

- A. Every building intended for human occupancy and every dwelling unit shall contain a room which affords privacy to a person within said room and which is equipped with flushing water closet and a lavatory basin in good working condition that is properly connected to the water and sewer system approved by the Planning and Zoning (P&Z). Such room shall contain a window which may be opened for outside air and mechanical or gravity ventilation in proper operating condition which meets the requirements of the building code.

- B. Every dwelling unit shall contain within a room which affords privacy to a person within said room a bathtub or shower in good working condition and properly connected to a water and sewer system approved by the P&Z.
- C. The water closet, lavatory, and bath or shower required herein may be in one room provided that such room is separate from all habitable rooms in the dwelling unit.
- D. In dwelling or dwelling units containing two (2) or more sleeping rooms, room arrangements will be such that access to the bathroom or water closet compartment intended for use by occupants of more than one (1) sleeping room shall be unencumbered and free of obstacles. For example, there must be access to the water closet or shared bathroom without having to route through a sleeping room.
- E. Every dwelling unit shall contain a kitchen sink.
- F. Every kitchen sink, lavatory, bathtub or shower, and water closet required by this code shall be maintained in good operating condition and shall be properly connected to the city's water and sewer system in accordance with Ordinance 78.
- G. Every kitchen sink, lavatory, bathtub, or shower required by this code shall be connected and supplied with hot and cold running water. The hot water shall be supplied at a minimum temperature of 120 degrees Fahrenheit.
- H. Every dwelling unit shall have heating facilities which are properly installed, maintained in a safe and good working condition, and are capable of safely and adequately heating all habitable rooms, bathrooms, and water closet compartments contained therein to a temperature of 68 degrees Fahrenheit, at a distance of 18 inches above floor level when the outside temperature is a minimum of 10 degrees Fahrenheit, provided that gas or electric appliances designed exclusively for cooking or water heating purposes shall not be considered as heating facilities within the meaning of the provision.
- I. During that portion of the year when the City Council deems it necessary, the windows and doors and other openings to external air of every dwelling unit shall be equipped with adequate screens and appliances so attached and arranged as to prevent the ingress of flies and mosquitoes to the interior of such dwelling unit; such openings in non-residential buildings used or intended to be used to provide natural ventilation shall be equipped with adequate screens and appliances as above.
- J. Every habitable room shall contain at least two (2) separate floor and wall type electric convenience outlets, or one (1) such convenience outlet and one (1) supplied electric light fixture, and every water closet compartment, bathroom, hall, furnace room, or laundry room shall contain at least one (1) wall or ceiling type of electric light fixture. Every kitchen shall have an additional grounded duplex type electric light fixture. Every kitchen shall have an additional grounded duplex electric convenience outlet in addition to the requirements for a habitable room and this extra outlet shall be a minimum of six (6) feet from any other required outlet.
- K. Every public hall, stairway, and passageway in a dwelling containing four (4) or more dwelling units shall be always adequately lighted. Every public hall, stairway, and passage in structures devoted solely to dwelling occupancy and containing less than four (4) dwelling units shall be

supplied with conveniently located switches, controlling an adequate lighting system which may be turned on as needed.

- L. Every dwelling unit shall be supplied with adequate closeable rubbish and garbage disposal facilities or storage containers, which prevent access by insects, rodents, or other pests.
- M. Every dwelling unit shall be arranged in such a manner that each room is accessible from every other room without the use of hallways, rooms, or other areas not exclusively apart of such dwelling unit. No dwelling unit shall be accessible from any hallway, room, or other area not exclusively apart of such dwelling unit except through a doorway equipped with a door and a lock.
- N. Heating appliances designed or intended to serve one (1) dwelling unit shall not be in a habitable room.
- O. Sleeping rooms in dwelling units containing 1 or more sleeping rooms must have closeable doors that afford privacy.

**SECTION III: MINIMUM REQUIREMENTS FOR VENTILATION, LIGHT, AND SAFE SANITARY
MAINTENANCE FOR DWELLINGS AND BUILDINGS AND REQUIREMENTS FOR INGRESS AND EGRESS:**

No person shall occupy as owner-occupant or let to another for occupancy and no owner shall suffer or permit any person to occupy a dwelling unit for the purpose of living, sleeping, cooking, or eating which does not comply with the following minimum requirements. (IRC R303 chapters 15 and 16)

A. MINIMUM REQUIREMENTS FOR VENTILATION AND LIGHT:

- 1. Every habitable room, except a kitchen having a floor area not exceeding eighty (80) square feet, shall have at least one (1) window facing directly outdoors. The minimum total window area computed based on clear glass surface, for every habitable room shall be 8% of the floor space of such room. Artificial lighting may be permitted in place of natural if in accordance with the building code, except that sleeping rooms must have operable egress, in accordance with building code.
- 2. Whenever a window of any such room faces or abuts on any structure located less than three (3) feet from the window and extending to level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors and shall not be included as contributing to the required minimum total window area.
- 3. Every habitable room shall have one (1) or more of the following ventilation systems:
 - a. At least one (1) window which can be easily opened, with a total of all such operable window area in such room at least 45% of the minimum window area size required.
 - b. A ventilator or similar device, leading directly to outside air, with effective opening area equivalent to the operable window area required.
 - c. A forced air ventilation system, properly installed, maintained in safe and good working condition supplying outside air to such room which meets the requirements of the building codes.

B. MINIMUM REQUIREMENTS FOR SAFE AND SANITARY MAINTENANCE:

1. Every foundation, floor, wall, ceiling, and roof shall be reasonably weather-tight, watertight, and rodent proof, shall be capable of affording privacy, and shall be well maintained and kept in good condition and repair.
2. Every window and exterior door shall be reasonably weather-tight, watertight, and rodent proof and shall be kept in good repair.
3. Every plumbing fixture and water and waste pipe shall be maintained in good sanitary working condition, free from defects, leaks, and obstruction.
4. Every water closet compartment floor surface and bathroom floor surface shall be constructed and maintained to permit such floor to be easily kept in a clean and sanitary condition.
5. Every supplied facility, piece of equipment, or utility which is required under this code shall be maintained in satisfactory working condition so that it will function safely and effectively.
6. No owner, operator, or occupant shall cause any service facility, equipment or utility which is required under this code to be removed from or shut off from or discontinued from any occupied dwelling or building let or occupied by him/her, except such temporary interruption as may be necessary while actual repairs or alterations are in process, when discontinuance of service is approved by the City Council, or during temporary emergencies.
7. Where a habitable room or dwelling unit is located above an area used for parking or storage of motor vehicles, fire stops of one hour fire resistive materials, approved by the City Council, shall be provided above such area and below the floor of such room or unit.
8. The owner of a building shall be responsible for the protection of all exterior building surfaces from the elements, whether the building is occupied. Painted surfaces shall be kept in good condition and rotted wood must be replaced.
9. Every interior and exterior stairway and porch and appurtenance thereto shall be maintained and capable of supporting the design load set forth in the code.
10. Every fence shall be kept in good repair and any rotted, deteriorated material shall be replaced and painted or otherwise coated surfaces shall be reasonably maintained to its intended appearance. Any screen fence required as a condition of approval or a subdivision or side plan shall be maintained in alike manner.
11. Every occupant of a dwelling unit or building, shall keep that part of the dwelling, dwelling unit, building, yards, garages, and accessory buildings which he/she occupies or over which he has exclusive possession and right of control, in a safe and sanitary condition, clear and free from any accumulation of dirty, filth, junk, rubbish, garbage or similar matter from vermin or rodents infestation and from materials or conditions of maintenance which tend to encourage or support infestations of such accumulations.
12. Every occupant of a dwelling unit or building shall keep all plumbing, heating, and ventilation fixtures therein in a clean sanitary condition and shall be responsible for the

exercise or reasonable care in the proper uses and operation of electrical fixtures and convenience outlets in such dwelling unit or building.

13. Every occupant of any building or dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents, or other pests therein or on the premises, and every occupant of a dwelling unit in a dwelling containing more than one (1) dwelling unit or space in a building containing more than one (1) tenant space shall be responsible for such extermination whenever his/her dwelling unit or tenant space is the infested. Notwithstanding the foregoing provisions of the subsection, wherever infestation is caused by failure of the owner to maintain a dwelling or building in rodent proof or reasonable insect proof condition, extermination shall be the responsibility of the owner wherever infestation exists in two (2) or more of the dwelling units or spaces, or in the shared or public parts of any building containing two (2) or more dwelling units or spaces extermination thereof shall be the responsibility of the owner.
14. Every occupant of a dwelling or dwelling unit or building shall dispose of all rubbish, garbage, and any other waste in a clean and sanitary manner, by placing it in proper garbage disposal facilities or garbage storage containers. It shall be the responsibility of the owner to supply such facilities or containers of all buildings including apartment houses, except that in single family and two (2) family dwellings, such facilities or containers shall be provided by the occupant.
15. Every owner shall provide and install screens on every dwelling unit.
16. All permanent mobile homes and travel trailers must have skirting applied from the bottom of dwelling to the ground.

C. MINIMUM REQUIREMENTS FOR INGRESS AND EGRESS.

No person shall occupy or let another for occupancy and no owner shall suffer or permit any person to occupy any dwelling or dwelling unit for the purpose of living, sleeping, cooking, or eating therein or any building for any purpose which does not comply with the building code and fire code regarding required exits and exit arrangements.

SECTION IV: SUB STANDARD STRUCTURES

The City declares every substandard building or structure as herein defined to be a public nuisance and subject to repair, vacation, or abatement (demolish or removal), such nuisance as herein provided to protect the health safety and welfare of the occupants and the public.

SECTION V: VACANT BUILDINGS

- A. **MAINTENANCE OF VACANT BUILDINGS.** Every dwelling, house, building, or other similar structure (hereinafter referred to as a building) within the City of Log Cabin, Texas which has been vacant for over ninety (90) days shall comply with the following requirements:
 1. All exterior doors and windows shall be kept in sound working condition and free of broken glass.
 2. All exterior doors shall be equipped with a workable lock or locking device and shall be kept securely locked during the period said building is vacant.

3. All windows shall be secured by a latch, lock, or other means to prevent easy entry into said structure by children, vagrants, or other unauthorized person.
 4. All exterior walls and roof shall be kept in good repair and free of holes, cracks, defective materials, and structural deterioration to keep such building from becoming a breeding place for rodents, pigeons, cockroaches, and disease carrying vermin.
 5. Both the interior and exterior premises shall be kept free of any accumulation of trash garbage, rubbish, or any waste material of such quantity as to constitute an unsanitary condition.
 6. Both the interior and exterior premises shall be kept free of any accumulation of trash, garbage, rubbish, or any waste material of such quantity as to constitute an unsanitary condition.
- B. **INSPECTION OF VACANT BUILDINGS.** An inspection of every building located within the corporate limits of the city which has remained vacant for over ninety (90) days, whether the owner is wanting the utilities turned on or the city feels the home is substandard, shall be performed for the purpose of defining whether the building is substandard, uninhabitable, or dangerous. If such determination is made, the proper steps shall be taken for the structures to be brought to code in accordance with this Ordinance or taken down.
- C. **DATE SET FOR RE-INSPECTION.** Whenever a violation of this ordinance has been discovered and reported, the City Council shall determine what reasonable time should be required for the elimination of such violation and shall in accordance with such determination set a time for a re-inspection of the premises.
- D. **SERVICE OF NOTICE WHEN OWNER IS ABSENT FROM CITY.** When the owner or occupant, or mortgagee, or other interested party, is absent from the city, all notices or orders provided for herein shall be sent, via registered mail or certified mail, to the owner or occupant or mortgagee or all other persons having an interest in the dwelling or building to the last known address of each.

SECTION VI: DANGEROUS BUILDINGS

Where any building, or portion thereof, fails to comply with the provisions of this Ordinance or applicable code because of the particular use of such building, it shall be unlawful for any person to make such use or allow such use to be made of such building or portion thereof. Whenever a building is found to violate this Ordinance or applicable code and to present an immediate danger requiring demolition of the premises because of potential injury to the occupants, the Ordinance Enforcement Officer or Police Chief shall order the immediate evacuation of the building and it shall remain vacated until danger is eliminated.

SECTION VII: NATIONAL ELECTRIC CODE

The City of Log Cabin will adopt the most current National Electrical Code of the National Fire Protection Association and abide by the following but not limited to:

- A. For one- and two-family dwellings, and multifamily dwellings, at least one (1) receptacle outlet shall be installed in the areas specified in 210.52(G)(1) through (G)(3). These receptacles shall be in addition to receptacles required for specific equipment.
 - 1. Garages. In each attached garage and in each detached garage with electric power, at least one receptacle outlet shall be installed in each vehicle bay and not more than 1.7 m (5½ ft) above the floor.
- B. All 125-volt through 250-volt receptacles installed in the locations specified in 210.8(A)(1) through (A)(11) and supplied by single-phase branch circuits rated 150 volts or less to ground shall have ground-fault circuit-interrupter protection for personnel. The requirements for GFCI have expanded with the change to 250-volt receptacles and removing the amperes age limitations. It also states that is supplied by single phase branch circuits rated 150 volts or less to ground. This will provide GFCI protection to receptacle outlets such as the electric clothes dryer in the laundry area and the electric cooking range in the kitchen or any appliance within six (6) feet of the sink.
- C. GFCI Protection. Outlets supplying all pool motors on branch circuits rated 150 volts or less to ground and 60 amperes or less, single- or 3-phase, shall be provided with Class A ground-fault circuit-interrupter protection. Where a pool pump motor in 680.21(C) is replaced for maintenance or repair, the replacement pump motor shall be provided with the ground-fault circuit-interrupter protection.
- D. The National Electric Code meets every three (3) years to adjust National Electric Code requirements. This part of the Ordinance will need to be looked at every three (3) years.

SECTION VIII: UNIFORM MECHANICAL CODE

The City of Log Cabin adopts the most current Uniform Mechanical code which regulates: the erection, installation, alteration, repairs, relocation, replacement, addition to use or maintenance of any heating, ventilating, cooling, refrigeration systems, incinerators, or other miscellaneous heat-producing appliances within this jurisdiction. Mechanical equipment and systems in detached one- and two-family dwelling code referenced by the most current Uniform Mechanical Code.

SECTION IX: STANDARD PLUMBING CODE

The City of Log Cabin adopts the most current International Residential Code (IRC) for the standard plumbing codes and regulations.

- A. Section **P2705.1** is a part of the International Residential Code which mirrors the International Plumbing Code. Provisions from the International Plumbing Code are placed within the International Residential Code to allow for a complete and comprehensive code regulating the construction of single-family houses, duplexes, and townhouses not more than three (3) stories.

SECTION X: STANDARD GAS CODE

The City of Log Cabin adopts the most current International Residential Code (IRC) for the standard gas codes as follows:

- A. Section **2401.1 (101.2)** governs the applicability of the provisions of Chapter 24, which covers fuel gas piping systems, fuel-gas appliances and related accessories, venting systems and combustion air configurations that are most found in single-family and duplex-type dwelling structures. Section **G2403 (202)** further clarifies what the code means by "fuel gas": "A natural gas, manufactured gas, liquefied petroleum gas or mixtures of these gases." The chapter's rules apply to the piping system from the point of delivery to the outlet of the appliance shutoff valves.

SECTION XI: COMMERCIAL BUILDING CODES

The City of Log Cabin adopts the most current commercial building codes:

- A. International Building Code
- B. International Plumbing Code
- C. National Electrical Code
- D. International Existing Building Code
- E. International Energy Conservation Code
- F. International Fire Code
- G. International Fuel and Gas Code
- H. International Mechanical Code

SECTION XII: ASSIGNMENTS OF INSPECTOR/ORDINANCE ENFORCEMENT OFFICER

The City of Log Cabin designates the Ordinance Enforcement Officer of the Log Cabin City Police Department to enforce this ordinance. The following will be the duties of the enforcer:

- A. The Planning and Zoning Commission (P&Z) and City Council will recommend to the Ordinance Enforcement Officer anything found in violation of this ordinance. City Council will make recommendations when a building needs to be demolished.
- B. The Ordinance Enforcement Officer will perform all Certificate of Occupancies (CO's).
- C. Ordinance Enforcement Officer will perform all inspections of any violations of this Ordinance, unless it is determined that a certified building inspector is needed.
- D. Water/Sewer Supervisor will perform a Customer Service Inspection (CSI) on all majorly renovated buildings, new constructed buildings and any building that has had a major water/sewer issue.

SECTION XIII: REPAIR, VACATE OR ABATEMENT OF SUBSTANDARD BUILDINGS

- A. Definitions
 - 1. Abatement. Any action the City may take on public or private property and any adjacent property as may be necessary to remove or alleviate a nuisance, including, but not limited to, demolition, removal, repair, boarding and securing or replacement of property.
 - 2. Administrative Enforcement Order. An order issued by the City Council, after a hearing, requiring a responsible person to correct a violation, abate a public nuisance, pay civil

penalties and administrative costs, or take any other action as authorized or required by this Code and applicable state codes. Such term may also include an order authorizing the City to abate a public nuisance or assess a ordinance enforcement lien.

3. Building or Structure. Includes, but is not limited to, any building, fence, awning, canopy, sign, shed, garage, house, manufactured or modular home, mobile home, tent, trailer or other structure whatsoever, wherever located in the City.
4. Ordinance Enforcement Officer/Official. Any person authorized to enforce violations of this Ordinance or applicable state codes.
5. Minimum Standards. The minimum standards for continued use and occupancy of a building as set forth within this Ordinance.
6. Owner of Record. Any person, agent, firm, corporation or governmental agency shown to be the owner or owners of a building in:
 - a. The real property, assumed name or appraisal district records of the County;
 - b. The tax and utility records of the City; or
 - c. The records of the Secretary of State.
7. Public Nuisance. Whatever is dangerous to human life or health; whatever renders the ground, water, air or food hazardous to human life or health, or that is offensive to the senses, or that is or threatens to become detrimental to the public health; or Any building that creates a hazard to health, safety, comfort or welfare.
8. Substandard Building. Any building or structure that does not comply with the minimum standards set forth within this Ordinance.

B. Abatement

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, as set forth within this Ordinance.
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 in accordance with the procedures specified within this Ordinance.

C. Minimum Standards

A building is considered not to meet the minimum standards of the City for continued use and occupancy of a building, regardless of its date of construction, under any of the following conditions:

1. Any building that is dilapidated, substandard or unfit for human habitation and a hazard to public health, safety and welfare, including, but not limited to:
 - a. Any building with roof, ceiling, floors, walls, sills, windows or foundation, or any combination thereof, rotted or decayed and falling apart, or that is

uninhabitable due to obsolescence and deterioration caused by neglect, vandalism, fire damage, old age or the elements;

- b. Any building intended for human occupancy that is in danger of collapse or cannot be expected to withstand reasonably anticipated storms or hurricanes which may present a danger to persons or property;
 - c. Any building that is a fire hazard because it is in a dilapidated condition, as described in subsections 1.a. and b. above or that is likely to become a fire hazard or be set on fire;
 - d. Any building that is in unsanitary condition and is likely to create disease because of the presence of insects, rodents or vermin;
 - e. Any building that is damp and in unsanitary condition and is likely to create disease and sickness because of being in the condition in subsections 1.a., b., c. or d. above, or for other reasons;
 - f. Any building that has holes, cracks or other defects in it, or does not have railings for stairs, steps, balconies, porches and elsewhere, thereby constituting a danger to persons or property;
 - g. Any building occupied by humans that does not have in operating condition a connection to discharge sewage from the structure or land into a public sewer system (where such is available), a toilet connected to a water source and to a public sewer system (where such is available), and connection to potable water at adequate pressure; and
 - h. Any building intended for human occupancy that does not have operating supply lines for electrical service, if electric service is available within three hundred feet of the building, or that does not have operating electrical circuits and outlets sufficient to safely carry a load imposed by normal use of appliances and fixtures.
- 2. Any building that is not occupied by its owners, lessees or other invitees and is not secure from unauthorized entry so that it could be entered or used by uninvited persons or children regardless of its structural condition.
 - 3. Any building that is boarded up, fenced, or secured if:
 - a. The building constitutes a danger to the public even though secured from entry; or
 - b. The means used to secure the building are inadequate to prevent unauthorized entry or use of the building.
 - 4. Any building that fails to comply with provisions of an adopted State or City Code.

SECTION XIV. ENFORCEMENT

- A. City, by and through its designated ordinance enforcement officials, the Log Cabin Police Department, including the building inspector ("ordinance enforcement officials"), shall have

the authority and powers necessary to enforce the provisions of this Ordinance. Such powers include the power to issue notices of violation, issue citations, inspect public and private property, and use whatever judicial and administrative remedies are available pursuant to this Ordinance or applicable state laws. Ordinance enforcement officials are authorized to enter upon any property or premises to ascertain whether the provisions of this Ordinance or applicable state codes and statutes are being obeyed, and to make any examinations and surveys as may be necessary in the performance of their enforcement duties. Such duties may include the taking of photographs, samples or other physical evidence.

- B. Any ordinance enforcement official shall have the authority to issue citations for any violation of this Ordinance. If the person being cited is not present, the Ordinance Enforcement Official may send the citation to the alleged offender by certified mail, return receipt requested.
- C. The City may secure a building that it determines does not meet the minimum standards and is unoccupied or occupied only by persons who do not have a right to possess the building according to the following procedures:
 - 1. Before the 11th day after the date the building is secured, the City shall give notice to the owner of record by:
 - a. Personally serving the owner with written notice;
 - b. Depositing the notice in the United States mail addressed to the owner at the owner's last known post office address;
 - c. Publishing the notice at least twice within a ten (10) day period in a newspaper of general circulation in the City 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.
 - 2. The notice shall contain identification of the building and the property on which it is located, a description of the existing violation(s) of the minimum standards, and a statement that the municipality will secure or has secured the building.
 - 3. The notice shall also state that the owner may request a hearing about any matter related to the City's securing of the building no later than thirty (30) days after the date the City secures a building, and that if such a hearing is requested, it shall be held within twenty (20) days after the request for the hearing is filed pursuant to Texas Local Government Code Sec. 214.001(e) and heard by a designated representative of the City.

SECTION XV. INSPECTION AND NOTICE OF ABATEMENT

- A. **Inspection.** The building inspector or any ordinance enforcement official may inspect any building the official has probable cause to believe does not meet the minimum standards set forth within this Ordinance. If an owner, occupant, agent, or person in control of the premises refuses permission to enter or inspect, the City official may seek an administrative search warrant pursuant to Texas Code of Criminal Procedure Article 18.05 unless an

exception to the warrant requirement exists. All inspections, entries, examinations, and surveys shall be done in a reasonable manner.

- B. Determination. After completing the inspection, the inspecting official shall determine if the building is a substandard building, as defined herein.
- C. Notice of Abatement. After an initial determination that a building is a substandard building, the inspecting official shall notify the owner of record of the building, by certified mails, return receipt requested, of the nature of the violation(s) of the minimum standards. The inspecting official shall also notify the owner of record of the building that the building is substandard, and that the owner must vacate and/or repair, demolish or remove the building for the good of the public health, safety, and welfare.
 - 1. A notice shall be posted on the substandard building as follows:

NOTICE

Property Address and Legal Description:

THIS BUILDING IS SUBSTANDARD ACCORDING TO THE MINIMUM STANDARDS SET FORTH BY CITY ORDINANCE 5 BUILDING CODES, AND THE OWNER MUST VACATE IMMEDIATELY AND REPAIR, DEMOLISH, OR REMOVE IT FOR THE GOOD OF THE PUBLIC HEALTH, SAFETY, AND WELFARE. THIS PLACARD IS TO REMAIN ON THE STRUCTURE UNTIL IT IS REPAIRED OR ABATED IN ACCORDANCE WITH THIS NOTICE DATED _____. A COPY OF THE NOTICE HAS BEEN MAILED TO ALL KNOWN PERSONS ASSOCIATED WITH THIS BUILDING AND PROPERTY AS SHOWN BY THE COUNTY CLERK OF HENDERSON COUNTY. IT IS A VIOLATION OF THIS ORDINANCE, PUNISHABLE BY A FINE UP TO \$500 FOR ANYONE TO REMOVE THIS PLACARD UNTIL SUCH NOTICE HAS COMPLIED WITH.

CONTACT _____ AT _____ FOR FURTHER INFORMATION.

SIGNED _____
Ordinance Enforcement Officer

DATE _____

- a. When the placard authorized by this ordinance has been posted on any building in the city found to be a violation of this ordinance the owner or occupant therefore shall secure from entry all unauthorized persons.
- D. Request for Public Hearing Before City Council. If the owner does not reply or take action within fifteen (15) days from the date the notice was mailed, the inspecting official may request that a public hearing be held before the City Council to determine whether the building complies with the minimum standards set forth in this Ordinance. The City shall then order a public hearing.

1. If a public hearing is ordered, the City 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 the underlying property.
2. The City shall notify each owner, lienholder or mortgagee by certified mail, return receipt requested, not later than ten (10) days prior to the date of the public hearing, and notify any unknown owners by posting a copy of the notice on the front door of each improvement situated on the affected property or as close to the front door as practicable that a public hearing will be held in reference to the building and that the interested party may appear at the public hearing, be heard, and present evidence in reference to the condition of the building. The notice shall further advise the owner, lienholder or mortgagee or unknown owner that he will have the burden of proof at such hearing and will be required to submit at the hearing proof of the scope of any work that may be required to make the building comply with this Ordinance and the amount of time it will take to reasonably perform the work.
3. The City will publish notice of the public hearing in a newspaper of general circulation in the City no later than ten (10) days prior to the date of the public hearing. The City may also file a notice of the public 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 property (if it can be determined from a reasonable search of county records), a legal description of the affected property, and a description of the proceeding, including the date, location and time of the public hearing.

SECTION XVI. CITY COUNCIL AUTHORITY

- A. Setting Hearing. Upon the request of the Ordinance Enforcement Official for a public hearing, the City Council shall set a date and time for the hearing and shall provide notice of the hearing as may be required by law. The City Council shall conduct its activities and enforce this Ordinance in accordance with the provisions of the Local Government Code.
- B. The City Council shall have the power and duty to:
 1. Require the reduction in occupancy load of an overcrowded structure or vacation of a structure that is hazardous to the health, safety, and welfare of the occupants;
 2. Permit the repair of a substandard structure as an alternative to demolition of the structure, or require the demolition of structures found to be substandard;
 3. Require the removal of property from a structure ordered vacated or demolished. Removal may be accomplished by use of City forces or a private transfer company if the owner of the property is not known, the whereabouts of the owner cannot be ascertained, or the owner fails to remove the property. The City Council may cause any property removed to be stored in the care and custody of a bonded warehouse facility. Cost of removal and storage is the responsibility of the owner of the property;
 4. Require that a vacant structure or vacant portion of a structure constituting a hazard be securely closed and made safe;

5. Grant a variance when, in the opinion of the City Council, a literal interpretation of the City's housing standards regulations would result in an imposition of an unnecessary or unreasonable hardship;
 6. Interpret the provisions of this Ordinance in a way so as to carry out their intent and purpose and propose and carry forward amendments to the City's housing standards regulations, including the minimum standards contained herein; and
 7. Enforce any and all Ordinances of the City authorizing or subject to quasi-judicial enforcement under Sec. 54.032 of the Local Government Code.
- C. Nothing herein shall affect the ability of the City to proceed under the jurisdiction of the Municipal Court on any matter regarding this Ordinance that may be within the Municipal Court's jurisdiction.

SECTION XVII. RECEIVER

The City may bring an action in district court against an owner of residential property that is not in substantial compliance with the minimum standards and request the appointment of a receiver for purposes of rehabilitating the property pursuant to Tex. Local Government Code Sec. 214.003.

SECTION XVIII. ORDER TO ABATE

- A. If it is found at the public hearing that the building is in violation of the minimum standards, one of the following orders or any combination thereof may be issued by the City Council:
 1. An order to secure or vacate the building and relocate occupants; or
 2. If it is determined that the order provided for in subsection A.1. above is not sufficient to protect the public health, safety or welfare, an order may be issued to repair, demolish or remove the building within a reasonable time.
- B. The City shall promptly mail by certified mail, return receipt requested, a copy of any order issued pursuant to subsection A. of this Section to the owner of record of the building and to any lienholder or mortgagee, along with a notice containing an identification of the building and the property on which it is located, a description of the violation(s) of the minimum standards, and a statement that the municipality will secure, vacate, repair, remove or demolish the building if the ordered action is not taken by the owner within a reasonable time.
- C. The order shall allow the owner thirty (30) days to complete the ordered action, unless it is determined from the evidence presented at the public hearing that additional time is required. If more than thirty (30) days is allowed to repair, remove or demolish the building, specific time schedules shall be established for the commencement and performance of the work.
- D. The order shall also state that any lienholders or mortgagees of the building and/or the underlying property shall have an additional thirty (30) days to complete the ordered action if the owner fails to comply within the time allotted in subsection C. above.

- E. The owner, lienholder or mortgagee may not be allowed more than ninety (90) days to complete any part of the work required, remove or demolish the building unless the requirements of Texas Local Government Code Sec. 214.001(k) are met.

SECTION XIX. FILING AND PUBLICATION OF ORDER; SENDING OF ORDER TO OWNER AND LIENHOLDERS

- A. Within ten (10) days following the date that an order is issued, the City Council shall:
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 the following:
 - a. The street address or legal description of the property;
 - b. The date the hearing was held;
 - c. A brief statement indicating the results of the hearing and the contents of the order; and
 - d. Instructions stating where a complete copy of the order may be obtained.
 3. Send by certified mail, return receipt requested, signature confirmation through United States Postal Service, or personal delivery, a copy of the order to the owner and to any lienholder or mortgagee of the building.

SECTION XX. APPEAL AND JUDICIAL REVIEW

Any owner, lienholder or mortgagee of record of a property jointly or severally aggrieved by any order issued under this Ordinance shall be entitled to judicial review in district court. A petition must be filed in district court by an owner, lienholder or mortgagee within thirty (30) days of delivery of said order pursuant to Texas Local Government Code Sec. 214.0012.

SECTION XXI. VIOLATION AND PENALTY

- A. It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Ordinance. A violation of any of the provisions or failure to comply with any of the mandatory requirements found herein shall constitute a Class C misdemeanor punishable by a fine not to exceed \$2,000.00. Each such person may be charged with a separate offense for each and every day, or portion thereof, during which any violation of any provision of this Ordinance is committed, continued or permitted by such person and shall, upon conviction, be punished accordingly.
- B. In addition to any other remedy provided by this Ordinance, any provision of this Ordinance or applicable state law may be enforced by injunction issued by a court of competent jurisdiction upon a suit brought by the City. As part of a civil action filed to enforce the provisions of this Ordinance, a court may assess a maximum civil penalty as allowed by law per violation of this Ordinance or state law for each day during which any person commits, continues, allows, or maintains a violation of any provision of this Ordinance or state law.

SECTION XXII. EXPENSES AND LIEN

- A. All expenses of vacating, securing, repairing, removing, demolition or the relocation of occupants of a building are the responsibility of the owner of the property.
- B. If an owner or other interested party does not vacate, secure, repair, remove, demolish or relocate occupants of a building within the time allotted in an order issued pursuant to this Ordinance, the City may take the ordered action at its expense. If the City repairs the building, such repairs shall only be to the extent required to meet minimum standards.
- C. As an alternative to subsection A., a civil penalty may be assessed against the property owner for failure to repair, remove or demolish the building. A notice of penalty shall be mailed by certified mail, return receipt requested, to the property owner advising the amount and duration of the penalty, the date on which it is due, and notice that failure to pay said penalty shall result in a lien being placed on the property.
- D. In addition to subsections A., B. and C. above, the City may assess and recover a civil penalty against a property owner at the time of the hearing for violations of this Ordinance, pursuant to Texas Local Government Code Sec. 214.0015.
- E. Any expenses incurred by the City pursuant to subsection A. of this Section and any civil penalties incurred by the owner pursuant to subsections B. and C. of this Section will be assessed against the property on which the building stands or stood. The City will have a privileged lien upon filing same in the Official Public Records of the County Clerk subordinate only to tax liens against the property unless it is a homestead as protected by the State constitution. Any such lien will be extinguished if the property owner or other interested party reimburses the City for all expenses and penalties.

SECTION XXIII. LIABILITY AND IMMUNITY

No officer, agent or employee of the City of Log Cabin shall render himself personally liable for any damage that may occur to any person or property as a result of any act required or permitted in the discharge of his duties under this Ordinance. Additionally, nothing herein shall be deemed a waiver of the City's sovereign and/or governmental immunity, nor any other applicable legal defense available to City in exercising its duties herein.

SECTION XXIV. SEVERABILITY

Should any section or part of this Ordinance be held unconstitutional, illegal or invalid, or the application to any person or circumstances for any reasons thereof ineffective or inapplicable, such unconstitutionality, illegality or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof, but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this Ordinance are declared to be severable.

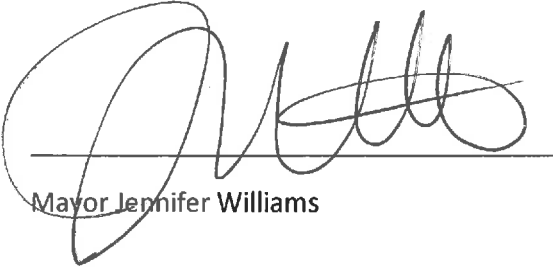
SECTION XXV. REPEALER

Any ordinance or section(s) of an ordinance in conflict with the provisions of this Ordinance are hereby repealed to the extent of said conflict.


SECTION XXVI: EFFECTIVE DATE

This Ordinance shall take effect from and after its passage and publication as required by law.

PASSED AND ADOPTED BY THE CITY COUNCIL OF LOG CABIN ON THE 15th DAY OF SEPTEMBER 2022.



Mayor Jennifer Williams



Leana Thorp, City Secretary

