

**THE CITY OF LOG CABIN, TEXAS  
ORDINANCE NUMBER 49-C**

**SUBSTANDARD STRUCTURES**

**STATE OF TEXAS                    §**

**COUNTY OF HENDERSON   §**

AN ORDINANCE SUPERSEDING ORDINANCE 49 AND 49-B OF THE CITY OF LOG CABIN, AS PASSED AND APPROVED BY THE CITY COUNCIL IN 1996, THE AMENDMENT TO ORDINANCE 49 OF THE CITY OF LOG CABIN, PASSED AND APPROVED BY THE CITY COUNCIL ON THE 17<sup>TH</sup> DAY OF JULY 1997, AND ORDINANCE 49A, PASSED AND APPROVED BY THE CITY COUNCIL ON THE \_\_\_<sup>TH</sup> DAY OF \_\_\_\_\_, 2000, AND ORDINANCE 49-B PASSED AND APPROVED BY THE CITY COUNCIL ON THE 20<sup>TH</sup> DAY OF SEPTEMBER, 2001; AND ENACTING A REVISED SUBSTANDARD STRUCTURES ORDINANCE PROVIDING FOR REGULATION OF SUBSTANDARD STRUCTURES IN THE CITY OF LOG CABIN, TEXAS; FOR DEFINITIONS OF SUBSTANDARD STRUCTURES, DANGEROUS STRUCTURES, ABATEMENTS (DEMOLISH & REMOVAL) NUISANCES, FOR FINES, PENALTIES, FEES AND COSTS INVOLVED IN THE REGULATION OF SUBSTANDARD STRUCTURES IN THE CITY OF LOG CABIN, TEXAS; FOR THE PROVISION OF A SEVERANCE AND REPEALING CLAUSE.

**SECTION I. ADOPTION OF UNIFORM CODES.**

WHEREAS, in order to protect, promote and defend the health, safety and welfare of the inhabitants of the City of Log Cabin, Texas, it is necessary to adopt a uniform substandard structure ordinance for the City of Log Cabin, Texas;

WHEREAS, it is necessary to provide for the definitions of substandard structures, dangerous structures, nuisances, and other activities involved with the regulation of the existence of substandard structures in the City of Log Cabin, Texas;

WHEREAS, it is further necessary to provide of the fines, penalties, fees and costs involved in the regulations of substandard structures in the City of Log Cabin, Texas;

WHEREAS it is further necessary to provide for a severance clause and repealing clause in the City's substandard structures ordinance;

WHEREAS it is necessary to immediately adopt a substandard structures ordinance to provide for the health, safety and welfare of the inhabitants of the City of Log Cabin, Texas;

**NOW, THEREFORE:**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOG CABIN, TEXAS:**

A. The city adopts, as part of its standard building regulations, the *Uniform Code for the Abatement of Dangerous buildings* and the *Uniform Housing Code*, 1991 editions, copyright by International Conference of Building Officials.

B. The Uniform Housing Code herein adopted is adopted in its entirety, save and except for Section 203 and Chapters 11, 12, 13, 14, 15 and 16.

C. The Uniform Code for the Abatement of Dangerous Buildings herein adopted is adopted in its entirety, save and except for Sections 205, 701 and 702 and Chapters 4, 5, 6, 8 and 9.

**SECTION II. DESIGNATION OF OFFICIAL.**

When this ordinance or any applicable Code of the State of Texas refers to the duties of certain officials, the official designated by the city shall be the Ordinance Officer and/or Police Chief and those who he authorizes and designates to act under his authority. If he so desires, the Mayor may designate an official to perform such duties as are assigned to the Ordinance Officer and/or Police Chief. The City Council and/or Mayor is authorized to devote such personnel under his direction to the authority of the Ordinance Officer and/or Police Chief or other designee to the extent necessary to accomplish enforcement of the provisions of this subchapter. Failure of such personnel to satisfactorily respond to the duties so assigned shall be reported by the Ordinance Officer and/or Police Chief to the Mayor and/or City Council. The Ordinance Officer and/or Police Chief is authorized and required to aid the Ordinance Officer and/or Police Chief or his designee in enforcement of this ordinance and shall act as directed by the Ordinance Officer and/or Police Chief.

**SECTION III. SUBSTANDARD STRUCTURES DECLARED NUISANCE.**

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 in order to protect the health, safety and welfare of the occupants and the public.

**SECTION IV. NOTICE OF VIOLATION.**

A. *Service.*

1. The Ordinance Officer and/or Police Chief or his authorized designee shall give notice of a violation of this ordinance. Such notice shall be in writing and shall be served by personal delivery or by certified mail, return receipt requested, to the record owners of the affected property, and each holder of a recorded lien against the affected property as shown by the records of the County Clerk if the address of the lienholder can be ascertained from the deed of trust establishing the lien or other applicable instruments on file in the office of the County Clerk; and to all unknown owners, by posting a copy of the notice on the front door of each affected

improvement situated on the property or as close to the front door as practicable, and if the owner's address is different than the address shown for the property involved, to the address of the property, addressed to the occupant of such address. It is not necessary that the notice to the occupant of the property list any occupant by name or that the notice be mailed by certified mail. Service of the notice may be accomplished by first class U.S. mail or by personal delivery to any occupant of the property who is above the age of 18 years or older.

2. The notices required by this section shall constitute an order based upon findings of fact, directing the owner and occupant to repair, vacate, or abate such buildings or otherwise comply with the order.

B. *Contents.* The notice shall contain the following:

1. The names of all persons to whom the notice is being served pursuant to Subsection A. of this section,
2. The street address of legal description of the premises,
3. A general description of the building, structure improvements or condition deemed substandard or otherwise in violation of this ordinance or any applicable Code,
4. An itemized statement or list of defects,
5. Whether or not repairs or correction of the defects shall be made so that the structure(s) will comply with the terms of this ordinance or any applicable Code, and, if so, a list of the required repairs, or whether the structure(s) shall be abated,
6. Whether or not the building shall be vacated by the occupants and, if so, the date by which such vacation shall be effected,
7. Whether or not the building constitutes a health or fire menace, and
8. A Statement of the time considered reasonable for the party receiving notice to commence to vacate and/or make repairs or otherwise comply with the requirements of the notice. A reasonable time shall not exceed 30 days, except in cases of unusual or extenuating circumstances. The time to commence may be extended by the Ordinance Officer and/or Police Chief for an additional period of 60 days, provided, however, an application for an extension is made by the owner, occupant, or some other person interested in the property at least five days before the expiration of the time to commence vacation, repairs or demolition or otherwise comply with the notice. A reasonable time to complete the vacation, repair, abatement or otherwise comply as provided in the notice and such reasonable time for completion shall not exceed 90 days from the date of notice unless the time is extended by action of the Building and Standards Committee.

**SECTION V. SERVICE OF NOTICE WHEN OWNER 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. Such mailing and, in the case of dangerous or uninhabitable buildings, the below described posting, shall be deemed adequate service.

**SECTION VI. POSTING OF PLACARD ON UNINHABITABLE, DANGEROUS BUILDINGS.**

A. If the Ordinance Officer and/or Police Chief or a designated representative, shall, upon inspection of any building within the city, find the same to be uninhabitable and dangerous, he shall place a placard on the uninhabitable and dangerous building reading as follows:

**WARNING**

**This building has been found to be UNINHABITABLE AND DANGEROUS STRUCTURE by the Ordinance Officer and/or Police Chief or a designated representative. This building is to be vacated immediately. This placard is to remain on the structure until it is repaired or abated in accordance with the notice dated \_\_\_\_\_ which has been mailed to all known persons having an interest in this building or property as shown by the County Clerk of Henderson County. It is a violation of this ordinance, punishable by a fine up to \$2,000, for anyone to remove this placard until such notice has been complied with.**

Signed \_\_\_\_\_

**Ordinance Officer and/or Police Chief or a Designee**

B. No person shall occupy any building posted with such placard nor shall any person deface, destroy, or remove any such placard.

C. A copy of such notice shall be posted on the front door or as near to the front door as practicable on the uninhabitable and dangerous dwelling or building to which it relates.

**SECTION VII. PLACARD BUILDING TO BE SECURED.**

When the placard authorized by this ordinance has been posted on any building in the city found to be a violation of this ordinance or applicable Code, the owner or occupant thereof shall render it secure from entry by unauthorized persons.

**SECTION VIII. VACATION OF UNINHABITABLE, 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 Building Inspector or Ordinance Officer and/or Police Chief shall order the immediate evacuation of the building and it shall remain vacated until the danger is eliminated.

**SECTION IX. EMERGENCY CASES.**

In cases where it reasonable appears that there is immediate danger to the life or safety of any person unless an uninhabitable and dangerous building is immediately repaired, vacated or abated, the Ordinance Officer and/or Police Chief or a designated representative shall cause the immediate repair, vacation or abatement of such uninhabitable and dangerous building or dwelling. The costs of such emergency repair, vacation, abatement or other compliance shall be collected in the same manner as provided in this ordinance or applicable Code.

**SECTION X. RIGHT OF INSPECTION.**

The Ordinance Officer and/or Police Chief or his designated representative shall cause to be inspected any building or structure for the purpose of determining whether conditions exist which render such place uninhabitable or substandard within the terms of this ordinance or applicable Code.

- A. A complaint filed by any person;
- B. A report filed by the Police Department, Fire Department, or any other city department of any building or structure which is or may be uninhabitable or substandard within the terms of ordinance or applicable Code, or
- C. General information or knowledge about the building or structure.

**SECTION XI. ELIMINATION OF UNINHABITABLE AND DANGEROUS STRUCTURES.**

All uninhabitable and dangerous structures, including dwellings are hereby declared to be public nuisances, and shall be repaired, vacated or abated.

**SECTION XII. CONDITIONS CONSTITUTING AN UNINHABITABLE OR DANGEROUS DWELLING.**

A. In addition to the standards adopted in this ordinance or applicable Code, an uninhabitable or substandard building or structure is defined as any building or structure

1. Whose walls or other vertical structural members list, lean or buckle in excess of one-eighth inch horizontal measurement for each one foot of vertical measurement;
2. Which exclusive of the foundation, shows 33% or more of damage or deterioration of the supporting member or members, of 50% of damage or deterioration of the nonsupporting enclosing or outside walls or covering;
3. Which has been damaged by fire. Explosion, wind, vandalism or elements of nature so as to have become dangerous to life, safety or the general health and welfare of the occupants thereof of the people of the city;
4. Which has inadequate facilities for egress in case of fire or panic or which has insufficient stairways, elevators, fire escapes or other means of ingress or egress;
5. Which has parts thereof which are so attached that they may fall and injure members of the public or property;
6. Which, because of its condition is unsafe, or unsanitary, or dangerous to the health, morals, safety, or general welfare of the people of this city; or
7. Which exists in violation of any material provisions of this city's ordinances governing the construction of buildings, building code, plumbing code, fire prevention code, electrical code or the statutes of the state as revised, or that fail to comply with any material provisions of this code. For the purposes of this subsection (7), VIOLATION OF ANY MATERIAL PROVISION is a violation of any section that involves significant risk of personal injury, death or property damage.

**SECTION XIII. GUIDE FOR REPAIR, VACATION OR ABATEMENT OF UNINHABITABLE BUILDINGS.**

A. The following guide shall be followed by the Ordinance Officer and/or Police Chief in determining whether to order or recommend the repair or vacation or abatement of any uninhabitable and dangerous building or dwelling.

1. *Repair.* If a building can reasonable be repaired so that it will no longer exist in violation of the terms of this code, the Ordinance Officer and/or Police Chief or a designated representative shall order it repaired within a reasonable time frame. A reasonable time frame shall be as defined in this ordinance or any applicable Code. If the owner or occupant fails to make such repairs within the time frame allowed by ordinance or any applicable Code, the Ordinance Officer and/or Police Chief or a

designated representative may recommend that the Building and Standards Commission order repairs, impose fines, order the demolition of a building, or take other appropriate action to implement this subchapter.

2. *Vacation.* If a building is in such condition as to make it a danger to the health, safety or general welfare of its occupants or the citizens of the city or if deemed necessary for the abatement of the nuisance, the Ordinance Officer and/or Police Chief shall order it vacated. If the owner or occupant fails to vacate a building after proper notice, the Ordinance Officer and/or Police Chief may recommend that the Building and Standards Commission order the vacation of the structure, impose a fine, or take other appropriate action to implement this chapter.

3. *Abatement.* The Ordinance Officer and/or Police Chief or a designated representative shall recommend that the Building and Standards Commission order a building abated, if it:

- a. Is at least 50% damaged or deteriorated, on either a structural or original value basis;
- b. Is an immediate danger to life or safety of any person and is not immediately made not an immediate danger and such danger is not immediately corrected to eliminate the danger;
- c. Is in need of repair under division (A) above and is not repaired within the reasonable time set forth herein; or
- d. Is in such condition as to make it dangerous to the health, safety, or general welfare, has been ordered vacated by the Building Inspector, and has not be cured of the defects within a reasonable time.

#### **SECTION XIV. ABATEMENT OF BUILDING OR DWELLING IN CITY.**

If, at the expiration of the time allowed for compliance with the provisions of this ordinance or any applicable Code, a building or dwelling ordered abated under the provisions of this chapter has not been abated, it shall be abated by the city or its agents or contractor at the expense of the owner. If the cost of the abatement exceeds the value of the materials of such building, such excess shall be charged as a lien upon the real property on which the building had been situated.

#### **SECTION XV. BUILDING AND STANDARDS COMMISSION.**

**A. ADOPTION OF LOCAL GOVERNMENT CODE, CHAPTER 54, SUBCHAPTER C.** This city adopts the provisions of Tex. Loc. Gov't Code Chapter 54, Subchapter C, and amendments thereto if any, which is entitled "Quasi-Judicial Enforcement of Health and Safety Ordinances of Home-Rule Municipality," and does declare the implementation of that subchapter.

**B. COMMISSION CREATED; MEMBERSHIP; TERM OF OFFICE.** Pursuant to the authority vested in the city under Tex. Loc. Gov't Code Chapter 54, Subchapter C, a Building and Standards Commission is created which shall be composed of five regular members appointed for two-year terms, and two alternate members appointed for two year terms, to serve in the absence of one or more of the five regular members. In making the initial appointments, the City Council shall appoint two regular members for one-year terms, and the remaining members for two-year terms. Thereafter, all appointments to the Commission shall be for two-year terms. The Commission shall appoint from its members a Chairperson, who shall serve in such capacity for a term of one year.

**C. AUTHORITY OF COMMISSION.**

1. The Building and Standards Commission shall have all powers, duties and responsibilities authorized by state law, it being the intent of the city to fully implement Tex. Loc. Gov't Code Chapter 54, Subchapter C, including specifically the authority to hear and determine cases concerning alleged violation of this ordinance or any applicable Code and any other ordinances of the city.
  - a. For the preservation of public safety, relating to the materials or methods used to construct a building or improvement, including the foundation, structural elements, electrical wiring or apparatus, plumbing and fixtures, entrances, or exits;
  - b. Relating to the fire safety of a building or improvement, including provisions relating to materials, 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 entrances or exits, or
  - c. Relating to dangerously damaged or deteriorated buildings or improvements.
2. The Building and Standards Commission as created and provided for under the provisions of state law shall, in addition to the statutory duties and responsibilities, have such additional duties and responsibilities as shall be from time to time delegated by the City Council and shall, in addition, determine such issues and render decisions in accordance therewith which may be from time to time required of an appellate body. In such cases, a simple majority of the members of the Building and Standards Commission shall be sufficient to take action, unless by other law or ordinance a greater majority shall be required.

**D. PROCEDURES.**

1. The Building and Standards Commission shall adopt rules and procedures in accordance with this subchapter governing the conduct of hearings before the



Commission, providing ample opportunity for the presentation of evidence and testimony by respondents or persons opposing charges brought by the city, acting through the Ordinance Officer and/or Police Chief relating to the violation of this ordinance or any applicable Code and any other ordinance of the city.

2. If the Building and Standards Commission finds after a hearing that a violation has occurred, the Commission may:

a. Order the repair, within a fixed period, of buildings found to be in violation of a provision of this ordinance or any applicable Code or any applicable ordinance of the city;

b. Declare a building substandard in accordance with the powers granted by Tex. Loc. Gov't Code Chapter 54, Subchapter C;

c. Order, in an appropriate case, the immediate removal of persons or property found on private property, enter on private property to secure the removal of persons or property if it is determined that the conditions exist on the property that constitute a violation of an ordinance, and order action to be taken as necessary to remedy, alleviate or remove any substandard building found to exist;

d. Issue orders of directives to any peace Officer of the state, including a sheriff or constable or the Police Chief, to enforce and carry out the lawful orders or directives of the Commission; and

e. Determine the amount and duration of a civil penalty the city may recover in an amount permitted by state law.

3. *Procedures for removal of substandard structures.*

a. In cases involving the condemnation or removal of substandard structures, the Ordinance Officer and/or Police Chief shall request, and the Building and Standards Commission shall conduct a hearing prior to ordering the removal of a structure. The Commission shall hold an initial hearing not less than ten days after notification to the required parties that a building is to be considered as a substandard structure, and posts a notice to that effect has been posted on the structure.

b. At the initial hearing, if removal of the substandard structure is contested by any party of record with an interest in the property, the Building and Standards Commission shall, if it finds that the structure should be condemned, order the property owner to appear at a second hearing, not less than 28 days from the date of the first hearing, and show cause why the Commission shall not order the removal of the substandard structure.

4. The concurring vote of four members of the commission is necessary to take any action under Tex. Loc. Gov't Code Chapter 54, Subchapter C.
5. All cases to be heard by the Commission must be heard by at least four members.
6. The Commission shall keep minutes of its proceedings showing the vote of each member on each question or the fact that a member is absent or fails to vote. The Commission shall keep records of its examinations and other official actions. The minutes and records shall be filed immediately in the office of the Commission as public record.
7. Meetings of the Commission shall be held at the call of the Chairperson, the Ordinance Officer and/or Police Chief and at other times as determined by the Commission. All of the meetings shall be open to the public. The Chairperson or in the Chairperson's absence the Acting Chairperson may administer oaths and compel the attendance of witnesses.

#### **E. NOTICE OF HEARINGS.**

1. The Ordinance Officer and/or Police Chief or a designated representative shall give notice of all proceedings before the Commission by certified mail, return receipt requested, to the record owners of the affected property, and to each holder of a recorded lien against the property, as shown by the County Clerk's records. The Ordinance Officer and/or Police Chief shall give notice to all 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 practical.
2. The Ordinance Officer and/or Police Chief or a designated representative shall mail and post each required notice at least ten days prior to the date of the scheduled hearing before the Commission. The Ordinance Officer and/or Police Chief or a designated representative shall also cause to be published at one occasion, at least ten days prior to the hearing, notice of the hearing in a newspaper of general circulation in the city.
3. Notice required to be mailed, posted or published under this section shall state the date, time and place of the hearing. Such notice may be in the form of a charging instrument, and shall contain:
  - a. The name of the owner(s), occupant(s), and other persons interested in the building;
  - b. The street address or legal description of the premises;
  - c. A general description of the improvements;

- d. A list of defects on the property; and
- e. A brief statement of the action to be considered by the Commission.

**F. APPEALS; FINALITY OF DECISIONS.**

In each case, the Ordinance Officer and/or Police Chief or a designated representative shall mail by first class mail, certified return receipt requested, to all parties entitled to notice of the original hearing, a copy of the final decision of the commission. All persons aggrieved of a decision of the Building and Standards Commission may present a petition to any district court in Henderson County, duly verified, setting forth that the decision is illegal, in whole or part, and specifying the grounds of the illegality. A petition of review must be presented to a district court within 30 calendar days of the date copies of the final decision are sent to interested parties. If no appeals are taken from a decision of the Building and Standards Commission within the required period, the decision of the Commission is, in all things, final and binding.

**G. PENALTY.**

- 1. Any person who violates any provision of this chapter for which no other penalty is set forth shall be subject to the penalty set forth in this ordinance or any applicable Code.
- 2. Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance or any applicable Code shall be guilty of a misdemeanor and upon conviction thereof shall be fined not to exceed \$2,000 for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

This ordinance is duly enacted by the City of Log Cabin, Texas by and pursuant to the general laws and Constitution of the State of Texas.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF LOG CABIN, TEXAS ON THIS THE 15<sup>th</sup> DAY OF JANUARY, 2004.**

  
Mayor

**ATTEST:**

  
City Secretary