

ORDINANCE NO. 25-08

AN ORDINANCE OF THE CITY OF BRECKENRIDGE, TEXAS AMENDING VARIOUS SECTIONS IN ARTICLE I “IN GENERAL”, CHAPTER 5 “BUILDINGS AND STRUCTURES” OF THE BRECKENRIDGE CODE OF ORDINANCES TO UPDATE THE PHRASE “DANGEROUS BUILDING” TO “SUBSTANDARD BUILDING”; PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Breckenridge, Texas (the “City”) is a home-rule city operating pursuant to its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution;

WHEREAS, the City Commission of the City of Breckenridge (the “City Commission”) has the authority to regulate the condition of buildings and structures within the City pursuant to Chapter 214 of the Texas Local Government Code;

WHEREAS, pursuant to this authority, the City Commission adopted Chapter 5, Article I of the Breckenridge Code of Ordinances;

WHEREAS, it has been recommended by staff to update the term “dangerous building” to “substandard building” in said Article to more accurately represent the condition of the buildings being regulated; and

WHEREAS, the City Commission finds that amending the terminology as described herein will aid in better understanding and enforcement of said regulations.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF BRECKENRIDGE, TEXAS:

I. Amendment of Section 5-3. Chapter 5 “Buildings and Structures”, Article I “In General”, Section 5-3 “Definitions” of the Breckenridge Code of Ordinances is amended to read as follows, and all articles, chapters, sections, paragraphs, sentences, phrases, and words not expressly amended hereby are hereby ratified and affirmed.

Sec. 5-3. - Definitions.

The words and phrases contained herein shall have the following meanings ascribed to them unless the context states otherwise:

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.

Administrative enforcement order. An order issued by the city commission, 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 article and applicable state codes. Such

order may also include provisions authorizing the city to abate a public nuisance and/or assess a code enforcement lien.

Building or structure. Includes, but is not limited to, any building, fence, awning, canopy, sign, shed, garage, house, manufactured or modular home, mobile home, trailer, tent, or other structure whatever.

Code enforcement official. Any person authorized to enforce violations of this article or applicable state codes.

Minimum standards. The minimum standards for continued use and occupancy of a building as set forth in section 5-5, herein.

Owner of record. Any person, agent, firm, corporation or governmental agency shown to be the owner or owners of a building in:

- (1) The real property, assumed name, or appraisal district records of the county;
- (2) The tax and utility records of the city; or (3) The records of the secretary of state.

Public nuisance:

- (1) 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
- (2) Any building that creates a hazard to health, safety, comfort or welfare.

Substandard building. Any building that does not comply with the minimum standards.

II. Amendment of Section 5-6. Chapter 5 “Buildings and Structures”, Article I “In General”, Section 5-6 “Responsibilities of property owner” of the Breckenridge Code of Ordinances is amended to read as follows, and all articles, chapters, sections, paragraphs, sentences, phrases, and words not expressly amended hereby are hereby ratified and affirmed.

Sec. 5-6. - Responsibilities of property owner.

- (a) Responsibility for structure itself. The owner of the premises shall maintain the structure(s) and exterior property in compliance with this article, except as otherwise provided by this article. Occupants of a structure are responsible for keeping the part of the structure in which they occupy and control in a clean, sanitary, and safe condition.
- (b) Responsibility for plumbing. The owner of a structure shall provide and maintain such plumbing facilities and plumbing fixtures as required by this article.
- (c) Occupation of substandard building prohibited. A person shall not occupy a structure as owner-occupant or permit another person to occupy a structure that is not in a sanitary and safe condition or that does not comply with the requirements of this article.
- (d) Disposition of property. It shall be unlawful for the owner of any building or structure to whom a notice of abatement has been sent in compliance with section 5-8 of this article to sell,

transfer, mortgage, lease, or otherwise dispose of such building or structure to another until the provisions of the notice of abatement have been complied with. Provided, however, that the property may be sold, transferred, mortgaged, or leased if the owner provides the prospective purchaser, transferee, mortgagee, or lessee with a copy of the notice of abatement and the purchaser, transferee, mortgagee, or lessee signs a notarized statement that he or she acknowledges receipt of the notice of abatement and fully accepts the responsibility, without condition, for making the corrections or repairs required by such notice of abatement in the time required by such notice of abatement.

III. Amendment of Section 5-8. Chapter 5 “Buildings and Structures”, Article I “In General”, Section 5-8 “Inspection and notice of abatement” of the Breckenridge Code of Ordinances is amended to read as follows, and all articles, chapters, sections, paragraphs, sentences, phrases, and words not expressly amended hereby are hereby ratified and affirmed.

Sec. 5-8. - Inspection and notice of abatement.

(a) Inspection. The city manager shall designate a code enforcement official to inspect or cause to be inspected any building the official has probable cause to believe does not meet the minimum standards. If an owner, occupant, agent or person in control of the premises refuses permission to enter or inspect, the code enforcement official, first authorized by the city manager, may seek an administrative inspection warrant or search warrant as provided for by 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 mail, 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. A notice shall be posted on the substandard building as follows:

"THIS BUILDING IS SUBSTANDARD ACCORDING TO THE MINIMUM STANDARDS SET FORTH IN THE OFFICIAL CODE OF THE CITY, CHAPTER 5, ARTICLE I AND THE OWNER MUST REPAIR, DEMOLISH OR REMOVE IT. CONTACT _____ AT _____ FOR FURTHER INFORMATION.

"DATE _____ "

(d) Request for public hearing before city commission. 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 commission, pursuant to section 5-9, to determine whether the building complies with the minimum standards set forth in this article. 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 no 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. The notice shall state that a public hearing will be held in reference to the building and that any 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 article 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.

IV. Open Meetings. It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551, Government Code.

V. Severability. The provisions of this Ordinance are declared to be severable. If any section, sentence, clause, or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, sentences, clauses, or phrases of this Ordinance, but they shall remain in effect notwithstanding the invalidity of any other part.

VI. Effective Date. This ordinance shall become effective immediately upon its adoption by the City Commission.

PASSED, APPROVED, AND ADOPTED on this the 6th day of May 2025.

Bob Sims, Mayor

ATTEST:

Jessica Sutter, City Secretary

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