

The city commission 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
- (3) Require the demolition of structures found to be substandard.
- (4) Require the removal of personalty 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 personalty is not known, the whereabouts of the owner cannot be ascertained, or the owner fails to remove the personalty. The building and standards commission may cause any personalty 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 personalty;
- (5) Require that a vacant structure or vacant portion of a structure constituting a hazard be securely closed and made safe;
- (6) Grant a variance when, in the opinion of the city commission, a literal interpretation of the city's housing standards regulations would result in an imposition of an unnecessary or unreasonable hardship;
- (7) Interpret the provisions of this article 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; and
- (8) Enforce any and all ordinances of the city authorizing or subject to quasi-judicial enforcement under section 54.032 of the Local Government Code.

Sec. 5-11. - Order to abate.

(a) If it is found at the public hearing that the building is in violation of the minimum standards, one (1) of the following orders or any combination thereof may be issued by the city commission:

- (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 section 214.001(k) are met.

Sec. 5-16. - Expense; 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 article, the city may take the ordered action at its expense at the direction of the city manager. If the city repairs the building, such repairs shall only be to the extent required to meet minimum standards and only if the building is a residential building with ten (10) or fewer dwelling units.

(c) As an alternative to subsection (b), 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 (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 article, pursuant to Texas Local Government Code section 214.0015.

(e) Any expenses incurred by the city pursuant to subsection (b) of this section and any civil penalties incurred by the owner pursuant to subsections (c) and (d) of this section will be assessed as a lien 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. The lien will be extinguished if the property owner or other interested party reimburses the city for all expenses and penalties.

Sec. 5-17. - Voluntary conveyance of property to city for demolition.

(a) Upon approval by the city commission and a determination by the city commission that a certain property has value to the city, the city may take possession of property on which there is located a building that the owner has been ordered to demolish; this requires conveyance of the property by deed to the city and may require payment by the property owner for some portion of the demolition and disposal or the administrative costs associated with the conveyance and demolition. The terms of this type of agreement must be reduced to writing, to be signed by both parties, and approved and accepted by the city commission prior to conveyance.

(b) The city is permitted to dispose of certain demolition waste in a city disposal facility owned and operated by the city under permit by Rule No. 9000 issued to the city by the Texas Commission on Environmental Quality under 30 Texas Administrative Code section 330.7(i). In accordance with state law, in order to dispose of the demolition waste in the permit-by-rule city disposal facility, the city must acquire ownership of the property on which the demolition waste is located prior to disposing of the demolition waste in the city disposal facility and must require the donor to provide clear evidence of the financial inability to demolish the structure and dispose of the waste. Any person wishing to convey property to the city under this section must provide a sworn statement and financial documentation sufficient to establish the financial inability to demolish the structure and dispose of the waste. The terms of this type of agreement must be reduced to writing, to be signed by both parties, and approved and accepted by the city commission prior to conveyance.