

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MANOR, TEXAS AMENDING CHAPTER 3, ARTICLE 3.04 SUBSTANDARD BUILDINGS, OF THE CODE OF ORDINANCES OF THE CITY OF MANOR, TEXAS DESIGNATING THE CITY COUNCIL AS THE HEARING BODY FOR SUBSTANDARD BUILDING PROCEEDINGS; REMOVING REFERENCES TO THE BOARD OF ADJUSTMENTS AND APPEALS; PROVIDING A SEVERABILITY CLAUSE, PROVIDING SAVINGS, EFFECTIVE DATE AND OPEN MEETINGS CLAUSES, AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the City of Manor, Texas (the “City”) is a home-rule City authorized to protect the public health, safety, and welfare of the City and its residents; and

WHEREAS, Chapter 214, Texas Local Government Code, authorizes a municipality to adopt and enforce ordinances concerning buildings that are dilapidated, substandard, unfit for human habitation, unsecured from unauthorized entry, or otherwise dangerous; and

WHEREAS, Article 3.04, Substandard Buildings, of Chapter 3 of the City Code adopts Chapter 214, Texas Local Government Code, and establishes local regulations and procedures for dangerous, unsafe, and substandard buildings; and

WHEREAS, Article 3.04 currently refers certain substandard building hearings and determinations to the board of adjustments and appeals; and

WHEREAS, the City Council desires to amend Article 3.04 to designate the City Council as the hearing body for substandard building proceedings and to remove references to the board of adjustments and appeals; and

WHEREAS, the City Council finds that this Ordinance is necessary and proper to protect the public health, safety, and welfare;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANOR, TEXAS, THAT:

SECTION 1. Findings of Fact. The above and foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact.

SECTION 2. Amendment of Code of Ordinances. The City Council hereby amends Chapter 3, Building Regulations, Article 3.04, Substandard Buildings, of the Manor Code of

Ordinances, to amend the hearing body for substandard building proceedings as provided for in Sections 3 through 9 of this Ordinance.

SECTION 3. Amendment of Section 3.04.005, Inspections; duties of code enforcement authority. Section 3.04.005 is amended to delete subsections (3) and (4) in their entirety and replace them to read as follows:

~~(3) Report to the board of adjustments and appeals any noncompliance with the minimum standards set forth in this article. The city code enforcement authority shall obtain from the secretary of the board of adjustments and appeals a hearing date for a public hearing by the board of adjustments and appeals on any building believed to be a dangerous building and shall provide the secretary of the board of adjustments and appeals with copies of the written notice to persons with interests in the property as required under this article.~~

~~(4) Appear at all hearings conducted by the board of adjustments and appeals and testify as to the conditions of dangerous buildings within the city.~~

“(3) Report to the city council any noncompliance with the minimum standards set forth in this article. The code enforcement authority shall coordinate with the city secretary to obtain a hearing date for a public hearing before the city council on any building believed to be a dangerous building and shall provide the city secretary with copies of the written notice to persons with interests in the property as required under this article.

(4) Appear at all hearings conducted by the city council under this article and testify as to the conditions of dangerous buildings within the city.”

SECTION 4. Amendment of Section 3.04.006, Notice of dangerous building or dangerous condition of property. Section 3.04.006(a) is amended to delete subsection (3) in its entirety and replaced to read as follows:

~~(3) Notice of the date and time of a public hearing before the board of adjustments and appeals to determine whether the building complies with the standards set out in this article; and~~

“(3) Notice of the date and time of a public hearing before the city council to determine whether the building complies with the standards set out in this article; and”

SECTION 5. Amendment of Section 3.04.008, Securing of building by city. Section 3.04.008 is amended to delete subsection (d) in its entirety and replaced to read as follows:

~~(d)The board of adjustments and appeals shall conduct a hearing at which any of the responsible parties may testify and present witnesses and written information about any matter relating to the city's securing of the building, if, within 30 days after the date the code enforcement~~

~~authority secures or causes to be secured the building, a responsible party files a written request for the hearing. The board of adjustments and appeals shall conduct the hearing within 20 days after the date the request is filed with the city.~~

“(d) The city council shall conduct a hearing at which any of the responsible parties may testify and present witnesses and written information about any matter relating to the city’s securing of the building if, within 30 days after the date the code enforcement authority secures or causes to be secured the building, a responsible party files a written request for the hearing. The city council shall conduct the hearing within 20 days after the date the request is filed with the city.”

SECTION 6. Amendment of Section 3.04.009, Duties of city council; procedures; issuance of order. Section 3.04.009 is amended to delete the section in its entirety and replaced to read as follows:

~~Sec. 3.04.009 – Duties of board of adjustments and appeals; procedures; issuance of order.~~

The board of adjustments and appeals shall:

- ~~(1) Schedule and conduct a hearing and hear testimony from the code enforcement authority, the owner and other persons having an interest in the dangerous building, and any person desiring to present factual evidence relevant to the dangerous building. Such testimony shall relate to the determination of the question of whether the building or structure in question is a dangerous building and the scope of any work that may be required to comply with this article and the amount of time it will take to reasonably perform the work. The owner or a person having an interest in the dangerous building shall have the burden of proof to demonstrate 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.~~
- ~~(2) Upon conclusion of the hearing, the board of adjustments and appeals shall determine by majority vote whether the building or structure in question is a dangerous building. Upon a determination that the building or structure in question constitutes a dangerous building, the board of adjustments and appeals shall issue a written order:~~
 - ~~(A) Containing an identification of the building and the property on which it is located;~~
 - ~~(B) Making written findings of the minimum standards violations that are present at the building;~~
 - ~~(C) Requiring the owner and persons having an interest in the building to secure, repair, vacate, and/or demolish the building within 30 days from the issuance of such order, unless the owner or a person with an interest in the building establishes at the hearing that the work cannot reasonably be performed within 30 days, in which instance the board of~~

~~adjustments and appeals shall specify a reasonable time for the completion of the work; and further provided that the board of adjustments and appeals may require the owner and occupants to vacate the building within a shorter period of time if the building has fallen, is at risk of immediate collapse, or is in such a condition that life is endangered by further occupation of the building; and~~

~~(D) Containing a statement that the city will vacate, secure, remove or demolish the dangerous building and relocate the occupants of the building if the ordered action is not taken within the time specified by the board of adjustments and appeals and it is found and determined by the board of adjustments and appeals in its order that there is an immediate clear and present danger to other property or the public.~~

~~(3) If repair or demolition is ordered, the board of adjustments and appeals shall send a copy of the order by certified mail to the owner and all persons having an interest in the property, including all identifiable mortgagees and lienholders, within a reasonable period of time after the hearing. Within 10 days after the date that the order is issued, the city shall:~~

~~(A) File a copy of the order in the office of the municipal secretary or clerk; and~~

~~(B) Publish in a newspaper of general circulation in the municipality in which the building is located a notice containing:~~

~~(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 (may be a copy of the order); and~~

~~(iv) If not provided in the notice, instructions stating where a complete copy of the order may be obtained.~~

~~(4) If repair or demolition is ordered and notice of public hearing was not filed in the official public records of real property of the county, the city may file and record a copy of the order in such records of the county.~~

~~(5) If the board of adjustments and appeals allows the owner or a person with an interest in the dangerous building more than the 30 days to repair, remove, or demolish the building, the board of adjustments and appeals in its written order shall establish specific time schedules for the commencement and performance of the work and shall require the owner or person to secure the property in a reasonable manner from unauthorized entry while the work is being performed. The securing of the property shall be in a manner found to be acceptable by the city code enforcement authority. Any required permits or approvals shall be obtained prior to commencing the repair, removal, or demolition of the building.~~

- ~~(6) The board of adjustments and appeals may not allow the owner or person with an interest in the dangerous building more than 90 days to repair, remove, or demolish the building or fully perform all work required to comply with the written order unless the owner or person:~~
- ~~(A) Submits a detailed plan and time schedule for the work at the hearing; and~~
 - ~~(B) Establishes at the hearing that the work cannot reasonably be completed within 90 days because of the scope and complexity of the work.~~
- ~~(7) If the board of adjustments and appeals allows the owner or person with an interest in the dangerous building more than 90 days to complete any part of the work required to repair, remove, or demolish the building, the board of adjustments and appeals shall require the owner or person to regularly submit progress reports to the board of adjustments and appeals to demonstrate that the owner or person has complied with the time schedules established for commencement and performance of the work. The written order may require that the owner or person with an interest in the building appear before the city code enforcement authority to demonstrate compliance with the time schedules.~~
- ~~(8) In the event the owner or a person with an interest in a dangerous building fails to comply with the order within the time specified therein, the city may cause any occupants of the dangerous building to be relocated, and may cause the dangerous building to be secured, removed, or demolished at the city's expense. The city may assess the expenses on, and the city has a lien against, unless it is a homestead as protected by the state constitution, the property on which the dangerous building was located. The lien is extinguished if the property owner or a person having an interest in the building reimburses the city for the expenses. The lien arises and attaches to the property at the time the notice of the lien is recorded and indexed in the office of the county clerk in the county in which the property is located. The notice of lien must contain:~~
- ~~(A) The name and address of the owner of the dangerous building if that information can be determined by a diligent effort;~~
 - ~~(B) A legal description of the real property on which the building was located;~~
 - ~~(C) The amount of expenses incurred by the city; and~~
 - ~~(D) The balance due.~~
- ~~(9) Such lien is a privileged lien subordinate only to tax liens and all previously recorded bona fide mortgage liens attached to the real property.~~
- ~~(10) In addition to the authority set forth in subsection (8) above, after the expiration of the time allotted in the order for the repair, removal, or demolition of a dangerous building, the city may repair the building at its expense and assess the expenses on the land on which the~~

~~building stands or to which it is attached. The repairs contemplated by this section may only be accomplished to the extent necessary to bring the building into compliance with the minimum standards established by city ordinance, and to the extent such repairs do not exceed minimum housing standards. This section shall be applicable only to residential buildings with ten or fewer dwelling units. The city shall follow the procedures set forth in subsection (8) above for filing a lien on the property on which the building is located.~~

“Sec. 3.04.009 - Duties of city council; procedures; issuance of order.

- (a) The city council shall serve as the hearing body for proceedings under this article and Chapter 214, Texas Local Government Code.
- (b) The city council shall schedule and conduct a public hearing as an administrative evidentiary hearing. At the hearing, the city council may receive relevant testimony, documents, photographs, inspection reports, repair estimates, expert opinions, and other evidence from the code enforcement authority, the owner, any person having an interest in the dangerous building, and any person desiring to present factual evidence relevant to the dangerous building. The evidence may relate to whether the building or structure is a dangerous building, the condition of the building or structure, the minimum standards violations, the scope of any work required to comply with this article, and the amount of time reasonably necessary to perform the work. The owner or a person having an interest in the dangerous building shall have the burden of proof to demonstrate the scope of any work required to comply with this article and the time it will take to reasonably perform the work. The owner, lienholder, mortgagee, or other responsible party shall be given an opportunity to appear, present evidence, and respond to evidence presented at the hearing.
- (c) Upon conclusion of the hearing, the city council shall determine by majority vote whether the building or structure in question is a dangerous building. Upon a determination that the building or structure in question constitutes a dangerous building, the city council shall issue a written order:
 - (1) Containing an identification of the building and the property on which it is located;
 - (2) Making written findings of the minimum standards violations that are present at the building;
 - (3) Requiring the owner and persons having an interest in the building to secure, repair, vacate, and/or demolish the building within 30 days from the issuance of the order, unless the owner or a person with an interest in the building establishes at the hearing that the work cannot reasonably be performed within 30 days, in which instance the city council shall specify a reasonable time for completion of the work; provided that the city council may require the owner and occupants to vacate the building within a shorter period of time if the building has fallen, is at risk of immediate collapse, or is in such a condition that life is endangered by further occupation of the building; and

- (4) Containing a statement that the city will vacate, secure, remove, or demolish the dangerous building and relocate the occupants of the building if the ordered action is not taken within the time specified by the city council and the city council finds and determines in its order that there is an immediate clear and present danger to other property or the public.
- (5) If applicable, finding that the owner shall be responsible for reimbursing the city for costs incurred by the city to vacate, secure, remove, or demolish the dangerous building, relocate occupants, or perform other work authorized by this article if the ordered action is not taken within the time specified by the city council.
- (d) If repair or demolition is ordered, the city shall send a copy of the order by certified mail to the owner and all persons having an interest in the property, including all identifiable mortgagees and lienholders, within a reasonable period of time after the hearing. Within 10 days after the date that the order is issued, the city 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 municipality in which the building is located a notice containing:
 - (A) The street address or legal description of the property;
 - (B) The date of the hearing;
 - (C) A brief statement indicating the results of the order, which may be a copy of the order; and
 - (D) If not provided in the notice, instructions stating where a complete copy of the order may be obtained.
- (e) If repair or demolition is ordered and notice of public hearing was not filed in the official public records of real property of the county, the city may file and record a copy of the order in such records of the county.
- (f) If the city council allows the owner or a person with an interest in the dangerous building more than 30 days to repair, remove, or demolish the building, the city council in its written order shall establish specific time schedules for the commencement and performance of the work and shall require the owner or person to secure the property in a reasonable manner from unauthorized entry while the work is being performed. The securing of the property shall be in a manner found to be acceptable by the city code enforcement authority. Any required permits or approvals shall be obtained before commencing the repair, removal, or demolition of the building.

- (g) The city council may not allow the owner or person with an interest in the dangerous building more than 90 days to repair, remove, or demolish the building or fully perform all work required to comply with the written order unless the owner or person:
- (1) Submits a detailed plan and time schedule for the work at the hearing; and
 - (2) Establishes at the hearing that the work cannot reasonably be completed within 90 days because of the scope and complexity of the work.
- (h) If the city council allows the owner or person with an interest in the dangerous building more than 90 days to complete any part of the work required to repair, remove, or demolish the building, the city council shall require the owner or person to regularly submit progress reports to the city council or to the city code enforcement authority, as specified in the written order, to demonstrate that the owner or person has complied with the time schedules established for commencement and performance of the work. The written order may require that the owner or person with an interest in the building appear before the city code enforcement authority to demonstrate compliance with the time schedules.
- (i) In the event the owner or a person with an interest in a dangerous building fails to comply with the order within the time specified therein, the city may cause any occupants of the dangerous building to be relocated, and may cause the dangerous building to be secured, removed, or demolished at the city's expense. The city council may determine in its order, or by subsequent action after the city incurs such expenses, that the owner is responsible for reimbursing the city for costs incurred by the city to vacate, secure, remove, or demolish the dangerous building, relocate occupants, or perform other work authorized by this article. The city may send a written demand for reimbursement to the owner. If the expenses are not paid, the city may pursue any lawful remedy available to collect the unpaid amount. The city may assess the expenses on, and the city has a lien against, unless it is a homestead as protected by the state constitution, the property on which the dangerous building was located. The lien is extinguished if the property owner or a person having an interest in the building reimburses the city for the expenses. The lien arises and attaches to the property at the time the notice of the lien is recorded and indexed in the office of the county clerk in the county in which the property is located. The notice of lien must contain:
- (1) The name and address of the owner of the dangerous building if that information can be determined by a diligent effort;
 - (2) A legal description of the real property on which the building was located;
 - (3) The amount of expenses incurred by the city; and
 - (4) The balance due.
- (j) Such lien is a privileged lien subordinate only to tax liens and all previously recorded bona fide mortgage liens attached to the real property.

- (k) In addition to the authority set forth in subsection (i), after the expiration of the time allotted in the order for the repair, removal, or demolition of a dangerous building, the city may repair the building at its expense and assess the expenses on the land on which the building stands or to which it is attached. The repairs contemplated by this section may only be accomplished to the extent necessary to bring the building into compliance with the minimum standards established by city ordinance, and to the extent such repairs do not exceed minimum housing standards. This subsection shall be applicable only to residential buildings with ten or fewer dwelling units. The city shall follow the procedures set forth in subsection (i) for filing a lien on the property on which the building is located.”

SECTION 7. Amendment of Section 3.04.010, Finality of city council order. Section 3.04.010 is hereby amended to delete Section 3.04.010 in its entirety and replaced to read as follows:

~~“Sec. 3.04.010—Appeal of order of board of adjustments and appeals.~~

- ~~(a) Any responsible party affected by a board of adjustments and appeals order who desires to appeal the decision of the board of adjustments and appeals, or the findings set forth in the board of adjustments and appeals order, must appeal the order of the board of adjustments and appeals to the city council in accordance with the following procedures:~~
- ~~(1) The responsible party shall file a written notice of appeal with the board of appeals and the code enforcement authority within 30 calendar days of receiving the board of adjustments and appeals order.~~
 - ~~(2) The notice of appeal must set forth and describe the factual and legal grounds why the board of adjustment and appeals decision is in error, wrong, or incorrect.~~
 - ~~(3) The responsible party must request a public hearing before the city council.~~
 - ~~(4) The responsible party has the burden of proof of demonstrating at a public hearing before the city council that the board of adjustment and appeals order is in error, wrong, or incorrect.~~
 - ~~(5) The city council shall only consider evidence that was available to the board of adjustments and appeals at the time of the hearing before the board of adjustments and appeals.~~
 - ~~(6) The board of adjustments and appeals order shall be deemed final and non-appealable if a responsible party fails to timely submit an appeal in accordance with this section.~~
- ~~(b) In conducting its review of a board of adjustments and appeals order, the city council shall by ordinance either affirm the order or modify or reverse the order.~~
- ~~(c) If the city council affirms the board of adjustments and appeals order, the findings and decision set forth in the board of adjustments and appeals order shall be deemed final and the city council's ordinance shall include the following:~~

- ~~(1) Findings of fact as to the specific conditions which make the building or structure a dangerous building;~~
- ~~(2) If the city council orders the demolition of the dangerous building, the ordinance ordering the demolition of the dangerous building must include:
 - ~~(A) A finding that there is an immediate clear and present danger to other property or the public; and~~
 - ~~(B) The ordinance must specify that the demolition of the dangerous building cannot occur earlier than 35 calendar days from the date of the city council's order affirming the [order of the] board of adjustments and appeals.~~~~
- ~~(d) If the city council reverses the board of adjustment and appeals order, the city council shall set forth in factual findings in the ordinance the grounds and reasons for the reversal.~~
- ~~(e) The board of adjustments and appeals order shall be deemed final:
 - ~~(1) In the absence of a timely filed appeal in accordance with the appeal procedures established in this section; or~~
 - ~~(2) Due to a failure of an appealing party to comply with the appeal procedures set forth in this section."~~~~

“Sec. 3.04.010 - Finality of city council order.

An order of the city council issued under this article is final when issued, subject to judicial review as provided in Section 3.04.012 and Chapter 214, Texas Local Government Code. No administrative appeal to the city council is required because the city council serves as the hearing body under this article.”

SECTION 8. Amendment of Section 3.04.014, Violations. Section 3.04.014 is hereby amended to delete subsections (a) and (b) in their entirety and replaced to read as follows:

- ~~(a) The owner of any dangerous building who shall fail to comply with any notice or order to repair, secure, vacate or demolish said building or structure, such notice or order given by the authority of the board of adjustments and appeals, or the city council, shall be guilty of a misdemeanor.~~
- ~~(b) An occupant or lessee in possession of any dangerous building who fails to comply with any notice or order to vacate such building and fails to repair such building in accordance with an order given by the board of adjustments and appeals shall be guilty of a misdemeanor.~~

- “(a) The owner of any dangerous building who fails to comply with any notice or order to repair, secure, vacate, or demolish said building or structure, such notice or order given by the authority of the city council, shall be guilty of a misdemeanor.
- (b) An occupant or lessee in possession of any dangerous building who fails to comply with any notice or order to vacate such building or fails to repair such building in accordance with an order given by the city council shall be guilty of a misdemeanor.”

SECTION 9. Conflicting Ordinances. The Manor Code of Ordinances is amended as provided herein. All ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance as adopted herein, are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between this ordinance and any other code or ordinance of the City, the terms and provisions of this ordinance shall govern.

SECTION 10. Savings Clause. All rights and remedies of the City of Manor are expressly saved as to any and all violations of the provisions of any ordinances affecting subdivision within the City which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 11. Effective Date. This ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Tex. Loc. Gov't. Code and the City Charter.

SECTION 12 Severability. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation of this ordinance of any such invalid phrase, clause, sentence, paragraph or section. If any provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 13. Open Meetings. It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on the _____ day of _____, 2026.

THE CITY OF MANOR, TEXAS

Dr. Christopher Harvey, Mayor

Attest:

Lluvia T. Almaraz, City Secretary

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