

CITY OF PORT LAVACA
PART II – CODE OF ORDINANCES

EXHIBIT A

Chapter 12 – BUILDINGS AND BUILDING REGULATIONS

ARTICLE IV. – SUBSTANDARD BUILDINGS

Sec. 12-291. — Notice.

- a) ~~The building official shall, upon his determination that a building is a substandard building within the meaning of this article, notify by certified mail, return receipt requested, the owner of the building. Such notice shall provide for a public hearing to determine whether the building complies with the standards as set forth in this article. Such notice shall also provide the property owner with the date, time and place of the public hearing to determine whether the building is in compliance with this article; however, in no event shall the public hearing be more than 21 days after the receiving of the notice by the owner of the building.~~
- b) ~~The public hearing shall be conducted by the city council.~~

~~(Ord. No. G-5-91, § 5, 4-8-1991)~~

Sec. 12-292. Corrective action; notice.

- a) ~~After the public hearing, if a building is found to be in violation of the standards set forth in this article, the city council may order that the building be vacated, secured, repaired, removed, or demolished by the owner within a reasonable time but in no event less than 60 days.~~
- b) ~~The city council may also order that the occupants be relocated within a reasonable time, but in no event less than 15 days.~~
- c) ~~When the owner does not take the ordered action within the allotted time, the city council shall make a diligent effort to discover each mortgagee and lienholder having an interest in the building or in the property on which the building is located. With regard to this, the city shall send to each identified mortgagee and lienholder a notice containing:~~
 - 1) ~~An identification of the building and the property on which it is located;~~
 - 2) ~~A description of the violation of the city ordinance that is present at the building; and~~
 - 3) ~~A statement that the city will vacate, secure, remove, demolish the building or relocate the occupants of the building if the ordered action is not taken within a reasonable time.~~

~~(Ord. No. G-5-91, § 6, 4-8-1991)~~

Sec. 12-293. Alternative notice.

- a) ~~As an alternative to the procedure prescribed by section 12-292, the city may make a diligent effort to discover each mortgagee and lienholder before conducting the public hearing and may give them a notice of an opportunity to comment at the hearing. If the city elects this option, the order issued by the city must specify a reasonable time for the building to be vacated, secured, repaired, removed, or demolished by the owner or for the occupants to be relocated by the owner and an additional reasonable time for the ordered action to be taken by any of the mortgagees or lienholders in the event the owner fails to comply with the order within the time provided for action by the owner.~~

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- ~~b) This section shall not require the city to furnish any notice to a mortgagee or lienholder other than a copy of the order in the event the owner fails to timely take the ordered action.~~

~~(Ord. No. G-5-91, § 7, 4-8-1991)~~

Sec. 12-~~294~~ 291. Abatement.

- a) If the building is not vacated, secured, repaired, removed, or demolished, or the occupants are not relocated within the allotted time, the city may vacate, secure, remove, or demolish the building or relocate the occupants at its own expense.
- b) (The city may repair a building under this section only to the extent necessary to bring the building into compliance with the minimum standards and only if the building is a residential building with ten or fewer dwelling units. The repairs may not improve the building to the extent that the building exceeds minimum housing standards.

(Ord. No. G-5-91, § 8, 4-8-1991)

Sec. 12-~~295~~ 292. Lien.

- a) *Authority.* When the city incurs expenses under section 12-294, the city may assess the expenses on, and the city shall have a lien against, unless it is a homestead as protected by the state constitution, the property on which the building was located. The lien is extinguished if the property owner or another person having an interest in the legal title to the property reimburses the city for the expenses. In the event the lien is filed, the city may charge a 20-percent administrative fee of the statement of expenses which represents the administrative cost of the process to obtain the lien.
- b) *Notice; contents.* The notice of lien filed by the city must contain the name and address of the owner if that information can be determined with a reasonable effort, a legal description of the real property on which the building was located, the amount of the expenses incurred by the city, and the balance due.
- c) *Preference.* Except as provided by subsection (a) of this section, the city's lien to secure the payment of a civil penalty or the costs of repairs, removal, or demolition is inferior to any previously recorded bona fide mortgage lien attached to the real property to which the city's lien attached if the mortgage lien was filed for record in the county clerk's office of the county in which the real property is located before the date the civil penalty is assessed or the repair, removal, or demolition is begun by the city. The city's lien is superior to all other previously recorded judgment liens.

(Ord. No. G-5-91, § 9, 4-8-1991; Ord. No. G-3-16, § 1, 4-11-2016)

Sec. 12-~~296~~ 293. Interest.

Civil penalties or other assessments imposed under this article accrue interest at the rate of ten percent a year from the date of the assessment until paid in full.

(Ord. No. G-5-91, § 12, 4-8-1991)

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Sec. 12-~~297~~ 294. Nontransferable.

The city may not transfer its right to the assessment of the lien to a third party.

(Ord. No. G-5-91, § 13, 4-8-1991)

Secs. 12-198 - 12-319. Reserved.