

CITY OF SANGER, TEXAS

ORDINANCE XX-XX-25

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANGER, DENTON COUNTY, TEXAS, AMENDING CHAPTER 8 OFFENSES AND NUISANCES; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A CUMULATIVE CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OR FINE IN ACCORDANCE WITH SECTION 1.109 OF THE CODE OF ORDINANCE FOR VIOLATIONS; PROVIDING FOR A SAVINGS CLAUSE; AUTHORIZING PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Sanger (the “City”) is a home rule municipality regulated by state law and Charter; and

WHEREAS, the City Council finds it necessary for the public health, safety and welfare that development occur in a controlled and orderly manner; and

WHEREAS, On June 16, 2025 the City Council approved Ordinance 06-15-25 amending Chapter 8 Offenses and Nuisances; and

WHEREAS, all requests for a amendment to the Code of Ordinances were duly filed with the City of Sanger, Texas, concerning the hereinafter described; and

WHEREAS, the Planning and Zoning Commission on June 9, 2025, duly covered and conducted public hearing for the purpose of assessing a request for an amendment to the code of ordinances recommending approval for the hereinafter described and

WHEREAS, the City Council finds that the passage of this Ordinance is in the best interest of the citizens of Sanger.

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

SECTION 1. That Chapter 8 Offenses and Nuisances, is amended as provided below.

8.100 INOPERABLE AND JUNKED VEHICLES

8.101 Definitions

Add definitions below

Accessory building or use;

One which:

- (a) Is subordinate to and serves a principal building or principal use;
- (b) Is subordinate in area, extent or purpose to the principal building or principal use served;
- (c) Contributes to the comfort, convenience and necessity of occupants of the principal building or principal use served;
- (d) Is located on the same building lot as the principal building or principal use served; or,
- (e) May be part of the principal building.

Administrator. The director of the department designated by the City Manager to enforce and administer this Chapter, including the Director's designees.

Authority having jurisdiction. The building official, the code enforcement officer, or their designated representatives, are empowered to enforce the provisions of this division.

Building code. The International Building Code, promulgated by the International Code Council, as adopted and as amended by the City Council.

Business. For the purpose of this ordinance this term means any activity or enterprise entered into for profit. It does not mean it is a company, a corporation, partnership, or have any such formal organization, but it can range from a peddler to large corporation.

City Appeal Officer. The authorized person designated by the City Manager to hear appeals from denials or revocations of permits.

Code official. The building official, his/her designee, or any duly authorized representative of the city who is charged with the administration and enforcement of this chapter."

Commission. The building and standards commission of the City

Dangerous structures. Are declared whenever:

- (1) Any portion of a structure has been damaged by fire, earthquake, wind, flood or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the building code for new buildings of similar structure, purpose or location; or
- (2) Whenever the building or structure has been so damaged by fire, wind, or natural disaster, or has become so dilapidated or deteriorated as to become:
 - (A) An attractive nuisance to children;

- (B) A harbor for vagrants, vermin, criminals or immoral persons; or
- (C) As to enable persons to resort thereto for the purpose of committing unlawful or immoral acts; or

(3) Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air, or sanitation facilities, or otherwise is determined to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease; or

(4) Any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property; or

(5) Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined to be a fire hazard; or

(6) Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

Electrical code. The National Electrical Code, promulgated by the National Fire Protection Association (NFPA), as adopted and as amended by the City Council.

Housing code. The International Residential Code, promulgated by the International Code Council, as adopted and as amended by the City council and by the state, and shall include the International Property Maintenance Code

International technical codes. The series of codes promulgated by the International Code Council, as adopted and as amended by the City council, and which includes the International Building Code, the International Residential Code, the International Mechanical Code, the International Plumbing Code, the International Fuel Gas Code, the International Property Maintenance Code and the International Fire Code.

Mechanical code. The International Mechanical Code, promulgated by the International Code Council, as adopted and as amended by the City council.

Donation Box. Any drop-off box, container, trailer or other receptacle that is intended for use as a collection point for accepting donated textiles, clothing, shoes, books, toys, dishes, household items, or other salvageable items of personal property.

Easement. An acquired privilege or right-of-way use which one person, business, entity and/or public agency has across, over or under land of another person, business, entity and/or public agency.

Fluorescent. A color that appears very bright, vivid, or glowing to the human eye.

Front Side. The side of a donation box that contains the opening that allows the depositing of donated items.

GPS. Global positioning system.

Home Occupation. For the purpose of this ordinance this term means an incidental use of a dwelling unit (not an accessory structure) for gainful employment, involving the provision of limited goods and/or services.

Household items. Furniture, furnishings, appliances and personal effects that are typically found in a home

Improved Surface. A surface area providing a stable base in an area not subject to water run-off and/or flooding.

Inoperable motor vehicle. A motor vehicle that is not in operating condition because it is wrecked, dismantled, partially dismantled, dilapidated, or has one (1) or more flat tires.

Motor vehicle. A vehicle that is self-propelled.

Motor vehicle collector. A person who owns one or more antique or special interest vehicles and acquires, collects, or disposes of an antique or special interest vehicle or part of an antique or special interest vehicle for personal use to restore and preserve an antique or special interest vehicle for historic interest.

Open and vacant structure. A structure that is, regardless of its structural condition:

- (1) Unoccupied by its owners, lessees or other invitees; and
- (2) Unsecured from unauthorized entry to the extent that it could be entered or used by vagrants or other uninvited persons as a place of harborage or could be entered by children.

Operable. Capable of being put into and ready for service and usable for a specific purpose for which it was intended.

Outside Display. The display, outside of a structure, of objects, items, products, or other merchandise that is intended and available for immediate sale, rental, or special order.

Outside Storage. The storage, collection, or safekeeping of any goods, materials, products, appliances, equipment, or containers that are not enclosed by a structure with walls on all four (4) sides and a roof. Outside storage does not include moveable toys such as tricycles or pedal cars.

Owner. Any person or entity shown as the property owner on the latest property tax assessment rolls or any person having any legal or equitable interest in the property, including any agent who is responsible for managing, leasing or operating the property and including any tenant.

Perimeter fence. An enclosure used as a boundary or means of providing protection, confinement, or privacy and is located along the limits of the developed area and is adjacent to an alley, utility easement, or right-of-way.

Person. Includes an individual, sole proprietorship, corporation, association, nonprofit corporation, partnership, joint venture, a limited liability company, estate, trust, public or private organization, or any other legal entity.

Plumbing code. The International Plumbing Code and the International Fuel Gas Code, promulgated by the International Code Council, as adopted and as amended by the City council.

PODS. An acronym and common name for portable on demand storage units.

Portable on Demand Storage Unit. Any box-like container transported by truck, tractor or other vehicle for movement from place to place when used for a temporary storage device. The storage capacity would be more than 216 cubic feet and normally would be stored off-site.

Property. All privately owned, occupied or unoccupied land, structure, facility, or premises, including vacant land, and/or a structure designed or used for residential, commercial, business, industrial or religious purposes. The term "property" shall also include, but not be limited to, a yard, ground, wall, driveway, fence, porch, steps or other structure appurtenant to the property.

Right-of-way. The right of passage acquired for or by the public through dedication, purchase or condemnation and intended to provide pedestrian and vehicular access to abutting lots, tracts or areas which may also be used for utilities and to provide for drainageways.

Sight Barrier Fence. A fence built of materials and constructed in such a way that objects placed behind the fence cannot be seen from the opposite side of the fence. Sight barrier fencing must meet city specifications and be approved by the city building inspector.

Stagnant water. Any condition that exists in water and is characterized by bacterial growth, algae, insect infestation, the remains of litter, trash, debris, garbage, refuse, rubbish, or any other foreign matter which, because of its nature or location, constitutes an unhealthy, unsafe, or unsightly condition.

Structure. That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner and any portion.

Structure, accessory. Any structure on the same lot with, and is incidental and subordinate to, the principal structure. Flatwork, in-ground swimming pools and fences or walls used as fences are excluded. “

Temporary carport or auto shade cover. A structure that is not permanently secured below grade or which has a non-rigid top material used for the purpose of providing shade, shelter, and/or weather protection for automobiles, trucks, recreational vehicles, boats, and similar vehicles.

Tenant. A person, corporation, partnership or group occupying a building or portion thereof as a unit under an arrangement of rent.

Vacant. There is an absence of any activity by the owner, a tenant, or a licensee related to residency, work, trade, business, leisure, or recreation.

Vehicle. A device in or by which a person or personal property is or may be transported or drawn on a public highway, or on any waterway, and shall include all motor vehicles, trailers, campers, camper shells, wheeled towing frames, recreational vehicles, truck-tractors, travel trailers, self-propelled farm equipment, motor-boats or boat trailers. For the purposes of this chapter, "vehicles" shall not include non-motorized bicycles, skateboards, roller skates, or any other non-motorized toy vehicle.

Visibility triangle. The triangular sight area from the corner of converging streets to a distance of twenty-five (25) feet along each street with the triangle completed by drawing a line through the property from both twenty-five (25) foot points on the converging streets.

Workmanlike. Skillful, masterly, careful, thorough, adept and proficient manual, industrial or artisan work executed to be generally plumb, level, square, in line, undamaged and without marring adjacent work.

Add 8.101.1

8.101.1 For purposes of this article, “junked vehicle” includes a motor vehicle, aircraft, or watercraft.

This subsection applies only to:

- (1) A motor vehicle that displays an expired license plate or does not display a license plate;
- (2) An aircraft that does not have lawfully printed on the aircraft an unexpired federal aircraft identification number registered under Federal Aviation Administration aircraft registration regulations in 14 C.F.R. part 47; or

(3) A watercraft that does not have lawfully on board an unexpired certificate of number and is not a watercraft described by section 31.055, Texas Parks and Wildlife Code.

Replace 8.102 with below

8.102 Inoperable vehicles, inoperable motor vehicles, junked vehicles declared public nuisance; maintaining public nuisance prohibited.

(1) An inoperable vehicle, inoperable motor vehicle, or junked vehicle that is visible from any right-of-way or adjacent property and/or is detrimental to the safety and welfare of the general public, tends to reduce the value of private property, invites vandalism, creates a fire hazard, is an attractive nuisance creating a hazard to the health and safety of minors, or produces urban blight adverse to the maintenance and continuing development of the city, is declared to be a public nuisance.

(2) It shall be unlawful for any person, owner, agent, occupant or anyone having supervision or control of any real property within the city to maintain a public nuisance as determined under this section.

(3) It shall be unlawful for any person, owner, agent, occupant or anyone having supervision or control of any real property within the city to have more than one (1) inoperable vehicle, inoperable motor vehicle, or junked vehicle upon their property. This subsection shall not apply to auto sales lots, vehicle repair businesses, and salvage yards as long as all inoperable and junked vehicles on these properties shall be kept in compliance with subsections (d), (e), (f), and (g).

(4) Any inoperable vehicle, inoperable motor vehicle, or junked vehicle shall be screened from any right-of-way or adjacent property by means of a solid opaque fence or shall be enclosed within a building. In no case shall any cover placed over an inoperable vehicle, inoperable motor vehicle, or junked vehicle constitute adequate screening.

(5) Vehicle repair businesses may have up to five (5) inoperable vehicles, inoperable motor vehicles, or junked vehicles legally parked on the business property which are not screened from public view regardless of whether the vehicles are currently registered and inspected, provided that the vehicles are not wrecked, dismantled, partially dismantled, dilapidated, have broken window glass, or have one (1) or more flat tires.

(6) Auto sales lots are exempt from subsection (d) when operating in compliance with all state laws and any other city ordinances regulating auto sales, and which are not displaying vehicles that are wrecked, dismantled, partially dismantled, dilapidated, have broken window glass, or have one (1) or more flat tires.

(7) Vehicle repair businesses may not maintain inoperable or junked vehicles on their property in excess of one hundred twenty (120) consecutive days. The vehicles on the property must be on the property for the purpose of repair. Additionally, a current, valid

work order must be maintained for every vehicle. A current, valid work order is a work order that is one hundred twenty (120) days old or less.

(8) It shall be presumed that a vehicle that is not demonstrated to be operable upon request of the designated city official is an inoperable vehicle.

(9) An inoperable motor vehicle that remains inoperable for more than thirty (30) consecutive days becomes a junked vehicle.

(10) At no time shall a tarp or any cover not designed to cover a motor vehicle or vehicle be used as a cover for an operable motor vehicle or operable vehicle.

Replace 8.103 with below

Sec 8.103 Procedures for abating nuisance.

(1) The city may abate and remove a junked vehicle or a part of a junked vehicle as a public nuisance from private property, public property or public rights-of-way as provided in this section.

(2) For such nuisance on private property, the city shall give not less than ten (10) days' notice stating the nature of the public nuisance on private property, that it must be removed and abated within ten (10) days and that a request for a hearing must be made before expiration of the ten-day period. The notice shall be mailed, by certified mail with a five-day return requested, to the last known registered owner of the junked motor vehicle, any lienholder of record and the owner or occupant of the private premises on which the public nuisance exists. If any notice is returned undelivered by the United States Postal Service, official action to abate the nuisance shall be continued to a date not less than 10 days after the date of the return.

(3) For such nuisance on public property, the city shall give not less than ten (10) days' notice, stating the nature of the public nuisance on public property or on a public right-of-way, that the nuisance must be removed and abated within ten (10) days. The notice shall be mailed, by certified mail with a five-day return requested, to the last known registered owner of the junked motor vehicle, any lienholder of record and the owner or occupant of the public premises or to the owner or occupant of the premises adjacent to the public right-of-way on which the public nuisance exists. If the notice is returned undelivered by the United States Postal Service, official action to abate the nuisance shall be continued to a date not less than ten (10) days after the date of the return.

(4) Notice shall be given to the Texas Department of Transportation not later than the fifth day after the date of removal. The notice shall identify the vehicle or vehicle part. The department shall immediately cancel the certificate of title to the vehicle pursuant to the Certificate of Title Act, V.T.C.A. Transportation Code ch. 501.

(5) The procedures in this section shall not apply to a vehicle or vehicle part that is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property, a vehicle or vehicle part that is stored or parked

in a lawful manner on private property in connection with the business of a licensed vehicle dealer or junkyard or an unlicensed, operable or inoperable antique or special interest vehicle stored by a collector on the collector's property, if the vehicle and the outdoor storage area are maintained in a manner so that they do not constitute a health hazard and are screened from ordinary public view by means of a fence, rapidly growing trees, shrubbery or other appropriate means.

Add below 8.109

8.109 Disposal of junked vehicles.

A junked vehicle or vehicle part may be disposed of by removal to a scrapyard, demolisher or any suitable site operated by the city for processing as scrap or salvage. The city may transfer the vehicle or vehicle parts to a disposal site if the disposal is only as scrap or salvage.

Add 8.110

8.110 Enforcement.

The code enforcement officer may enter private property as authorized by law for the purposes specified in the procedures to examine a vehicle or vehicle part, obtain information as to the identity of the vehicle and remove or cause the removal of a vehicle or vehicle part that constitutes a nuisance: 1) with consent of the owner or person in control of the property; 2) with a valid warrant issued by a magistrate; or 3) when the private property is open to the public.

Add 8.111

8.111 Fence Maintenance.

Maintenance of perimeter fences.

- (1) An owner shall maintain all perimeter fences in sound structural condition.
- (2) All perimeter fences, including those existing prior to the adoption of this Article, shall be maintained at all times in a state of good repair with no broken, loose, damaged, removed or missing parts, and in safe and secure condition with all braces, bolts, nails, supporting frame and fastenings free from deterioration, termite infestation, rot, rust or loosening, and able to withstand the wind pressure for which they were designed.
- (3) Perimeter fences shall not lean at an angle from the vertical plane any greater than five (5) degrees.
- (4) Perimeter fence repairs shall be made using the same material, or a very similar material with comparable composition, color, size, shape, and quality of the original fence to which the repair is being made.

(5) All areas between the fence or wall and the back of the curb, the edge of the street, or any adjacent property shall be maintained in a manner that is clear of trash and debris and high grass and weeds at all times.

(6) It is a defense to prosecution under subsection (a), if an owner completely removes a fence which was in disrepair, provided that the owner is not required to keep a fence pursuant to any other law or regulation.

(7) All non-perimeter fences that can be viewed from a public right-of-way and whose ownership has been clearly determined must comply with the provisions as outlined for perimeter fences in subsections (a) through (f) above.

Add 8.112

8.112 Outside Storage

Outside storage

(1) In addition to complying with EPA regulations, the International Fire Code, and all other applicable rules and regulations, outside storage for a residential use property shall comply with the following:

(a) Shall not be located in any portion of the front yard and shall be screened from public view at all times.

(b) Screening shall be of natural vegetation or Sight Barrier Fence designed according to Code of Ordinances Article 3.2000. Fence materials and vegetation shall be maintained in a state of good repair at all times.

(c) At no time shall a tarp of any kind be used for screening.

(d) Moveable toys such as tricycles, pedal cars and basketball goals, shall be exempt from the screening requirements.

(2) It shall be unlawful for any person to maintain, conduct, allow, or permit any outside storage of any of the following items on any property except as otherwise provided herein:

(a) Building materials, whether new, used, reclaimed, or reused.

(b) Supplies, materials, or other items associated with a home occupation;

(c) Equipment, tools, supplies, materials, or other items not typically associated with a residential use or activity;

(d) Chemicals (including pool or spa chemicals), bagged or boxed fertilizer, pre-emergent, or other organic or synthetic substances used for landscaping purposes;

(e) Furniture, including, but not limited to, couches, chairs, shelves, tables, dressers, or other similar items, which furniture is designed or intended by the

manufacturer for indoor use and constructed of polished wood or wood veneer, cloth, or any other material not specifically designed or intended for outdoor use;

(f) Appliances not designed for outdoor use, including, but not limited to, refrigerators, freezers, ovens, ranges, dishwashers, clothes washing machines or dryers, or other household or similar appliances primarily designed or intended for indoor use;

(g) Building fixtures not designed for outdoor use, including, but not limited to, bathtubs, commodes, sinks, hot water heaters, or other building fixtures primarily designed or intended for indoor use;

(h) Spa and pool equipment designed for outdoor use but not installed, including, but not limited to, hot tubs, Jacuzzis, swimming pools, or other similar equipment primarily designed or intended for outdoor use;

(i) Play equipment including, but not limited to, play structures, trampolines, pools, swing sets, slides, see-saws, exercise equipment, and other recreational equipment that is intended by the manufacturer to remain in a stationary location on any portion of a lot other than entirely within the side yard or rear yard of the lot.

(j) Barbeque grills or other similar outdoor cooking equipment on any portion of a lot other than entirely within the side yard or rear yard of the lot;

(k) Lawn maintenance equipment on any portion of a lot other than entirely within the side yard or rear yard of the lot;

(l) Motor vehicle parts and/or accessories including, but not limited to, engines, transmissions, electrical parts, suspension parts, vehicle body parts, batteries, tires, wheels, hubcaps, and other motor vehicle parts; or

(m) Firewood on any portion of the front or side yard that is not screened from public view.

(3) It is an affirmative defense to prosecution that the following items are maintained in good repair, are for residential use, and are not a nuisance to the public:

(a) Storage, collection, or safekeeping in a carport of:

i. Motorized lawn equipment;

ii. Storage containers, if stored and maintained in an orderly manner against a permanent wall; or

iii. Household and yard tools, and household cleaning implements, if stored and maintained in an orderly manner against a permanent wall.

(b) A washer or dryer that is connected and regularly used where the only washer or dryer connection is located under a carport or breezeway.

- (c) Furniture designed for outdoor use and that such furniture is in good condition and is not deteriorated.
 - (d) Building materials that are temporarily stored in a workmanlike manner as part of and in conjunction with, an active building permit;
- (4) Commercial, industrial, or properties zoned that allow land use other than residential use shall conform to the following Outside Storage requirements:
- (a) Screening. All outdoor storage shall be screened from public view at all times by a permanently maintained solid fence at least six (6) feet in height along any side of the property. Fencing for this purpose shall be designed according to Article 3.2000.
 - (b) Location. Outdoor storage shall not be located in any required setback area; shall not obstruct or eliminate any required parking or loading space, required lighting, sidewalk, pathway, building exit, access drive, or fire lane; or occupy any street right-of-way. No items shall be stored in any part of a fire lane, required parking space, maneuvering lane, public right-of-way, or visibility triangle.
 - (c) Type of Materials. Storage shall be limited to goods and materials customarily stored outside and resistant to damage and deterioration from exposure to the elements.
- (5) Residential properties with homesteads that exceed two (2) acres may have operable agricultural equipment, two (2) of which may be trailers and must be located one hundred fifty (150) feet from the street and adjacent properties and behind the front building line. Additionally, the agricultural equipment may not be parked on any easement or right-of-way. Agricultural equipment is equipment used for farming operations that is currently operable and is not required to be registered by the State of Texas.
- (6) It shall be unlawful to use a vehicle for living or sleeping quarters, or for the storage of trash, debris or personal property not normally associated with the vehicle.

Add 8.113

8.113 Temporary Storage Containers and Other Portable Storage Uses

Permit Required

(1) Residential Zoning District

- (a) Three permits per calendar year with a maximum of 30 days per permit.
- (b) One POD per permit
- (c) No waiting period between permits
- (d) Multiple permits at one time allowed

(2) Commercial Zoning District

- (a) One permit per calendar year
 - (b) One Permit is valid for any number of PODS
- (3) Temporary Storage Containers and Other Portable Storage Units.
 - (a) Temporary storage containers and other portable storage units shall be located on an improved surface, but may not be located in any part of a fire lane, required parking space, maneuvering lane, public right-of-way, or visibility triangle.
 - (b) The property where the temporary storage container or other portable storage unit is located shall contain a principal structure, and the storage container or other portable storage unit will be considered accessory to the principal structure.
 - (c) Storage containers and other portable storage units shall not be permitted other than the provisions included in this ordinance.

Add 8.114

8.114 Temporary Carport

Temporary carports and/or auto shade covers prohibited.

The use of temporary carports and/or auto shade covers are expressly forbidden in both residential and commercial districts in the city with exceptions for licensed car dealerships, car washes, and auto detailers whose structures are in compliance with other city ordinances and laws.

Add 8.115

8.115 Outside Display

Outside displays of merchandise shall comply with the following criteria:

- (1) Shall be arranged in an orderly manner and is part of the merchandise of an authorized retail business that is located in zoning districts that allow retail sale.
- (2) In the immediate vicinity of the storefront, may not project out to such an extent that the display interferes with pedestrian or vehicular traffic, and may not be left out during hours when the store is closed
- (3) Shall not be displayed in a manner that creates an unsafe condition or obscures any sight visibility line or sight visibility triangles.
- (4) Shall not be located on any public property; within a public easement; within a designated fire lane; within any required parking spaces; or located so as to obstruct safe vehicular or pedestrian passage, ingress, or egress.
- (5) Shall be maintained so as to not become a nuisance to the public or any adjoining property.

Add 8.116

8.116 Home Occupations

Such home occupations are permitted as an accessory use in the residential district and are subject to the requirements of that district in which the use is located.

(1) Purpose and intent.

- (a) Protect residential areas from adverse impact of activities associated with home occupations.
- (b) Permit residents of the community a reasonable choice in the use of their homes as a place of livelihood and the production or supplementing of personal and family income.
- (c) Establish criteria and development standards for home occupations conducted in dwelling units.

(2) The following provisions apply to home occupations:

(a) Dwelling

- i. A home occupation shall be permitted only when it is an accessory use to a detached single-family dwelling unit.
- ii. A home occupation shall not involve any external structural alteration of the single-family dwelling unit.

(b) Employees

- i. Only one (1) employee other than occupants of the residence may be employed in the home occupation. A person who receives a wage, salary or percentage of the profits directly related to the home occupation shall be considered an employee for the purposes of this Subchapter, provided that this definition shall not include the coordination or supervision of employees who do not regularly visit the dwelling for purposes related to the business.

(c) External Display of Products

- i. There shall be no external display of products or any other externally visible evidence whatsoever of the occupation, business or profession. There shall be no exterior indication of the home occupation or variation from the residential character of the principal building and accessory buildings.

(d) Outdoor Storage

- i. A home occupation shall be carried on wholly within the principal building and/or accessory buildings on the site so long as all other requirements herein are met.

- ii. Storage of goods, materials, or products connected with a home occupation may be allowed in accessory buildings or garages, attached or detached, as long as the goods, materials, or products are not hazardous.
- iii. No outdoor storage of materials, goods, supplies, or equipment shall be allowed.

(e) Signage

- i. A person who engages in a home occupation shall not place an advertisement, sign, or display on or off the premises.

(f) Customers

- i. A home occupation shall not involve more than four (4) patrons on the premises at one time.

(g) Outdoor Activities

- i. Any outdoor activities associated with a home occupation shall be screened from the neighboring property by a solid fence of at least six (6) feet in height.

(h) Product Sales

- i. Retail sales shall be prohibited on the premises except for the retail sales of products and goods produced and fabricated on the premises as a result of the home occupation.

(i) Definition of "On the Premises"

- i. "On the premises," as it pertains to home occupations, shall be defined as the single-family dwelling unit plus the lot on which such structure is located.

(j). Nuisance

- i. A home occupation shall produce no offensive noise, vibration, smoke, electrical interference, dirt, odors or heat in excess of those normally found in residential areas.
- ii. No toxic, explosive, flammable, combustible, corrosive, radioactive, or other hazardous materials shall be used or stored on the site for business purposes.

(k) Prohibited Equipment and Materials

- i. There shall be no chemical, mechanical, or electrical equipment on the premises except a type that is similar in character to that normally used for

purely domestic or household mechanical equipment as for hobby purposes in conjunction with the home occupation.

(1) Parking and Business-Related Vehicles (vehicles either marked or equipped commercially)

- i. No on-street parking of home occupation business-related vehicles shall be permitted at any time. No business vehicles larger than a van, panel truck, or pickup truck shall be permitted to park overnight on the premises. The number of business-related vehicles shall be limited to one (1).

(3) Allowable Home Occupations

The following uses are allowable as home occupations without the approval of a Special Use Permit:

- (a) Registered Family Homes (in-home childcare) or Adult Day Care, but not more than six (6) children or adults at a time, including the caregiver's own preschool-aged children or adult family member.
- (b) Tutoring of all types but limited to four (4) pupils at one time.
 - i. Arts and crafts.
 - ii. Small appliance repair.
 - iii. Contractor offices (i.e., painting, cleaning, yard maintenance, building).
 - iv. Attorneys.
 - v. Accountants.
 - vi. Real estate agents.
 - vii. Insurance agents.
 - viii. Counselors, psychological therapists.
 - vx. Tailor.
- (c) Chimney Cleaning.
- (d) Home marketing, mail-order products or services, and e-mail.
- (e) Laundering services.
- (f) Registered massage therapists.
- (g) Online retail business.
- (h) Any use determined by the Director to be an Allowable Home Occupation.

(4) Home Occupations Requiring a Specific Use Permit

The following uses are allowable home occupations with the approval of a Specific Use Permit.

(a) Catering establishments (i.e., business providing contract services consisting of food and banquet preparations prepared internally and delivered to customers off the premises).

(b) Musician's and artist's studio.

(c) Barber and beauty shops, provided that the use is conducted by family members who live in the residence (no outside employees permitted). The business shall consist of no more than one (1) beauty/barber chair, and no more than two (2) customers shall be permitted at one time. Said business shall operate only between the hours of 8:00 a.m. and 8:00 p.m.

(5) Occupations Not Allowed

The following uses are examples of home occupations which are not allowed:

(a) Antique sales.

(b) Medical doctors or any practice of physical and/or medical application, including chiropractors.

(c) Dentists.

(d) Vehicle repair/mechanic's garages and automobile detailing.

(e) Commercial greenhouses or nurseries.

(f) Animal grooming.

Add 8.117

8.117 Stagnant Water

(1) It shall be unlawful and considered a public nuisance for any person owning, leasing or occupying real property, within the limits of the City of Sanger, to fail to remove the accumulation or ponding of standing, stagnant, or non-maintained water thereon or permit the same to remain, which may harbor or be a breeding ground for mosquitoes, flies, or other pests, or which may cause a foul odor, or adversely impact the public health and safety by any means. Accumulations or ponding of water shall not exceed a forty-eight-hour period under normal rainfall conditions as described by the U.S. Department of Commerce, National Oceanic and Atmospheric Administration National Weather Service (NOAA).

(2) A finding by a Code Enforcement Officer of the City of Sanger shall constitute prima-facie evidence that standing, stagnant, or non-maintained water is conducive to the breeding or harboring of mosquitoes or other insects. Potential tools to make this finding may include measures of water turbidity, the presence of excessive organic matter in the water, the presence of foul odors, visually apparent algal growth, or the presence of mosquitoes, flies, or other pests. The presence of mosquito larva is not required for standing, stagnant, or non-maintained water to be classified as a public nuisance.

(3) It shall be unlawful for any person, owner, agent, occupant, or anyone having supervision or control of any real property within the city to maintain a public nuisance as defined in section 6.101 of the City of Sanger Code of Ordinances.

(4) It shall be the duty of said persons to abate nuisances described in this article by:

(a) Draining, filling or re-grading any lots, ground, or yards which have standing or stagnant water thereon; or

(b) Treating the area with material, either natural or manmade that will eliminate any offensive odor and render the area harmless to the public health and eliminate the potential breeding ground for mosquitoes, flies, or other pests.

(5) It shall be the duty of said persons to maintain items that are capable of collecting water, including but not limited to birdbaths, fountains, reflecting pools or ponds, private or semi-private swimming pools or other items so that they cannot harbor or be a breeding ground for mosquitoes, flies, or other pests or which may adversely impact the public health and safety or create an odor nuisance.

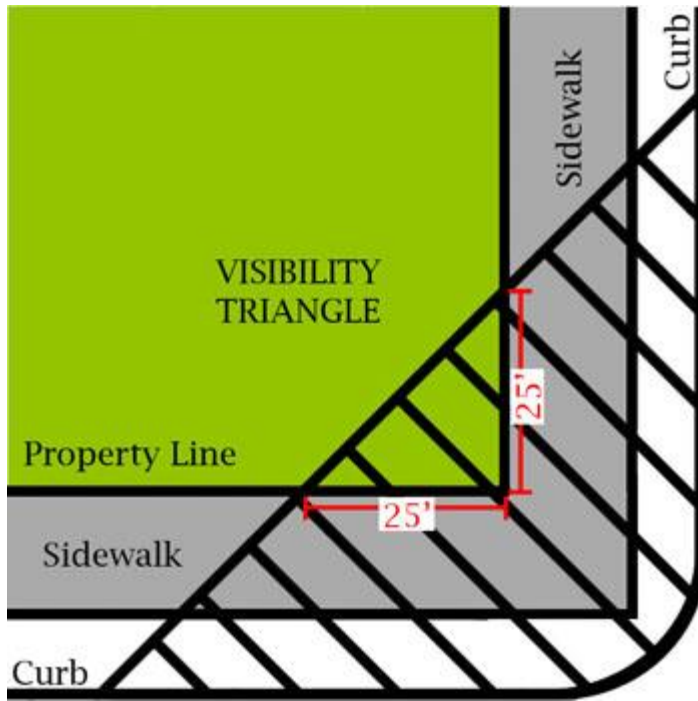
Add 8.118

8.118 Visability Triangle

Visibility at Intersections

(1) Applicability. On a corner lot or a lot with a driveway, no use, structure, or plant material, such as off-street parking spaces, fences, signs, berms, hedges, or planting of shrubs shall be free of any structures or landscape elements over twenty-four (24) inches in height, shall be maintained at street intersections and driveways.

(a) Intersection of Streets. The triangular area formed by the intersection of the street right-of-way lines and a line connecting two (2) points which are located on those intersecting right-of-way lines 25 feet from the point of the intersection of the right of way lines.



Add 8.119

8.119 Donation Box

Applicability

The requirements of this section shall apply to all donation boxes regardless of whether said boxes were placed prior to the effective date of these regulations. No previously placed donation boxes shall be granted any legally non-conforming rights under this Chapter or any other chapter of the Code of the City of Sanger, Texas, as amended.

Donation Box – General Provisions

- (1) The storage of donated materials, goods, supplies shall occur only within the permitted donation box. Donated items shall not be stored outside of the permitted donation box.
- (2) A donation box shall not be used for the donation and collection of hazardous chemicals, mechanical equipment, or electrical equipment.
- (3) Any donation box located within the jurisdiction of the City of Sanger that does not have a current, valid permit shall be subject to impoundment by the City. Any donation box impounded by the City shall be released to the owner upon payment of all applicable impoundment and storage fees. If a donation box is impounded for longer than ten calendar days, it shall be considered abandoned property subject to disposal or sale at the City's sole discretion.

(4) Donation boxes shall only be permitted to be placed on real property located within the following zoning use districts in Article 14 of the Sanger Zoning Ordinance:

- (a) Business District - 1
- (b) Business District - 2
- (c) Central Business District
- (d) Industrial District, Light
- (e) Industrial District, Heavy
- (f) Planned Development District

Donation boxes may also be permitted on real property zoned Planned Development with the above-referenced underlying zoning use districts. Donation boxes shall not be permitted to be placed on real property located within any other zoning use districts.

Donation boxes are allowed on School and Church property, in any zoning district with approved permit.

Donation Box Permit and Decal Required

It shall be unlawful for any person that owns, leases, is in control of, or is entitled to possession of real property within the City of Sanger, to authorize or allow any donation box to be placed on or remain on such real property without a valid permit decal in compliance with the provisions of this Article.

Permit Requirements

(1) Permit and decal required. A permit and corresponding decal to allow a donation box to be placed and used at a designated location shall be issued by the Administrator within sixty (60) days of receipt of a completed application after determining that all the requirements of this Section are satisfied.

(2) Authorization for use. A written authorization allowing the donation box on the property shall be required from the real property owner, lessee, or property manager.

(3) Requirement to keep clean. A permit holder shall be responsible for collecting the contents of the donation box to prevent overflow and littering. A permit holder shall keep the real property situated within 25 feet of the location of a donation box clean and free of trash, debris, broken glass, coat hangers, clothes, clothing accessories, or excess donations. A permit holder that fails to maintain the cleanliness of the surrounding real property may receive a notice of violation from the City. If the City elects to send a notice of violation to the email address on file for the permit holder, the permit holder shall have 48 hours to remedy the complaint. Failure to comply with a notice of violation may result in the issuance of a citation by the City. A permit holder who is issued a citation within the one-year term of a donation box permit is subject to revocation of the associated donation box permit.

(4) Number of Boxes Allowed. No more than one (1) donation box may be permitted for placement on any one lot. In the case of a shopping center or office development that consists of multiple platted lots, the Administrator shall treat the shopping center or office development as if it is only one contiguous lot.

(5) Maximum Size of the Box. No donation box shall exceed 120 cubic feet in size.

(6) Construction Material for the Box. Each donation box shall be constructed from metal material to prevent high winds from toppling and/or moving the donation box and to reduce the potential of arson or graffiti.

(7) Color of the Box. Each donation box shall be painted one solid color. Trade dress color schemes or corporate logos will be allowed. No fluorescent colors shall be used for a donation box or its associated signage.

(8) GPS Coordinates. No donation box shall be permitted without a valid set of GPS coordinates identifying the placement location of the donation box.

(9) Placement on Site. No donation box shall be permitted within any right-of-way, the row of parking adjacent to street right-of-way unless an existing landscape setback is present in good condition. If there is no existing landscape setback, a donation box shall not be placed less than 40 feet from the adjacent street right-of-way. Donation boxes shall be located on an improved surface, but may not be located in any part of a public easement, fire lane, required parking space, maneuvering lane, public right-of-way, or Vision Clearance Area.

(10) Notice to donators. Each donation box shall clearly indicate in writing on the front side of each box that all donations must fit into and be placed within the donation box. The size of lettering for the notice shall not be less than one-half inch in height.

(11) Contact information. The permit holder placing or maintaining the donation box shall display current contact information including street address and phone number on the donation box. Said information must be readable and clearly visible to the public from the front side of the box. The size of lettering for the contact information shall not be less than one-half inch in height.

Applications for Permits

(1) Applicants for permits under this Article shall file a written, sworn application with the Administrator. The application shall include the written authorization of the property owner, lessee, or property manager allowing the donation box on the property. A site plan depicting the exact proposed location (with GPS coordinates indicated) of the donation box shall be submitted with each application.

(2) A separate permit and application shall be required for each donation box regardless of the ownership thereof. Permits issued under the provisions of this Article shall be valid only at the address and GPS coordinates stated on the permit.

(3) An annual permit fee for each donation box shall be required. All permits shall expire on the one-year anniversary of the date of issuance.

(4) Any person denied a permit shall have the right to appeal such action in accordance with the provisions of the Administrative Appeals of Denial or Revocation of Permit Section of this Chapter.

Transfer of permit prohibited

No permit issued under the provisions of this Article shall be transferrable. The authority a permit confers is conferred only on the permit holder named therein.

Maintenance and Upkeep

(1) The permit holder and the real property owner shall be held jointly and severally liable and responsible for the maintenance, upkeep, and servicing of the donation box and clean up and removal of any donations left on the property outside of the donation box.

(2) The City shall have the authority to abate any property in violation of this article that is deemed a public nuisance under the procedures contained in Sanger City ordinance Sec. 6.102. This provision does not exclude or limit the use of any other provision in this Chapter, the Sanger City Code, or the laws of the State of Texas.

(3) The visual and structural integrity of the donation box must be maintained continuously.

(4) The placement of the donation box shall not impede traffic nor visually impair any motor vehicle operation within a parking lot, driveway or street.

(5) The donation box shall not be located in a required landscape or building setback, drainage easement, floodplain, driveway, right-of-way, utility easement or fire lane.

(6) At least one (1) stacking or parking space must be provided for use of persons accessing the donation box.

(7) The donation box must not be located in, or block public access to, any required off-street parking spaces, access easements, or stacking lanes serving a structure on the property, fire lane, or fire hydrant.

(8) The current permit decal for the specific donation box must be affixed and displayed at all times on the outside of the donation box on the front side.

(9) The donation box shall only be used for the solicitation and collection of clothing and household items. All donation materials must fit into and be placed inside the donation box. The collection or storage of any materials outside the container is strictly prohibited.

(10) No donation box shall be permitted to be placed or remain placed within 200 feet from a residential dwelling use district. Said distance shall be measured from a donation box to a residential lot line.

(11) The donation box shall be continuously maintained in compliance with all requirements imposed by Permit Requirements.

Revocation of permit

(1) Grounds. Any permit issued hereunder may be revoked by the Administrator if the permit holder has

(a) received a citation for a violation of this Chapter or any other provision of this Code of Ordinances within the preceding 12-month time period or

(b) has knowingly made a false material statement in the application or

(c) has otherwise become disqualified for the issuance of a permit under the terms of this Article.

(2) Notice. Notice of the revocation shall be given to the permit holder in writing, with the reasons for the revocation specified in the notice, served either by personal service or by certified United States mail to their last known address. The revocation shall become effective the day following personal service or if mailed, ten (10) days from the date of mailing.

(3) Appeal; hearing. The permit holder shall have ten (10) days from the date of such revocation in which to file notice with the Administrator of their appeal from the order revoking said permit. The Administrator shall provide for a hearing on the appeal.

(4) Removal of Box; Impoundment. Upon finalization of any revocation, the permit holder shall remove said donation box no later than ten (10) days after said final decision. Upon expiration of this 10-day grace period, the donation box shall acquire noncompliant status and be subject to immediate impoundment without further notice. Any donation box impounded by the City shall be released to the owner upon payment of all applicable impoundment and storage fees. If a donation box is impounded for longer than ten calendar days, it shall be considered abandoned property subject to disposal or sale at the City's sole discretion.

(5) One-Year Waiting Period. In the event the permit of any permit holder is revoked by the Administrator, no second or additional permit shall be issued to such person within one year of the date such permit was revoked.

Fees

All fees established by this Chapter shall be in an amount set by the City Council and located in Appendix A Master Fee Schedule.

Administrative Appeals of Denial or Revocation of Permit

(1) Upon denial or revocation of a permit for a donation box, the Administrator, or his designee, shall notify the applicant or permit holder, in writing, of the reason for which the permit is subject to denial or revocation. The applicant or permit holder shall file a

written request for a hearing with the Administrator within ten (10) days following service of such notice. If no written request for hearing is filed within ten (10) days, the denial or revocation is sustained.

(2) The appeal shall be conducted within twenty (20) days of the date on which the notice of appeal was filed with the Administrator.

(3) The hearings provided for in this Section shall be conducted by the Administrator or a designated hearing officer at a time and place designated by the Administrator or the hearing officer. Based upon the recorded evidence of such hearing, the Administrator or the designated hearing officer shall sustain, modify or rescind any notice or order considered at the hearing. A written report of the hearing decision shall be furnished to the applicant or permit holder requesting the hearing.

(4) After such hearing, an applicant that has had a permit denied or revoked by the Administrator may appeal to the City Appeal Officer designated by the City Manager to hear such appeals.

(5) An appeal shall not stay the denial or suspension of the permit unless otherwise directed by the Administrator.

Appeals of Administrator Decision

(1) All appeals to the City Appeal Officer must be made in writing and received no less than ten (10) days after any final decision made by the Administrator or the designated hearing officer in accordance with Administrative Appeals of Denial or Revocation of Permit above.

(2) The City Appeal Officer shall schedule the appeal hearing for no less than twenty (20) days from receipt of the appellant's appeal.

(3) If the City Appeal Officer finds by preponderance of the evidence that the denial or revocation of the donation box permit was necessary to protect the health, safety, or welfare of the general public, the City Appeal Officer shall affirm the denial or revocation of appellant's donation box application or permit.

(4) The City Appeal Officer may consider any or all of the following factors when reaching a decision on the merits of the appeal:

- (a) The number of violations, convictions, or liability findings;
- (b) The number of previous revocations;
- (c) The number of repeat violations at the same location;
- (d) The degree to which previous violations endangered the public health, safety or welfare; or
- (e) Any pending action or investigation by another agency.

(5) After the hearing, the City Appeal Officer shall issue a written order. The order shall be provided to the appellant by personal service or by certified mail, return receipt requested.

(6) The City Appeal Officer may affirm or reverse the denial or revocation of the donation box permit. If affirmed, the order issued must state that the appellant is not eligible to receive a new donation box permit sooner than one year after the date of the order. If reversed, the donation box permit shall be reinstated immediately (in the case of a revocation) or within three (3) business days (in the case of a denial).

(7) The determination of the City Appeal Officer shall be final on the date the order is signed.

(8) An appeal to the City Appeal Officer does not stay the effect of a denial or revocation or the use of any enforcement measure unless specifically ordered by the Administrator or the City Appeal Officer.

Offense/Penalty

(1) A person who violates any provision of this Chapter by performing an act prohibited or by failing to perform an act required is guilty of a Class C misdemeanor punishable by a fine not to exceed Five Hundred Dollars and No Cents (\$500.00). Each day the violation continues shall be a separate offense.

(2) A culpable mental state is not required for the commission of an offense under this Chapter.

(3) Nothing in this Chapter shall limit the remedies available to the City in seeking to enforce the provisions of this Chapter.

(4) All other legal remedies are reserved by the City if necessary to enforce the provisions of this Chapter. This shall be in addition to, and not in lieu of, the criminal penalties provided for in this Chapter.

(5) If a landowner or operator fails to abate a violation of the regulations within 10 days of notice, then the city shall be authorized to carry out the abatement, to assess its expenses including applicable overhead related to the abatement and place a lien on the donation box or any real property on which the donation box was unlawfully placed.

(6) If determined by the city that any violation is likely to have an immediate adverse effect upon the public health or safety, then the city may order such violation to be summarily abated and lien for the city expenses related to the abatement shall be assessed.

(7) If a landowner or operator fails to abate a violation of the regulations within 10 days of notice, then the city shall be authorized to carry out the abatement, to assess its expenses including applicable overhead related to the abatement and place a lien on the donation box or any real property on which the donation box was unlawfully placed.

(8) If determined by the city that any violation is likely to have an immediate adverse effect upon the public health or safety, then the city may order such violation to be summarily abated and lien for the city expenses related to the abatement shall be assessed

Add Article 8.200

8.200 Dangerous Buildings

8.201 SUBSTANDARD BUILDINGS

(1) This article is established pursuant to V.T.C.A. Local Government Code § 214.001, et seq., as subsequently amended, and as otherwise provided by state law or municipal home rule authority and shall be known as the "Substandard Buildings Code".

(2) The purpose of this article is to preserve and protect the health, safety and welfare of the citizens of the City, by establishing minimum standards for the construction, use, maintenance and occupancy of all structures, regardless of the date of construction, within the City limits; establishing minimum standards governing utilities, facilities, and other physical components and conditions essential to make all buildings and structures safe, sanitary and fit for human habitation; fixing certain responsibilities and duties of owners, operators, agents and occupants of all buildings; authorizing and establishing procedures for the inspection of all buildings unfit for human use, occupancy and habitation; establishing procedures for the determination of whether a building complies with the standards established; including provisions for notice and a public hearing; providing for assessment, a method of notifying the owner of assessment, and a method of recovering expenses incurred by the City in vacating, securing, removing, repairing or demolishing a substandard structure; and providing civil and criminal penalties for the violation of the provisions of this article. This article is hereby declared to be remedial and essential to the public interest, and it is intended that this article be liberally construed to effectuate the purposes stated above.

Add 8.202

8.202 Substandard buildings; definition and intent.

(1) Generally. Any building or portion thereof, including any dwelling unit, guest room or suite of rooms, or any nonresidential use, or the premises on which the same is located, in which exists any conditions which endanger the life, limb, health, property, safety or welfare of the public or of the occupants thereof, shall be deemed and hereby is declared to be a substandard building.

(2) Intent. The City hereby declares every substandard building or structure as herein defined to be a public nuisance, and subject to repair, vacation or demolition to abate such nuisance as herein provided in order to protect the health, safety and welfare of the public and of the occupants.

Add 8.203

8.203 Scope.

(1) Application.

(a) The provisions of this article shall apply to all buildings, structures or portions thereof used, or designed, or intended to be used or occupied. Such uses or occupancies in existing buildings may be continued, except such structures as are found to be substandard as defined in this article.

(b) Where any building or portion thereof is used or intended to be used as a combination apartment house-hotel, the provisions of this article shall apply to the separate portions as if they were separate buildings.

(c) Every rooming house, lodging house, apartment, duplex or other multiple-family dwelling, hotel, motel or bed and breakfast establishment shall comply with all of the requirements of this article for dwellings.

(2) Alteration. Existing buildings which are altered or enlarged shall be made to conform to this article insofar as the new work is concerned, and in accordance with the building code.

(3) Relocation. Buildings or structures moved into or within this jurisdiction shall comply with all applicable codes for new buildings and structures.

(4) Remodeling or renovation. All existing buildings or structures that are remodeled or renovated shall comply with all the provisions of the adopted codes insofar as is technically feasible while complying with the intent of the codes as determined by the authority having jurisdiction (AHJ).

Add 8.204

8.204 Technical codes and other ordinances of the City.

The provisions of this code shall not be deemed to repeal by implication any provisions of the International Fire Code, the International Building Code or any other ordinance of the City, and the adoption hereof shall not be deemed to affect or diminish the power or authority of any officer or employee of the City to condemn any building or structure erected or maintained in violation of any provision of the International Fire Code, the International Building Code, or any other ordinance of the City.

Add 8.205

8.205 Cumulative.

The remedies provided herein are not exclusive, but are cumulative of all other remedies provided by law or ordinance.

Add 8.206

8.206 Enforcing officer.

The code enforcement officer of the City is hereby authorized and directed to enforce any and all provisions of this article.

Add 8.207

8.207 Code enforcement officer.

Whenever necessary to make any inspection to enforce any of the provisions of this article, or whenever the code enforcement officer has reasonable cause to believe that there exists in any building or upon any premises any condition or violation which makes such building or premises unsafe, dangerous or hazardous, the code enforcement officer may enter such building or premises at all reasonable times to inspect the same, or to perform any duty imposed upon the code enforcement officer by this article; provided, that if such building or premises be occupied, he shall first present proper credentials and request entry; and, if such building or premises is unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge of or control of the building or premises, and request entry. If such entry is refused, the code enforcement officer shall have recourse to every remedy provided by law to secure entry.

Add 8.208

8.208 Owner responsibilities.

(1) Every owner remains liable for violations of duties imposed upon him by this article even though the owner has, by agreement, imposed on the occupant the duty of furnishing required equipment, or of complying with this article.

(2) Every owner or his agent, in addition to being responsible for maintaining his building in a sound structural condition, shall be responsible for keeping that part of the building or premises which he occupies or controls, in a clean, sanitary and safe condition, including the shared or public areas in a building containing two or more dwelling units.

Add 8.209

8.209 Residential minimum standards.

All buildings and portions thereof shall conform to the minimum standards for continued use and occupancy set forth in the International Building Code, the International Residential Code and the International Property Maintenance Code as adopted and amended by the City council. These standards shall include, but not be limited to, the following:

(1) Responsibilities of owner.

(a) Property standards. An owner shall:

(i) Not abandon any real property or premises within the City;

- (ii) Not allow any condition on his property that shall constitute a public or attractive nuisance;
- (iii) Eliminate a hole, excavation, sharp protrusion, and any other object or condition that exists on the land and is reasonably capable of causing injury to a person;
- (iv) Securely cover or close a well, cesspool or cistern;
- (v) Grade and maintain property to prevent erosion of soil;
- (vi) Provide drainage to prevent standing water on the land and in any building, except for approved retention areas and reservoirs;
- (vii) Keep all private sidewalks, walkways, stairs, driveways, parking spaces, and similar areas in a proper state of repair and free from hazardous conditions;
- (viii) Remove dead trees and tree limbs that are reasonably capable of causing injury to a person; and
- (ix) Keep the doors and windows of a vacant structure or vacant portion of a structure securely closed to prevent unauthorized entry pursuant to section 3.09.013(3).

(b) Structural standards. An owner shall:

- (i) Protect the exterior surfaces of a structure that are subject to decay, rust or corrosion by application of paint or other protecting coating;
- (ii) Eliminate all peeling, flaking and chipped paint and apply weather-coating material to all exposed surfaces;
- (iii) Provide and maintain railings for stairs, steps, balconies, porches and elsewhere as specified in the building code;
- (iv) Repair holes, cracks, and other defects reasonably capable of causing injury to a person in stairs, porches, steps, balconies, and elsewhere;
- (v) Repair holes, cracks, breaks, and loose surface materials that are health or safety hazards in all floors, walls, and ceilings;
- (vi) Maintain a structure intended for human occupancy in a weathertight and watertight condition including but not limited to proper waterproofing of walls, roofs, foundations and floors and repair of broken or missing windows and doors;
- (vii) Roof coverings shall not be missing or completely lacking, broken, rotted, split, curled or buckled. The roof, roof coverings and flashing shall

be maintained in a sound and tight state without defects that may admit rain or surface drainage water.”

(viii) Maintain roof drains, gutters, and downspouts in good repair and free from obstructions. Drainage of roofs and paved areas, yards, courts and other open areas shall not be discharged in a manner that creates a public nuisance;

(ix) Maintain floors, walls, ceilings, and all supporting structural members in a sound condition capable of bearing imposed loads safely;

(x) Maintain all exterior doors, door assemblies, and hardware in good condition;

(xi) Repair or replace chimney flue and vent attachments that do not function properly;

(xii) Maintain foundation in good condition:

a. Concrete slabs must be structurally sound;

b. Pier and beam floor joints, floors, and subfloors must be structurally sound, level, and free from decay, rot and termites;

(xiii) Maintain structure so as to prevent general dilapidation due to improper care and maintenance;

(xiv) Premises identification.

(a) The owner of every house and building in the city shall place the street number assigned by the Sanger Development Department in some conspicuous place on or near such house or building so that the number may be plainly seen from the street.

(b) The house numbers shall be at least four (4) inches high and shall be made of some bright metal or material in a color which is in clear contrast with its background.

(xv) Maintain any fence on the property in accordance with the following standards;

a. Maintain any fence so that it is not out of the vertical alignment more than one foot, measured from the top of the fence to grade, on fences in excess of four feet in height, or more than six inches out of vertical [alignment], measured from the top of the fence to grade, for a fence not more than four feet high;

b. Repair or replace rotten, fire damaged, or broken wooden slats and support poles;

- c. Repair or replace bent or broken metal posts and torn, cut, or ripped metal fencing materials;
- d. Repair or replace loose bricks, stones, rocks, mortar, and similar materials on any masonry wall;
- e. All fences enclosing swimming pools, spas, and hot tubs containing more than 24 inches of water shall be surrounded by a fence of not less than six feet above grade. Gates must be kept closed and secured at all times and no existing pool enclosures shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier; and

(xvi) Apply for and obtain all applicable permits from the City prior to the start of any repair, remodel or construction;

(xvii) Meet all applicable standards set by the International Codes adopted in article 3.201 for existing structures and materials.

(c) Utility standards. An owner shall provide and maintain in operating condition in each structure intended for human occupancy:

- (i) Connections to a discharge sewage system where applicable;
- (ii) A toilet connected to a water source and to a public sewer, where applicable;
- (iii) Connections and pipes to supply potable water at adequate pressure;
- (iv) A device to supply hot water of a minimum temperature of 110° F;
- (v) A kitchen sink, bathtub, toilet or shower, and lavatory connected to a cold and hot water source;
- (vi) All plumbing fixtures shall be maintained in a safe, sanitary and functional condition and be free from obstructions, leaks and defects;
- (vii) Heating equipment that is capable of maintaining a minimum interior temperature of 68° F from November 1st through April 30th in each habitable room of the structure. Cooking appliances shall not be used to provide space heating to meet these requirements;
- (viii) If screens are not provided as required in subsection (1)(D)(ii), refrigerated air equipment capable of maintaining a maximum internal air temperature that is 20° F lower than the outside temperature or 80° F, whichever is warmer, in each habitable room of the structure from May 1st through October 31st;
- (ix) Connections for each heating or cooking device, in good repair and working order, that utilizes solid fuel to a chimney or flue;

- (x) Supply lines for electrical service; and
- (xi) Electrical circuits and outlets, in good repair and working order, sufficient to safely carry a load imposed by normal use of appliances and fixtures.

(d) Health standards.

- (i) Eliminate rodents and vermin in or on the land and within the interior of any structure, unless:

- A. The structure was treated to eliminate insects, rodents, and vermin by a person licensed by the Texas Structural Pest Control Act once within the preceding six months; or

- B. Within two weeks prior to the occupancy of any tenant;

- (ii) Provide a structure intended for human occupancy with an approved, tightly fitting screen of not less than 16 mesh per inch (16 mesh per 25 mm), in good condition, for keeping out insects at each opening of the structure if it is not equipped with refrigerated air;

- (iii) Maintain the interior and exterior of a vacant structure or vacant portion of a structure free from rubbish and garbage.

(e) It is a defense of prosecution under this section if:

- (i) Failure to maintain minimum standards in compliance with this article was the direct result of an act of nature or other cause beyond the reasonable control of the owners; and

- (ii) The owner is making a diligent, verifiable repair effort to meet minimum standards.

(2) Responsibilities of occupant. An occupant shall:

- (a) Maintain those portions of the structure and premises under his control free from rubbish, garbage, and other conditions that would encourage infestation of insects, rodents, or vermin except where the infestations are caused by defects in the structure, then the owner shall be responsible for extermination;

- (b) Remove any animal(s) from the structure if the presence of said animal(s) is a health hazard to an occupant; and

- (c) Not alter a structure or its facilities so as to create a nonconformity with this article.

Add 8.210

8.210 Commercial and industrial minimum standards.

All buildings, structures and portions thereof shall conform to the minimum standards for continued use and occupancy set forth in the International Technical Codes, the International Property Maintenance Code and the National Electrical Code as adopted and as amended by the City council.

Add 8.211

8.211 Penalties.

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, convert or demolish, equip, use, occupy or maintain any building or structure, or cause or permit the same to be done, or exist on any property or premises in violation of this article. Each day a violation of this article occurs is a separate offense and is punishable by a fine of up to \$2000.00.

Add Article 8.300

8.300 SUBSTANDARD STRUCTURE PROGRAM

8.301 Substandard Structure Program.

The substandard structure program is hereby created. The executive official in charge of the program shall be the code official.

8.302 Enforcement.

The code official is hereby authorized and directed to enforce all of the provisions of this article. The code official shall also have the authority to interpret this article and apply such interpretation to provisions of this chapter in the interest of public safety, health and general welfare. The code official shall not have the authority to waive structural or fire performance requirements nor shall he/she make exceptions which clearly violate accepted engineering principles relative to public safety.

(1) The code official shall keep all official records relating to the provisions of this chapter. Such records shall be kept in the official records as long as required by city, state, and/or federal government regulations.

(2) Inspections. The code official shall make, or cause to be made, all of the inspections required to enforce the provisions of this chapter. The code official may accept reports of inspection by approved agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The code official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise.

(3) Right of entry. Whenever necessary to make an inspection to enforce any of the provisions of this article or whenever the code official has reasonable cause to believe that there exists in any structure or upon any premises any condition or violation which makes such structure or premises unsafe, dangerous, or hazardous, the code official, as authorized by law, may enter such structure or premises at all reasonable times to inspect

the same or to perform any duty imposed upon the code official by this article. If such structure or premises is occupied, he shall first present proper credentials and request entry, and if such structure or premises is unoccupied, he shall first make a reasonable effort to locate the owner or other persons having care or control of the structure or premises and request entry. If such entry is refused, the code official shall have recourse to every remedy provided by law to secure entry.

(4) Responsibilities of owner.

(a) An owner of a property remains liable for violations of this chapter, and the Code regardless of any agreement between the owner and any other party that imposes or attempts to delegate responsibility for the premises to the other party.

(b) The owner of a premises which is substandard or dangerous commits an offense.

(5) Violations. It shall be unlawful for any person to erect, construct, enlarge, alter, repair, move, improve, convert or demolish, equip, use, occupy or maintain any building or structure or cause or permit the same to be done or exist on property or premises in violation of this article and other any other adopted codes.

(a) It shall be unlawful for an owner of any premises to be in violation of any provisions of this chapter.

(b) It shall be unlawful for an owner or occupant of a single-family, multi-family, or duplex dwelling to occupy or allow occupation of any structure or building that has been placarded as substandard or dangerous by the city.

(c) It is a violation for any person to deface or remove an official city placard without the approval of the code official.

(d) The code official shall serve a notice of violation or order in accordance with this chapter.

(e) The code official shall issue all necessary notices or orders to ensure compliance with this chapter.

(f) In addition to imposing a criminal penalty, the city shall have the power to enforce any provision of this article, V.T.C.A. Local Government Code Chapter 214, and V.T.C.A. Local Government Code Chapter 54, Subchapters B and C. No enforcement remedy shall be exclusive of any other remedy the city may have under state law or city ordinances.

(h) Abatement of violation. The imposition of the penalties herein prescribed shall not preclude the City Attorney or the Cities legal designee from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.

8.303 Buildings declared public nuisances.

All buildings or portions thereof which are determined to be substandard or dangerous as defined in this article are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedure specified in this article.

8.304 Penalties.

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, convert or demolish, equip, use, occupy or maintain any building or structure, or cause or permit the same to be done, or exist on any property or premises in violation of this article. Each day a violation of this article occurs is a separate offense and is punishable by a fine of up to \$2000.00.

8.305 Actions of the code enforcement officer, commencement of proceedings.

(1) Notice of violation. Upon determination of the code enforcement officer that a property is in violation of this article:

(a) A written notice shall be issued to the owner of record. The notice shall contain the following:

(i) The street address or a legal description sufficient for identification of the premises upon which the violation is located;

(ii) A statement that the property was found to be substandard with a concise description of the conditions found rendering the premises substandard under the provisions of this article;

(iii) A statement of the action required to be taken, as determined by the code enforcement officer, which shall contain:

(A) If the property must be repaired, the notice shall state that all required permits be secure therefor and the work physically commenced within such time, not to exceed 30 days, from the date of the order, and be completed within such time as the code enforcement officer determines to be reasonable but not to exceed 60 days;

(B) If the building must be vacated, the notice shall require that the building or structure be vacated within a certain time from the date of the notice that the code enforcement officer determines to be reasonable but not to exceed 30 days;

(C) If the building is found to be 50 percent or more damaged, decayed or deteriorated from its original value or structure and must be demolished, the notice shall require that the structure be vacated within such time as is determined to be reasonable by the

code enforcement officer, not to exceed 60 days from the date of the notice, that all required demolition permits shall be obtained within 60 days of the notice and demolition be completed within such time as determined to be reasonable by the code enforcement officer;

(iv) Statements advising that if any repair or demolition work, without vacation also being required, is not commenced within the specified time, the code enforcement officer may order the building vacated and posted to prevent further occupancy until the work is completed;

(v) Statements advising:

(A) That, unless the building is put in such condition so that it meets minimum standards for continued use, a hearing may be set before the commission to determine whether the building complies with minimum standards. The owner of the property shall also be subject to citations for failure to comply with the order of the officer not to exceed \$2,000.00 per violation per day;

(B) That any person having any record title or legal interest in the premises may appeal the notice or any action of the code enforcement officer to the commission, provided that the appeal is made in writing as provided in this article and filed with the commission within 20 days from the date of the notice; and

(C) Failure to appear will constitute a waiver of all rights to an administrative hearing and determination of the matter.

(b) The notice and amended or supplemental notices shall be issued to the owner of record and any known agents disclosed by public records by:

(i) Personal delivery to the owner or his agent;

(ii) Posting a copy of the notice on or near the front door of the structure; or

(iii) Certified mail, return receipt requested, to:

(A) The owner of the record as determined by the real estate tax record of the local taxing authority;

(B) The holder of any mortgage or deed of trust or other lien or estate, or legal interest of the record in or of the premises; or

(C) To the building or land on which it is located.

(c) If no address of any such person so appears or is not known by the code enforcement officer, then a copy of the notice shall be so mailed, addressed to such person, at the address of the premises involved in the proceedings.

(d) The failure of any person to receive such notice shall not affect the validity of any proceeding taken under this article. Service by certified mail shall be effective on the date of the mailing.

(e) It shall be unlawful for the owner of any building or structure upon whom a compliance order or notice of violation has been served to sell, transfer, mortgage, lease, or otherwise dispose of such premises to another until the provisions of the notice of violation or order have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee, or lessee a true copy of the order or notice of violation issued by the officer and shall furnish to the officer a notarized statement from the grantee, transferee, mortgagee, or lessee, acknowledging the receipt of the order or notice and fully accepting the responsibility without condition for making the correction or repairs required by such order or notice.

(2) Appeals.

(a) Any person entitled to service may appeal any notice or any action of the code enforcement officer under this article by filing at the office of the building official a written appeal and a filing fee as determined by the City council and on file in the office of the City secretary.

(b) An application for appeal shall be based on a claim that the true intent of this code or the rules duly adopted thereunder have been incorrectly interpreted, the provision of this code do not apply, or the requirements of this code are adequately satisfied by other means.

(c) The appeal shall be in substantially the following form, but may include other information:

(i) A heading in the words [sic]: "Before the Building and Standards Commission of the City of Sanger, Texas";

(ii) A caption reading "Appeal of _____," giving the names of all appellants participating in the appeal;

(iii) A brief statement setting forth the legal interest of the appellants in the building or land involved in the notice;

(iv) The street address or legal description of the property;

- (v) A brief statement in ordinary and concise language of the specific order or action protested, together with material facts claimed to support the contentions of the appellants;
- (vi) A brief statement in ordinary and concise language of the relief sought and the reasons why it is claimed that the protested order should be reversed, modified, or otherwise set aside;
- (vii) The signatures of all parties' names as appellants and their official mailing addresses; and
- (viii) The verification, by declaration under penalty of perjury, of at least one appellant as to the truth of the matters stated in the appeal.

(d) The appeal shall be filed within 20 days of the date of service of such order or action of the official, provided, however, that if the building or structure is in such condition as to make it immediately dangerous to the life, limb, property or safety of the public or adjacent property and is ordered vacated and is posed in accordance with this section, such appeal shall be filed within ten days from the date of service of the notice of the officer.

(e) The failure of any person to file an appeal in accordance with the provisions of this section shall constitute a waiver of the right to an administrative hearing and adjudication of the notice or to any portion thereof.

(f) Except for vacation orders, enforcement of any notice of the official issue under this code shall be stayed during the pendency of an appeal which had been properly and timely filed.

(g) Upon the receipt of any appeal filed pursuant to this article and receipt of the filing fee, the appeal shall be presented at the next regular or special meeting of the building and standards commission.

(3) Open and vacant structures.

(a) All vacant structures and premises thereof shall be maintained in a clean, safe and sanitary condition so as to not cause a blighting problem or adversely affect the public health or safety.

(b) Any building found to be, regardless of structural condition, unoccupied by its owners, lessees, or other invitees and is unsecured from unauthorized entry to the extent that it could be entered or used by vagrants or other uninvited persons as a harborage or could be entered by children is declared to be a hazard to the public's health, safety and welfare.

(c) Upon determination of the official that a structure is both vacant and open to entrance by unauthorized persons:

(i) A notice shall be posted on or near the front door of the structure containing:

(A) An identification of the property;

(B) A statement that the property must be secured within a reasonable time as determined by the official;

(C) A statement that failure by the owner to secure the property will result in closure by the City at the owner's expense;

(D) An explanation that the owner may request a hearing about any matter relating to the securing of the building.

(ii) A copy of the notice will be mailed, return receipt requested, to the owner of record as determined by local tax records if personal service cannot be obtained.

(d) Service of notice for open and vacant structures shall be effective from the date and time of the notice's posting at the premises.

(e) Failure by the owner to adequately secure the property within the allotted time will result in the closure of the property by the City in accordance with section 3.09.021 of this article.

(4) Substandard and dangerous structures.

(a) Whenever the code enforcement officer has inspected or caused to be inspected any building or structure, and has found and determined that such a building is a substandard and dangerous building posing an immediate threat to public welfare and safety, in addition to the issuance of the notice of violation, he shall notify the chairman of the building and standards commission and obtain a date and time for a hearing before the commission to determine whether the building complies with the standards set out in this article.

(b) Report. The code enforcement officer shall prepare a written report of his findings with respect to any substandard structure for which a hearing is scheduled, which shall include a description of the conditions found to render the building substandard, and a recommendation of the action which should be required by the commission.

8.306 Notice of Hearing.

The code enforcement official shall issue a notice of said hearing as follows:

- (1) Form. The notice of hearing shall be in substantially the following form, but may include other information:

"You are hereby notified that [the] Code Enforcement Officer of the City of Sanger, Texas, has made an inspection of the building or structure located on the premises described as: _____

The Code Enforcement Officer has found the building to be substandard and not in compliance with the standards set out in the 2007 Substandard Structure and Dangerous Buildings Code of the City of Sanger, Texas, and has recommended action, which the Commission may order, to remedy the violations, all of which are detailed in the attached Building Official's Report.

A hearing will be held before the Building and Standards Commission, in the (specify location) on the ____ day of ____, 20____ at the hour of _____, to consider whether said building or structure complies with the said standards, and if not, to order the owner to vacate, secure, repair, remove or demolish said building within a specified period of time, and, if applicable, to specify additional time for any ordered action to be taken by a lien holder or mortgagee, in the event of failure of the owner to comply. You may be present at the hearing. You may be, but need not be, represented by counsel. You may present any related evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You may request the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by filing an affidavit therefor with the Building and Standards Commission. Proof of compliance with the Code Enforcement Officer's recommended action will render the said hearing and any further action unnecessary."

- (2) Manner. Notice of the hearing before the building and standards commission shall be given in the following manner:

(a) Before the tenth day before the date of the hearing before the commission, notice of hearing as provided above shall be given:

(i) 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 in the office of the county clerk, if the address of the lien holder can be ascertained from the deed of trust establishing the lien or other applicable instruments on file in said office; and

(ii) 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 is possible.

(b) Notice of the date, time, place and purpose of the hearing shall also be published in a newspaper of general circulation in the City on one occasion before the tenth day before the date fixed for the hearing. The notice shall also be posted

in the window of the Historic Church Building at 403 North 7th Street, Sanger, Texas 76266.

(c) An affidavit confirming that a property owner could not be located through processes required by law shall be placed in the building and standards commission case file by the code enforcement officer in such cases.

(d) Exception. In the case of a structure that has been damaged beyond reasonable repair by structure fire, tornado, flood or other circumstances, the code enforcement officer shall notify the property owner to demolish said structure within ten days, in the name of the commission.

8.307 Hearing procedures.

Hearings before the building and standards commission to consider violations of the adopted substandard structure and dangerous buildings code shall be administrated as hereinafter provided for all hearings before said commission.

8.308 Standards.

The following standards shall be followed by the building and standards commission in ordering a substandard building to be vacated, secured, repaired, removed, or demolished:

(1) Repair. Any building found to be substandard shall be ordered repaired or demolished, at the option of the building owner. A repair permit shall be ordered. Repairs shall be completed within 30 days, unless the property owner requests an extension in writing from the commission and provides the commission with a time schedule for required repairs not to exceed 90 days, and said schedule is approved by the commission;

(2) Vacation. Any structure which is found to be in such condition as to make it immediately dangerous to the life, limb, property, or safety of the public or its occupants, shall be ordered vacated. The property owner shall be responsible for any eviction requirements and all expenses associated with said action.

(3) Demolition. Any building found to be dilapidated, substandard and unfit for human habitation, and constituting a hazard to the health, safety and welfare of citizens shall be ordered demolished. The code enforcement officer or his representative shall first obtain a "demolition seizure warrant" from the municipal court judge prior to entering the property for demolition purposes.

8.309 Orders.

Following a public hearing, the building and standards commission shall issue, within ten working days, a written order, which shall contain findings of fact, a determination of the issues presented, and the requirements to be complied with, which shall include:

(1) Repair. If the commission has found that the building or structure must be repaired, the order shall require that all required permits be secured therefor and the work

physically commenced within such time, not to exceed 30 days from the date of receipt of the commission order by the owner, and completed within such time as the commission shall determine is reasonable under all circumstances. Substantial progress in the work must be made every 90 days, or the commission may revoke the permit and order the building demolished.

(a) See definition of substantial improvements in the amendments to the building code.

(2) Vacation. If the commission has found that the building or structure must be vacated, the order shall require that the building or structure shall be vacated within a certain time from the date of receipt of the commission order by the owner, as determined by the commission to be reasonable.

(3) Demolition. If the commission has found that the building or structure must be demolished, the commission order shall require that the building, if occupied, be vacated within such time as the commission shall determine is reasonable, not to exceed thirty days from the date of receipt of the commission order by the owner, and that the demolition be completed within an additional thirty days. A demolition permit is required. A building may not be sold until commission orders have been complied with.

(4) Action by lien holder or mortgagee. If lien holders and mortgagees have been given notice of hearing, as provided for in article 8.2006 and opportunity to comment at said hearing, the commission order may specify an additional reasonable time for the required action to be taken by the lien holder or mortgagee in the event of noncompliance by the owner within the time specified, not to exceed an additional period of 30 days from the time of notification.

(5) Extensions of time. An extension of time for a permit issued to comply with a commission order may be requested in writing.

8.310 Notice of commission orders.

(1) Owner. A copy of the commission order shall be served in the same manner as provided for notice of hearing in article 8.2006. In addition, if the property owner or his agent is in attendance at the hearing, the chairman may give personal notice at the time of the hearing, with a written follow-up within ten working days.

(2) Lien holder. In the event that any lien holder or mortgagee has not been notified and given an opportunity to be heard, as provided for in section 3.09.017(4), the code enforcement officer shall make a diligent effort to identify any such lien holder or mortgagee, and shall send each one so located a copy of the commission orders.

8.311 Order to vacate.

(1) Posting. Every notice to vacate shall, in addition to being served as provided in article 8.2005, be posted at, near or upon each exit from the building, and shall be substantially in the following form:

DO NOT ENTER

UNSAFE TO OCCUPY

It is a misdemeanor to occupy this building, or to remove or deface this notice.

By Order of the

BUILDING and STANDARDS COMMISSION

CODE ENFORCEMENT OFFICER

City of Sanger, Texas

- (2) Compliance. Whenever such notice is posted, the commission shall include a notification thereof in the order describing the emergency, and specifying the conditions which necessitate the posting. No person shall remain in or enter any building which has been so posted, except that entry may be made to repair, demolish or remove such building under the conditions of a building permit. No person shall remove or deface any such notice after it is posted. It shall be removed at the discretion of the building official after the required repairs, demolition or removal of the building or structure has restored the premises to a safe condition, or has reached a stage in the construction process that provides safe entry, and a certificate of occupancy (if required) has been issued in accordance with the applicable provisions of the building code and any other ordinances that apply.

8.312 Action upon noncompliance.

If the action required by the commission order is not taken in the time specified, the building and standards commission may:

- (1) For a residential structure with fewer than ten units, direct the code enforcement officer to repair the building to the extent necessary to bring it into compliance.
- (2) Direct the code enforcement officer to vacate, secure, remove or demolish the building or structure, or relocate the occupants thereof at their own expense.
- (3) Direct the code enforcement officer to issue a citation to the property owner for failure to repair, remove or demolish. Said penalty is not to exceed \$2,000.00 per day per violation.

8.313 Performance of repairs, removal or demolition.

- (1) Performance of contracts. The code enforcement officer shall be authorized to cause the work to be done by City personnel or by private contract under the supervision of the code enforcement officer. All contracts for work shall be entered into pursuant to procedures specified by ordinance or state law, and shall be prepared by the City attorney. Contracts for work in excess of \$5,000.00 shall be reviewed and approved by the City council prior to performance of work.

(2) Assessment of costs and penalty. The code enforcement officer shall keep an itemized account of the expenses incurred by the City in the demolition, removal, vacation, securing or repair of any building done pursuant to this code, and the entire costs of demolition, less any salvage value recovered, removal, vacation, securing or repair, and any civil penalty, shall be assessed and a lien created against the real property upon which the building is or was located, unless it is a homestead protected by the Texas Constitution.

8.314 Notice of lien.

(1) Preparation. Upon completion of repairs, removal or demolition, the code enforcement officer shall prepare a notice of lien containing the name and address of the owner, a legal description of the real property where the building is or was located, the amount of expenses incurred by the City and the amount of any balance due, or the amount of any civil penalty.

(2) Recording. The code enforcement officer shall record the notice of lien in the office of the county clerk if the bill or statement to the property owner is not paid within 30 days from the date of the statement. Other arrangements to pay the amount incurred by the City may be made with the City. If the account is in arrears for over 60 days, the property will be foreclosed on by the City attorney.

(3) Extinguishment. The lien herein specified for expenses shall be extinguished upon reimbursement of all expenses. The building official shall have the authority to execute a "release of lien" for all liens of \$5,000.00 or less. Liens of over \$5,000.00 to \$20,000.00 may be released by the City Manager. Liens over \$20,000.00 may be released by the City council.

(4) Interest. Any civil penalty imposed or assessment for repairs shall accrue interest at the rate of 10 percent per year from date of assessment until paid in full.

8.315 Characteristics of lien.

(1) With notice of lien holder. If notice and opportunity to repair, remove or demolish is given to each mortgagee or lien holder as authorized by article 8.2005 and 8.2006 hereof, the lien is a privileged lien subordinate only to tax liens and all previously recorded bona fide mortgage liens attached to the real property to which the City's lien attaches.

(2) Without notice. Except as provided in subsection (a) of this section, the City's lien is inferior to any previously recorded bona fide mortgage lien attached to the real property to which the City's lien attaches if the mortgage lien was filed for record in the office of the county clerk before the date the civil penalty was assessed, or the repair, removal or demolition is or was begun by the City. The City's lien is superior to all other previously recorded judgment liens.

(3) Limitation of foreclosure. A lien for repair expenses may not be foreclosed if the property on which the repairs were made is occupied as a residential homestead by a person 65 years of age or older.

8.316 Buildings and Standards Commission

There is hereby created a building and standards commission, in accordance with the provisions of the Texas Local Government Code chapter 54, subchapter c, and amendments thereto, if any, entitled "quasi-judicial enforcement of health," which shall be appointed, organized and function as follows.

8.317 Organization.

(1) Membership. The commission shall consist of five members, who are residents or taxpayers of the City, each of whom shall be appointed by the City council; three of whom shall be appointed for terms of two years; two of whom shall be appointed for a period of one year; and each member of said commission shall thereafter be appointed for a term of two years.

(2) Alternates. The City council shall appoint two alternate members of the commission, who shall serve in the absence of one or more of the regular members, when requested to do so by the City administrator. The alternate members serve for the same period and are subject to removal in the same manner as regular members, and a vacancy is filled in the same manner as with a regular member.

(3) Removal. The City council may remove a commission member for cause on written charge, however, prior to making a decision regarding removal, must hold a public hearing on the matter, if requested to do so by the commission member subject to the removal action.

(4) Vacancy. A vacancy shall be filled for the unexpired term by the City council.

8.318 Proceedings.

(1) Commissioners required for action. All cases to be heard by the commission must be heard by at least four members, and any actions taken must be concurred in by the vote of four members.

(2) Presentation of cases. All cases brought before the commission shall be presented by the code enforcement officer, or his duly appointed representative, who may be assisted as he deems necessary by the City attorney.

(3) Meetings. Meetings of the commission shall be open to the public, held at the call of the chairman, and at other times as determined by the commission.

(4) Oaths-certification. The chairman, or the acting chairman in the chairman's absence, may administer oaths and compel the attendance of witnesses. The chairman may issue subpoenas requiring attendance if necessary.

(5) Record. A record of the entire proceedings shall be made by tape recording, or by any other means of permanent recording determined to be appropriate by the commission. Minutes of proceedings showing the vote of each member on each question, or the fact that a member is absent or fails to vote, and records of its examinations and other official actions shall be kept by the commission and filed immediately in the office of community development as public records. Transcripts of tape recordings shall be made within ten working days.

(6) Continuances. The commission may grant continuances for good cause shown.

8.319 Conduct of hearings.

(1) Rules. Hearings need not be conducted according to the technical rules relating to evidence and witnesses.

(2) Oral evidence. Oral evidence shall be taken only on oath or affirmation.

(3) Hearsay evidence. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence, but shall be insufficient in itself to support a finding unless it would be admissible over objection in civil actions in courts of competent jurisdiction in the state.

(4) Admissibility of evidence. Any relevant evidence shall be admitted if it is the type of evidence on which responsible persons are accustomed to rely on in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in courts of competent jurisdiction in the state.

(5) Exclusion of evidence. Irrelevant and unduly repetitious testimony shall be excluded.

(6) Rights of the parties. Each party shall have these rights, among others:

(a) To call and examine witnesses on any matter relevant to the issues of the hearing;

(b) To introduce documentary and physical evidence;

(c) To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;

(d) To impeach any witness regardless of which party first called him to testify;

(e) To rebut evidence against him;

(f) To represent himself, or to be represented by legal counsel of his choice.

(7) Inspection of the premises. The commission may inspect, upon notice to all parties, any building or premises involved in a hearing before the commission during the course of such hearing.

8.320 Purpose of commission.

The commission is empowered to enforce ordinances:

- (1) For the preservation of public safety, relating to the materials used to construct a building or improvement, including the foundation, structural elements, electrical wiring or apparatus, plumbing and fixtures, and entrances or exits;
- (2) Relating to the fire safety of a building or improvement, including provisions relating to materials, types of construction or design, warning devices, fire sprinklers or other fire suppression devices, availability of the water supply for extinguishing fires, or location, design, and width of entrances or exits;
- (3) Relating to dangerously damaged or deteriorated buildings or improvements; or
- (4) Relating to conditions caused by accumulations of refuse, vegetation, or other matter that creates breeding and living space for insects and rodents.

8.321 Commission actions.

The commission may, upon notice and hearing, take action as provided herein to:

- (1) Order the repair, within a 30-day period, of buildings found to be in violation of this code;
- (2) Declare a building substandard in accordance with this code;
- (3) Order, in an appropriate case, the immediate removal of persons or property found on private property, enter private property to secure removal if it is determined that conditions exist on the property that constitute a violation of this code, and order action to be taken as necessary to remedy, alleviate, or remove any substandard building found to exist;
- (4) Issue orders or directives to any peace officer of the state, including the sheriff or constable or the chief of police of the City, to enforce and carry out the lawful orders or directives of the commission;
- (5) Determine the amount and duration of a civil penalty, not to exceed \$2,000.00 per day, the City may recover, when it finds that an owner or an owner's representative:
 - (a) Was actually notified of the provisions of this code; and
 - (b) After receiving notice of the code provisions, committed acts in violation of the code or failed to take action necessary for compliance with the code.

8.322 Orders.

- (1) Written orders. The commission shall cause a written final decision to be prepared when it has made its determination.

(2) A copy of said final decision shall be:

- (a) Sent by certified mail, return receipt requested, to all of those persons entitled to notice of hearing under article 8.2006 hereof;
- (b) Published one time within ten calendar days after mailing as herein provided; and
- (c) Filed in the office of the City secretary.
- (d) Filed with the Denton County Clerk.

(3) Evidence of penalty for judgment. A commission decision to impose a civil penalty is final and binding and constitutes prima facie evidence of the penalty in any court of competent jurisdiction in a civil suit brought by the City for final judgment. No other proof shall be required for a district court to enter final judgment on a penalty established by the building and standards commission other than filing with the district clerk.

8.323 Judicial review.

(1) Standing. Any persons jointly or severally aggrieved by a decision of the commission may present a petition to a district court, duly verified, setting forth that the decision is illegal, in whole or in part, and specifying the grounds for the illegality.

(2) Presentment. The petition must be presented to the court within 30 calendar days after the date of a copy of the final decision was mailed, as provided for in article 8.2022.

(3) District court action.

(a) Writ of certiorari. The court may allow a writ of certiorari directed to the commission to review the decision of the commission. Said writ:

- (i) Shall prescribe the time, not less than ten days, within which a return on the writ must be made, and served on relator or the relator's attorney;
- (ii) May require return of certified or sworn copies of papers or parts of papers; and
- (iii) Shall require the commission to verify and concisely set forth other pertinent facts material to show grounds for the decision appealed from.

(b) Extraordinary remedies. Allowance of a writ does not stay proceedings on the decision appealed from, however, on application, notice to the commission and with good cause shown, a restraining order or injunction may be granted by the court.

(c) Proceedings. If, on a hearing by the court, it appears that testimony is necessary for the proper disposition of the matter, the court may take evidence as it may direct and report the evidence to the court with the referee's findings of fact

and conclusions of law, which constitute a part of the proceedings on which the determination of the court shall be made.

(d) Disposition. The court may:

- (i) Reverse, in whole or in part;
- (ii) Affirm, in whole or in part; or
- (iii) Modify the commission decision.

(e) Costs. Costs may be allowed against the commission only when the court finds it acted with gross negligence, in bad faith, or with malice in making its decision.

(f) Attorney's fees. The court shall enter a judgment on behalf of the City for its attorney's fees and all other costs and expenses incurred, which may be against the property owners as well as all persons found to be in occupation of the subject property, if the commission decision is affirmed or not substantially reversed, but only modified.

8.324 Commission decision final.

If no appeals are taken from the decision of the commission within the required period, the decision of the commission, is in all things, final and binding.

8.325 Lien; abstract.

(1) An abstract of judgment shall be issued against all parties found to be the owners of the subject property or in possession of the property.

(2) A lien holder does not have standing to obtain judicial review on the grounds that the lien holder was not notified of the proceedings before the commission or was unaware of the condition of the property, unless the lien holder had first appeared before the commission and entered an appearance in opposition to the proceedings.

8.326 Municipal court proceeding not affected.

Establishment of the building and standards commission does not affect the ability of the court to proceed under the jurisdiction of the municipal court.

SECTION 2. That all matters stated in the preamble are found to be true and correct and are incorporated herein as if copied in their entirety.

SECTION 3. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, phrases and words of this Ordinance are severable and, if any word, phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining portions of this Ordinance, since the

same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional word, phrase, clause, sentence, paragraph, or section.

SECTION 4. That this Ordinance shall be cumulative of all other City Ordinances and all other provisions of other Ordinances adopted by the City which are inconsistent with the terms or provisions of this Ordinance are hereby repealed.

SECTION 5. Any person, firm or corporation who shall violate any of the provisions of this article shall be guilty of a misdemeanor and upon conviction shall be fined in accordance with the general penalty provision found in The Code of Ordinances, Section 1.109 General Penalty for Violations of Code.

SECTION 6. This ordinance will take effect immediately from and after its passage and the publication of the caption, as the law and Charter in such case provides.

PASSED AND APPROVED by the City Council of the City of Sanger, Texas, on this **16th** day of **June**, 2025.

APPROVED:

Thomas E. Muir, Mayor

ATTEST:

Kelly Edwards, City Secretary

APPROVED TO FORM:

Hugh Coleman, City Attorney

