

ARTICLE X.

PROPERTY MAINTENANCE CODE

Sec. 6-143. Title, purpose, scope.

- (a) *Title:* This article shall be known as the "Property Maintenance Code" of the City of Rockwall and shall be referred to herein as "this code."
- (b) *Purpose:* The purpose of this code is to provide minimum standards and regulations to help safeguard and preserve life or limb, property and public welfare by regulating the use, occupancy, and maintenance of all structures, buildings and properties within the city.
- (c) *Scope:* This code shall apply to all zoning districts, land, properties, structures and buildings within the city, including all vacant, occupied, residential, non-residential, improved or unimproved land, properties, structures and buildings.
- (d) *Other ordinances:* If any other ordinances of the city conflict with this code and the standards and regulations established herein, the higher or stricter standard or regulation shall prevail.
- (e) *Purpose and intent:* It is hereby declared to be the purpose and intent of this code to regulate and control public nuisances and other conditions and circumstances, as herein set forth, that adversely affect the health, safety or welfare of the general public; it is not intended that this code be interpreted or enforced to require the city to intervene in matters which are primarily personal or private in nature and which may appropriately be resolved between or among private interests without material danger to the public health, safety or welfare.

Sec. 6-144. Definitions.

Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. Webster's Third New International Dictionary of the English Language, Unabridged, Copyright 1981, shall be considered as providing ordinary accepted meanings. Words in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine. The following terms are defined as follows and shall apply to all sections of this code unless defined elsewhere in the code:

Enforcement authority. The building official of the city or the person or department to whom the Building Official from time to time may delegate the enforcement responsibility.

Structure. Any residential building, non-residential building, dwelling, condominium, townhouse, apartment unit, detached garage, shed, awning, fence, screening wall, sign, swimming pool, excavation, or any other edifice, erection or material placed or located on any property within the city and any other improvement of any kind or nature.

Owner. Any person claiming or in whom is vested: the ownership, dominion, or title of real or personal property, including, but not limited to:

- (1) Holder of fee simple title,
- (2) Holder of life estate,
- (3) Holder of a lease hold estate for an initial term of five (5) years or more,
- (4) A buyer in possession, or having right of possession under a contract for deed,
- (5) A mortgagee, receiver, executor, or trustee in possession or control, or having right of possession or control, of real property;
- (6) Any agent who is responsible for managing, leasing, or operation of property.

Tenant. Any person or their agent who occupies a structure or property.

Nuisance. The following shall be defined as nuisances:

- (1) Any public nuisance known and established at common law or in equity, jurisprudence,
- (2) Any attractive nuisance known at common law or in equity jurisprudence, including without limitation, any abandoned wells, shafts, basements or excavations, abandoned refrigerators, inoperable motor vehicles, or any structurally unsound fences or structures, or any lumber, trash, fence, debris or vegetation which are or may be hazardous to children;
- (3) Whatever is dangerous to human life or is detrimental to health, and is contrary to the public health, safety, or welfare or in violation of the codes and ordinances of the city;
- (4) Insufficient ventilation or illumination, contrary to the public health, safety or welfare or in violation of the codes and ordinances of the city;
- (5) Inadequate or unsanitary sewage or plumbing facilities, contrary to the public health, safety or welfare or in violation of the codes and ordinances of the city.
- (6) Inadequate or unsafe electrical equipment, contrary to the public health, safety or welfare or in violation of the codes and ordinances of the city.
- (7) Inadequate or unsafe mechanical equipment, contrary to the public health, safety or welfare or in violation of the codes and ordinances of the city.
- (8) Graffiti of any type.
- (9) A tree, shrub or other similar plant of any description which creates a hazard or risk of damage or destruction to persons or property, contrary to the public health, safety or welfare or in violation of the codes and ordinances of the city.
- (10) Any other nuisance or public nuisance as defined by the codes and ordinances of the city.

Premises. Any parcel, lot, or tract of land, including any structure, building, landscaping, or trees thereon or other structure or improvement located thereon.

Graffiti. Words, phrases, designs, symbols, letters or drawings written, painted or scratched on sidewalks, fences, walls, windows, walls of buildings, trees or other structures or items.

Sec. 6-145. Enforcement and inspection.

- (a) The enforcement authority for the article shall be the building official of the city or the person or department to whom the building official delegates the enforcement responsibility.
- (b) Whenever it is necessary to make an inspection to enforce this code, or whenever the enforcement authority has reasonable cause to believe that there exists in any structure or upon any property a condition or violation which is unsafe, dangerous or hazardous or detrimental to the public interest, the enforcement authority may enter such structure or property at all reasonable times to inspect the same; provided that if such structure or property is occupied, he shall first present proper credentials and request entry, and if such entry is refused, the enforcement authority shall have recourse to every remedy provided by law to secure entry.

Sec. 6-146. Responsibility.

- (a) *Owner.* Every owner of the premises shall maintain such premises in compliance with this code. An owner shall not let, rent or lease a premises for occupancy or use, which does not comply with the provisions of the code.
- (b) *Owner and tenant.* Every owner and every tenant of the premises shall maintain the premises in a clean, sanitary, and safe condition, including the disposal of rubbish, garbage, organic or inorganic waste, junk, or other waste in a lawful manner.
- (c) *Transfer of ownership.* It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

Sec. 6-147. Exterior grounds.

- (a) *Sanitation.* All exterior property areas shall be maintained in a clean, safe, and sanitary condition, free from accumulations of rubbish, garbage, junk, or waste,

which constitute a public nuisance, contrary to the public health, safety, or welfare.

- (b) *Grading and drainage.* All property shall be graded and maintained so as to prevent the accumulation of stagnant water thereon, or within or under any structure located thereon. No filling, excavation or other improvement shall be performed or constructed on any property, which will have an adverse effect on an existing drainage pattern on an adjacent property.
- (c) *Sidewalks.* All sidewalks, walkways, steps and areas located on all private property; such as a sidewalk from a street to the front door of a dwelling or business, a sidewalk from a parking area to the primary public entry door of a business, a sidewalk in front of retail businesses such as a shopping center and other similar conditions; shall be maintained by the owner and tenant of such property in a proper state of repair, free of mud, debris or other obstruction that would impair or prevent their use. The owner and tenant of private property adjacent to all sidewalks, walkways, steps, and public areas located on public property shall keep such sidewalks, walkways, steps, and public areas free of mud, debris, or other obstruction that would impair or prevent their use.
- (d) *Rodent and insect control.* Every owner and every tenant of a structure or property shall keep such property or structure free of, insects, rats, fire ants, vermin, or other pests which create a hazard or a nuisance to adjacent property or are otherwise detrimental to the public health, safety or welfare.
- (e) *Glare.* Exterior lights placed or erected on private property shall be directed down and shall be of an indirect, diffused, or shielded type luminaries and so installed as not to produce harsh, bright light or direct illumination across the property line from a visible source of illumination so as not to create a traffic hazard or a public nuisance.
- (f) *Nuisances.* All properties shall be maintained free of nuisances as defined in this article.
- (g) *Antennas, towers, stacks, etc..* Antennas, towers, stacks, and similar structures must be maintained structurally sound, free of deterioration, and firmly secured.
- (h) *Fence.* All fences shall be maintained reasonably plumb and structurally sound. Each structural and decorative member of a fence shall be free of deterioration and be compatible in size, material, and appearance with the remainder of the fence. A fence that has deteriorated to a condition that it is likely to fall shall be repaired or replaced. Fences shall not be externally braced in lieu of replacing or repairing posts, columns, or other structural members.
- (i) *Accessory structures.* Carports, awnings, patio covers, garages, sheds, storage buildings and other accessory structures shall be maintained structurally sound, and free of deterioration. All accessory structures shall be protected from the elements by periodic painting, staining, or other weatherproofing or surface protection.

- (j) *Swimming pools and spas.* Swimming pools, spas, and similar structures shall be maintained safe, clean, sanitary, secure, and structurally and mechanically sound in accordance with applicable codes and ordinances of the city.
- (k) *Outside storage.* It shall be unlawful for any person owning, claiming, occupying or having supervision or control of any real property, occupied or unoccupied, to allow, permit, conduct or maintain any trash, rubbish, unused construction materials (unless being used in conjunction with a current building permit), plumbing fixtures, auto parts, discarded furniture, household appliances, objectionable, unsightly or unsanitary matter or any other items or personal property not customarily used or stored outside and which are not made of a material that is resistant to damage or deterioration from exposure to the outside environment, to accumulate thereon, unless otherwise allowed by the comprehensive zoning ordinance. It is a defense to prosecution, if these items (except for trash, rubbish or items that create an unsanitary condition or health hazard) are screened from view from public right of way and adjacent properties.

Sec. 6-148. Exterior of structure property maintenance regulations.

- (a) *General.* The exterior of a structure shall be maintained structurally sound.
 - (1) When more than fifty (50) percent of the appraised tax value is spent for additions, alterations, or repairs, such building or structure shall be made to conform to the requirements for new buildings or structures.
 - (2) No person, firm, or corporation shall erect, construct, enlarge, alter, repair, move, improve remove, convert, or demolish any building or structure, or cause or permit the same to be done, without first obtaining a separate building permit for each such building or structure from the building official in the manner and according to the applicable conditions prescribed in the building code.
 - (3) Whenever a building permit is required, the appropriate fees shall be paid to the city.
 - (4) All buildings or structures within the scope of this code and all construction or work for which a permit is required shall be subject to inspection by the building official in accordance with and in the manner provided by this code and the building code.
- (b) *Structural members.* All supporting structural members of all structures shall be kept structurally sound, free of deterioration and maintained capable of safely bearing the dead and live loads upon them.
- (c) *Exterior surfaces.* The foundation, exterior wall, floor, roof, and all exterior surfaces of every structure shall be maintained in a state of repair sufficient to exclude rats, rodents, birds, vermin, and other animals. Peeling paint, cracked or loose plaster, broken glass, decayed wood and other defective surface conditions shall be repaired, replaced, repainted or restored.

- (d) *Foundation walls.* All foundation walls shall be maintained so as to safely carry applicable dead and live loads that are imposed upon the foundation walls.
- (e) *Exterior walls.* The exterior wall of every structure shall be free of holes, breaks, loose or rotting boards or timbers, and any other conditions, which might admit rain or dampness to the interior portions of the walls or to the interior of the structure. The exterior wall surface materials of every structure shall be maintained weatherproof or the surface protected as required to prevent deterioration.
- (f) *Roofs.* The roof of every habitable structure shall be structurally sound, tight, and free of leaks, and roof drainage shall be adequate to prevent rainwater from causing dampness in the walls or interior portion of the structure.
- (g) *Decorative features.* The cornices, entablatures, belt courses, corbels, terra cotta trim, wall facings, and similar decorative features of every structure shall be maintained in good repair with proper anchorage and in a safe condition.
- (h) *Exterior attachments.* All exterior canopies, marquees, signs, awnings, stairways, fire escapes, standpipes, rain gutters, exhaust ducts and similar overhang extensions attached to a structure shall be maintained in good repair and be properly anchored so as to be kept in a safe and sound condition, and their exterior surface materials shall be maintained weatherproof and shall be painted or protected as required to prevent deterioration.
- (i) *Chimneys.* All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe, sound, properly mortared and in good repair, and their exterior surface materials shall be maintained weatherproof and shall be painted or protected as required to prevent deterioration.
- (j) *Stairs and porches.* Every stair, porch, balcony, and all appurtenances attached thereto shall be so constructed as to be safe to use and capable of supporting the loads to which it is subjected and shall be kept in sound condition and good repair, and their exterior surface materials shall be maintained weatherproof and shall be painted or protected as required to prevent deterioration.
- (k) *Window and door frames.* The windows, doors, and frames of every habitable structure shall be constructed and maintained in such relation to the adjacent wall construction so as to exclude rain as completely as possible from entering the dwelling or structure.
- (l) *Weather-tight.* The windows and exterior doors of every habitable structure shall be fitted in their frames so as to be reasonably weather-tight and shall be kept in sound condition and good repair.
- (m) *Glazing.* Every window and/or window sash shall be fully supplied with approved glazing materials, which are without open cracks and holes. A window and/or window sash may be temporarily secured and/or closed with alternate materials approved by the enforcement authority during construction, remodeling, or repairs.

- (n) *Door hardware.* The exterior doors, door hinges, and door latches of every habitable structure shall be maintained in good condition. Door locks in exterior doors of dwelling units shall be maintained in good repair and capable of tightly securing the door. All means of egress doors shall be readily operable from the side from which egress is to be made without the need for keys, special knowledge, or effort, except where the door hardware conforms to that permitted by the building code.
- (o) *Garage doors.* Shall be capable of being closed reasonably plumb, properly attached and the exterior surface maintained weatherproof as required to prevent deterioration.

Sec. 6-149. Interior of structure property maintenance regulations.

- (a) *General.* The interior of a residential structure and its equipment shall be maintained structurally sound and in a sanitary condition so as not to pose a threat to the health and safety of the occupants, and to protect the occupants from the environment.
 - (1) When more than fifty (50) percent of the appraised tax value is spent for additions, alterations, or repairs, such building or structure shall be made to conform to the requirements for new buildings or structures.
 - (2) No person, firm, or corporation shall erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building or structure, or cause or permit the same to be done, without first obtaining a separate building permit for each such building or structure from the building official in the manner and according to the applicable conditions prescribed in the building code.
 - (3) Whenever a building permit is required, the appropriate fees shall be paid to the city.
 - (4) All buildings or structures within the scope of this code and all construction or work for which a permit is required shall be subject to inspection by the building official in accordance with and in the manner provided by this code and the building code.
- (b) *Structural members.* The supporting structural members of every building shall be maintained structurally sound, not showing any evidence of deterioration which would render them incapable of carrying the imposed loads.
- (c) *Free from dampness.* Cellars, basements, and crawl spaces of every structure shall be maintained reasonably free from dampness to prevent conditions conducive to decay or deterioration of the structure.
- (d) *Sanitation.* The interior of every structure shall be maintained in a clean and sanitary condition free from excessive or unnecessary accumulation of rubbish, refuse, or garbage.

- (e) *Storage.* Garbage or refuse shall not be allowed to accumulate on any property or be stored in public halls or stairways of any building.
- (f) *Insect and rat harborage.* All structures shall be kept free from insect and rat infestation, and where insects or rats are found; they shall be promptly exterminated by processes permitted by the codes and ordinances of the city, which will not be injurious to human health. After extermination, proper precautions shall be taken to prevent re-infestation.
- (g) *Exit facilities.* Every stair, ramp, landing, balcony, porch, deck, or other walking surface shall be maintained in sound condition and good repair. All means of egress doors shall be readily operable from the side from which egress is to be made without the need for keys, special knowledge, or effort, except where the door hardware conforms to that permitted by the building code.
- (h) *Handrails, guardrails and grab bars.* Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.
- (i) *Plumbing fixtures.* Every residential dwelling structure and unit shall be provided with a kitchen sink, water closet, lavatory, and a bathtub or shower.
- (j) *Sewer.* Every residential unit shall be provided with plumbing fixtures connected to the sanitary sewer, or to a private sewage system permitted by the codes and ordinances of the city if sanitary sewer is not available. All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary, and functional condition.
- (k) *Water.* All plumbing fixtures in residential units shall be connected to an approved water supply and each sink, lavatory and either a bathtub or shower shall be provided with hot and cold running water, except where deemed by the enforcement authority as not necessary for safety and sanitation.
- (l) *Heating and cooling.* Every residential unit shall be provided with heating facilities capable of maintaining a room temperature of at least sixty-eight (68) degrees Fahrenheit. at a point three (3) feet above the floor at all times in all habitable rooms. All heating and cooling facilities shall be operable, and shall be installed and maintained in a safe condition in accordance with the codes and ordinances of the city. All heating and cooling devices or appliances shall be of an approved type.
- (m) *Electrical equipment.* All electrical equipment, wiring, and appliances shall be installed and maintained in a safe manner in accordance with the codes and ordinances of the city. Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

Sec. 6-150. Dangerous property.

- (a) *Declaration of dangerous.* Failure of the owner to maintain any structure or property or portion of structure or property as required by sections 6-179, 6-180 or 6-181 of this article to an extent that endangers the life, limb, health, property, safety or welfare of the public or the occupants thereof shall be grounds for the enforcement authority to declare the structure or property dangerous.
- (b) *Order to vacate.* When an occupied structure or property is declared dangerous and is in such condition as to make it immediately dangerous to the life, limb, property or safety or welfare of the public or of the occupants, there shall be grounds for the enforcement authority to order the structure or property vacated.

Sec. 6-151. Enforcement procedures: notice, appeal, and recovery of costs.

- (a) Whenever the enforcement authority has found and determined that a building or structure is substandard and should be vacated, the enforcement authority shall give notice in accordance with the provisions of the city's dangerous building code and shall have, exercise and perform the rights, duties and functions of the enforcement authority therein set forth.
- (b) Appeals of any determination of the enforcement authority shall be to the city's building and standards commission in accordance with the procedures for appeal under the provisions set forth herein.
- (c) Enforcement of orders issued by the enforcement authority or the building and standards commission shall be in accordance with the provisions of this code, and the enforcement authority and the commission shall have, exercise and perform the powers, duties and functions of the building official and the commission herein set forth.
- (d) Except for orders to vacate, enforcement of any notice and order of the enforcement authority under this article shall be stayed during the pending of an appeal there from which is properly and timely filed. The decision of the commission is final.

Sec. 6-152. Enforcement of order and cost recovery.

- (a) Failure of an owner to comply with any notice or order that has become final shall be ground for the enforcement authority to take whatever action is necessary to bring the structure or property into compliance.
- (b) All costs for these curing, taking down and removal, and or restoring, of buildings declared dangerous pursuant to this article shall be levied, assessed and collected in accordance with the provisions of this code.

Sec. 6-153. Notice of violation and abatement of nuisances.

- (a) In the event a nuisance as defined by this article is found to exist upon any property within the city, or in the event that any person, firm or corporation owning, claiming, occupying, or having supervision or control of any property within the city limits, fails to comply with the foregoing provisions of this article, it shall be the duty of the enforcement authority, or his duly appointed representative to give a minimum of seven (7) days' official notice in writing to such person, firm, or corporation which is creating and/or allowing the continuance of such nuisance, or is violating the terms of this article. If such person, firm, or corporation fails or refuses to comply with the provisions of this article within the specified period following notification, they shall be considered to be in violation and subject to fine and penalties as provided by this article.
- (b) The notice shall be in writing and may be served on the property owner, or agent of same, by handing it to him in person, by United States mail, addressed to such owner, or agent of same, at his post office address, or if the address is unknown, then by posting such notices on the front door of the dwelling or establishment or where no building exists by posting on a sign in the front yard of the property.
- (c) The provisions above shall apply to all real properties occupied or unoccupied, except that the requirement of a seven-day official notification is met and fulfilled when the enforcement authority has given a seven-day notice in writing at least one (1) time in any calendar year to such person, firm, or corporation which is creating such nuisance or is otherwise in violation of this article.
- (d) The city shall be further entitled to go upon such above properties and do or cause to be done the work necessary to abate any public nuisance existing in violation of this article if such person, firm or corporation fails or refuses to comply with the provisions of this article within the specified period following official notification.
- (f) All costs for abatement of any such public nuisance, or any part thereof, including costs for mailing of notice and filing of a statement with the county clerk and interest shall be levied, assessed, and collected against such property or upon which such public nuisance, or any part thereof, is located. If any owner of such property shall fail to pay the costs so assessed within thirty (30) days after being notified of such costs, the city shall file with the County Clerk of Rockwall County, Texas, a statement of said costs. The city shall have a privileged lien on the premises and the personal obligation of the owner of such property, to receive the costs so made. For any such costs, suit may be instituted in the name of the city; and the statement of costs, as provided previously in this article, shall be prima facie proof of the costs expended in such work.

Sec. 6-154. Implementation of state statute.

The city council of the city by this adoptive article, hereby implements Subchapter C of Chapter 54, Local Government Code of the State of Texas.

Sec. 6-155. Enforcement.

Building and standards commission. The building and standards commission has been created to provide a reasonable interpretation of the provisions of this code, to mitigate specific provisions of this code, which create practical difficulties in their enforcement, to hear cases and make determinations, and to make recommendations as provided for in section 6-189 of this article.

Sec. 6-156. Creation of building and standards commission.

- (a) *Creation and organization.* There is hereby created a commission known as the building and standards commission. The rules shall be organized as follows:
 - (1) The building and standards commission shall consist of seven (7) regular members appointed by a majority of the city council. A quorum shall consist of four (4) members.
 - (2) In the case of a vacancy on the commission, the city council by a majority vote may appoint a replacement member to the commission. Any person appointed shall serve until the expiration of the term of office of the vacated position.
 - (3) Each member of the commission shall be a resident citizen and qualified voter of the city.
 - (4) Upon the initial appointment of the commission by the city council, members shall draw lots for three (3) two-year terms and two (2) one-year terms of service. Thereafter, the term of office of members of the commission shall be for two (2) years. Members may be removed before their terms of office expire as provided herein.
 - (5) Members shall serve without compensation.
 - (6) Council may remove a member for cause on a written charge. Before a decision regarding a removal is made, the council must hold a public hearing on the matter if requested by the commission member subject to the removal action.
- (b) *Meetings.* The commission shall hold its meetings on the call of the chairman, or at such other times as the board may determine. All meetings shall be open to the public.
- (c) *Quorum.* All cases to be heard by the commission must be heard by at least four (4) members.
- (d) *Chairman and vice chairman.* A chairman and a vice-chairman shall be elected by the members of the commission at the first meeting following the annual appointment of the new members.
- (e) *Records.* The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of

which shall be immediately filed in the office of the board and shall be a public record.

- (f) *Vote.* The concurring vote of four (4) members of the commission shall be necessary for the adoption of any motion, the issuance of any order, the making of any recommendation, or the determination of the amount and duration of any civil penalty. Only the members of the commission present shall have voting privileges.
- (g) *Rules and regulations.* The commission shall adopt rules in accordance with this article and pursuant to Subchapter C, Chapter 54.032, Texas Local Government Code, as amended. The rules shall establish procedures for use in hearings, providing ample opportunity for presentation of evidence and testimony by respondents or person opposing charges brought by the municipality or its building officials relating to alleged violation of ordinances, as specified in said Subchapter C.
- (h) *Appeals to the commission.* Appeals to the commission may be made by any person aggrieved, or by a municipal officer, department, or board affected by any decision (related to this article) of the building official. Such appeal shall be filed with the commission chairman within fifteen (15) days after the original decision is rendered. All papers constituting the record pertaining to such appeal shall accompany the appeal. Formal notice of the appeal shall be issued by the commission chairman, such notice to specify the grounds upon which the appeal is made. The commission shall set a reasonable time for the hearing of the appeal. Notice of all proceedings before the commission must be given as follows:
 - (1) By certified mail, return receipt required to the record owners of the attached property, and such 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; and
 - (2) 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 practicable.
 - (3) The notice shall be mailed and posted on or before the tenth day before the date of the hearing before the commission and must state the date, time, and place of the hearing. In addition, the notice must be published in a newspaper of a general circulation in the city at least ten (10) days before the hearing.

Sec. 6-157. Jurisdiction and authority.

- (a) *Jurisdiction of the commission.* The building and standards commission shall have the quasi-judicial authority to enforce this article as authorized by Subchapter C, Chapter 54, Texas Local Government Code, as amended and as herein specified.

- (b) *Authority of the commission.* The commission shall have, by majority vote, jurisdiction to:
- (1) Uphold the determination and order of the enforcement authority.
 - (2) Allow a reasonable time in which to comply with the determination or order of the enforcement authority and the requirements of this article.
 - (3) Accept an alternate method for compliance with the provisions of this article or order of the enforcement authority when it can be demonstrated that such alternate method meets the intent of the article.
 - (4) When it is determined that, due to peculiarities of the property; a literal enforcement of this ordinance would result in an unnecessary hardship, the building and standards commission may allow the minimal variations necessary to relieve the hardship when such minimal variations will not result in danger to persons or property or will not result in a lack of maintenance so as to effect the appearance and/or values of the neighborhood.
 - (5) The authority and functions of the commission, as enumerated in this section above, are a non-exhaustive listing of the powers of the commission. The commission may acquire and exercise such other power and authority as granted by the city council. With respect to subsections (6), (7), (8) and (9) below, the commission determination or order shall serve only as a recommendation to the city council if such determination or order of recommendation is appealed by the owner. The owner shall have ten (10) days to appeal the commission's order in writing to the city council. Notice of the hearing before the council shall be given in accordance with Chapter 54, Subchapter C, Texas Local Government Code. The decision of the council shall be final. In the absence of an appeal of a determination or order of recommendation made by the commission, the action of the commission shall stand.
 - (6) Declare a building dangerous in accordance with the powers granted by Subchapter C, Chapter 54, Texas Local Government Code, as amended, and in accordance with Subchapter A, Chapter 214, of the Texas Local Government Code, as amended.
 - (7) Order, in the appropriate case, the immediate removal of persons or property found on private property, enter on private property to secure the removal if it is determined that conditions exist on the property that constitute a violation of an ordinance, and order action to be taken as necessary to remedy, alleviate or remove any substandard building found to exist;
 - (8) Issue orders or directives to any peace officer of the state, including a sheriff or constable or the chief of police of the city, to enforce and carry out the lawful orders or directives of the commission.

- (9) Determine the amount and duration of the civil penalty the city may recover against the owner or owner's representatives with control over the premises, in a suit for such purposes, on proof that such party was notified of the provisions of the ordinance, as defined herein, and after receiving notice of the ordinance provisions, said party committed acts in violation of the ordinance or failed to take action necessary for compliance with the ordinance, such civil penalty not to exceed one thousand dollars (\$1,000.00) a day for violation of such ordinance, all as provided by Section 54.017, Chapter 54, Texas Local Government Code, and as amended.

Secs. 6-158—6-167 Reserved.