

Secs. 6-84—6-95. Reserved.**ARTICLE VI. DANGEROUS BUILDINGS*****Sec. 6-96. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Building means any structure of any kind or character or any part thereof which has been erected upon any land within the city, irrespective of the material from which the structure has been built.

Dangerous building means any of the following:

- (1) Any building with roof, ceiling, floors, sills or foundations, or any combination thereof, rotted or decayed and falling apart, with windows out, or which is uninhabitable, untenantable, and unsightly, due to obsolescence and deterioration caused by neglect, vandalism, fire damage, old age or the elements.
- (2) Any building in danger of falling and in juring any person or property which might be on and about the premises.
- (3) Any building which is a fire menace by virtue of containing in or near the building accumulations of trash, rubbish and debris; or which, by virtue of its abandonment or neglect, is likely to attract children or transients who may start fires on the premises or which contains accumulations of combustible material which may catch fire either by accident or on purpose.
- (4) Any building which has any condition described in subsections (1), (2) and (3) of this definition, which is damp or in an insanitary condition which is likely to create disease and sickness, or which is likely to pro-

*Cross references—Fire prevention and protection, ch. 8; health, ch. 11.

State law reference—Dangerous structures, V.T.C.A., Local Government Code § 214.001 et seq.

vide breeding places and a habitat for snakes, rats, mice and other vermin which are detrimental to the public health.

- (5) Any other building described in V.T.C.A., Local Government Code § 214.001(a). (Ord. of 6-24-69, § II; Code 1984, § 6-96) Cross reference—Definitions generally, § 1-2.

Sec. 6-97. Prohibited; declared a nuisance.

It shall be unlawful for any person to own or maintain, or permit to stand upon any premises within the city, any dangerous building, and all such dangerous buildings are hereby declared to be unlawful and public nuisances. (Ord. of 6-24-69, § I; Code 1984, § 6-97)

Sec. 6-98. Inspection of buildings.

An inspection shall be made of every building located within the city which is suspected of being in violation of this article. The building inspector and his assistants are hereby authorized to conduct inspections of all such buildings suspected of being in violation of this article. (Ord. of 6-24-69, § III; Code 1984, § 6-98)

Sec. 6-99. Notice to owner to bring building into compliance.

Whenever a violation of this article has been discovered and reported by a building inspector, the owner of the premises involved, and the occupant, if any, shall be given written notification of the nature of the violation and the date on which a reinspection shall be made to determine if the violation has been eliminated. No reinspection shall be made until the person responsible for a violation under the provisions of this article has been given a reasonable time to eliminate the conditions constituting the violation. (Ord. of 6-24-69, § IV; Code 1984, § 6-99)

Sec. 6-100. Public hearing; compliance with law; demolition by city; notice to owner; costs; lien.

(a) There shall be a public hearing to determine whether a building complies with the standards set out in this article, and the city shall also comply with all other provisions of V.T.C.A., Local Government Code § 214.001.

(b) Whenever a dangerous building has been found to exist, and whenever the owner or occupant thereof has failed to correct the conditions which make such building a dangerous building within the meaning of this article, and when re-inspection of the premises by the building inspector reveals that the building constitutes an immediate danger or injury to the occupants of such premises or to adjoining property or persons or to the public, and the cost of alleviating the conditions which go to make the building a dangerous building is not reasonably related to the value of the building, a notice of intent to order the demolition of the building shall be served on the owner by the building inspector, by certified mail, to his post office address as shown on the city tax rolls; or, if his address is unknown and cannot by the exercise of reasonable diligence be ascertained, such notice shall be served by publication for not less than two times within ten consecutive days, in the official newspaper of the city, and if the violation is not eliminated within 30 days from the date of such notice, the city may demolish and remove the building, or cause such demolition and removal to be done, and charge the expenses incurred in doing such work or having such work done, to the owner of the land. If the work is done at the expense of the city, then the expense may be assessed on the lot, parcel or tract of land, or to the premises upon which the expense was incurred.

(c) For the purposes of this section, any repair, alteration or improvement which is determined by the building inspector to cost more than 50 percent of the gross assessed valuation of the building, exclusive of land value, shall be deemed not to be reasonably related to the value of the building.

(Ord. of 6-24-69, § V; Code 1984, § 6-100)

Sec. 6-101. Statement of expenses; nature of lien.

The city secretary or the building inspector shall file a statement of such expenses incurred under section 6-100, giving the name and address of the owner if that information can be determined with a reasonable effort, a legal description of the real property on which the building was located, the amount of expenses incurred by the city, the bal-

ance due, and the date on which the work was done or improvements made, with the county clerk. The city shall have a privileged lien on the lot, lots or other premises or real estate upon which the building was located, to secure the repayment of the expenditures made, which lien shall be second only to tax liens and all previously recorded bona fide mortgage liens attached to the real property to which the city's lien attaches. The amount owed to the city shall bear six percent interest from the date the statement was filed. It is further provided that suit may be filed by the city for the recovery of the expenses so incurred, and for the foreclosure of the lien, and the statement of expenses so made, as aforesaid, or a certified copy thereof, shall be prima facie proof of the amount expended for the work. (Ord. of 6-24-69, § VI; Code 1984, § 6-101)