

**City of Gatesville  
Spur Capital of Texas**

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**Chapter 5- Building and Structures**

**CHAPTER 5**  
**BUILDINGS AND STRUCTURES**

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**ARTICLE I.**

**IN GENERAL**

SECTION 5-1 (a) of the Code of Ordinances of the City of Gatesville is deleted and the following is substituted therefore:

(a) "The City of Gatesville does hereby adopt the following Codes by reference as though they were copied herein fully:

(1) International Building Code ----- 2012 Edition

[a] EMS Facility Chapter 3, Sec. 304, Business (Ordinance 2013-09)

(2) International Residential for

One and Two Family Dwelling Code ----- 2012 Edition

[a] Such International Residential Code is amended by deleting the following from Table P3002.1(2):

1. ABF-DWV pipe and fittings ASTM D 2661;
2. ABS-DWV sch. 40 pipe with cellular core ASTM F 628;
3. Co-extruded PVC plastic pipe with cellular core ASTM F 891;
4. Co-extended composite ABS-DWV pipe and fittings ASTM F 1488;
5. Solvent cement for ABS-DWV pipe and fittings ASTM D 2235;

6. Co-extruded composite ABS DWV sch. 40 IPS pipe (solid or cellular core) solvent cement fittings ASTM F 1488, ASTM D 2235, ASTM D 2661, ASTM F 628;
7. Co-extruded composite PVC DWV sch. 40 IPS pipe (solid or cellular core) solvent cement fittings ASTM F 1488, ASTM D 2564, ASTM D 265, ASTM F 891;
8. Co-extruded composite PVC DWV IPS pipe-DR-PS 140 PS200 solvent cement fittings ASTM F 1488, ASTM D 2564, ASTM D 2665, ASTM F 891;
9. ABS-DWV pipe and fittings ASTM D 2661
10. ABS Sewer pipe and fittings ASTM D 2751;
11. Type PSM/PVC sewer pipe and fittings ASTM D 3034;
12. ABS sch. 40 DWV pipe with cellular core ASTM F 628;
13. Co-extruded PVC sch. 40, PS 50 or PS 100 plastic pipe with cellular core ASTM F 891;
14. Solvent cement for ABS-DWV pipe and fittings ASTM D 2235;
15. Co-extruded composite ABS DWV sch. 40 IPS pipe (solid or cellular core) solvent cement fittings ASTM F 1488, ASTM D 2235, ASTM D 2661, ASTM F 628;
16. Co-extruded composite PVC DWV sch. 40 IPS pipe (solid or cellular core) solvent cement fittings ASTM F 1488, ASTM D 2564, ASTM D 2665, ASTM F 891;
17. Co-extruded composite PVC DWV IPS-DR-PS in PS35, PS50, PS100, PS140, PS200 solvent cement fittings ASTM F 1488, ASTM D 2564, ASTM D 2665, ASTM F 891;
18. Co-extruded composite ABS sewer and drain pipe DR-PS in PS35, PS100, PS140, PS200 solvent cement fittings ASTM F 1488, ASTM D 2235, ASTM D 2751;
19. Co-extruded composite PVC sewer and drain pipe DR-PS in PS35, PS50, PS100, PS140, PS200 solvent cement fittings ASTM F 1488, ASTM D 2564, ASTM D 3034, ASTM F 789.

[b] Such International Residential Code is hereby amended by deleting the provisions of P3005.2.2 Spacing thereof and substituting the following:

"P3005.2.2 Spacing. Clean out shall be installed not more than eighty (80) feet apart in horizontal drainage lines."

[c] Such International Residential Code is hereby amended by deleting the provisions of P2904 Dwelling Unit Fire Sprinkler System

[d] Such International Residential Code is hereby amended by deleting Chapters 34 through 41 there from.

(3) International Fire Code ----- 2012 Edition

(4) International Mechanical Code ----- 2012 Edition

(5) International Plumbing Code ----- 2012 Edition

[a] Such International Plumbing Code is hereby amended by changing 106.6.2 Fee Schedule on page 5 as follows:

[1] 106.6.2 Fee Schedule. The fees for all plumbing work shall be indicated in Article I, Section 5-2 of the Code of Ordinances of the City of Gatesville.

[b] Such International Plumbing Code is hereby amended at Section 108.4 Violation penalties by specifying the offense to be "Class C Misdemeanor" a fine amount of not more than Two-Thousand

Dollars (\$2,000.00) and by deleting the words "or by imprisonment not exceeding (number of days), or both such fine and imprisonment."

[c] Such International Plumbing Code is hereby amended by deleting Section 109 Means of Appeal.

[d] Such International Plumbing Code is hereby amended by inserting the number "12" at two places in section 305.6.1 Sewer Depth and remove private sewage disposal systems.

[e] Such International Plumbing Code is hereby amended by deleting Section 404 for the reason that access ability to plumbing facilities shall be governed by the statutes of the State of Texas rather than by ordinance of the City of Gatesville.

[f] Such International Plumbing Code is hereby amended at Section 708.3.1 by changing 100 feet to 80 feet in that Paragraph.

[g] Such International Plumbing Code is hereby amended at Section 708.3.2 by providing that 100 feet be changed to 80 feet where it appears in that paragraph and by extending the last sentence to read "manholes and manhole covers shall be of and approved by the City".

[h] Such International Plumbing Code is hereby amended at Section 904.1 by inserting six (6) inches in the first sentence so that such first sentence reads: "All open vent pipes that extend through a roof shall be terminated at least six (6) inches above the roof, except that where a roof is to be used for any purpose other than weather protection, the vent extension shall run at least seven (7) feet above the roof."

(6) National Electric Code ----- 2011 Edition

[a] Such National Electric Code is hereby amended at Section 230.27 Means of Attachment as follows:

"230.27 Means of Attachment. Multi-conductor cables used for service drops shall be attached to buildings or other structures by eye bolt fittings." The remaining sentence of that section will remain as published.

[b] Such National Electric Code is hereby amended at Section 230.70 (A)(1) so that the same shall read "The disconnecting means shall be installed at a readily-titled meter height as follows: 230.68 meter height, meter height not to exceed five (5) feet, six (6) inches, or be less than four (4) feet, (6) inches to the center of the meter."

[c] Such National Electric Code is hereby amended at Section 230.70 (A) by adding another new meter location so that the new Section shall be added as follows:

"(2) 230.69 meter location, meter shall be located on all new residential construction either on the front of the home or no further than three (3) feet from the front on the side of the home and such meter shall not be enclosed by fence."

(7) International Fuel Gas Code ----- 2012 Edition

(8) International Energy Conservation Code ----- 2012 Edition

(a) That certain documents, one (1) copy of which are on file in the office of the City Secretary and the City of Gatesville, being marked and designated as the International Energy Conservation Code, as published by the International Code Council, be and is hereby adopted as the code of the City of Gatesville for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, replacement, addition to, use or maintenance of the building envelope, mechanical, lighting and power systems in the City of Gatesville and providing for the issuance of permits and

collection of fees therefore; and each and all of the regulations, provisions, conditions and terms of such International Energy Conservation Code, 2012 edition, published by the International Code Council, on file in the office of the City of Gatesville are hereby referred to, adopted and made a part hereof as if fully set out in this ordinance.

(9) International Property Maintenance Code 2012 edition-----

The City of Gatesville has approved and adopted the following inserts in the International Property Maintenance Code 2012 edition:

Section 101.1. Insert: City of Gatesville

Section 103.5. Insert: As determined by Code Enforcement by job

Section 112.4. Insert: One (1) to a Thousand (1000)

Section 302.4. Insert: Twelve (12) inches

Section 304.14. Insert: January 1st to December 31st

Section 602.3 Insert: January 1st to December 31st

Section 602.4 Insert: January 1st to December 31st

(Ord. 2013-04, 4-23-13)

## ARTICLE II.

### BUILDING

Section 5-2 Fees for buildings:

(a) New single-family residential construction. All fees for new single-family residential construction shall be calculated at a rate of thirteen cents (\$0.13) per square foot based on the total square footage under roof. This fee includes permits for the structure, electrical, mechanical, plumbing, certificate of occupancy, and plans review. This fee does not include permits for fences, storage buildings, accessory structures, lawn irrigation, whole house water softener units, or swimming pools.

(b) Multifamily, commercial, etc., construction. All fees are based on total square footage. The fee for new construction for duplexes, townhouses, multifamily, all commercial (except shell buildings, warehouses and parking garages), and all additions to square footage under roof, (includes storage buildings, patio covers, modular/portable buildings and carports) shall be as follows:

(c) Local taxing authorities and Coryell Memorial Hospital shall be exempt from payment of the herein below-described fees for building permits.

**Building Area**

Square Feet	Building	Electrical	Mechanical	Plumbing	Plans
500 or less		\$30.00	\$30.00	\$30.00	\$30.00
501--1,000 60.00		70.00	40.00	40.00	40.00
1,001--1,500		100.00	40.00	40.00	40.00
1,501--2,000		130.00	50.00	40.00	50.00
2,001--2,500		160.00	60.00	40.00	60.00
2,501--3,000		190.00	70.00	40.00	70.00
3,001--3,500		220.00	80.00	45.00	80.00
3,501--4,000		250.00	90.00	50.00	90.00
4,001--4,500		280.00	100.00	55.00	100.00
4,501--5,000		310.00	110.00	60.00	110.00
5,001--5,500		340.00	120.00	65.00	120.00
5,501--6,000		370.00	130.00	70.00	130.00
6,001--6,500		400.00	140.00	70.00	140.00
6,501--7,000		430.00	150.00	80.00	150.00
7,001--7,500		460.00	160.00	85.00	160.00
7,501--8,000		490.00	170.00	90.00	170.00
8,001--8,500		520.00	180.00	95.00	180.00
8,501--9,000		550.00	190.00	100.00	190.00
9,001--9,500		580.00	200.00	105.00	200.00
9,501--10,000		610.00	210.00	110.00	210.00
10,001--15,000		915.00	315.00	165.00	315.00
15,001--20,000		1215.00		415.00	215.00
20,001--25,000		1515.00		515.00	265.00
25,001--30,000		1815.00		615.00	315.00
30,001--35,000		2115.00		715.00	365.00
35,001--40,000		2415.00		815.00	415.00
					815.00
					2015.00

40,001--45,000	2715.00	915.00	465.00	915.00	2265.00
45,001--50,000	3015.00	1015.00	515.00	1015.00	2515.00

(c) Finishing, repairs, maintenance, other. The fee for remodeling, alterations, repairs, finish-out of shell buildings, and other construction, including swimming pools, signs, storage buildings, lawn irrigation, whole house water softeners, etc., shall be as follows:

Dollar

Valuation	Building	Electrical	Mechanical	Plumbing	Plans
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\$ 0--2000.00	\$25.00	\$25.00	\$25.00	\$25.00	\$25.00
2000.01--3000.00	33.00	26.00	25.00	26.00	33.00
3000.01--4000.00	43.00	35.00	26.00	35.00	43.00
4001.01--5000.00	54.00	43.00	33.00	43.00	54.00
5001.01--6000.00	65.00	52.00	39.00	52.00	65.00
6001.01--7000.00	76.00	61.00	46.00	61.00	76.00
7001.01--8000.00	87.00	69.00	52.00	69.00	87.00
8001.01--9000.00	98.00	78.00	59.00	78.00	98.00
9001.01--10,000.00	109.00	87.00	65.00	87.00	109.00
10,000.01--11,000.00	119.00	95.00	72.00	95.00	119.00
11,000.01--12,000.00	130.00	104.00	78.00	104.00	130.00
12,000.01--13,000.00	141.00	113.00	85.00	113.00	141.00
13,000.01--14,000.00	152.00	122.00	91.00	122.00	152.00
14,000.01--15,000.00	163.00	130.00	98.00	130.00	163.00
Plus per \$1000.00	6.00	5.00	4.00	5.00	6.00
over \$15,000.00					
50,000.01--100,000.00	373.00	305.00	238.00	305.00	373.00
Plus per \$1000.00	5.00	4.00	3.00	4.00	5.00
Over \$50,000.00					
100,000.01--500,000.00	623.00	505.00	388.00	505.00	623.00
Plus per \$1000.00	4.00	3.00	2.00	3.00	4.00
Over \$100,000.00					

500,000.01-up	2223.00	1705.00	1188.00	1705.00	2223.00
Plus per \$1000.00	1.00	1.00	1.00	1.00	1.00
Over \$500,000.00					

Note:

(1) Mechanical--Air conditioning, heating, ventilation, exhaust and refrigeration systems.

(2) Plumbing--All connections to a water or sewerage system. Gas pipe systems are to be permitted separately. The plumbing fee column shall be used for gas piping systems.

(3) Permit fees are calculated from the total project value (sum total of the applicable building, electrical, mechanical, plumbing, gas, and fire sprinkler systems). However, no single such individual permit fee shall exceed 50% of its own individual value.

(a) Fee adjustment. Owner of an expired permit may make written request within 30 days after date of expiration to the building official to reinstate said permit and shall be charged a fee of one-half the amount required for a new permit for such work, provided no changes have been made in the original plans and specifications for such work.

(b) Penalty. Where construction is commenced before a permit is obtained, the permit fees shall be doubled.

(Ord.91-07, Sec. 1, 6-25-91; Ord.93-01, Sec. 1,3-9-93; Ord. 94-10, Sec. 1, 8-9-94; Ord. 2001-17, Sec. 1, 12-11-2001; Ord. 2002-11, Secs.1, 2, 08-13-2002, Ord.2005-15, Sec. 1, 09-13-2005; Ord. 2013-05 Sec. 1, 04-23-13).

(c) Within all of said Codes referred to in (a) hereof, when reference is made to the duties of certain officials named therein that designated official of the City of Gatesville, Texas, who has duties corresponding to those of the named official in said Code shall be deemed to be the responsible official insofar as enforcing the provisions of said Code are concerned. (Ord. 91-07, Sec. 3, 6-25-91; Ord. 94-10, Sec. 2, 8-9-94)

(d) Any person, firm, corporation or agent who shall violate a provision of any of the Codes listed in (a) hereof, or shall fail to comply therewith or with any of the requirements thereof shall be guilty of a misdemeanor and shall be punished by a fine of not more than One-Thousand Dollars (\$1,000); provided, however, that no penalty shall be greater or less than the penalty provided for the same or a similar offense under the laws of the State of Texas. Each day or fractional part than any violation of the aforementioned Codes shall constitute a separate offense. (Ord. 91-07, Sec. 4, 6-25-91)

(e) Moving of a Building

For the moving of any building or structure, the fee shall be \$50.00.

(f) Demolition of a Building or Structures

There shall be no fee charged for the demolition of any building or structure.

Where work for which a permit is required by this Code is started, or proceeded with, prior to obtaining said permit, fees herein specified shall be doubled, but the payment of such double fee shall not relieve any persons from fully complying with the requirement of this Code in the execution of the work nor from any other penalties prescribed herein. (Ord. No. 2000-06, 6-27-00)

Sec. 5-3. Meanings of certain general terms.

- (a) Wherever the word "municipality" is used in the buildings code, it shall be held to mean this city.
- (b) Wherever the term "corporation counsel" is used in the building code, it shall be held to mean the attorney for this city.

Sec. 5-4. Fire limits.

Section 301.1 and Appendix "D" of the building code are amended collectively to read as follows:

"The fire limits of the city are hereby established as follows:

All the territory within the city known and described on the official map of the city as blocks 1, 2, 3, 4, 5, 6, 7, 8, 10, 15, 16, 90, and 91."

(Rev. Cr. Ords. 1926, Ch. 6, Art. 68; Ord. of 11-15-55, Sec. 1)

Sec. 5-5. Moving or dismantling buildings.

The Building Code is amended by inserting the following provisions and deleting any provisions thereof in conflict herewith:

(a) It shall be unlawful for any person to move or cause to be moved a house or building from one location to another within the city or to move a house or building from without the city to a location within the city or to move a house or building within the city to a point outside the city without first securing a permit therefore as hereafter provided.

(c) Any person desiring to move a house or building as provided in (a) above shall deposit with the city secretary the sum of ten-thousand dollars (\$10,000.00) upon consideration and with the express agreement that the city is to retain such money for a period of thirty (30) days after the house or building reaches its new location. If within such time it shall appear to the Governing body of the city that any damage has been done to the streets or any wires, or any trees, or any other private or public property, in the opinion of such governing body, then the governing body shall, by resolution, assess the amount of such damage, after viewing the alleged property injured, either in favor of the city or the owner of the property in front of which the trees or other injured property may be situated or the owner of any private property alleged to have been injured; and the finding of such governing body shall be final. The deposit of the money above referred to with the city secretary shall be held to be an express agreement to the terms and provisions of this section. Should the city secretary, upon compliance with this section by any person, decline to issue such permit, an appeal may be had to the governing body of the city, which may if it deems proper, by resolution, authorize such use of the street, avenue or alley. (Ord. No. 2000-11, Sec. 1, 8-22-00; Ord. 2005-10, Sec. 1, 07-26-2005)

(d) In lieu of the deposit herein required, those regularly engaged in house moving may (1) file a surety bond or other bond as may be approved by the governing body of the city, in the amount of ten-thousand dollars (\$10,000.00) and such bond shall be conditioned that the principal will pay to the city or any other entity/person damaged thereby by reason of moving such house or building along the streets of the city; or (2) furnish proof of liability insurance which covers the city or any other entity/person for such damage (Ord. No. 2000-11, Sec. 2, 8-22-00; Ord. 2005-10, Sec. 2, 07-26-2005)

(e) The city secretary of the city will issue the permit required above upon the final payment of the fee.

Sec. 5-6 Development within extraterritorial jurisdiction.

1. No person shall develop within the extraterritorial jurisdiction of the City of Gatesville, Texas, land by the construction of buildings, roads, or any other construction which would affect the drainage within the City of Gatesville or within the extraterritorial jurisdiction of the City of Gatesville without submitting drainage plans to the City of Gatesville for approval by the engineer for the City of Gatesville.
  
1. Approval of such drainage plat shall not be deemed as an acceptance of any streets and shall not impose any duty upon the City concerning the maintenance or improvement of such streets unless and until the City actually annexes such area including such streets into the City Limits. (Ord. 95-20, Sec. 2, 11-14-95)

Sec. 5-7—5-14 Reserved

ARTICLE III

ELECTRICAL

Sec. 5-15. License requirements.

(a) No companies, firms co-partnerships, corporations, or individuals, excepting public telephone, telegraph messenger services, light and power companies and traction companies operating under a legal franchise granted by the City, shall enter upon the erection, construction, alteration or change of any electrical installation, work, wiring or fitting of electrical machinery until said individual, firm or corporation has secured a license required by Title 8, Occupations Code, Chapter 1305 Vernon's Texas Codes Annotated. (Ord. 2004-06, Sec. 1, 09-14-2004)

(b) Notwithstanding the provisions of 5-15(a) of the Code of Ordinances of the City of Gatesville, Texas, individual property owners (homestead) may perform any electrical work on their own home.

Sec. 5-16. – Sec. 5-19. (Repealed)

Sec. 5-20. Permits – When necessary.

No individual, firm, or corporation shall enter upon the erection, construction, alteration or change of any electrical installation, machinery, apparatus, work or wiring in the City of Gatesville until a permit has been issued by the City Inspector covering each installation to be made, when required by the said City Inspector, plans and specifications for the proposed work must be filed with him before the permit is granted.

No permit will be required for the installation of wires to operate electrical bells, gas lighting apparatus, house annunciators, burglar alarms, telephone, telegraph, district messenger, watch clock, fire alarm or similar instruments if current operating same is of less than twenty-five (25) volts potential.

When any wiring, or apparatus is installed in such a manner that the same could be used for electric light or power purposes under the provisions of this Code, it shall be deemed that the said wiring or apparatus is to be used for such purposes and permit shall be required and inspection made as provided for such.

The City Inspector upon the issuance of a permit, shall issue a permit card showing the permit number, the building or house number, and the contractor.

No erection, construction, alteration or change of any electrical installation, machinery, apparatus, work or wiring shall be commenced until the permit holder or his agent shall have posted the electrical permit card in a conspicuous place on the front premises and in such position as to permit the electrical inspector to conveniently make the required entries thereon respecting inspections of the work. This permit card shall be maintained in such position by the permit holder until the final inspection is made by the City of Gatesville of said work.

The person who is to perform the work named on the permit must be a current Master Electrician in the State of Texas. The person who obtains the permit, or home owner, will be responsible for all permit fees. (Ord. No. 87-05, Sec. 14, 4-87)

Sec. 5-21 Reserved

Sec. 5-22. National Electric Code adopted; penalty.

See Sec. 5-1. (Ord. 91-07, Sec. 1, 6-25-91)

Individual property owners may perform any electrical work on their own home; provided, however, that all work shall be subject to inspection and approval in accordance with the terms of all City Ordinances. (Ord. No. 87-05, Sec. 16, 4-87; Ord. No. 87-06, Sec. 3, 5-12-87; Ord. No. 89-20, Sec. 1, 11-28-89)

Sec. 5-23. Reserved.

Sec. 5-24. Certificate of Inspection.

On the completion of the work covered by a permit in accordance with all ordinances and laws, the City Inspector shall certify that the work is in accordance with the rules governing the respective class to which it belongs as specified by this Code. Whenever a permit is issued for an addition to old work, which old work does not conform to the rules laid down by this Code, upon the satisfactory completion of the addition, the City Inspector shall issue a statement that the new work complies with the rules, but that a certificate cannot be issued owing to its connection with the old work, which does not comply with the rules. (Ord. No. 87-05, Sec. 17, 4-87)

Sec. 5-25. Refusal of certificates of inspection.

The City Inspector is hereby given the authority to refuse to issue a certificate of inspection for any addition or extension of any electric wiring in or on any building wherein the wiring is in an unsafe condition. If, after a permit is issued, the work for any reason covered by such permit does not comply with the regulations of this or any other ordinance or law, the City Inspector shall refuse to issue a certificate of inspection and no electric light, heat or power company shall connect to same without having a certificate of inspection. (Ord. No. 87-05, Sec. 18, 4-87)

Sec. 5-26. Electrical companies not to do wiring, etc., without permit.

It shall be unlawful for any electric light, heat or power company to do any wiring of any nature in or on any building (except power houses and substations of electric light, heat and power companies operating under a franchise granted by the City) for which a permit has not been issued or to make an electrical connection to any building or electrical wiring or apparatus, until a certificate, stating that electric wiring has been approved or written permit authorizing connection, has been issued by the City inspector. All firms, corporations or individuals, whether operating under a regular franchise granted by the City or not, shall, upon written notice by the City Inspector, disconnect from any such circuit, including

main service wires, branch feeder wires, or distribution as designated by said notice, and shall not reconnect to said installation except upon written notice from the City Inspector.

When, for any reason, the electric service company finds it necessary to install electrical cabinets of special connections supplementing or replacing the existing service entrance wiring, the service company shall obtain from the City Inspector a permit for such installation and shall have the work inspected in the manner prescribed elsewhere in this Code. (Ord. No. 87-05, Sec. 19, 4-87)

Sec. 5-27. Reserved.

Sec. 5-28. Plans and specifications for buildings.

Plans and specifications of buildings, structures, or apparatus requiring electric wiring shall show that all necessary provisions for channeling and pocketing to care for electrical conductors, have been made; and it must be stated definitely in such specifications, and marked on such plans, showing the locations of switches, size of panel and number of circuits, and the maximum number of lamps at each outlet; provided such plans and specifications are in accordance with all rules and requirements of this Code. All such plans and specifications for proposed work as may be necessary shall be furnished to the City Inspector before any permit for the same shall be issued. (Ord. No. 87-05, Sec. 20, 4-87)

Sec. 5-29. Defective workmanship.

All persons, firms or corporations engaged in the business of electrical construction and the installation of wiring and apparatus for electric light, heat or power in the City of Gatesville who shall fail to correct promptly any defect or defects in any work done by them contrary to this Code, after having notified thereof by the City Inspector, shall not be issued any further permits until such defect or defects have been corrected; and in any case in which any person shall continue to or persistently violate the ordinances of the city in regard to electrical work or the orders of the City Inspector in relation to the same, the license of such persons shall be suspended or revoked by the State of Texas. (Ord. No. 87-05, Sec. 21, 4-37)

Sec. 5-30. Disconnecting wires in emergencies.

Every company, firm, co-partnership, or individual owning or controlling electrical wires and apparatus for the transmission of light, heat, or power shall in time of fire or in case of severe climatic conditions or any other emergency wherein lives or property of the citizens of the city of Gatesville may be endangered by the operation of such wires and apparatus, upon notice by the City Inspector, the Mayor, or the Chief of the Fire Department or Chief of Police, disconnect such dangerous wires from current or services as are designated by such official. (Ord. No. 87-05, Sec. 22, 4-87)

Sec. 5-31. Wiring and apparatus – Inspections; condemnation; service company to disconnect.

It shall be the duty of the City Inspector to inspect all electrical wiring and apparatus in the city of Gatesville, at any time in order to ascertain whether such electrical wiring or apparatus is in any

respect dangerous to life or property; and, if any part of said electrical wiring or apparatus shall be found to be in defective or dangerous condition, the City Inspector shall notify, in writing, the owner of such wiring and equipment to have the defect corrected within a reasonable time. If the owner of said defective wiring or equipment shall refuse or fail to comply with the requirements of the City Inspector and correct all defects as directed, within the specified time, it shall be the duty of the City Inspector to notify the service company, firm, or individual furnishing the electrical current to such defective wiring or equipment to cease to supply electric current to same. Upon receipt of such notice, the service company, firm, or individual furnishing electricity to such defective wiring or equipment shall immediately disconnect the service or feed wires and cease to supply current to the defective installation until the defects have been corrected. (Ord. No. 87-05, Sec. 23, 4-87)

Sec. 5-32. Supervision of placement of wires, cables, etc.

The City Inspector is hereby authorized, empowered and directed to have general supervision over the placing, stringing or attaching of telegraph, telephone, electric light or other wires and cables, and the placing of all poles and appliances so as to prevent fires, accident or injury to persons or property; to cause all such wires and electric lights to be so placed, constructed, and guarded as not to cause fire, accident or endanger the life or property of any inhabitant of said city; and all such lights and wires or electrical apparatus now existing, as well as those hereafter constructed and placed, shall be subject to such supervision. (Ord. No. 87-05, Sec. 24, 4-9-87)

Sec. 5-33. Reserved.

Sec. 5-34. City Inspector's decision final.

The City Inspector shall be deemed the sole judge of whether the installation of electrical wires and apparatus and the installation of conductors and appliances, has been in accordance with the terms of this Code. (Ord. No. 87-05, Sec. 25, 4-87)

Sec. 5-35. Reserved.

Sec. 5-36. Reserved.

Sec. 5-37. Electrical Wiring installed in Fire District.

All electric wiring hereafter installed in the Fire District of the City of Gatesville as designated in section 5-37.1 shall be installed in metal conduit or metal molding. (Ord. No. 90-17, Sec. 1, 11-27-90)

Sec. 5-37.1. Designated Fire District.

There is hereby designated a fire district in the City of Gatesville as follows: Blocks 1, 2, 3, 4, 5, 6, 7, and 10 of the Original Town of the City of Gatesville as reflected in Volume A, Page 43 of the Plat Records of Coryell County, Texas. (Ord. No. 90-17, Sec. 2, 11-27-90)

Sec. 5-37.2. Wiring in commercial buildings.

All commercial buildings not included in the Fire District as designated in Section 5-37.1 shall have all wiring installed in conduit. Various conduit types will be permitted as per the National Electric Code, 1990, or any subsequent editions thereof. (Ord. No. 90-17, Sec. 3, 11-27-90)

Sec. 5-37.3 – 5.37.4. Reserved.

Sec. 5-37.5. Violations; penalties.

(a) Whenever in this article an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor or wherever in such article the doing of any act is required or the failure to do any act is declared to be unlawful, the violation of such provisions of this article shall be punished by a fine of not more than One-Thousand Dollars (\$1,000.00); provided, however, that no penalty shall be greater or less than the penalty provided for the same or similar offense under the laws of this state. (Ord. No. 84-16, Sec. 1, 7-24-87; Ord. No. 87-05, Sec. 26, 4-87)

(b) Each day or fractional part thereof that any violation of these electrical code provisions shall continue shall constitute a separate and distinct offense and shall be punishable separate and apart from each and every offense. (Ord. No. 87-05, Sec. 26, 4-87)

Sec. 5-38. Creating a Construction Board of Adjustment and Appeals.

A. APPOINTMENT. There is hereby established a board to be called the Construction Board of Adjustment and Appeals which shall consist of seven (7) members and two (2) alternates. The Board shall be appointed by the City Council of the City of Gatesville.

B. MEMBERSHIP. Such Board members should be composed of individuals with knowledge and experience in the technical codes adopted by the City Council of the City of Gatesville governing construction. The alternate members shall be from the public at large and the other members shall be from the building industry. A board member shall not act in a case in which he has a personal or financial interest.

C. TERMS. The terms of office of the board members shall be staggered so that no more than one-third (1/3) of the board is appointed or replaced in any twelve-month period. The two alternates, if appointed, shall serve one (1) year terms. Vacancies shall be filled for an unexpired term in the manner in which the original appointments are required to be made. Continued absence of any member from required meetings of the Board shall, at the discretion of the City Council, render any such member subject to immediate removal from office.

D. QUORUM AND VOTING. A simply majority of the Board shall constitute a quorum. In varying any provision of the National Electric Code, the Standard (International) Mechanical Code, the Standard (International) Plumbing Code, the Standard (International) Fuel/Gas Code, or the Standard (International) Building Code, the affirmative votes of the majority present, but not less than three (3) affirmative votes, shall be required. In modifying a decision of the building official, not less than four (4) affirmative votes, but not less than a majority of the board, shall be required. In the event that regular members are unable to attend a meeting, the alternate members, if appointed, shall vote.

E. SECRETARY OF BOARD. The building official shall act as secretary of the Board and shall make a detailed record of all of its proceedings, which shall set forth the reasons for its decision, the vote of each member, the absence of a member, and any failure of a member to vote.

F. APPEALS. The owner of a building, structure or service system, or his duly authorized agent, may appeal a decision of the building official to the Construction Board of Adjustment and Appeals whenever any one of the following conditions are claimed to exist:

1. The building official rejected or refused to approve the mode or manner of construction proposed to be followed or materials to be used in the installation or alteration of a building, structure or service system.

2. The provisions of the particular code being interpreted do not apply to the specific case.

3. That an equally good or more desirable form of installation can be employed in any specific case.

4. The true intent and meaning of the aforementioned codes or any of the regulations there under have been misconstrued or incorrectly interpreted.

1. VARIANCES. The Construction Board of Adjustments and Appeals, when so appealed to and after a hearing, may vary the application of any provision of this code to any particular case when, in its opinion, the enforcement thereof would be to manifest injustice and would be contrary to the spirit and purpose of this or the technical codes or public interest, and also finds all of the following:

1. That special conditions and circumstances exist which are peculiar to the building, structure or service system involved and which are not applicable to others.

2. That the special conditions and circumstances do not result from the action or inaction of the applicant.

3. That granting the variance requested will not confer on the applicant any special privilege that is denied by the national and standard codes adopted by the City of Gatesville to other buildings, structures or service system.
  4. That the variance granted is the minimum variance that will make possible the reasonable use of the building, structure or service system.
  5. That the grant of the variance will be in harmony with the general intent and purpose of this ordinance and the various standard codes adopted by the City of Gatesville and will not be detrimental to the public health, safety and general welfare.
1. CONDITIONS OF THE VARIANCE. In granting the variance, the Board may prescribe a reasonable time limit within which the action for which the variance is required shall be commenced or completed or both. In addition, the board may prescribe appropriate conditions and safeguards in conformity with this code. Violation of the conditions of a variance shall be deemed a violation of this code.
1. NOTICE OF APPEAL. Notice of appeal shall be in writing and filed within thirty (30) calendar days after the decision is rendered by the building official. Appeals shall be in a form acceptable to the building official.
1. UNSAFE OR DANGEROUS BUILDINGS OR SERVICE SYSTEMS. In the case of a building, structure or service system which, in the opinion of the building official, is unsafe, unsanitary or dangerous, the building official may, in his order, limit the time for such appeals to a shorter period.

1. RULES AND REGULATIONS. The Board shall establish rules and regulations for its own procedure not inconsistent with the provisions of this ordinance. The Board shall meet on call of the chairman. The Board shall meet within thirty (30) calendar days after notice of appeal has been received.

L. DECISIONS. The Construction Board of Adjustment and Appeals shall, in every case, reach a decision without unreasonable or unnecessary delay. Each decision of the Board shall also include the reason for the decision. If a decision of the Board reverses or modifies a refusal, order, or disallowance of the building official or varies the application of any provision of the various standard codes adopted by the City of Gatesville, the building official shall immediately take action in accordance with such decision. Every decision shall be promptly filed in writing in the office of the building official and shall be open to public inspection. A certified copy of the decision shall be sent by mail or otherwise to the appellant and a copy shall be kept publicly posted in the office of the building official for two (2) weeks after filing. Every decision of the Board shall be final, subject however to an appeal of the same by any interested party to the City Council of the City of Gatesville, whose decision shall be final and binding upon all parties.

1. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.
  
1. VIOLATIONS AND PENALTIES. Any person, firm, corporation, or agent who violate a provision of this ordinance or the provisions of the National Electric Code, the Standard (International) Mechanical Code, the Standard (International)Plumbing Code, the Fuel/Gas Code, and the Standard (International) Building Code in their form when last adopted by the City of Gatesville, or fail to comply therewith, or with any of the requirements thereof, or who shall erect, construct, alter, install, demolish, or remove any structure, electrical, gas, mechanical, or plumbing system, or has erected, constructed, altered, repaired, moved or demolished a building, structure, electrical, gas, mechanical or plumbing system, in violation of a detailed statement or drawing submitted and permitted there under, shall be guilty of a misdemeanor. Each such person shall be considered guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this ordinance, the National Electric Code, the Standard (International) Mechanical Code, the Standard (International) Plumbing Code, the Fuel/Gas Code, and the Standard (International) Building Code is committed or continued, and upon conviction of any such violation such person shall be punished within the limits and as provided by state laws.

(Ord. No. 2001-07, 6-12-01)

Sec. 5-39. RESERVED.

## ARTICLE IV.

### HOUSING

Sec. 5-40. Code adopted; penalty for violation. Property Maintenance Code 2012. (Ord 2013-04, 4-23-13).

Sec. 5-41. Housing enforcing official – Office created; official designated.

Section 102.1 of the Housing Code is amended to read as follows:

"For the enforcement of the Housing Code, the office of Housing Enforcing Official is hereby created, which Official shall be the Building Inspector."

Secs. 5-42 – 5-53. Reserved.

## ARTICLE V.

### PLUMBING, FUEL GAS AND MECHANICAL

Sec. 5-54. International Plumbing Code adopted.

(a) See Sec. 5-1. (Ord.2013-05 , Sec. 1, 4-23-2013)

(b) EXEMPTIONS: The following acts, work and conduct shall be expressly permitted without license:

Home Owner: Individual property owners may perform any plumbing work on their own home; provided, however, that all work shall be subject to inspection and approval in accordance with the terms of all City Ordinances.

Plumbing work done by anyone who is regularly employed as or acting as a maintenance man or maintenance engineer, incidental to and in connection with the business in which he is employed or engaged, and who does not engage in the occupation of a plumber for the general public; construction, installation and maintenance work done upon the premises or equipment of a railroad by an employee thereof who does not engage in the occupation of a plumber for the general public; plumbing work done by persons engaged by any public service company in the laying, maintenance and operation of its service mains or lines to the point of measurement and the installation, alteration, adjustment, repair, removal and renovation of all types of appurtenances, equipment, and appliances, including doing all that is necessary to render the appliances useable or serviceable; appliance installation and service work done by anyone who is an appliance dealer or is employed by an appliance dealer, and acting as an appliance dealer or is employed by an appliance dealer, and acting as an appliance installation man or appliance service man in connecting appliances to existing piping installations; water treatment installations, exchanges, services or repairs. Provided, however, that all work and service herein named or referred to shall be subject to inspection and approval in accordance with the terms of all local valid city or municipal ordinances.

Plumbing work done by a licensed irrigator or licensed installer when working and licensed under the Licensed Irrigators Act, Article 8751, V.T.C.S., as amended.

Plumbing work done by an LP Gas installer when working and licenses under Chapter 113, Natural Resources Code, as amended.

Any water treatment dealer or his employee when certified in accordance with Section 3A of the "Plumbing License Law." (Ord. No., 87-06, Sec. 2, 5-12-87)

Sec. 5-55. International Fuel Gas Code adopted; punishment for violation.

- (a) See Sec. 5-1. (Ord. No. 2013-05, 04-23-13)

Sec. 5-56. International Mechanical Code adopted.

- (a) See Sec. 5-1. (Ord. No. 2013-05, Sec. 1, 04-23-13)
- (b) The following acts, work and conduct shall be expressly permitted without a license:

1. Home Owner - Individual property owners may perform any heating and/or air conditioning work on their own home(Homestead) provided, however, that all work shall be subject to inspection and approval in accordance with the term of all City ordinances.
2. Heating and air-conditioning work done by anyone who is regularly employed as, or acting as a maintenance man or maintenance engineer, incidental to and in connection with the business in which he is employed or engaged, and who does not engage in the occupation of a heating or air conditioning contracting for the general public; construction, installation, and maintenance work done upon the premises or equipment of a railroad by an employee thereof who does not engage in the occupation of a heating and air conditioning contractor for the general public, and heating and air conditioning work done by persons, or any public service company in the installation, alteration, adjustment, repair, removal and renovation of all types of appurtenances, equipment and appliances useable or serviceable; appliance installation and service work done by anyone who is an appliance dealer or is employed by an appliance dealer, and acting as an appliance installation man or appliance service man in connecting appliances to existing connections provided, however, that all work and service herein named or referred to shall be subject to inspection and approval in accordance with the terms of all valid City ordinances.

(Ord. No. 87-06, Sec. 1, 5-12-87)

Sec. 5-57. Permit and License Requirements for Areas Outside the City Limits included in any Application to Such Annex Area.

(A) Any application for the annexation of any territory into the City of Gatesville shall constitute the submission of the jurisdiction of the City of Gatesville concerning licenses or permits required of an owner of property inside the City Limits of the City of Gatesville, Texas, for the construction, alteration, removal and demolition of buildings and structures, and the owner of any such property included in the application for annexation shall apply for and obtain any such licenses or permits required of owners of property inside the City Limits of the City of Gatesville. (Ord. No. 84-14, Sec. 1, 7-10-84)

(B) In the event that the owner of the property which is the subject of an application for annexation fails to obtain the required licenses or permits as provided for herein, the City of Gatesville may not annex the subject area until the owner of the property to such annexation has satisfied the City of Gatesville that all work performed after the submission of the application for annexation complies with all of the ordinances of the City of Gatesville and pays any license or permit fees required. In the event that it is necessary to tear out a part of the work to prove compliance with the ordinances of the City of Gatesville, such expense will be the expense of the owner of the subject property being annexed. (Ord. No. 84-18, Sec. 2, 7-10-84)

Sec. 5-58 -- 5-64. Reserved.

## ARTICLE VI.

### SUBSTANDARD STRUCTURES

Sec. 5-65. Definitions.

For the purpose of this article, the following definitions shall apply:

Building: The term "building" shall include buildings, appurtenances or other structures or excavations existing above or below the ground level.

Building Standards: The term "building standards" refers to all standards or requirements set forth in any building or other code adopted by the City's Code of Ordinances including, but not limited to Article I through Article V of Chapter 5 of the City's Ordinances, which Articles are updated from time to time, and which standards and requirements are incorporated herein.

Sec. 5-66. All buildings within the City shall comply with the provisions of this ordinance. Any building or dwelling constructed, construed, existing, or otherwise maintained in violation of this ordinance constitutes a nuisance, is substandard, and is therefore illegal.

Sec. 5-67. Building Standards Commission.

(a) The City shall establish a Buildings Standards Commission. As provided in this ordinance, the Building Standards Commission shall hear any person with respect to the repair, vacation, or demolition of any building which may have been found by the City Building Inspector to be an uninhabitable or dangerous dwelling or building. As provided in this ordinance, the Building Standards Commission is authorized to conduct hearings, make determinations, and issue orders as set forth in this ordinance.

(b) The Gatesville City Council is hereby designated as the Building Standards Commission.

Sec. 5-68. Substandard Buildings; Action on Substandard Buildings and Dwellings.

(a) The following buildings are in violation of the City's building standards and, in such condition, are unfit for human occupation or are considered dangerous and in violation of this ordinance:

(1) All buildings that violate the International Building Code, International Residential Code, or any other International Code or building standards adopted by the City as set forth in Sec. 5-65 above, to the extent that such building is in a condition that is unsafe, unsanitary, or dangerous;

(2) All buildings, dwellings, or dwelling units in which the interior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls more than fifty percent (50%) outside of the middle width of its base;

(3) All buildings, dwellings, or dwelling units in which, exclusive of the foundation, show thirty-three percent (33%) or more, of damage or deterioration of the supporting member or members, or fifty percent (50%) of damage or deterioration of the non-supporting enclosing or outside walls or covering;

(4) Those which have improperly distributed loads upon the roof or floor or in which the same are overloaded or which have insufficient strength to be reasonably safe for the purpose;

(5) All buildings, dwellings, or dwelling units which have been damaged by fire, wind, or other causes so as to have become dangerous to life, safety or the general health and welfare of the occupants thereof or the citizens of the city;

(6) All buildings, dwellings, or dwelling units which have become or are so dilapidated, decayed, unsafe, unsanitary or which so utterly fail to provide the essentials to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to the health, safety or general welfare of those living therein.

(7) Those having height, air and sanitation facilities which are inadequate to protect the health, safety, or general welfare of human beings who live or may live therein.

(8) Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes or other means of communication.

(9) Those which have parts thereof which are so attached that they may fail and injure members of the public or property.

(10) Those which because of their condition are a public nuisance, unsafe, unsanitary or dangerous to the health, safety or general welfare.

(b) The Building Standards Commission is authorized to determine whether any of the above conditions or defects exist- and to determine what action, if any, is appropriate if such conditions or defects are found to exist. The Building Standards Commission is authorized to take such actions, as authorized by this ordinance or statute. Specifically, the Building Standards Commission is authorized: to order the vacation of a building; the relocation of its occupants; the demolition of the building; or the repair or removal of a building.

(c) The employees of the fire, police, health or other administrative departments, finding the same, shall make a report in writing to the Building Inspector of all buildings or structures which are, may be, or are suspected to "substandard buildings" within the terms of this article.

#### Sec. 5-69 Standards of repair, vacation or demolition.

The following standards shall be followed in substance by the Building Inspector and the Building Standards Commission in ordering repair, vacation, or demolition:

(a) If the "substandard building" can reasonably be repaired so that it will no longer exist in violation of the terms of this article, it shall be ordered repaired.

(b) If the "substandard building" is in such condition as to make it dangerous to the health, safety, or general welfare of its occupants, it shall be ordered to be vacated.

(c) In any case where a "substandard building" is fifty percent (50%) damaged or decayed, or deteriorated from its original value or structure, it shall be demolished, and in all cases where a building cannot be repaired so that it will no longer exist in violation of the terms of this article, it shall be demolished. In all cases where a "substandard building" is a fire hazard existing or erected in violation of the terms of this article or any ordinance of the city or statute of the state, it shall be demolished, or repaired to the extent that the fire hazard will be eliminated.

#### Sec. 5-70. Inspections.

The Building Inspector shall:

(a) Inspect or cause to be inspected annually, all public buildings, schools, halls, churches, theaters, hotels, tenements, and commercial, manufacturing, or loft buildings, for the purpose of determining whether any conditions exist which render such places a "substandard building" within the terms of this article.

(b) Inspect any building, wall or structure about which complaints are filed by any person to the effect that a building, wall or structure is or may be existing in violation of this article.

(c) Inspect any building, wall or structure reported, as hereinafter provided, by the fire or police or other departments of this city as probably existing in violation of the terms of this article.

Sec. 5-71. Pre-Hearing Notices -; Identification of owner, lienholder and Mortgagee;

(a) The Building Inspector shall, within a reasonable time of the reported violation of the building standards, use his best and most diligent efforts to locate all owners, lienholders, and mortgagees through a search of the following records: Coryell County real property records; Coryell Central Appraisal District records; Texas Secretary of State records; assumed named records of the County; and/or utility

(b) Before the Building Standards Commission conducts a public hearing on a reported violation of the City's building standards, the Commission shall send, via certified mail/return receipt requested and regular mail, notice including:

(1) the name and address of the owner, if known;

(2) a description of the suspected or reported violation;

(3) the street or legal address of the affected property;

(4) the date, time, and place of the public hearing;

(5) a conspicuous statement to the effect of: "THE OWNER, LIENHOLDER, OR MORTGAGEE AS APPLICABLE, WILL BE REQUIRED TO SUBMIT AT THE HEARING PROOF OF THE SCOPE OF ANY WORK THAT MAY BE REQUIRED TO COMPLY WITH THE CITY'S MINIMUM BUILDING STANDARDS AND THE AMOUNT OF TIME IT WILL TAKE TO REASONABLY PERFORM SUCH WORK" to all owners, lienholders, and mortgagees of the subject property.

(c) Reasonably promptly after the Building Standards Commission sends its notice under Section 5-71 b. above, the City Building Inspector shall place a notice on the front door (or as near as practicable) of the building- which notice shall be sufficient if it follows the intent of this form:

**WARNING**

The City of Gatesville Building Inspector has determined this structure is in violation of the City's minimum building standards and, as such deems this building to be an uninhabitable and dangerous structure. This building is to be vacated immediately and remain vacant, and this notice is to remain in place until the condition(s) of this building has been addressed by the City of Gatesville Building Standards Commission, and/or this building has been repaired, removed, or demolished as determined by the Building Standards Commission at a public hearing – notice of which has been sent to all known persons having an interest in the building or property. Unauthorized removal of this notice is punishable by a fine of up to \$2000.00.

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Building Inspector, City of Gatesville

(d) Before the Building Standards Commission conducts a hearing on a violation of the City's minimum building standards, the Building Inspector shall file a notice with the Coryell County Clerk (as the office of Official Public Records of real property) containing:

- (1) the name of the owner;
- (2) a legal description of the property affected; and
- (3) the date, time, and location of the public hearing.

Sec. 5-72. Same--To utility companies.

The building inspector shall issue notice to the utility companies to discontinue service on any building determined in accordance with Section 5-69b. and/or c. above to be a "dangerous building" under the terms of this article.

Sec. 5-73. The Hearing.

a. A public hearing on a violation of the City's minimum building standards shall be before the City Council acting as the Building Standards Commission, and the Commission shall have the power to administer oaths/affirmations and to certify official acts as permitted under Texas law. The issues pertaining to a hearing under this section shall be limited to:

(1) whether the affected structure is in violation of the City's building standards;

(2) if a violation is found, the scope of work required, and the progress to bring the substandard building into compliance with the City's building standards whether by repair, removal, or demolition of such structure; and

(3) as necessary, the vacation and/or relocation of any legally-entitled occupant to possession of the affected property.

b. The following procedures shall apply to the hearing under this Section:

(1) A tape recording of the entire proceeding shall be made.

(2) A copy of the record of the proceeding shall be made available after payment of a reasonable fee to all parties upon request. If there is no judicial review of the City Council's final decision, the City shall maintain a record of the proceeding for two years. If there is judicial review of the Commission's final decision, the City shall maintain the record of the proceeding until all court proceedings – including any additional/further appeals are exhausted.

(3) The Texas Rules of Civil Procedure and Texas Rules of Evidence do not apply. Oral testimony given by an owner, lienholder, mortgagee, or other interested party shall be given only under oath. Each party shall have the right to testify; introduce documents; call and examine witnesses, cross-examine witnesses, or otherwise rebut evidence offered against them. Written evidence shall be admitted only if the Building Standards Commission determines that such evidence is relevant and of the type that may be reasonably relied upon in deciding 5-73a (1) through (3) above.

(4) The owner, lienholder, and/or mortgagee shall have the burden of proof to demonstrate the scope of any work and the time required to comply with the City's minimum building standards.

(5) The Building Standards Commission may grant a continuance for good cause shown. If a continuance is granted, notice of the date, time and location of the rescheduled hearing shall be stated and acknowledged by all parties on record, and reduced to writing and provided to the parties before they leave the hearing. No other notice of the rescheduled hearing must be provided.

(6) The Building Inspector shall appear at all hearings conducted by the Building Standards Commission to testify as to the condition of "substandard buildings."

Sec. 5-74. The Order – Building Standards Commission Final Decision.

a. After deliberation, the Building Standards Commission decision shall be reduced to written order with an effective date, and the contents of the order shall be read into the record. The order shall specifically state whether the substandard structure(s) shall be repaired, removed, or demolished and the allowable time for the owner, lienholder, and/or mortgagee to repair, remove, or demolish the structure(s). If vacation and/or relocation of occupants otherwise lawfully entitled to possession of the structure is necessary, the order shall provide appropriate and lawful instructions to that effect.

(1) If the Commission finds the structure to be in violation of the City's building standards, the Commission shall allow the owner, lienholder and/or mortgagee thirty (30) days to secure the structure from unauthorized entry and accomplish the needed repairs, removal, or demolition of the substandard structure.

(2) If supported by information presented by the owner, lienholder, or mortgagee at the public hearing, the Commission may allow the owner, lienholder, or mortgagee no more than ninety (90 days) to accomplish the needed repairs, removal, or demolition. The order shall stipulate securing the property from unauthorized entry while the work is being performed, and a specific time schedule for the commencement, performance, and completion of the work. The Commission's order may require the owner, lienholder, or mortgagee to demonstrate compliance with the established time schedules.

Sec. 5-76. Post-hearing Notice.

a. After the public hearing is conducted in accordance with Section 5-73 above, the Commission shall promptly send a copy of its order by certified mail/return receipt requested, regular mail, or personally deliver to all owners, lienholders, and mortgagees of the subject property.

b. The Commission shall file a copy of the order in the office of the City Secretary and further publish notice in the local newspaper that shall contain the following information:

- (1) the street address or legal description of the property at which the substandard structure is located;
- (2) the date that the public hearing took place;
- (3) a brief statement of the Commission's decision; and
- (4) instructions indicating that a copy of the order may be obtained at the office of the City Secretary.

Sec. 5-77. City Action Pursuant to its Order; Exigent Circumstances.

a. If the owner, lienholder, and/or mortgagee fail to comply with the Building Standards Commission order, and no timely appeal is commenced within the 30-day period set forth in 5-74a.(1), the City may take action set forth in the Commission's order at its own expense. However, it may assess a privileged lien against the property for the expenses it incurs in taking such action – unless the property is a homestead protected by the Texas Constitution. The City must have the lien recorded and indexed in the Office of the County clerk to be valid. The lien is extinguished if the property owner or some other person having an interest in the legal title to the property reimburses the City for its expenses.

b. In cases where it reasonably appears that there is immediate danger to the life or safety of any person unless a "substandard building" is immediately repaired, vacated or demolished, the Building Inspector is authorized to secure, repair, or abate the removal of the condition of such "substandard building" without a hearing. The costs of such emergency repair, vacation or demolition of such "dangerous building" shall be collected in the same manner as provided in Section 5-77a. above.

Sec. 5-78. Enforcement

a. After any order of the Building Standards Commission made pursuant to this ordinance shall become effective, no person to whom any such order is directed shall fail, neglect or otherwise refuse to obey any such order. Any person who fails to comply with such an order is guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than two-thousand dollars (\$2000.00) or subject to a civil suit in which the City may seek to enforce the order of the Building Standards Commission and to assert other claims as appropriate under Texas law.

b. No person shall obstruct, impede, or otherwise interfere with any owner, lienholder, mortgagee, City officer, employee, or a contractor or other authorized representative of the same who is affecting or attempting to effect the Building Standards Commission order to repair, vacate, remove, or demolish a substandard building under this ordinance. Any person so interfering is guilty of a

misdemeanor and, upon conviction, shall be punished by a fine of not more than two thousand dollars (\$2000.00).

Sec. 5-79. Judicial Review.

a. Any owner, lienholder, or mortgagee of record of property jointly or severally aggrieved by an order of the Building Standards Commission issued under this ordinance may file in District Court a verified petition against the City setting forth that the order is illegal (in whole or in part) and specifying the grounds of the illegality. An owner, lienholder, or mortgagee must file the petition within 30 calendar days after the respective date a copy of the order is mailed or personally delivered, as set forth in subsection 5-76 a. above, or such decision shall become final as to each of them upon the expiration of such 30 calendar day period.

b. Any judicial review of the Building Standards Commission order shall be limited to a hearing under the substantial evidence rule. The District Court may reverse or affirm (in whole or in part) or may modify the decision brought up for review.

c. Costs may not be allowed against the City. However, if the Building Standards Commission order is affirmed or not substantially reversed (but only modified) the District Court shall allow to the City all attorney's fees and other expenses incurred by it and shall enter a judgement for those items, which may be entered against the property owners, lienholders, or mortgagees – or any other person properly before the Court. (Ord.2016-01, 2-23-16)