

ORDINANCE NO 03132006

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MUNDAY, TEXAS, ADOPTING THE CITY OF MUNDAY STRUCTURAL STANDARDS CODE, WHICH PROVIDES STANDARDS FOR THE CONTINUED USE AND OCCUPANCY OF STRUCTURES WITHIN THE CITY OF MUNDAY AND PROCEDURES FOR THE ABATEMENT OF SUBSTANDARD STRUCTURES REGARDLESS OF THE DATE OF CONSTRUCTION AND IMPOSING CIVIL AND CRIMINAL PENALTIES FOR NON-COMPLIANCE; PROVIDING FOR AN EFFECTIVE DATE OF SAID ORDINANCE; PROVIDING A SEVERABILITY CLAUSE AND PROVIDING FOR THE PUBLICATION OF THE CAPTION AND PENALTY.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MUNDAY, TEXAS, AS FOLLOWS:**

SECTION 1: That the City of Munday Structural Standards Code, ("the Code") is hereby adopted. All structures regardless of date of construction shall comply with the Code and all structures in violation of the provisions of the Code shall be abated as provided therein. The City Secretary shall retain the original of the Code in the official records of the City of Munday and shall make copies of the Code available upon request. A copy of the Code is attached hereto and incorporated by reference the same as if copied in its entirety.

SECTION 2: All ordinances or parts of ordinances in conflict herewith or with the Code are hereby repealed and declared of no further force and effect.

SECTION 3: If any section, sub-section, clause, phrase or portion of this ordinance or the Code which it adopts shall be held unconstitutional or invalid by a court of competent jurisdiction, such section, sub-section, sentence, clause, phrase or portion shall be deemed to be a separate, distinct and independent provision and such invalidity shall not affect the validity of the remaining portions.

SECTION 4: This Ordinance shall take effect upon completion of publication as provided by law.

SECTION 5: The City Secretary is hereby authorized and directed to cause the publication of the descriptive caption hereof together with the civil and criminal penalty provisions for violation thereof.

PASSED AND APPROVED on this the \_\_\_\_ day of \_\_\_\_\_, 2006.

**CITY OF MUNDAY**

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Robert Bowen, Mayor

ATTEST:

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Cheryl Crawfords, City Secretary

**CITY OF MUNDAY**  
**STRUCTURAL STANDARDS CODE**

**2006**

**CHAPTER 1**  
**TITLE AND SCOPE**

**SECTION 101.**

**Title.** This Code shall be known as the Structural Standards Code of the City of Munday, and may be cited as such, and is referred to herein as "the Code." It is adopted under the authority of Chapter 214 of the Texas Local Government Code.

**SECTION 102.**

**Purpose.** The purpose of this Code is to provide minimum requirements for the protection of life, health, property, safety, and welfare of the general public from the hazards and dangers of substandard structures; to establish minimum standards for the continued use and occupancy of all structures, regardless of the date of their construction; to provide for giving proper notice to the owner of a structure; and to provide for a public hearing to determine whether a structure complies with the standards set out in this Code.

**SECTION 103.**

- (a) **Application.** The provisions of this Code shall apply to all structures, buildings or portions thereof, regardless of the date of construction, all related structures and their premises when located within the corporate limits of the City of Munday. Any commercial building not used, or designed or intended to be used for human occupancy must meet all provisions except those provisions properly limited to buildings which contain living units.
- (b) **Alteration.** Existing structures which are altered or enlarged shall be made to conform to this Code insofar as the new work is concerned and in accordance with the Building Code.
- (c) **Relocation.** Existing buildings which are moved or relocated shall be considered as new buildings and shall comply with all the requirements of this Code and the Building Code as adopted by the City of Munday.

CHAPTER 2  
ENFORCEMENT

SECTION 201.

- (a) Authority. The City Administrator, or his designated Building Official is hereby authorized and directed to administer and enforce all of the provisions of this Code.
- (b) Rights of Entry. Whenever necessary to make an inspection to enforce any of the provisions of this Code, or when there is reasonable cause to believe that there exists in any structure or upon any premises, any condition which makes it substandard, as defined in this Code, the City Administrator, or his authorized representative, may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed by this Code; provided he shall first make a reasonable effort to locate the owner, or persons having charge or control of the building or premises, and request permission to enter the premises. If such entry is refused, the City Administrator, or his authorized representative, shall obtain an administrative search warrant as provided in Section 18.05 of the Texas Code of Criminal Procedure.
- (c) Responsibilities Defined. Every owner remains liable for violations of duties imposed upon him by this Code, even though an obligation is also imposed on the occupants of his building, and even though the owner has, by agreement, imposed on the occupant the duty of furnishing required equipment or of complying with this Code. Every owner, or his agent, shall be responsible for maintaining his structure in a sound structural condition. The owner, or his agent, shall be responsible for keeping that part of the structure or premises which he occupies or controls in a clean, sanitary, and safe condition, including the shared or public areas in a building containing two or more dwelling units.

Where required by the Building Code, this Code or the health ordinances, every owner shall furnish and maintain such approved sanitary facilities as required, and shall furnish and maintain approved devices, equipment, or facilities for the prevention of insect and rodent infestation. Where infestation has taken place, the owner, or his agent, shall be responsible for the extermination of any insects, rodents, or other pests.

Every occupant of a dwelling unit shall be responsible for keeping that part of the dwelling or dwelling unit or premises which he occupies and controls in a clean, sanitary, and safe condition. Every occupant shall dispose of all rubbish, garbage, and other organic waste in a manner required by the health ordinances.

Where required by the Building Code, this Code or the health ordinances, every occupant shall furnish and maintain approved devices, equipment or facilities necessary to keep the premises safe and sanitary.

Where sections of this Code have requirements that conflict with the Building Code, this Code shall apply.

#### SECTION 202.

Substandard Structure. Any structure or portion thereof, which fails to meet the requirements of this Code is substandard and shall be abated in accordance with the procedures specified in this Code.

#### SECTION 203.

Interpretation. The City Council of the City of Munday shall provide the final interpretation of the provisions of this Code and provide for hearings and the issuance of orders. The Council may adopt reasonable rules and regulations for conducting its hearings under this Code and shall render all decisions and findings in writing to the property owner(s), mortgagees and lien holders. Hearings before the City Council shall be provided for in accordance with the provisions contained in Chapter 12 of this Code.

#### SECTION 204.

Violations. No person, firm, or corporation, whether as owner, lessee, sublessee, or occupant, shall erect, construct, enlarge, alter, repair, move, improve, remove, demolish, equip, use, occupy, or maintain any building, structure, or premises, or cause or permit the same to be done contrary to or in violation of any of the provisions of this Code or any order issued by the City Council hereunder. Any person violating the provisions of this Section shall be guilty of a misdemeanor and may be fined up to \$2,000.00. Each day the violation continues shall constitute a separate offense.

### CHAPTER 3 PERMITS AND INSPECTIONS

#### SECTION 301.

General. No building or structure regulated by this Code shall be erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished unless a separate permit for each building or structure has first been obtained in accordance with the applicable provisions of the Building Code.

SECTION 302.

Fees. Whenever a building permit is required by Section 301 of this Code, the appropriate fees shall be paid as specified in the Building Code.

SECTION 303.

Inspection. 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.

CHAPTER 4  
DEFINITIONS

SECTION 401.

Definitions. For the purpose of this Code, certain abbreviations, terms, phrases, words, and their derivatives shall be construed as specified in the Building Code. Additional phrases are defined as follows:

Building Official. The City Administrator or the person designated by the City Administrator to be the Building Official.

Health Officer. Health Officer shall be the legally designated representative of the Texas Department of Health.

Hot Water. Hot water shall be water at a temperature of not less than 120 F.

Building Code. The term "Building Code" for non-residential structures shall mean the International Building Code. For residential structures the term "Building Code" shall mean the International Residential Code for One and Two Family Residences as adopted in Section 214.212 of the Texas Local Government Code.

Structure. That which has been or is under construction; including but not limited to all buildings, basements, fences, walls, septic tanks, foundations or sidewalks.

CHAPTER 5  
OCCUPANCY STANDARDS

LOCATION ON PROPERTY

SECTION 501.

Location. All structures shall be located with respect to property lines and to other structures on the same property as required by the Building Code or any zoning ordinance hereafter adopted by the City of Munday.

GENERAL

SECTION 502

- (a) General. Buildings or structures may be of any type of construction permitted by the Building Code. Roofs, floors, walls, foundations, and all other structural components of buildings shall be capable of resisting any and all forces and loads to which they may be subjected. All structural elements shall be proportioned and joined in accordance with the stress limitations and design criteria as specified in the appropriate sections of the Building Code. Buildings of every permitted type of construction shall comply with the applicable requirements of the Building Code.
- (b) Shelter. Every building shall be weather protected so to provide shelter for the occupants against the elements and to exclude dampness.
- (c) Protection of Materials. All wood shall be protected against termite damage and decay as provided in the Building Code.

HEATING AND VENTILATION

SECTION 503.

- (a) Heating. Every dwelling unit and guest room shall be provided with heating facilities capable of maintaining a room temperature of 70 F., at a point three (3) feet above the floor in all habitable rooms. Such facilities shall be installed and maintained in a safe condition and in accordance with the Building Code, and all other applicable laws. No unvented fuel burning heaters shall be permitted unless expressly approved by the Building Official. All heating devices or appliances shall be of an approved type.

- (b) Electrical Equipment. All electrical equipment, wiring, and appliances shall be installed and maintained in a safe manner in accordance with all applicable laws. All electrical equipment shall be of an approved type.
- (c) Ventilation. Ventilation for rooms and areas, and for fuel-burning appliances shall be provided as required in the Building Code and in this Code.

SECTION 504.

Fire Protection. All buildings or portions thereof shall be provided with the degree of fire-resistive construction required by the Building Code for the appropriate occupancy, type of construction, and location on property; and shall be provided with the appropriate fire-extinguishing systems or equipment required by the Building Code.

CHAPTER 6  
SUBSTANDARD BUILDINGS

SECTION 601.

- (a) General. Any building, structure or portion thereof, including any dwelling unit, guest room or suite of rooms, or premises on which the same is located, in which there exists any of the following listed conditions is a substandard building as defined in Section 202 of this Code:
  - 1. Lack of, or improper water closet, lavatory, bathtub or shower in a dwelling unit.
  - 2. Lack of, or improper window screens as necessary to prevent the entry of insects.
  - 3. Lack of, or improper kitchen sink in a dwelling unit.
  - 4. Lack of hot and cold running water to plumbing fixtures in a dwelling unit.
  - 5. Lack of adequate heating facilities.
  - 6. Lack of, or improper operation of required ventilating equipment.
  - 7. Lack of minimum amounts of natural light and ventilation required by the Building Code.
  - 8. Room and space dimensions less than required by the Building Code.
  - 9. Lack of required electrical lighting.

10. Dampness of habitable rooms.
11. Infestation of insects, vermin or rodents as determined by the health officer or his designee.
12. General dilapidation or improper maintenance.
13. Lack of connection to a required sewage disposal system.
14. Deteriorated or inadequate foundations.
15. **Defective or deteriorated flooring or floor supports.**
16. Flooring or floor supports of insufficient size to carry imposed loads with safety.
17. Members of walls, partitions, or other vertical supports that split, lean, list, or buckle due to defective material or deterioration.
18. Members of walls, partitions, or other vertical supports that are of insufficient size to carry imposed loads with safety.
19. **Members of ceilings, roofs, ceiling and roof supports or other horizontal members, which sag, split, or buckle due to defective material or deterioration.**
20. Members of ceilings, roofs, ceiling and roof supports, or other horizontal members that are of insufficient size to carry imposed loads with safety.
21. Fireplaces or chimneys which list, bulge, or settle, due to defective material or deterioration.
22. Fireplaces or chimneys which are of insufficient size or strength to carry imposed loads with safety.
23. **Electrical Wiring. All wiring, except that which conformed with all applicable laws in effect at the time of installation, and which has been maintained in good condition and is being used in a safe manner.**
24. **Hazardous Plumbing. All plumbing except that which conformed with all applicable laws in effect at the time of installation, and which has been maintained in good condition and which is free of cross connections and siphonage between fixtures.**

- 25 Hazardous Mechanical Equipment. All mechanical equipment, including vents, except that which conformed with all applicable laws in effect at the time of installation, and which has been maintained in good and safe condition.
- 26 Faulty Weather Protection. Weather protection which shall include, but not be limited to the following:
1. Deteriorated, crumbling, or loose plaster.
  2. Deteriorated or ineffective waterproofing of exterior walls, roof, foundations, or floors, including broken windows or doors.
  3. Defective or lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other approved protective covering.
  4. Broken, rotted, split, or buckled exterior wall coverings or roof coverings.
- 27 Fire Hazard. Any building or portion thereof, device, apparatus, equipment, combustible waste, or vegetation which, in the opinion of the Chief of the Fire Department or his deputy, is in such a condition as to cause a fire or explosion, or provide a ready fuel to augment the spread and intensity of fire or explosion arising from any cause.
- 28 Faulty Materials of Construction. All materials of construction, except those which are specifically allowed or approved by this Code and the Building Code, and which have been adequately maintained in good and safe condition.
- 29 Hazardous or Unsanitary Premises. Those premises on which an accumulation of weeds, vegetation, junk, dead organic matter, debris, garbage, offal, rat harborages, stagnant water, combustible materials, and similar materials or conditions which constitute fire, health, or safety hazards.
- 30 Inadequate maintenance. Any building or portion thereof which is determined to be an unsafe building as a result of improper or inadequate maintenance.
- 31 Inadequate Exits. All buildings or portions thereof not provided with adequate exit facilities as required by the Building Code, except those buildings or portions thereof whose exit facilities conformed with all applicable laws at the time of their construction, and which have been adequately maintained and increased in

relation to increase in occupant load, alteration or addition, or any change in occupancy. When an unsafe condition exists through lack of, or improper location of exits, additional exits may be required to be installed.

32. **Inadequate Fire protection or Fire fighting equipment.** All buildings or portions thereof which are not provided with the fire-resistive construction or fire-extinguishing systems or equipment required by this Code, except those buildings or portions thereof which conformed with all applicable laws at the time of their construction and whose fire-resistive integrity and fire-extinguishing systems or equipment have been adequately maintained and improved in relation to any increase in occupant load, alteration or addition, or any change in occupancy.
33. **Improper Occupancy.** All buildings or portions thereof occupied for living, sleeping, cooking or dining purposes which were not designed or intended to be used for such occupancies

## CHAPTER 7 NOTICES

### GENERAL

#### SECTION 701

- (a) **Commencement of Proceedings.** Whenever the Building Official, or his designee, has inspected or caused to be inspected any structure and has found and determined that such structure is a substandard structure, he may commence proceedings to require the vacation, relocation of occupants, securing, repair, removal, or demolition of the structure.
- (b) **Notice.** The Building Official or his designee shall make a diligent effort to discover the name and address of each owner, mortgagee or lien holder of the structure as found in the real property records of the county clerk. He shall then issue a notice to each owner, mortgagee or lien holder which shall contain the following:
1. The street address and legal description sufficient for identification of the premises upon which the structure is located.
  2. A statement that the Building Official believes the structure to be in violation of the terms of the Structural Standards Code with a brief and concise description of the conditions found to render the structure in violation. The Building Official may comply with this section by attaching a copy of any report of the inspection of the structure to the notice.

3. A statement advising that a hearing has been set before the City Council as follows:

"You are hereby notified that a hearing will be held before the City Council of Munday, Texas, at City Hall 121 E. Main Street, Munday, Texas 76371 on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_ at \_\_\_\_\_ p.m. The purpose of the hearing is to make a final determination as to whether the structure described is in violation of the Structural Standards Code of the City of Munday, Texas. You may be present at the hearing and may be, but need not be, represented by legal counsel. You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You may request the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by filing an affidavit thereof with the City Council. At the time of the hearing, you (whether you be the owner, lien holder, or mortgagee) will be required to submit at the hearing proof of the scope of any work that may be required to comply with the Code and the time it will take to reasonably perform the work. In the event you seek to obtain more than thirty (30) days to complete the project, you will be required to reasonably establish that the work cannot be completed within thirty 30 days. In the event you seek to obtain more than ninety (90) days to complete the work, you will be required to submit a detailed plan and time schedule for the work at the hearing and establish that the work cannot be completed within ninety (90) days."

Following the hearing the City Council may issue an order requiring the vacation, relocation of occupants, securing, repair (with or without vacation), removal, or demolition of the structure if the City Council finds that any of the following conditions exist:

- (1) The structure in question is dilapidated, substandard, or unfit for human habitation; and a hazard to the public health, safety, and welfare;
- (2) The structure is unoccupied by its owners, or other invitees and is unsecured from unauthorized entry to the extent that it could be entered or used by vagrants or other uninvited persons as a place of harborage or could be entered or used by children;
- (3) If boarded up, fenced or otherwise secured in any manner, the building constitutes a danger even though secured from entry; or the means used to

secure the building are inadequate to prevent unauthorized entry or use of building in the manner described in (B) above;

- (4) Following entry of the order, any person affected by the order may appeal, the order to the State District Court for relief within thirty (30) days, and upon failure to do so within such period of time, the order shall become final.
- (c) **Service of Notice.** The notice and any amended or supplemental notice shall be served upon the record owner, and posted on the property; and one (1) copy thereof shall be served on each of the following if known to the Building Official or disclosed from official public records: the holder of any mortgage or deed of trust or other lien or encumbrance of record, the owner or holder of any lease filed of record and the holder of any other estate or legal interest filed of record in or to the building or the land on which it is located. The failure of the Building Official to serve any person required herein to be served shall not invalidate any proceedings hereunder as to any other person duly served or relieve any such person from any duty or obligation imposed on him by the provisions of this code.
- (d) **Method of Service.** Service of the notice shall be made upon all persons entitled thereto, either personally or by mailing a copy of such notice by certified mail, postage prepaid, return receipt requested, to each person at his address as it appears in the official records of the county clerk, any appraisal district records, or as known to the Building Official. If such certified letter is not deliverable as addressed, service may be by publication two (2) times within ten (10) consecutive days in a newspaper of general circulation within this county. If no address of any such person so appears, or is known to the Building Official, then a copy of the notice shall be so mailed, addressed to such person, at the address of the building involved in the proceedings. The failure of any such person to receive such notice shall not affect the validity of any proceedings taken under this section. Delivery by certified mail in the manner herein provided shall be effective service on the date of mailing.
- (e) **Proof of Service.** Proof of service of the notice shall be certified to at the time of service by a written declaration under penalty of perjury executed by the person effecting service, declaring the time, date and manner in which service was made. The declaration, together with any receipt card returned in acknowledgment of receipt by certified mail shall be affixed to the copy of the notice retained by the Building Official.

CHAPTER 8  
HEARINGS

**SECTION 801.**

**General.** Before any order is issued by the City Council or any work is performed by the Building Official on any building or part thereof which is in violation of this code, except under Section 805 dealing with emergency remedies, there shall first be a hearing conducted by the City Council.

**SECTION 802.**

**Standards to be followed.** The following standards shall be followed by the City Council in ordering the repair, vacation, relocation of occupants, demolition or removal of a structure:

- (a) The City Council may issue an order requiring the vacation, relocation of occupants, securing, repair (with or without vacation), removal, or demolition of the structure if the Council finds that any of the following conditions exist:
  - (1) the structure in question is dilapidated, substandard, or unfit for human habitation; and a hazard to the public health, safety, and welfare;
  - (2) that regardless of its structural condition, the structure is unoccupied by its owners, or other invitees and is unsecured from unauthorized entry to the extent that it could be entered or used by vagrants or other uninvited persons as a place of harborage or could be entered or used by children; or
  - (3) if boarded up, fenced or otherwise secured in any manner if:
    - (A) the building constitutes a danger even though secured from entry; or
    - (B) the means used to secure the building are inadequate to prevent unauthorized entry or use of the manner described in (2) above.
  
- (b) If the City Council finds that the structure is in violation, then the Council shall require the owner, lien holder, or mortgagee of the building to within thirty (30) days:
  - (1) secure the structure from unauthorized entry; or

- (2) repair, remove or demolish the structure within thirty (30) days, unless the owner or lien holder establishes at the hearing that the work cannot be reasonably performed within thirty (30) days.
- (3) If the owner establishes that the work cannot be reasonably completed in thirty (30) days and the Council determines that additional time is necessary, the Council shall establish specific time schedules for the commencement and performance of the work and shall require the owner, lien holder or mortgagee to secure the property in a reasonable manner from unauthorized entry while the work is being performed.
- (4) The City Council shall not allow an owner, lien holder or mortgagee more than ninety (90) days to repair, remove or demolish the structure or fully perform all work required to comply with the order unless the owner, lien holder or mortgagee:
  - A. submits a detailed plan and time schedule for the work at the hearing; and
  - B. establishes at the hearing that the work cannot be reasonably be completed within ninety (90) days because of the scope and complexity of the work.
- (5) If the City Council allows the owner, lien holder, or mortgagee more than ninety (90) days to complete any part of the work required to repair, remove or demolish the structure, the Council shall require the owner, lien holder, or mortgagee to regularly submit progress reports to the Building Official to demonstrate that the owner, lien holder, or mortgagee has complied with the time schedules established for commencement and performance of the work. The order may require that the owner, lien holder or mortgagee appear before the Building Official to demonstrate compliance with the time schedules.
- (6) In the public hearing to determine whether a structure complies with the standards set out in the code, the owner, lien holder or mortgagee has the burden of proof to demonstrate the scope of work that may be required to comply with the code and the time it will take to reasonably perform the work.

### SECTION 803.

Right to Appeal. Any person affected by any order may seek to appeal the order within thirty (30) days, to the State District Court for relief and upon failure to do so within such period of time such order shall be final.

SECTION 804.

Findings of Fact. Following the hearing, any person wishing to appeal the decision of the City Council may request that the Council make such findings as the Council believes necessary to support its Order. In the event a party fails to request such findings within thirty (30) days, it shall be presumed that the Council made such findings as are necessary to support its decision.

SECTION 805.

Emergency Abatement. In the event that a structure constitutes a substantial and immediate hazard to the public health, safety and welfare as a result of fire, civil disobedience or natural disaster to the extent that an imperative public need exists to abate a portion or all of the structure, the Building Official may immediately, without prior hearing before the City Council abate that portion of the structure which causes the hazard provided:

- (a) The Building Official has made a reasonable effort to determine the name and location of each owner and lien holder or mortgagee and has attempted to give each owner, lien holder and mortgagee notice of the impending action by the Building Official. The notice may be given orally and a record shall be kept of the time and date of each communication.
- (b) The structure shall be abated only to the extent necessary to remove the immediate hazard to the public health, safety and welfare. The structure shall then be treated as any other substandard structure and additional abatement may be done only after notice and hearing as provided in Chapters 7 and 8.

CHAPTER 9  
PROCEDURES FOR CONDUCTING MEETING

SECTION 901.

- (a) Record. A record of the entire proceedings shall be made by tape recording, or by any other means of permanent recording determined to be appropriate by the City Council.
- (c) Oaths - Certification. In any proceedings under this Chapter, the City Council or a Council member has the power to administer oaths and affirmations and to certify to official acts.
- (e) Reasonable Dispatch. The City Council and its representatives shall proceed with reasonable dispatch to conclude any matter before it.

### SECTION 903

- (a) Rules. Hearings need not be conducted according to the technical rules relating to evidence and witnesses.
- (b) Oral Evidence. Oral evidence shall be taken only on oath or affirmation.
- (c) Admissibility of Evidence. Any relevant evidence shall be admitted if it is the type of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in courts of competent jurisdiction in this State.
- (d) Exclusion of Evidence. Irrelevant and unduly repetitious evidence shall be excluded.
- (e) Rights of Parties. Each party shall have the following rights, among others:
  - 1. To call and examine witnesses on any matter relevant to the issues of the hearing;
  - 2. To introduce documentary and physical evidence;
  - 3. To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;
  - 4. To impeach any witness regardless of which party first called him to testify;
  - 5. To rebut the evidence against him;
  - 6. To represent himself or to be represented by anyone of his choice who is lawfully permitted to do so.

### SECTION 904.

- (a) Hearing Before the City Council. Where a contested case is heard before the City Council no member thereof who did not hear the evidence or has not read the entire record of the proceedings shall vote on or take part in the decision.
- (b) Form of Decision. The decision shall be in writing and may contain findings of fact; it shall contain a determination of the issues presented, and the requirements for compliance. A copy of the decision shall be delivered to each party personally or sent to each party by United States Mail, certified, return receipt requested, postage prepaid.

- (c) Effective Date of Decision. The effective date of the decision shall be as stated therein.

**SECTION 905.** Within the (10) days after the date the order is issued, the Building Official shall:

- (a) file a copy of the order in the office of the City Secretary; and
- (b) serve a copy of the order upon each owner, mortgagee and lien holder by certified mail, return receipt requested.
- (c) publish in a newspaper of general circulation in the City of Munday a notice containing:
1. the street address and legal description of the property;
  2. the date of the hearing;
  3. a brief statement indicating the results of the order; and
  4. instructions stating where a complete copy of the order may be obtained.

## CHAPTER 10 ENFORCEMENT

### SECTION 1001.

- (a) General. After any order of the City Council pursuant to this Code has become final, no person to whom any such order is directed shall fail, neglect, or refuse to obey such order. Any such person who fails to comply with such an order is guilty of a misdemeanor.
- (b) Failure to Obey order. If, after any order of the City Council made pursuant to this Code has become final, the person to whom such Order is directed shall fail, neglect or refuse to obey such Order, the Building Official may, (1) cause such person to be prosecuted under Section 1001(a) or, (2) take any appropriate action to abate such structure pursuant to the order, including repair, removal or demolition of the structure.
- (c) Posting.
1. Notice Contents. The Building Official shall, if ordered by the City Council pursuant to Section 904, cause the building described in such notice and order to be vacated by posting at each entrance thereto a notice reading as follows:

SUBSTANDARD STRUCTURE  
DO NOT OCCUPY

it is a misdemeanor punishable by up to a  
\$2,000 fine

to occupy this structure, or to remove  
or deface this notice.

Building Official  
City of Munday

2. Failure to Obey Notice. No person shall occupy any building which has been posted as specified in this section. No person shall remove or deface any such notice so posted until the repairs, demolition, or removal ordered by the City Council have been completed.

Additional Remedies. In addition to any other remedy herein provided, if a party fails to comply with an order of the Council within the time provided then the Building Official may take such action as is required by the order.

SECTION 1003.

Repairs By City. If after the expiration of the period of time allowed in an order of the City Council, the person to whom the order was directed shall fail, neglect or refuse to obey such order, then the Building Official may repair the building to the extent necessary to meet the minimum requirements of this Code at the expense of the city. Costs incurred shall be assessed against the land on which the building stands or is attached and a Notice of Lien shall be filed as provided by Section 214.0015(d) of the Texas Local Government Code. The Notice of Lien shall be substantially in the form required by this Code or by statute.

SECTION 1004.

Civil Penalties. At the time of the hearing provided by this Code, the City Council may provide that if the person to whom the order is directed shall fail, neglect or refuse to obey any order, then a civil penalty shall be assessed against the property. The City Council may set the amount of the penalty at the time of the hearing in an amount not to exceed \$1,000.00 per day if the property is not homestead property and in an amount not to exceed \$10.00 per day if the property is occupied by the owner as his homestead. The civil penalties shall be assessed against the land on which the building stands or stood and a Notice of Lien shall be filed as provided in Chapter 214.0015(d) of the Texas Local Government Code. The Notice of Lien shall be substantially in the form required by this Code or by statute.

SECTION 1005.

Interference With Work Prohibited. It shall be a misdemeanor for any person to obstruct, impede or interfere with any officer, employee, contractor or authorized representative of the City, or with any person who owns or holds any estate or interest in any building which has been ordered repaired, vacated or demolished under the provisions of this Code, whenever such officer, employee, contractor or authorized representative of the City, person having an interest or estate in such building or structure, is demolishing any such building pursuant to the provisions of this Code, or is performing any necessary act preliminary to or incidental to such work or authorized or directed pursuant to this Code.

CHAPTER 11  
PERFORMANCE OF REPAIR, DEMOLITION OR OTHER WORK

GENERAL

SECTION 1101.

Procedure. When any demolition or other work is to be done pursuant to Section 1003 of this Code, the Building Official may shall cause the work to be accomplished by either city personnel or by private contract.

CHAPTER 12  
RECOVERY OF CIVIL PENALTIES,  
COST OF REPAIR, DEMOLITION OR OTHER WORK

SECTION 1201.

Account of Expense, Filing of Statement. The Building Official shall keep an itemized account of the expense incurred by the City for administrative cost, demolition or removal of any structure and the cleaning of the lot where the structure was located. Upon completion of this abatement, the Building Official shall prepare a Notice of Lien specifying the work done, and the total cost of the work, a description of the real property upon which the structure was located, and the names and addresses of the persons entitled to notice.

SECTION 1202.

Lien of Assessment.

- (a) Priority. Immediately upon recordation, the amount assessed shall be payable, and the assessment shall be a lien against the parcel of land where the work was performed and

against any remaining improvements thereon. The lien shall be subordinate only to tax liens and liens to secure the cost of street improvements after they have been so made.

- (b) Interest. All such assessments remaining unpaid after thirty (30) days from the date of recordation shall become delinquent and shall bear interest at the rate of ten percent (10%) per annum from and after said date.

SECTION 1204.

Foreclosure. For any such expenditures and interest, suit may be instituted and foreclosure had in the name of the City of Munday a certified copy of the lien and billing statements shall be *prima facie* proof of the amount expended in any such work.

SECTION 1205.

Repayment. All money recovered by payment of the charge or assessment, including any interest thereon, or from the sale of the property at foreclosure sale shall be paid to the Building Official who shall credit the same to the General Fund.