Chapter 10

BUILDINGS AND NEIGHBORHOOD PROTECTION*

*__Cross references__—Convention and entertainment facilities, Ch. 12; discrimination in housing, § 17-11 et seq.; flood plain, Ch. 19; piers at Lake Houston, § 23-31 et seq.; dredging or excavating at Lake Houston, § 23-136 et seq.; fencing or filling of abandoned excavations, § 28-12; manufactured homes and recreational vehicles, Ch. 29; restricted hours for work on buildings, Ch. 30 et seq.; oil and gas wells, Ch. 31; erecting structures, bill posting etc., § 32-32; planning and development, Ch. 33; mixing mortar or cement on streets, § 40-21; dropping window cleaner's tools on sidewalks, § 40-26; subdivisions—Generally, Chs. 41, 42; pool and spa safety, Ch. 43; water and sewers, Ch. 47.

ARTICLE I. IN GENERAL

Sec. 10-1. Construction Code.

(a) Nothing in this Code or the ordinance adopting this Code shall be deemed to repeal or affect the validity of the Construction Code. The Construction Code is published as a separate code. The Construction Code, as amended, is hereby continued in full force and effect to the same extent as if set out in full herein, save and except any provisions which may be in conflict with any provision of this Code.

(b) The Construction Code was formerly known as the Building Code. Any reference in city ordinances, contracts, or other documents to the Building Code shall be construed to mean the document now known as the Construction Code, unless the reference is clearly intended by its context to mean that document called the City of Houston Building Code, which is now one of several documents that constitute the Construction Code.
(Code 1968, § 10-1; Ord. No. 02-399, § 28, 5-15-02; Ord. No. 05-603, § 6, 5-11-05)

Sec. 10-2. Code compliance review.

The building official shall forward each application for the issuance or amendment of a building permit to the director of the department of planning and development or the director's designee to determine compliance with chapters 26, 33 and 42 of this Code and those provisions of the Construction Code that relate to driveways, sidewalks, parking lots, and alleys, if the scope of the work involves one or more of the following:

(1) The construction of any new structure or building;

(2) An addition to any structure or building;

(3) A change in occupancy designation of a structure or building or portion thereof;

(4) The construction of any driveway or curb cut;

(5) The construction or expansion of any parking lot;

(6) The construction of any fence over eight feet high;

(7) The construction of any retaining wall; or

(8) The construction of any masonry wall.

There is hereby imposed a fee of $25.00 for the review under this section. The building official shall collect this fee from the applicant at the time of the issuance of the building permit or amendment. The fee shall not be refundable and shall be in addition to any other fee imposed by law.
(Ord. No. 99-262, § 8, 3-24-99; Ord. No. 02-399, § 29, 5-15-02)

Sec. 10-3. Affidavit concerning deed restrictions on property—Prerequisite to issuance of building permit.

(a) No building permit shall be issued until an affidavit has been submitted to the building official stating that the construction, alteration, or repair for which the building permit is sought, and the use to which the improvement or building is to be put, will not violate deed restrictions or restrictive covenants running with the land, except that no such affidavit need be submitted to obtain a permit solely for the following:

(1) The demolition of a building;

(2) The repair of a building, provided that the materials and methods to be used for the repair are substantially the same as the materials and methods used for the construction of the building; or

(3) The interior remodeling of a building, provided that the remodeling will not change the building's "use and occupancy classification" within the meaning of Chapter 3 of the City of Houston Building Code.

(b) The director is authorized to promulgate affidavit forms to use in the implementation of this section. Prior to the use of any affidavit form, the city attorney or his designee shall review and approve the affidavit form for legal sufficiency. The affidavit form shall be attached to the building permit application as a part thereof, and shall include but not be limited to, a description of the type of occupancy for which the building permit application is being made, any exhibits referred to therein, and shall be properly sworn to and subscribed before a notary public.
(Code 1968, § 10-3; Ord. No. 71-2253, § 1, 12-3-71; Ord. No. 85-1180, § 1, 7-10-85; Ord. No. 88-1555,

§§ 1, 2, 9-21-88; Ord. No. 90-635, § 21, 5-23-90; Ord. No. 94-1154, § 3, 10-26-94; Ord. No. 98-613, § 22, 8-5-98; Ord. No. 01-770, § 1, 8-15-01; Ord. No. 09-761, § 2, 8-19-09)

Sec. 10-3.1. Same—Prerequisite to issuance of certificate of occupancy or a life safety compliance certificate.

(a) No certificate of occupancy or life safety compliance certificate that is not required by a building permit application made in compliance with section 10-3 of this Code shall be issued by the building official except upon a written application including an affidavit that the building or structure for which the certificate is sought, and the use to which it will be put, will not violate the deed restrictions or restrictive covenants running with the land to which the property is subject as set forth in the affidavit.

(b) The director is authorized to promulgate affidavit forms to use in the implementation of this section. Prior to the use of any affidavit form pursuant to this section, the city attorney or his designee shall review the affidavit form for legal sufficiency and approve each affidavit form the city attorney or his designee, in his sole professional judgment, determines to be legally sufficient. The affidavit form shall be attached to the certificate of occupancy or life safety compliance certificate as a part thereof, and shall include

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not be limited to, a description of the type of occupancy for which the certificate of occupancy or life safety compliance certificate is being made, any exhibits referred to therein, and shall be properly sworn to and subscribed before a notary public.
(Ord. No. 85-1530, § 1, 9-4-85; Ord. No. 90-635, § 22, 5-23-90; Ord. No. 94-1154, § 4, 10-26-94; Ord. No. 01-770, § 2, 8-15-01)

Sec. 10-4. Stop work orders.

Where construction or other work is being done contrary to the provisions of this Code, the Construction Code or the Fire Code, or is being done in an unsafe or dangerous manner, the building official may order the work stopped by notice in writing served on the person engaged in doing or causing the work to be done, and the person shall forthwith stop the work until authorized to recommence it by the building official.
(Code 1968, § 18-60; Ord. No. 73-2079, § 1, 11-21-73; Ord. No. 90-635, § 23, 5-23-90; Ord. No. 02-399, § 30, 5-15-02)

Sec. 10-5. Reserved.

Editor's note—Section 4 of Ord. No. 92-147, adopted Feb. 12, 1992, repealed § 10-5 in its entirety. Formerly, § 10-5 pertained to the securing of unoccupied buildings and derived from § 18-73 of the 1968 Code; § 1 of Ord. No. 78-243, adopted Feb. 14, 1978; § 2 of Ord. No. 86-57, adopted Jan. 21, 1986; § 3 of Ord. No. 89-1079, adopted July 12, 1989; § 23 of Ord. No. 90-635, adopted May 23, 1990; § 1 of Ord. No. 91-360, adopted Mar. 13, 1991; and §§ 5 and 6 of Ord. No. 91-1102, adopted July 31, 1991.

Sec. 10-6. Deposits of foam or spray from air conditioning equipment.

Any person who operates or permits to be operated, on property owned, leased or in his possession, control or management, any air conditioning equipment shall cause the said equipment to be operated and maintained in such a manner that no foam or water spray from such equipment blows onto or is otherwise deposited on any other person's property. Each day that such condition is allowed to continue after five days' notice from the neighborhood protection official to correct such condition shall constitute a separate offense.
(Code 1968, § 28-17; Ord. No. 70-1720, § 1, 10-6-70; Ord. No. 90-635, § 23, 5-23-90; Ord. No. 93-514, § 20, 5-5-93; Ord. No. 94-674, § 9, 7-6-94; Ord. No. 98-613, § 23, 8-5-98)

Sec. 10-7. Maintenance of premises liable to fire.

Any owner or occupant of any building or other structure or premises who shall keep or maintain the same when, for want of repair or by reason of age or dilapidated condition, or for any other cause, such building is especially liable to fire, and is so situated as to endanger buildings or property of others, or is especially liable to fire and is so occupied that fire would endanger other persons or other property therein, shall be guilty of a misdemeanor. Each day that such condition is allowed to continue after five days' notice by the fire marshal to correct such condition is hereby declared a separate offense.
(Code 1968, § 28-61; Ord. No. 69-756, §§ 1, 2, 4-30-69)

Sec. 10-8. Reserved.

Editor's note—Ord. No. 95-279, § 8, adopted Mar. 15, 1995, repealed former § 10-8, which pertained to the Fire Code.

Secs. 10-9—10-30. Reserved.

ARTICLE II. BUILDINGS ON UTILITY EASEMENTS

Sec. 10-31. Definitions.

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

(1) *Actual notice.* Actual knowledge or such circumstances or conditions as would put a person of ordinary prudence on inquiry to determine the facts.

(2) *Constructive notice.* Such information or facts as may be determined from instruments in writing placed of record in the office of the county clerk of the county.

(Code 1968, § 10-31)

Sec. 10-32. Permit to construct—Required.

It shall be unlawful for any person to build, erect, or construct, or cause to be built, erected or constructed any building, structure or edifice for any use or occupancy whatsoever in, upon, over or across any easement, or any part thereof, granted to the city for sanitary sewer, storm water, water main, or electric line conduit purposes, or a combination of same, or upon, over, or across any privately constructed sanitary sewer, storm sewer, water main, or electric line conduit managed, supervised, or controlled by the city or connected with the sanitary sewer system, storm sewer system, water main system or electric line conduit system of the city when such person has actual or constructive notice of such privately constructed sewers, mains, or conduits, without first procuring a written permit to do so from the utility official.

(Code 1968, § 10-32; Ord. No. 90-635, § 24, 5-23-90)

Sec. 10-33. Same—Application.

Application for a permit required by section 10-32 of this Code shall be addressed in writing to the utility official. The applicant shall set forth therein:

(1) The true name and address of the person seeking the permit.

(2) The name and address of the contractor employed to do the work, if any.

(3) The nature of the building, structure or edifice proposed to be erected, including the type of construction proposed.

(4) The use or occupancy to which such proposed building, structure or edifice is to be put.

(5) The legal description and street address of the lot or tract of land upon which the building, structure or edifice is proposed to be built.

(6) Whether or not such proposed building, structure or edifice, or any part thereof, will be in, upon, over or across any easement granted to the city for the purposes enumerated in section 10-32, or upon, over, or across any privately constructed sanitary sewer, storm sewer, water main, or electric line conduit of which the applicant has actual or constructive notice.

(Code 1968, § 10-33; Ord. No. 90-635, § 24, 5-23-90)

Sec. 10-34. Issuance and appeals.

(a) Upon receipt of an application for the permit required by section 10-32 of this Code, the utility official shall consider the impact of the use proposed by the applicant upon the present and probable future uses of the easement by the city, including but not limited to the city's need for ingress and egress to maintain and construct improvements within the easement and the potential risk of damage to the city's improvements. The permit shall be granted unless the utility official determines that the proposed use will materially interfere in some manner with the city's exercise and enjoyment of its easement rights.

(b) If the utility official refuses to grant such permit, the applicant may have such action reviewed by an appeal to the city council, in writing, within ten days after the decision of the utility official is published. The decision of the council shall be final.

(Code 1968, § 10-34; Ord. No. 90-635, § 24, 5-23-90)

Sec. 10-35. Permit to maintain when construction permit not obtained.

Should it be made to appear to the utility official, upon written application by any person, that a building, structure or other edifice has been constructed upon or across any sanitary sewer, storm sewer, water main or easement granted for the purpose of constructing and maintaining such utilities, and that such construction was done without the permit required by section 10-32 of this Code through inadvertence, mistake or ignorance of the existence of the sewer, water

line, or easement in question, the utility official is empowered to issue a permit to maintain such building, structure or edifice, provided that, upon investigation, the utility official is satisfied that a permit would have been granted in the initial instance prior to construction. Should the utility official refuse to issue the permit to maintain as herein provided, the applicant shall have the same right to appeal to the city council as provided in section 10-34 of this Code.
(Code 1968, § 10-35; Ord. No. 90-635, § 24, 5-23-90)

Sec. 10-36. Assumption of risks by builder.

Regardless of whether a permit has been issued therefor under this article, or not, any person who builds, erects, or constructs a building, structure, or edifice over any of the sewers, mains or lines enumerated in section 10-32 of this Code assumes all of the risks incident to such construction, and the city shall never be liable for any damage occasioned to any such building, structure, or edifice by reason of the granting of permission to build or construct the same, or because of the supervision, operation and maintenance of any sanitary sewer, storm sewer, water main, or electric line conduit, whether the same is in an easement granted to the city for that purpose or privately constructed.
(Code 1968, § 10-36; Ord. No. 90-635, § 24, 5-23-90)

Sec. 10-37. Tunneling to inspect or repair utility installations.

If, in the course of maintenance and supervision of any of the sewers, mains or conduits enumerated in section 10-32 of this Code over which a building, structure or edifice has been built or erected, it should become necessary to tunnel beneath or excavate through the floor or foundation of such building, structure or edifice for the purpose of making inspections or repairs, the person owning such building, structure or edifice, his successors or assigns, shall, regardless of whether a permit has been issued therefor under this article, or not, stand and bear all of the expense and damage occasioned to such building, structure or edifice by reason of such tunneling or excavation. In addition thereto, such person shall likewise stand and bear the added cost incurred by the city in tunneling beneath or excavating through the floor or foundation of such building, structure or edifice for the purpose of making such inspections or repairs, the amount of which added cost is to be determined by the utility official, and such amount shall be paid promptly to the city.
(Code 1968, § 10-37; Ord. No. 90-635, § 24, 5-23-90)

Secs. 10-38—10-47. Reserved.

ARTICLE III. HOUSE MOVING

DIVISION 1. GENERALLY

Sec. 10-48. Definitions.

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

(1) *House.* Any building, structure or edifice.

(2) *House moving.* The transportation of a house from place to place along or across any public street within the corporate limits of the city.

(3) *Licensee.* A person licensed under this article to engage in the business of house moving.

(4) *Street.* The term "street" shall mean any part of the street right-of-way, including the sidewalk area.

(Code 1968, § 10-48)

Sec. 10-49. Compliance with Construction Code; landowner's agreement; bond; certificate of compliance; move to house repair or resale lot.

(a) It shall be unlawful for any licensee to begin or complete the moving of any building onto any property in the city unless the permanent location and foundation of the building on the property complies in all respects with the Construction Code. No permit shall be issued to move

any building, and no building shall be moved onto any property in the city, unless the owner of the land upon which the building is to be moved has completed a landowner's agreement on a form approved by the building official and has delivered a cashier's check to the city pursuant to the requirements set out below, or has posted a bond signed by the owner as principal and by a good and sufficient corporate surety company licensed to do business in the state as surety, which bond shall be in a form approved by the building official.

The bond shall be in the sum of $3,500.00 and shall provide and be conditioned that if the owner fails or refuses to timely perform any one or more of his obligations under the landowner's agreement, then the surety shall be liable for reimbursement of the costs incurred by the city for demolition of the building.

If a cashier's check is delivered to the city in lieu of the aforesaid surety bond, it shall be in the amount of $3,500.00, issued by a bank that is insured by the Federal Deposit Insurance Corporation and made payable to the city. The cashier's check shall be for reimbursement of the costs incurred by the city for demolition of the building if the owner fails or refuses to timely perform one or more of his obligations under the landowner's agreement.

In the landowner's agreement the owner shall set out his full name, mailing address, the legal description and the street address of the property upon which the building is to be moved and the purpose for which the building will be used after it has been moved and repaired, specifying the purpose in sufficient detail so that the applicable Construction Code occupancy can be determined. The owner shall certify that the occupancy will not violate any valid and applicable deed restriction or covenant running with the land. The landowner shall covenant and agree in the landowner's agreement:

(1) That application will be made for all necessary permits to bring the building into compliance with the Construction Code within 30 calendar days after the building is moved onto the property.

(2) That the building will be brought into compliance with all applicable Construction Code requirements for the designated occupancy within 150 calendar days, and that the issuance of any permit by the city shall not be construed to extend the time to repair the building beyond 150 calendar days after the building was moved onto the property.

(3) That until such time as the building is permanently occupied the owner will ensure that the building will not be permitted to become or remain in such a condition that a person can enter into it without the use of force through unlocked doors or unsecured openings except at such times as the owner or any persons engaged in the repair of the building are in actual attendance on the property and that the owner of the property will ensure that the building does not become or remain a dangerous building as defined in section 10-361 of this Code.

(4) The owner expressly understands and agrees that if he fails or refuses to timely perform any one or more of his obligations under the landowner's agreement, the city may demolish or cause the demolition of the building at the risk, expense and liability of the owner, and the owner agrees to pay the city all costs incurred by the city therefor.

The landowner's agreement shall be signed by each owner of the property onto which the building is to be moved.

(b) When the requirements of a landowner's agreement have been fully met and the building has been brought into compliance with all Construction Code requirements for the occupancy designated in the application for the house moving permit, the building official shall issue a certificate of compliance for the building upon the request of the landowner. If a bond has been posted to secure performance of the landowner's agreement, the surety company shall be relieved

of liability on the bond when a certificate of compliance is issued by the building official for the building that was the subject of the permit. If a cashier's check was delivered to the city pursuant to this section, the landowner may demand return of the cashier's check when a certificate of compliance is issued by the building official for the building that was the subject of the permit.

(c) Prior to demolition of any building pursuant to a landowner's agreement, the city shall provide the owners with notice and a hearing in the same manner as provided for in article IX of this chapter.

(d) This section shall not be applicable to the moving of a building to a "house repair or resale lot" which holds a current license issued by the city for that purpose. The term "house repair or resale lot" means a contiguous plot or tract of land which:

(1) Has 15,000 square feet or more in area;

(2) Is suitable for use for the repair and/or display of buildings which are to be subsequently moved to a permanent location after repair or resale; and

(3) Is subject to such use without violation of any valid and applicable deed restrictions or covenants running with the land.

Further, this section shall not be applicable to portable school buildings moved onto the property of an independent school district.

(e) License for house repair or resale lot:

(1) To obtain a license to operate a house repair or resale lot, an application shall be filed with the building official on a form designated by the city for that purpose. On such application, the applicant shall set forth:

a. The address of the site where the house repair or resale lot will be operated.

b. The legal description of the property on which the house repair or resale lot will be operated.

c. The names and street addresses of each owner of the property on which the house repair or resale lot will be operated.

d. The name and street address of the person who will operate the house repair or resale lot.

e. Such other information as the director of public works and engineering finds will aid in the enforcement of this Code in regard to the house repair or resale lot.

f. A statement that the proposed use of the property described in the application for use as a house repair or resale lot will not violate any restriction contained in or incorporated by reference in a recorded instrument affecting the land. Such an application shall be signed by each owner of the property.

(2) The building official shall issue a license to the person who will operate the house repair or resale lot upon submission of an application pursuant to this section and payment of the license fee if, upon inspection, the building official finds that the house repair or resale lot meets the requirements of this section.

(3) The fee for a license issued under this section shall be $100.00.

(4) A license issued under this section shall expire one year from the date of its issuance but may be renewed upon application therefor and payment of the annual renewal fee of $100.00. An application for renewal shall be on a form designated by the city for that purpose and shall include such information as the director of public works and engineering determines is necessary to enforce this Code relating to house repair or resale lots.

(5) A license issued to operate a house repair or resale lot shall be valid only for the property described in the application for

the license. Such a license shall also be personal to the licensee and shall not be transferable.

(6) Each building situated on a house repair or resale lot shall be kept in such a condition that a person cannot enter it without the use of force through unlocked doors or unsecured openings except at such times as the licensee, his agents or employees, or any person engaged in the repair of the building are in actual attendance on the property.

(7) No part of a building on a house repair or resale lot shall either be closer to any other building on such lot than six feet or be closer than three feet to any property line.

(8) House repair or resale lot licenses shall be subject to revocation and suspension by the building official as provided in section 10-92 of this Code.

(Code 1968, § 10-49; Ord. No. 81-2515, § 1, 12-22-81; Ord. No. 82-870, § 1, 5-25-82; Ord. No. 90-635, § 25, 5-23-90; Ord. No. 93-514, § 21, 5-5-93; Ord. No. 93-1570, § 3, 12-8-93; Ord. No. 98-613, § 24, 8-5-98; Ord. No. 02-399, § 31, 5-15-02; Ord. No. 04-1015, §§ 10, 11, 9-27-04)

Sec. 10-50. Reserved.

Editor's note—Ord. No. 00-551, § 1, adopted June 21, 2000, repealed § 10-50 in its entirety. Formerly, said section pertained to moving concrete slab foundations and derived from Code 1968, § 10-50; Ord. No. 67-2030, § 1, 10-24-67; Ord. No. 72-499, § 1, 3-15-72. See the Code Comparative Table.

Sec. 10-51. Bond.

(a) In the event a house moving license is granted under division 2 of this article, before delivery thereof, the licensee shall file with the city a bond signed by the licensee as principal and by a good and sufficient corporate surety on the current approved United States treasury list, which bond shall be in the sum of $10,000.00, conditioned that the licensee will engage in the business of house moving within the corporate limits of the city in strict accordance with the terms of this article, and will pay to the city any and all damages to streets, curbs, gutters, water lines, fire hydrants and other public property occasioned in any manner by the licensee's moving of houses, and further conditioned that the licensee will pay to the city, as minimum liquidated damages, the sum of $50.00 per day for each day or part thereof that any house being moved by the licensee shall remain on any street or part of street in excess of the number of days shown in the house moving permit issued to the licensee for such move. The bond shall contain a provision that the parties recognize that the damages to the city occasioned by any house remaining on any street or part of the street in excess of the number of days shown in the permit will, in all probability, be difficult to ascertain and consequently that the parties have agreed on such sum as the minimum amount of such damages. However, such bond shall contain the further provision that the amount agreed upon is the minimum amount of damages which the city will sustain in any event, but that the city shall not be prevented from claiming and proving any additional amount in excess of such minimum sum.

(b) Bonds provided for in this section shall not be exhausted until fully paid. Each such bond shall contain a provision that it shall not be exhausted until a recovery or recoveries have been obtained totaling the full amount of the bond.

(Code 1968, § 10-51; Ord. No. 72-500, § 1, 3-15-72)

Sec. 10-52. Insurance.

In addition to the requirements for a bond the holder of any category of house moving license shall be required to carry liability insurance in the minimum sum of $50,000.00 for injury to or death of one person, and $100,000.00 for injury to or death of more than one person from any one accident, and the minimum sum of $25,000.00 for property damage for any one accident. Such policy shall contain a provision obligating the insurer to give written notice of cancellation, not less than ten days prior to the date of such cancellation, to the building official. No house moving permit will be issued to any house moving licensee unless such insurance is in full force and effect.

(Code 1968, § 10-52; Ord. No. 90-635, § 26, 5-23-90)

Sec. 10-53. Mover's equipment generally.

No house mover shall move or attempt to move any house by means of any equipment whether

owned by him, or not, which has not first been registered with the city and inspected and a certificate of compliance obtained therefor pursuant to section 10-88 of this Code.
(Code 1968, § 10-53)

Sec. 10-54. Marking of mover's equipment.

All house moving equipment shall be plainly marked in letters not less than four inches in height, showing the name of the licensed house mover.
(Code 1968, § 10-54)

Sec. 10-55. Lights on load.

Amber or red lights at least four inches in diameter, with two units to each side on the back not less than three feet nor more than six feet from the ground, with one on each side in the center of the load, shall be required when a house is being moved. There shall be comparable lights of amber color across the front of the load and these lights shall be in operation at all times while the house is on the public street or right-of-way during the night or day.
(Code 1968, § 10-55)

Sec. 10-56. When barricades, warning lights, etc., required.

Barricades and warning lights or other equivalent danger warning devices shall be placed wherever any house being moved is stopped on any public street right-of-way for any period of time in excess of ten minutes.
(Code 1968, § 10-56)

Sec. 10-57. Authority to require additional safety equipment.

The building official is hereby authorized to specify required safety equipment to be employed while any house is being moved upon the public streets of the city, in addition to the equipment specified in this article.
(Code 1968, § 10-57; Ord. No. 90-635, § 27, 5-23-90)

Sec. 10-58. Establishment of time, routes, etc., for moving.

(a) The building official shall have authority to establish and direct, as a condition to the issuance of a permit under this article, the time when the house moving shall start and the time when it shall be completed, the routes over which houses of specified dimensions may be moved and such other regulations and conditions which he may deem necessary. Any deviation from such routes and hours shall constitute an offense. Decisions made by the building official pursuant to the provisions of this subsection shall be such that they result in the prevention of traffic obstruction and overloading of pavement weight capacity.

(b) When it is required by the provisions of this article that an inspector be present, the building official shall establish a time for the house to be moved upon the request of the licensee. Such request shall be made at least 24 hours prior to the moving time. The licensee may give notice of cancellation of such scheduled house moving, if such notice is given not less than 12 hours prior to the scheduled time of moving.

In the event that a scheduled house moving has not been completed within the time assigned, or if such scheduled house moving is cancelled by the licensee less than 12 hours prior to the assigned time, the licensee shall pay an additional fee of $25.00 to the city as a condition precedent to the building official assigning another time for the moving of such house; provided, however, that no additional fee shall be paid to establish a new moving time if the noncompletion or cancellation has resulted from inclement weather.

(c) Route changes may be authorized by the building official. All concerned parties shall be notified immediately and prior to any deviation from the original announced route. Changes in time shall be made in the same way as changes in route.
(Code 1968, § 10-58; Ord. No. 90-635, § 27, 5-23-90)

Sec. 10-59. Maximum time limit.

No move authorized pursuant to this article shall last for a period of time in excess of 48 hours,

and the maximum time during which a house may legally remain in a street, under a permit issued pursuant to this article, shall be 48 hours.
(Code 1968, § 10-59)

Sec. 10-60. Inspection of route prior to moving.

All routes over which a house is to be moved shall be physically inspected prior to each haul by the licensee and the house moving inspector and others concerned.
(Code 1968, § 10-60)

Sec. 10-61. Escort by off-duty police required.

Every licensee shall, before moving a house, engage at his own cost, the services of an off-duty police officer of the city as an escort for such move. Such police officer shall be selected from a roster prepared under the supervision of the chief of police, and the names on such roster shall be rotated; provided, however, such off-duty police officer shall not use city-owned vehicles or equipment while engaged in the service of such house mover. When the house to be moved exceeds 22 feet in width or 40 feet in length one additional off-duty police officer escort shall be required. It shall be unlawful to move a house of any dimension, when a permit therefor is required, without the required police escort.
(Code 1968, § 10-61; Ord. No. 72-499, § 2, 3-15-72)

Sec. 10-62. Secondary escort.

In circumstances where the contour of the road requires it, in the opinion of the building official, the licensee shall provide a secondary escort in a vehicle with a reflectorized sign reading: "DANGER, SLOW, BE PREPARED TO STOP" in red letters on a white background 20 inches wide and 12 inches high attached to the rear of such escorting vehicle and placed more than six feet above the ground. Such sign shall be carried 200 feet to 500 feet behind the house, depending upon the contour of the roadway; provided, however, the building official may authorize some other procedure in lieu of a secondary escort.
(Code 1968, § 10-62; Ord. No. 90-635, § 28, 5-23-90)

Sec. 10-63. When inspector required.

No house moving inspector will be required during the moving of a house upon the public streets of the city unless the building official determines that special circumstances exist which would make the presence of such an inspector necessary.
(Code 1968, § 10-63; Ord. No. 72-499, § 3, 3-15-72; Ord. No. 90-635, § 28, 5-23-90)

Sec. 10-64. Authority to stop moving and inspect equipment.

The police escort, or the house moving inspector if present, are hereby empowered to stop a house which is being moved at any time for the purpose of inspecting the rigging, trucks, and lighting in order to insure the safety of the move with a minimum of exposure to danger or damage to property.
(Code 1968, § 10-64; Ord. No. 72-499, § 4, 3-15-72)

Sec. 10-65. Continuous motion required in street.

During the entire time that a house being moved in occupying the street, or any portion thereof, the licensee shall make every reasonable effort to keep it continuously in motion toward its destination and, insofar as possible, he shall not allow the work of moving to stop during such time. This shall not be interpreted to encompass accidents, breakdowns for which the licensee has not been negligent, or acts of God which prevent continuous movement when the house moving is underway.
(Code 1968, § 10-66)

Sec. 10-66. Unattended houses on street.

No house being moved pursuant to this article shall be left unattended on any public street or right-of-way.
(Code 1968, § 10-67)

Sec. 10-67. Removal of house from street by city.

When a house has been left on a public street, or other public way or place, and, in the opinion of the building official, the house mover is not pro-

ceeding with all diligence, or without reasonable likelihood of success to move or cause the removal of the house from such location, the building official shall have authority to remove or cause the removal of such house, and all costs pertaining to such removal shall be paid by the licensee.
(Code 1968, § 10-68; Ord. No. 90-635, § 29, 5-23-90)

Sec. 10-68. Disconnecting utilities.

It shall be unlawful for any licensee to disconnect any electric light and power connection, gas connection, water connection, sewer connection or telephone connection from any house which he proposes to move, without the consent of the public utility owning such connection.
(Code 1968, § 10-69)

Sec. 10-69. Disconnection and plugging of sewer service line.

It shall be the duty of the licensee to cause to be disconnected outside of the property line and properly plugged by a licensed plumber, in such a manner as to prevent any surface water from entering same, the sewer service line connection of any house to be moved by such licensee prior to the issuance of a moving permit therefor and such licensee shall comply with all applicable provisions of ordinance relating to sewage, sewers and drains.
(Code 1968, § 10-70; Ord. No. 72-499, § 6, 3-15-72)

Sec. 10-70. Removing or destroying poles or wires.

It shall be unlawful for any licensee to remove, tear down or destroy any pole or wire or other property belonging to the city or to any electric light and power company, gas company or telephone or telegraph company without the consent of such utility or other person owning the same.
(Code 1968, § 10-71)

Sec. 10-71. Cutting down trees or branches.

It shall be unlawful for any licensee engaged in moving a house to cut down any tree growing within any parkway or esplanade of a public street or to cut any branches therefrom without having first obtained permission from the director of parks and recreation.
(Code 1968, § 10-72)

Sec. 10-72. Removal of equipment, cribbing and debris from vacated premises.

It shall be the duty of the licensee to remove all equipment, cribbing, and debris deposited or caused to be deposited on the land vacated by the moving of any house therefrom.
(Code 1968, § 10-73)

Sec. 10-73. Removal of trash deposited on streets or other public property.

The licensee shall be required to remove at his expense all trash and debris which he has deposited or caused to be deposited in any public street or other public place or property at the time he is moving the house.
(Code 1968, § 10-74)

Sec. 10-74. Notice of completion; repair of damage to public property.

(a) Whenever a licensee has completed the work of moving a house under a permit, and the house no longer occupies any part of the street, he shall promptly notify the building official of such fact. The building official shall cause an inspection to be made of the route of moving and the installation of the house. If he finds that the licensee has caused damage to the streets, curbs, gutters, sidewalks or other public property, he shall notify the licensee of such fact, specifying the damage, by mailing to him a written notification at either of the addresses listed in the licensee's application. The licensee shall proceed within two days from the date of such notification to begin the work of repairing the damage, which work shall be promptly done and completed under the supervision of and to the entire and complete satisfaction of the building official.

(b) In the event that the licensee fails to begin work within two days, or fails to continuously proceed therewith promptly and expeditiously, or fails to complete it to the entire and complete satisfaction of the building official, then the build-

ing official may promptly cause the damage to be repaired on behalf of the city. In such case, the building official shall make and execute a certificate, setting out the relevant facts pertaining to the transaction, and shall certify therein the amount of damage sustained by the city and shall file the certificate with the city controller. The licensee, by accepting the permit provided for in this article, does thereby constitute and appoint the building official as his agent and representative with full power and authority to bind the licensee and his surety to prepare and file such certificate. Upon the filing of the certificate, the amount stated therein shall be and become a sum, liquidated and certain, owing to the city by the licensee and the surety on his bond and, in any suit involving such sum, the facts recited in the certificate and the amount of damage certified therein shall in all things be presumed to be true and binding upon the licensee and his surety in the absence of clear, convincing and unmistakable proof that the building official has acted arbitrarily and without any evidence whatsoever of such facts.

(c) Notwithstanding the foregoing provisions, the city may, as an alternative, and at the city's option, make or cause to be made repairs to its property damaged by the licensee and the licensee shall be obligated to pay the city reasonable costs of such repairs.

(d) On the day following the moving of a house, the licensee shall furnish to the building official the names of the police officers who escorted the move. In the event the day following such move is a Saturday, Sunday or holiday, the licensee shall submit such information on the next regular business day. The licensee may satisfy this requirement by mailing such information to the building official on the day following such move.
(Code 1968, § 10-75; Ord. No. 72-499, § 7, 3-15-72; Ord. No. 90-635, § 30, 5-23-90)

Sec. 10-75. Completion certificate.

When a house is moved pursuant to the provisions of this article, a move completion certificate shall be issued after the move has been completed and all inspections have been made and approval has been given by the building official. The move completion certificate shall be issued by the building official. Such certificate shall not be issued until repairs or replacements have been made for any public property damaged in such move.
(Code 1968, § 10-76; Ord. No. 90-635, § 30, 5-23-90)

Sec. 10-76. Exemptions from article.

Portable houses without plumbing facilities not more than 12 feet in width and not exceeding 16 feet in height, when loaded for moving, shall be exempt from the provisions of this article. Such exemption does not exempt the mover from compliance with chapter 45 of this Code. All houses moved into or within the city, regardless of size, shall comply fully with the Construction Code.
(Code 1968, § 10-77; Ord. No. 72-1075, § 1, 6-22-72; Ord. No. 02-399, § 32, 5-15-02)

Sec. 10-77. Penalty.

Any person who violates any of the provisions of this article shall be fined not less than $100.00 nor more than $500.00 and each day's violation shall constitute a separate offense.
(Code 1968, § 10-78; Ord. No. 92-1449, § 21, 11-4-92)

Charter reference—Penalty for ordinance violation, Art. II, § 12.

Cross references—Assessment of fines against corporations, § 16-76; payment of fines, § 16-78; credit against fines for incarceration, § 35-6 et seq.

Secs. 10-78—10-83. Reserved.

DIVISION 2. MOVER'S LICENSE

Sec. 10-84. Required.

It shall be unlawful for any person to move any house along or across any public street within the city without first having secured the required classification of house moving license to engage in the business of house moving as provided in this division.
(Code 1968, § 10-84)

Sec. 10-85. Classifications; final authority for permit issuance.

(a) *Class A.* The holder of a Class A license shall be authorized to move all houses authorized for a Class B license and shall also be authorized to move all houses in excess of the maximum size specified in this section for holders of Class B licenses where the building official approves the move. Special requirements for moves in excess of 30 feet in width, 40 feet in length and 18 feet in height shall be imposed by the building official when deemed advisable from the point of view of traffic safety and protection of the city's streets.

(b) *Class B.* The holder of a Class B license shall be authorized to move houses upon the public streets of the city when the maximum size of the house moved does not exceed 30 feet in width, 40 feet in length and 18 feet in height, and when the axle load is in compliance with the requirements of applicable provisions of the state law.

(c) *Final authority for permit issuance.* The building official shall have final authority in granting permits to movers based on the size of the house to be moved and the mover's equipment as inspected and certified under section 10-88 of this Code.
(Code 1968, § 10-85; Ord. No. 72-1075, §§ 2, 3, 6-22-72; Ord. No. 90-635, § 31, 5-23-90; Ord. No. 93-514, § 22, 5-5-93)

Sec. 10-86. Application.

Any person desiring to engage in the business of house moving shall make application for a license to the building official. Such application shall be in writing and shall contain the following:

(1) The name of the applicant and his residence and business addresses. If a partnership or association, the application shall state the names of all partners, their residence addresses and the office address of the partnership or association. If a corporation, the application shall state the names and residence addresses of all officers and directors and the principal office of the corporation.

(2) A statement that the applicant (or officers, if applicant is a corporation) has read and thoroughly understands the terms of this article and agrees to abide by its terms in the business of house moving.

(3) The classification of house moving license for which application is made.

(4) The application shall be signed by the applicant, if an individual; by a partner, if a partnership; or by the president, if an association or corporation.

(5) Such other information as may be required by the building official.

(Code 1968, § 10-86; Ord. No. 90-635, § 31, 5-23-90)

Sec. 10-87. Fee.

The annual fee for a license required by this division shall be $70.00 for a class A license and $50.00 for a class B license. Such fee shall be paid at the time the application for a license is filed. No part of this fee shall be refunded whether or not a license is granted, but shall be held by the city to reimburse its expenses of investigation and inspection.
(Code 1968, § 10-87; Ord. No. 72-1075, § 4, 6-22-72; Ord. No. 90-635, § 31, 5-23-90; Ord. No. 03-645, § 2, 7-16-03)

Sec. 10-88. Inspection of applicant's equipment.

Prior to the issuance of a license under this division or a renewal thereof, the building official shall inspect the house moving equipment intended to be used by the applicant in connection with house moving, and if such equipment is safe and adequate and in compliance with the provisions of this article, a certificate shall be issued for display upon or within each approved tractor or towing unit.
(Code 1968, § 10-88; Ord. No. 90-635, § 31, 5-23-90)

Sec. 10-89. Issuance.

The building official shall examine the application for a license under this division and make such investigation as may be necessary, and if, in

his opinion, based upon such application and investigation, the applicant is entitled to a license, he shall issue to the applicant a license of the classification to which he is entitled upon the execution and delivery of the required bond and the satisfaction of the liability insurance requirements specified in sections 10-51 and 10-52 of this Code.
(Code 1968, § 10-89; Ord. No. 90-635, § 31, 5-23-90)

Sec. 10-90. Transfer.

A license issued under this division shall be personal to the licensee and shall not be transferable.
(Code 1968, § 10-90)

Sec. 10-91. Expiration and renewal.

A license issued under this division shall expire at midnight the following December thirty-first and any renewal thereof shall similarly expire upon the following December thirty-first. Upon expiration, a license may be renewed, if such license has not theretofore been revoked or suspended, by payment of the required license fee and the continuation in force of the licensee's bond pending the filing of a new bond, and the continued satisfaction of the liability insurance requirements of this article. In the event such license is under suspension, the license will not be renewed until the suspension period has ended, however, there shall be no proration of the license fee.
(Code 1968, § 10-91)

Sec. 10-92. Suspension or revocation.

After a public hearing thereon, the building official may suspend or revoke a house moving or a house repair or resale lot license issued pursuant to this article upon finding that the licensee made a materially false statement in his application or a finding that the licensee has violated any provision of this article and such suspension or revocation shall not bar a prosecution for the same offense. Prior to such hearing, the building official shall give written notice to the licensee of the grounds for the hearing, the date, time and place of the hearing and that the licensee may attend, be represented by counsel, present evidence and cross examine witnesses at the hearing.
(Code 1968, § 10-92; Ord. No. 90-635, § 32, 5-23-90)

Secs. 10-93—10-97. Reserved.

DIVISION 3. MOVING PERMIT

Sec. 10-98. Required; application.

Any licensee desiring to move any house shall, at least three days prior to the date upon which it is desired to make such move, apply to the building official for, and obtain, a permit, showing the present location of the house, the proposed new location, the proposed route of moving, the size and type of construction of the house and such other information as the building official may require.
(Code 1968, § 10-98; Ord. No. 90-635, § 33, 5-23-90)

Sec. 10-99. Fee.

(a) Each applicant for a permit under this division shall pay a base permit fee of $60.00 for each structure that is to be moved. In each instance in which the building official determines that an inspector will be required during the move as provided in section 10-63 of this Code there shall be an additional inspection service fee of $120.00 for the first four-hour period, or any portion thereof, plus $35.00 for each additional hour, or any portion thereof. The fees provided for herein are in addition to the yearly license fee provided for in section 10-87 of this Code.

(b) Where a licensee commences to move a house without first having secured a permit therefor, the fee shall be doubled for the permit required for the house move, but the paying of such double fee shall neither relieve any person from fully complying with the requirements of this article nor from any other penalties prescribed herein.

(c) Any emergency move scheduled during holidays, weekends or other times not normally scheduled for moving a house and requiring a

house moving inspector shall be subject to a special fee of $50.00. This special fee shall be in addition to the normal fee and shall be charged even though the basic moving permit is issued under an exempt fee. Any such emergency move must be approved by the building official.
(Code 1968, § 10-99; Ord. No. 72-499, § 8, 3-15-72; Ord. No. 90-635, § 33, 5-23-90; Ord. No. 91-1173, § 1, 8-14-91)

Sec. 10-100. State permit prerequisite to issuance.

No permit shall be issued under this division unless any required permits from the Texas Department of Transportation shall have first been obtained.
(Code 1968, § 10-100; Ord. No. 90-635, § 33, 5-23-90; Ord. No. 93-514, § 23, 5-5-93)

Sec. 10-101. City departments to be notified prior to issuance.

The time of the house moving for which a permit is applied for under this division shall be predetermined, and before the permit shall be issued, the departments of fire, police and parks and recreation shall be notified, as required by the building official.
(Code 1968, § 10-101; Ord. No. 90-635, § 33, 5-23-90; Ord. No. 93-514, § 23, 5-5-93)

Sec. 10-102. Issuance.

The building official shall examine the application for a permit under this division and, if it is in order, he shall issue the permit, in duplicate.
(Code 1968, § 10-102; Ord. No. 90-635, § 33, 5-23-90)

Sec. 10-103. Contents.

Each permit issued under this division shall show:

(1) The name of the licensee.

(2) The present location of the house.

(3) The proposed new location.

(4) The route of moving, as approved by the building official.

(5) The date and time during which the house will occupy the streets, if no inspector is required. This may subsequently be modified with the approval of the building official.

(6) The time that the house will be permitted to remain in the streets.

(7) The size and type of construction of the house.

(8) Evidence that arrangements have been made with utility companies and/or the city electrical division for the rearrangement of any utility company's or the city's installations where required in order to prevent damage thereto.

(9) The receipt of the permit fee.

(Code 1968, § 10-103; Ord. No. 90-635, § 33, 5-23-90)

Sec. 10-104. Posting.

A copy of the permit issued under this division shall be posted on the house to be moved, and no house shall be moved unless such copy and the job card are posted thereon.
(Code 1968, § 10-104)

Sec. 10-105. Transfer.

Permits issued under this division shall be nontransferable.
(Code 1968, § 10-105)

Sec. 10-106. Acceptance constitutes obligation and contract.

The acceptance by a licensee of a permit issued under this division shall constitute a binding obligation and contract on the licensee's part to abide by and comply with the terms of the permit and of this article.
(Code 1968, § 10-106)

Secs. 10-107—10-150. Reserved.

ARTICLE IV. HOUSTON MULTI-FAMILY HABITABILITY CODE

Sec. 10-151. Title; purpose; conflict with other municipal laws.

This article is, and may be cited as, the "Houston Multi-Family Habitability Code." One purpose of this Habitability Code is to comply with Section 214.219 of the Texas Local Government Code. The provisions of this Habitability Code are cumulative of all other laws and regulations of the city, as well as all applicable state and federal laws and regulations. In the event of a conflict between this Habitability Code and another law or regulation of the city, the provisions of this Habitability Code shall control.
(Ord. No. 09-1043, § 2, 11-4-09)

Sec. 10-152. Definitions.

In addition to definitions appearing elsewhere in this article, the following words and phrases when used in this article shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Building official means the building official and all persons designated in writing by the building official to act on his or her behalf to construe and to enforce this article.

Habitability refers to the character of a multi-family rental building free of any condition constituting a material risk to the physical safety or health of the building's ordinary tenants. A multi-family rental building substantially free of such conditions is habitable.

Multi-family rental building or *MFRB* means a building that has three or more units. Only for the purposes of the Inspection Program established by this article, multi-family rental building or MFRB includes all MFRBs and all accessory buildings (such as a boiler room, laundry room, club house, or garage) on the same tract.

Owner means the current owner (or, collectively, the current owners) of the real property on which a multi-family rental building is located. For the purposes of this article, records available for public view at an official website maintained by the appraisal district in which the MFRB is located are presumed to be accurate with regard to the ownership of real property, but the presumption of ownership may be rebutted by documents properly recorded in the real property records of the county in which the MFRB is located.

Tract means the parcel or parcels of real property on which a multi-family rental building is located.

Unit means one or more rooms rented for use as a permanent residence under a lease to one or more tenants, except that none of the following shall constitute a unit:

(a) A room or rooms rented primarily for the purpose of receiving services regulated by a department or agency of the federal government or of the State of Texas (including, but not limited to, the Texas Department of State Health Services);

(b) A room or rooms owned or operated by a public or private college or university accredited by a recognized accrediting agency within the meaning of Section 61.003, Texas Education Code;

(c) An "apartment" in a "condominium" within the meaning of Chapter 81, Texas Property Code; or

(d) A "unit" in a "condominium" within the meaning of Chapter 82, Texas Property Code.

(Ord. No. 09-1043, § 2, 11-4-09)

Sec. 10-153. Construction of this Habitability Code.

This article shall not be construed to alter the terms of any lease or other agreement between an owner and a tenant relating to an MFRB, except that no provision of any such lease or other agreement shall be construed to excuse compliance with this article or with any other law or regulation of the city. It is not the purpose of this article to prescribe legal rights or liabilities as between an owner and a tenant.
(Ord. No. 09-1043, § 2, 11-4-09)

Sec. 10-154. MFRB registration.

(a) The building official shall promulgate a form for the registration of MFRBs, which form shall require disclosure of:

(1) The physical address of the MFRB;

(2) The account number(s) assigned to the tract by the appraisal district in which the MFRB is located;

(3) The number of buildings on the tract;

(4) The number of units in each building on the tract;

(5) A brief description of the intended use of each building on the tract (residential building, boiler room, laundry room, club house, garage, etc.);

(6) The Project Number(s) appearing on the face of either the Certificate of Occupancy or the Life Safety Compliance Certificate issued by the city for each building on the tract; and

(7) The name, mailing address, physical address, telephone number, and e-mail address (if available) of at least one owner of the MFRB.

(b) The form promulgated by the building official shall provide a physical address and a mailing address for filing completed MFRB Registration Forms. In addition, the building official shall establish a means by which MFRB Registration Forms may be completed and filed electronically.

(c) An owner of an MFRB shall register the MFRB by completing and filing an MFRB Registration Form with the building official.

(d) An owner of an MFRB shall post a hard copy of the current, completed MFRB Registration Form in or on the MFRB.

(e) If an MFRB was not in existence on January 1, 2010, the owner of the MFRB shall register the MFRB by completing and filing the MFRB Registration Form with the building official no later than 30 days after the MFRB receives a Certificate of Occupancy.

(f) Registration of an MFRB as required by this section shall constitute:

(1) Registration of the MFRB under section 28-283 of the Code of Ordinances; and

(2) Compliance with sections 250.003 and 250.004 of the Texas Local Government Code.

(g) No later than 30 days after an owner of an MFRB knows or reasonably should know that a statement on the MFRB Registration Form was incomplete or inaccurate when filed, or has become incomplete or inaccurate since filed, the owner must complete and file an amended MFRB Registration Form.
(Ord. No. 09-1043, § 2, 11-4-09)

Sec. 10-155. Habitability standards.

In addition to the habitability standards established by article V and by divisions 3 and 4 of article IX of chapter 10 of this Code:

(1) An owner of an MFRB violates this article if the MFRB does not comply with:

a. All applicable provisions of the Fire Code;

b. Sections L102 through L108 of appendix L of the Building Code (which provisions are part of the Building Code's "Life Safety Appendix");

c. Sections 10-211 through 10-215 of this Code (which provisions pertain to the numbering of buildings);

d. The provisions of Chapter 43 of this Code (which provisions pertain to swimming pools); and

e. Sections 92.153 through 92.162 of the Texas Property Code (which provisions pertain to security devices).

(2) An owner of an MFRB at all times must post in or on the MFRB:

a. A valid Certificate of Occupancy or a valid Life Safety Compliance Certificate; and

b. A "NOTICE TO ALL RESIDENTS" legibly typed or printed in a font 28 points or larger, in both English and

Spanish, the substance of which Notice is as follows: "IF ANY CONDITION of this building CREATES A HAZARD to human safety or health, REPORT THE CONDITION to the building's manager or owner. You also may report the condition to the City of Houston by calling the City's Service Helpline at 311."

(3) Any document required by this article to be posted in or on an MFRB must be posted either (a) as provided by the Building Code or (b) by posting an accurate copy of the document in a manner reasonably protected from weather and in a place conspicuous to ordinary tenants no more than five feet from each mailbox facility at which the United States Postal Service delivers mail to tenants or, if no such facility exists, in some other place equally conspicuous to ordinary tenants of the MFRB.

(Ord. No. 09-1043, § 2, 11-4-09; Ord. No. 2010-908, § 3, 11-17-2010, eff. 1-1-2011)

Sec. 10-156. Powers and duties of building official.

(a) Except for applicable provisions of the Fire Code incorporated herein by reference, the building official has primary responsibility for the enforcement of this Habitability Code.

(b) With regard to MFRBs only, the building official has powers and duties equal to and concurrent with the health officer for the enforcement of chapter 43 of this Code (which pertains to swimming pools).

(Ord. No. 09-1043, § 2, 11-4-09; Ord. No. 2011-108, § 5, 2-9-2011)

Sec. 10-157. MFRB inspection program.

(a) The building official shall inspect MFRBs pursuant to an inspection program (the "Multi-Family Rental Building Inspection Program" or the "MFRB Inspection Program"), as provided in this section.

(b) The building official shall promulgate a checklist (the "Multi-Family Rental Building Checklist" or the "MFRB Checklist") of criteria by which the building official shall determine the habitability of MFRBs.

(1) The MFRB Checklist shall have no force or effect until 90 days after copies of City of Houston Ordinance No. 2009-1043 and the MFRB Checklist have been available for public view in the office of the city secretary and at a website maintained by the city.

(2) The building official may amend the MFRB Checklist; however, an amendment of the MFRB Checklist shall have no force or effect until 90 days after the MFRB Checklist has been available for public view in the office of the city secretary and at a website maintained by the city.

(c) No MFRB shall be inspected under the MFRB Inspection Program until at least 45 days after the building official has mailed to the owner a letter stating:

(1) The first day of 30 consecutive days during which the building may be inspected under the MFRB Inspection Program;

(2) The physical address of the office of the city secretary and the internet address of the website at which copies of the MFRB Checklist are available for public view;

(3) The amount of the fee (the "MFRB Inspection Fee") to be paid to the city prior to the first day of the said 30 consecutive days during which the building may be inspected; and

(4) The mailing and physical addresses at which the MFRB Inspection Fee may be paid.

(d) The building official shall mail by first-class mail duplicate originals of the letter required by subsection (c) of this section to the owner of the MFRB at the respective addresses:

(1) Of the owner, according to MFRB Registration Form filed with the building official, or, if the MFRB has not been registered with the building official, according

to records available for public view at an official website maintained by the appraisal district in which the MFRB is located; and

(2) Of the MFRB.

(e) No inspection of an MFRB under the MFRB Inspection Program shall be delayed solely because the owner did not receive or did not understand a letter prepared and sent as required by subsections (c) and (d) of this section.

(f) Notwithstanding anything to the contrary in this article, no employee of the city inspecting an MFRB under the MFRB Inspection Program shall enter a unit without the written permission of a person who has a legal right to occupy the unit.
(Ord. No. 09-1043, § 2, 11-4-09)

Sec. 10-158. Fees.

For the inspection of an MFRB under the MFRB Inspection Program the owner shall pay to the city the MFRB Inspection Fee, which fee shall be in the amount of either $4.00 per unit or $100.00 (total), whichever amount is greater, plus an administrative fee in the amount of $10.00.
(Ord. No. 09-1043, § 2, 11-4-09)

Sec. 10-159. Remedies.

An owner who violates, or whose MFRB is in violation of, any provision of this article shall be guilty of a misdemeanor punishable upon conviction by a fine of not less than $500.00 nor more than $2,000.00. Each violation, and each day that a violation continues, shall constitute and be punishable as a separate offense.
(Ord. No. 09-1043, § 2, 11-4-09)

Secs. 10-160—10-210. Reserved.

ARTICLE V. NUMBERING

Sec. 10-211. Definitions.

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

Commercial building means and includes any building used in whole or in part for any trade, business, the provision of services for remuneration, or for any commercial purpose, but the term commercial building shall not include any building used for residential or lodging purposes.

Commercial unit means and includes the portion of any commercial building that is used by any corporation, partnership, association or sole proprietorship which does not occupy the entire building.

Family means and includes one or more individuals living together in a single housekeeping unit.

Identifying number means the street address number assigned by the director of planning and development, or where no such number has been assigned by the director of planning and development, any number, letter, or number and letter combination which is distinct from any other number, letter, or number and letter combination used on the same premises.

Lodging unit means and includes any room, other than one in a residential unit, which is generally used for sleeping purposes.

Premises means any tract or tracts of land under common ownership. Premises shall also include the total area of any condominium or town house development where the owners of individual units hold all or part of the land in common.

Residential unit means and includes any building or portion thereof designed as a dwelling for a family.

Residential unit number means the number on each residential unit in an apartment community or any other multiunit residential property, including but not limited to townhomes, garden homes, and condominiums.
(Ord. No. 09-1049, § 2, 11-4-09, eff. 1-1-2010)

Sec. 10-212. Directory for multiunit residential properties, etc.

Whenever there are four or more residential units on the same premises, there shall be a directory posted and maintained within eight feet or less of the front of the driveway of each vehicular entrance to the premises unless a resi-

dential unit number posted on each unit is clearly visible from the public street. Such directory shall indicate by a map or clearly worded directions the exact location of each residential unit on the premises. This section shall not apply if all units on the premises are located in one building which meets the requirements of section 10-213.1 of this Code.
(Ord. No. 09-1049, § 2, 11-4-09, eff. 1-1-2010)

Sec. 10-213. Posting of residential unit numbers.

Each residential unit and each lodging unit shall have a residential unit number posted and maintained on or within 18 inches of the principal entrance to the unit or such greater distance as the fire marshal may approve.
(Ord. No. 09-1049, § 2, 11-4-09, eff. 1-1-2010)

Sec. 10-213.1. Posting of directions for multiunit residential properties.

(a) If a building contains more than two residential or lodging units which cannot be entered directly from outside, directions shall be posted and maintained outside the principal entrance to such building or inside such building where it is clearly visible upon entering the principal entrance to the building. Such directions shall indicate one of the following:

(1) The location of all units in the building by arrows, by a map, or by clearly worded directional information.

(2) The location of all units on the same floor as the principal entrance and the floor on which each other unit is located. When the directions at the principal entrance to the building simply indicate the floor on which some units are located, directions shall be posted and maintained at the elevator entrance to each floor, or if there is no elevator, at the principal stairwell entrance. Such directions shall show the location of all units on that floor by arrows, a map, or clearly worded directional information.

If it is not obvious which entrance to a building is the principal entrance, a sign clearly indicating the location of the principal entrance shall be posted and maintained on all entrances to the building which might be confused with the principal entrance; however, two or more entrances may be considered principal entrances to the building if the owner of the property so desires. Where two or more entrances are considered principal entrances to the building, all numbers and directories must be posted and maintained at each such entrance as though it were the only principal entrance to the building.

(b) If a building contains four or more residential or lodging units, residential unit numbers shall be posted and maintained at each end of said building indicating the units contained therein. If the residential unit numbers posted at one end of the building are clearly visible from a public street or private driveway, and the opposite end of the building is not visible from either a public street or a private driveway, residential unit numbers shall be required only on the end of the building that is clearly visible from the public street or private driveway. It shall not be necessary to post the identifying residential unit numbers of all units contained in the building at the ends of said building if the residential unit numbers posted at the ends indicate the units contained in the building. (Example: Where a building contains units numbered 1 to 20, it shall be adequate to post "1—20" on the end of the building.) The ends of the building shall be designated by the owner of the property. The residential unit numbers required by this subsection shall be at least four inches in height, shall be permanently affixed to the outside of the building, and shall be of a color which is in contrast to the background.
(Ord. No. 09-1049, § 2, 11-4-09, eff. 1-1-2010)

Sec. 10-214. Listing of occupants.

It shall not be necessary to list the occupants of any unit on any sign or directory used to comply with this article.
(Ord. No. 09-1049, § 2, 11-4-09, eff. 1-1-2010)

Sec. 10-215. Specifications for numbers—Noncommercial buildings and residential units.

(a) Each noncommercial building shall have an indentifying number posted in a position to be plainly legible and visible from the street, road, common driveway or common parking lot fronting the property.

(b) Each identifying residential unit number is to be posted and maintained on or within 18 inches of an entrance to the unit or such greater distance as the fire marshal may approve and shall be:

(1) Permanently affixed to the outside of the door or on the outside wall of such building or unit.

(2) Of a color which is in contrast to the background.

(3) For any noncommercial building built for first occupancy on or before May 22, 1979, at least two inches in height.

(4) For any noncommercial building built for first occupancy after May 22, 1979, [a]t least three inches in height, that a residential unit contained in a building where residential unit numbers are posted pursuant to section 10-213.1 of this Code may have residential unit numbers two inches or more in height.

(5) For each noncommercial building and each residential unit therein for which a building permit was issued after January 1, 2010: (i) of a color that contrasts with the background; (ii) one or more Arabic numerals or alphabet letters; and (iii) a minimum of 4 inches (102 mm) high with a minimum stroke width of 0.5 inches (12.7 mm).

(6) For any multiunit residential property for which a building permit is issued after January 1, 2010: required to be illuminated.

(Ord. No. 09-1049, § 2, 11-4-09, eff. 1-1-2010)

Sec. 10-216. Same—For commercial units and buildings.

(a) Each new and existing commercial building and each commercial unit therein shall have an identifying number posted in a position to be plainly legible and visible from the street, road, common driveway or common parking lot fronting the property.

Each commercial building shall have an identifying number posted and maintained on or within 36 inches of the principal entrance.

The identifying number of the building shall also be posted and maintained on any sign which:

(1) Sets out the name of the building; and

(2) Is located on the same premises as the building; and

(3) Is visible to persons traveling on the street from which the address is derived.

Each commercial unit having its principal entrance in such a location that it can be entered directly from outside the building shall have an identifying number posted and maintained on or within 36 inches of the principal entrance.

If it is not obvious which entrance is the principal entrance of a commercial building or a commercial unit, a sign clearly indicating the location of the principal entrance shall be posted and maintained on all entrances which might be confused with the principal entrance. However, two or more entrances may be considered principal entrances if the person in control of the property so desires. Where two or more entrances are considered principal entrances; all numbers must be posted and maintained at each such entrance as though it were the only principal entrance.

(b) For each commercial building for which a building permit was issued on or before January 1, 2010, and each commercial unit therein, the identifying number shall be:

(1) Permanently affixed to the outside of the door or on the outside wall of such building or unit;

(2) Of a color which is in contrast to the background; and

(3) At least three inches in height.

(c) For each commercial building for which a building permit was issued after January 1, 2010, and each commercial unit therein, the identifying number shall:

(1) Be permanently affixed to the outside of the door or on the outside wall of such building or unit;

(2) Contrast with the background;

(3) Consist of one or more Arabic numerals or alphabet letters; and

(4) Be a minimum of 4 inches (102 mm) high with a minimum stroke width of 0.5 inches (12.7 mm).

(d) All numbers which are posted and maintained on a sign or marker pursuant to this section shall be permanently affixed to the sign or marker and meet the same color and size requirements as specified in subsection (b) or (c) above.

(e) Provisions of this section shall not be construed to authorize the erection or maintenance of any sign or marker in contravention of any applicable provisions of chapter 46 of the Building Code.
(Ord. No. 09-1049, § 2, 11-4-09, eff. 1-1-2010)

Sec. 10-217. Compliance with article provisions notice; penalties for noncompliance.

(a) It shall be the responsibility of each owner of the property and of each person having control over the property to ensure that any number required to be posted and maintained on such property is so posted on such property at all times.

(b) Charges may be filed in municipal court for any violation of this article upon proper complaint under the following conditions:

(1) Written notice has been given the person charged, by an officer or employee of the city, either by hand delivery or by certified mail, return receipt requested. Such notice shall inform the person that identifying numbers must be posted on each building, lodging, residential or commercial unit and/or, in the case of residential units, that a directory must be maintained, as applicable. The notice shall also set out the requirements for such numbers and/or, if applicable, such directory, as specified in this article and shall be accompanied by a copy of applicable provisions of this article.

(2) The person charged did not comply with the applicable provisions of this article within ten days of the date such person received notice pursuant to subsection (b)(1) hereof.

(c) Any person who fails to ensure that all numbers or, if applicable, directories required by this article are posted and maintained on property under his control after receiving notice as provided in subsection (b) shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than $100.00 nor more than $500.00 for each offense. Each day a number or, if applicable, directory, required to be posted under this article is not so posted shall constitute a separate offense.
(Ord. No. 09-1049, § 2, 11-4-09, eff. 1-1-2010)

Sec. 10-218. Responsibility for enforcement.

The neighborhood protection official is primarily responsible for the enforcement of this article with regard to dwellings, as "dwelling" is defined article IX of this chapter. The building official is primarily responsible for the enforcement of this article with regard to all other properties.
(Ord. No. 2011-108, § 3, 2-9-2011)

Secs. 10-219—10-230. Reserved.

ARTICLE VI. MODULAR HOUSING*

DIVISION 1. GENERALLY

Sec. 10-231. Definitions.

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

(1) *Alteration* means the replacement, installation, addition, modification or removal of any structural component or any equipment which may affect the construction, fire safety, occupancy, plumbing, heat-producing or electrical system. It includes any modification made in a modular home which may affect the compliance of the home with the standards, but it does not include the repair or replacement of a component or appliance requiring plug-in to an electrical receptacle where the replaced item is of the same configuration and rating as the one being replaced. It also does not include the addition of an appliance requiring "plug-in" to an electrical receptacle, which appliance was not provided with the modular home by the manufacturer, if the rating of the appliance does not exceed the rating of the circuit to which it is connected.

(2) *Factory lot* means any property on which modular homes are manufactured. No property that is not adjoining property on which modular homes are actually constructed shall be considered a factory lot or part of a factory lot.

(3) *Manufacturer* means a person licensed as a manufacturer by the state pursuant to Article 5221f, Vernon's Texas Civil Statutes.

(4) *Modular home* means a structure or building module that is manufactured at a location other than the location where it is installed and used as a residence by a consumer, transportable in one or more sections on a temporary chassis or other conveyance device, and designed to be used as a permanent dwelling when installed and placed upon a permanent foundation system. The term includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. The term does not include a manufactured home as defined in Article 5221f, Vernon's Texas Civil Statutes, nor does it include building modules incorporating concrete or masonry as the primary structural component.

(5) *Owner* means the person holding title to the property and any person having control over the property.

(6) *Retailer* means a person licensed as a retailer by the state pursuant to Article 5221f, Vernon's Texas Civil Statutes.

(7) *Sales lot* means any tract of land used by a retailer for showing modular homes to potential customers.

(Code 1968, § 10-300; Ord. No. 80-875, § 1, 4-23-80; Ord. No. 94-1268, § 4, 11-22-94)

Sec. 10-232. Application and interpretation of other ordinances.

(a) All provisions of the ordinances of the city shall apply to the placement and the use of a mod-

*Cross reference—Manufactured homes, manufactured home parks, travel trailers, motor homes, etc., Ch. 29.

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ular home on any property within the city on the same basis that such ordinances are applicable to the construction and the use of any other structure except to the extent such ordinances of the city are inconsistent with state law, or are in conflict with the provisions of this article.

(b) For purposes of all the ordinances of the city, the placement of a modular home shall be deemed the construction of a structure.
(Code 1968, § 10-301; Ord. No. 80-875, § 1, 4-23-80)

Sec. 10-233. Compliance with Construction Code.

No structure originally constructed as a modular home shall be used for any purposes other than as a dwelling or a residence, for demonstration purposes at a sales lot, or as an office of a licensed retailer at a sales lot, unless the structure meets all requirements of the Construction Code of the city.
(Code 1968, § 10-302; Ord. No. 80-875, § 1, 4-23-80; Ord. No. 02-399, § 33, 5-15-02)

Sec. 10-234. Setbacks.

No portion of any modular home may be less than three feet from any property line and may not be nearer to any property line than that distance specified in the Construction Code for structures of the same type of construction and occupancy. For purposes of this section, the term "property line" shall include an imaginary line midway between a modular home and any other structure on the same property, any easement line, and all lines falling within the usual and customary meaning of the term "property line."
(Code 1968, § 10-303; Ord. No. 80-875, § 1, 4-23-80; Ord. No. 02-399, § 33, 5-15-02)

Sec. 10-235. Location restrictions.

No person shall allow, cause, or suffer any modular home to be on any property owned by him or under his control within Fire Zones One and Two. This section shall not prohibit the transportation of modular homes through Fire Zones One and Two on the public streets when such transportation is accomplished in compliance with all other applicable statutes and ordinances.
(Code 1968, § 10-304; Ord. No. 80-875, § 1, 4-23-80)

Sec. 10-236. Permit prior to placement on lot—Required.

No person shall permit, allow, suffer or cause a modular home to be on any property owned by him or under his control unless a permit has been issued by the city pursuant to the provisions of this article; provided that the provisions of this section shall not apply if the property is a factory lot or if such home was permanently installed on the property prior to May 1, 1980.
(Code 1968, § 10-305; Ord. No. 80-875, § 1, 4-23-80)

Sec. 10-237. Same—Application.

(a) To obtain a permit to place a modular home on property within the city when it is intended that such modular home shall be used as a residence by the applicant or by another, the owner of such property shall file an application therefor on a form designated by the city. Such application shall include:

(1) The name and mailing address of the applicant;

(2) The legal description of the property on which such modular home is to be placed;

(3) The street address of the property on which the modular home is to be placed;

(4) The size of such modular home;

(5) The year in which the modular home was constructed;

(6) A full description of such modular home, and the name of the manufacturer;

(7) The serial number of each modular section of the home;

(8) A map or drawing of the property drawn to scale showing the location where the modular home will be placed, the location of all other structures on the property, all driveways on the property, and where off-street parking will be provided.

(b) The application shall state thereon: "If the placement or use of the modular home on the property described in this application violates any restriction contained in or incorporated by reference in a duly recorded plan, plat, replat or other instrument affecting the property, the city may file suit or become a party to a suit for the purpose of enjoining or abating the violation of the restriction."
(Code 1968, § 10-306; Ord. No. 80-875, § 1, 4-23-80)

Sec. 10-238. Same—Conditions for permit issuance.

Upon the filing of a proper application pursuant to section 10-237 and the payment of the permit fee, the building official shall issue a permit for the placement of a modular home on such property unless the building official finds that the placement of the modular home on such property would violate any provision of the ordinances of the city or laws of the state, or finds that adequate utilities are not available for residential use of such modular home at the location set out in the application.
(Code 1968, § 10-307; Ord. No. 80-875, § 1, 4-23-80; Ord. No. 90-635, § 34, 5-23-90)

Sec. 10-239. Same—Applicability of permit.

A permit granted pursuant to section 10-238 shall be valid only for the placement of the modular home described in the application therefor on the property designated in the application.
(Code 1968, § 10-308; Ord. No. 80-875, § 1, 4-23-80)

Sec. 10-240. Same—Permit fee.

The fee for a permit for the placement of a modular home that is intended to be used as a residence will be $25.00. This fee shall be in addition to all other applicable fees.
(Code 1968, § 10-309; Ord. No. 80-875, § 1, 4-23-80)

Sec. 10-241. Certificate of compliance—Required prior to habitation and utility connection.

No utility of any kind shall be connected to a modular home and no person shall occupy or allow or permit another to occupy a modular home as a residence unless a certificate of compliance has been issued for such modular home.
(Code 1968, § 10-310; Ord. No. 80-875, § 1, 4-23-80)

Sec. 10-242. Same—Information required prior to issuance of certificate of compliance.

To obtain a certificate of compliance for a modular home, the applicant shall give the building official the following information:

(1) The number of the permit issued under section 10-238 for placement of the modular home;

(2) The date the modular home was placed on the property; and

(3) The serial number of each modular section of the home placed on the property.

(Code 1968, § 10-311; Ord. No. 80-875, § 1, 4-23-80; Ord. No. 90-635, § 35, 5-23-90)

Sec. 10-243. Same—Conditions for issuance of certificate.

Upon receipt of a request for a certificate of compliance, inspectors of the city shall inspect the property on which the modular home is located to determine if the modular home meets all applicable requirements of the ordinances of the city. After such inspection a certificate of compliance shall be issued unless it is found that the requirements of this article or of other applicable ordinances have not been met.
(Code 1968, § 10-312; Ord. No. 80-875, § 1, 4-23-80)

Sec. 10-244. Same—Applicability of certificate of compliance.

A certificate of compliance for a modular home shall be valid only for the occupancy of that particular home for the location set out in the application.
(Code 1968, § 10-313; Ord. No. 80-875, § 1, 4-23-80)

Sec. 10-245. Seal, decal or label to be affixed to home used as residence.

No modular home shall be placed on any property within the city for use as a residence unless there is affixed thereto a seal, decal or label issued by the Texas Department of Labor and Standards pursuant to Article 5221f, Vernon's Texas Civil Statutes.
(Code 1968, § 10-314; Ord. No. 80-875, § 1, 4-23-80)

Sec. 10-246. Parking spaces required if used as residence.

No modular home may be placed on any property for use as a residence unless there are the minimum number of parking spaces for the modular home and for all other residential structures on the same property as required in chapter 26 of this Code.
(Code 1968, § 10-315; Ord. No. 80-875, § 1, 4-23-80; Ord. No. 02-399, § 34, 5-15-02)

Sec. 10-247. Use as model or sales office—Permit application.

To obtain a permit to place one or more modular homes on a sales lot to be used as models and/or an office, the owner or lessee of the property shall file an application therefor on a form designated by the city. Such application shall include:

(1) The name and mailing address of the applicant;

(2) The legal description of the property on which such modular homes are to be placed;

(3) The street address of the property on which the modular homes are to be placed;

(4) The name and state license number of the retailer who will use the sales lot;

(5) The maximum number of such modular homes to be placed on such property for use as an office and/or models;

(6) The maximum size of the modular homes to be placed on the property for use as an office and/or models;

(7) A map or drawing of the property, drawn to scale, showing where each modular home to be used as an office and/or model will be placed;

(8) A statement, sworn to under oath, that the use of such property as a sales lot will not violate any restriction contained in or incorporated by reference in a duly recorded plan, plat, replat, or other instrument affecting the property.

(Code 1968, § 10-316; Ord. No. 80-875, § 1, 4-23-80)

Sec. 10-248. Same—Review of application; issuance of permit.

Upon the filing of a proper application pursuant to section 10-247 and the payment of the permit fee, the building official shall review the application to determine if the proposed plans for use of the property as a sales lot meet the requirements of all applicable laws. After such review the building official shall issue a permit for the placement of modular homes as an office and/or models on the sales lot as requested in the application unless he finds that the placement of such modular homes on the property would violate any applicable laws or would violate any restriction contained in or incorporated by reference in a duly recorded plan, plat, replat, or other instrument affecting the property.
(Code 1968, § 10-317; Ord. No. 80-875, § 1, 4-23-80; Ord. No. 90-635, § 36, 5-23-90)

Sec. 10-249. Same—Permit fee.

The fee to place or allow modular homes on a sales lot for an office and/or models shall be $25.00 for each such sales lot. This fee shall be in addition to all other applicable fees.
(Code 1968, § 10-318; Ord. No. 80-875, § 1, 4-23-80)

Sec. 10-250. Same—Term of permit; violation of restrictions.

A permit to place modular homes on a sales lot shall be valid for one year from the date of issuance and may be renewed annually upon payment of a permit fee of $25.00.

Provided, however, a permit to place modular homes on a sales lot shall be null, void and of no effect if such use of the property violates any restrictions contained in or incorporated by reference in any plan, plat, replat or other instrument affecting the property.
(Code 1968, § 10-319; Ord. No. 80-875, § 1, 4-23-80)

Sec. 10-251. Same—Use as residence or dwelling prohibited.

No modular home located on a factory lot or a sales lot may be used as a residence or dwelling.
(Code 1968, § 10-320; Ord. No. 80-875, § 1, 4-23-80)

Sec. 10-252. Same—Number permitted.

No more than one modular home shall be used on any one sales lot as an office for a retailer of modular homes. If two or more sales lots are on adjoining property and such adjoining lots are used by the same retailer for the sale, exchange, and/or lease-purchase of modular homes, all such lots taken together shall be treated as one sales lot for purposes of this section.
(Code 1968, § 10-321; Ord. No. 80-875, § 1, 4-23-80)

Sec. 10-253. Penalty.

Any person who violates any provision of this article shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than $100.00 nor more than $500.00. Each day during which any violation of this article is continued or permitted shall be deemed a separate offense.
(Code 1968, § 10-322; Ord. No. 80-875, § 1, 4-23-80; Ord. No. 92-1449, § 23, 11-4-92)

Charter reference—Penalty for ordinance violation, Art. II, § 12.

Cross references—Assessment of fines against corporations, § 16-76; payment of fines, § 16-78; credit against fines for incarceration, § 35-6 et seq.

DIVISION 2. INDUSTRIALIZED HOUSING AND INDUSTRIALIZED BUILDINGS

Sec. 10-254. Definitions.

The following words and phrases shall have the following meanings in this division unless otherwise clearly indicated in the text. Words not defined shall be interpreted in their usual sense.

Industrialized building means a commercial structure that is constructed in one or more modules or constructed using one or more modular components built at a location other than the permanent commercial site, and that is designed to be used as a commercial building when the modules or modular components are transported to the permanent commercial site and are erected or installed on a permanent foundation system. The term includes the plumbing, heating, air-conditioning, and electrical systems. The term does not include any commercial structure that is in excess of three stories or 49 feet in height as measured from the finished grade elevation at the building entrance to the peak of the roof.

Industrialized housing means a residential structure that is designed for the use and occupancy of one or more families, that is constructed in one or more modules or constructed using one or more modular components built at a location other than the permanent residential site, and that is designed to be used as a permanent residential structure when the modules or modular components are transported to the permanent residential site and are erected or installed on a permanent foundation system. The term includes the plumbing, heating, air conditioning, and electrical systems. The term does not include any residential structure that is in excess of three stories or 49 feet in height as measured from the finished grade elevation at the building entrance to the peak of the roof. The term shall not mean nor apply to:

(1) Housing constructed of sectional or panelized systems not utilizing modular components; or

(2) Any ready-built home which is constructed so that the entire living area is contained in a single unit or section at a temporary location for the purpose of selling it and moving it to another location.

Modular component means a structural portion of any dwelling or building that is constructed at a location other than the homesite in such a manner that its construction cannot be

adequately inspected for code compliance at a homesite without damage or without removal of a part thereof and reconstruction.
(Ord. No. 85-2215, § 1, 12-26-85)

Sec. 10-255. Application of ordinances of the city to industrialized structures.

All provisions of the ordinances of the city shall apply to the construction, placement and the use of any industrialized building or industrialized housing on any property within the city on the same basis as such ordinances are applicable to the construction and the use of any other structure except to the extent such ordinances of the city are inconsistent with state law, or are in conflict with the provisions of this article. For purposes of all ordinances of the city, the placement of an industrialized building or industrialized housing shall be deemed the construction of a structure.
(Ord. No. 85-2215, § 1, 12-26-85)

Sec. 10-256. Conformance to uniform codes.

Any industrialized building or industrialized housing erected or installed in the city shall be constructed in accordance with the requirements and standards of the Uniform Building Code, the Uniform Plumbing Code and the Uniform Mechanical Code, as published by the International Conference of Building Officials and the International Association of Plumbing and Mechanical Officials and as those codes existed on January 1, 1985; provided, however, this provision shall only be applicable to the extent that the Construction Code is not enforceable in regard to the construction of such structures due to the provisions of Article 5221f-1, Texas Revised Civil Statutes.
(Ord. No. 85-2215, § 1, 12-26-85; Ord. No. 02-399, § 35, 5-15-02)

Sec. 10-257. Submission of plans and specifications.

Prior to the issuance of any permit for the installation of any industrialized building or industrialized housing in the city, the applicant shall submit to the building official a complete set of design plans and specifications bearing the stamp of the Texas Industrialized Building Code Council for the structure.
(Ord. No. 85-2215, § 1, 12-26-85; Ord. No. 90-635, § 37, 5-23-90)

Sec. 10-258. Decal or insignia required.

No industrialized building or industrialized housing shall be installed in the city unless it bears an approved decal or insignia pursuant to the rules of the Texas Department of Labor and Standards reflecting that the structure has been inspected at the manufacturing plant or facility.
(Ord. No. 85-2215, § 1, 12-26-85)

Secs. 10-259—10-270. Reserved.

ARTICLE VII. LOCATION OF ABATTOIRS AND RENDERING PLANTS

Sec. 10-271. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section unless the context requires otherwise:

(1) *Abattoir* or *slaughterhouse* means any establishment within the city within which cattle, sheep, swine, goats or any such animals are slaughtered for meat for human consumption. The term shall include stockyards and all other operations and facilities necessary, useful or incidental to such abattoir or slaughterhouse.

(2) *Rendering plant* means any establishment at which any animal or parts thereof, or the proteins and fats from animals, poultry, fish or any other waste organic material, in whole or in part, is processed for commercial use. The term "rendering plant" shall include related industry or other operations and facilities necessary, useful or incidental to such rendering plant.

(Code 1968, § 10-323; Ord. No. 81-1458, § 3, 8-4-81)

Sec. 10-272. Prohibited locations—For abattoirs.

(a) It shall be unlawful for any person to erect, establish, enlarge, or expand an abattoir or slaughterhouse in the corporate limits of the city within 3,000 feet of any:

(1) Church;

(2) Public park;

(3) School;

(4) Hospital;

(5) College or university; or

(6) Any dwelling resided in by anyone other than the applicant or employees of such abattoir or slaughterhouse.

(b) The measurement of such distance of 3,000 feet shall be in a straight line from the nearest point on the nearest real property line of such church, public park, school, hospital, college, university or dwelling to the nearest exterior portion of any building, outbuilding, structure or facility used or useful in connection with such abattoir or slaughterhouse to be erected. No building permit shall be issued by the building official for the erection or construction of any such abattoir or slaughterhouse within such three-thousand-foot distance.

(c) This section shall not apply to abattoirs or slaughterhouses in existence on January 23, 1957, to the extent that they were then in existence, but shall apply to all additions and extensions to such existing abattoirs or slaughterhouses.
(Code 1968, § 10-324; Ord. No. 81-1458, § 3, 8-4-81; Ord. No. 90-635, § 38, 5-23-90)

Sec. 10-273. Same—For rendering plants.

(a) It shall be unlawful for any person to erect, establish, enlarge or expand a rendering plant in the corporate limits of the city within 600 feet of any:

(1) Church;

(2) Public park;

(3) School;

(4) Hospital;

(5) College or university;

(6) Established eating place; or

(7) Any dwelling resided in by anyone other than the applicant or employees of the rendering plant.

(b) The measurement of such distance of 600 feet shall be in a straight line from the nearest point on the nearest real property line of the church, public park, school, hospital, college, university, eating establishment, or dwelling to the nearest exterior portion of any building, outbuilding, or structure or facility used or useful in connection with the rendering plant to be erected.

(c) This section shall not apply to rendering plants in existence on October 27, 1965, to the extent that they were then in existence, but shall apply to all additions and extensions to such existing rendering plants.
(Code 1968, § 10-325; Ord. No. 81-1458, § 3, 8-4-81)

Secs. 10-274—10-295. Reserved.

ARTICLE VIII. BUILDINGS CONSTITUTING FIRE HAZARDS GENERALLY

Sec. 10-296. Definitions.

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

(1) *Building.* The term "building" is used in this article in its customary and ordinary meaning, but where a shed or attachment has been built onto an original structure, or where two or more buildings have been joined together, or where a second building has been built adjacent to the first and utilizes a wall of the first building as a party wall, all parts shall be considered one building.

(2) *Combustible fibre.* The term "combustible fibre" shall mean and include cotton, sisal, henequen, ixtle, jute, hemp, tow, co-

coa, fibre, oakum, baled waste, baled waste-paper, kapok, hay, straw, Spanish moss and excelsior.

(3) *Lodging house.* The term "lodging house" is used in this article in its ordinary and customary meaning and shall also mean and include hotels, boardinghouses, rooming houses, tenement houses, or any other house (by whatever name known) used and occupied, or designed and constructed so that the same may be used and occupied, for the permanent or temporary occupancy for living quarters for ten or more persons.

(4) *Owner.* The term "owner" is used in this article in its customary and ordinary meaning and, in addition thereto:

a. If the building is owned by two or more persons, each shall be responsible hereunder as an owner.

b. If the building is owned or leased by a corporation, the president, the general agent (if there be one), the general manager (if there be one), and each member of the board of directors shall be responsible hereunder as an owner.

c. If the building is owned by one and leased to another, the responsibility hereunder shall be the responsibility of both the lessor and lessee and each or both may be held accountable for a violation hereof, and the term "owner" shall include "lessee."

d. If the building is the property of an estate under administration, in custodia legis, or held in trust, the executor, administrator, guardian, receiver or trustee shall be responsible hereunder as an owner.

(Code 1968, § 18-35; Ord. No. 73-2079, § 1, 11-21-73)

Sec. 10-297. Purpose and intent.

The purpose and intent of this article is to protect human life from destruction by fire. The chief offense denounced herein is the offense of permitting a building to be occupied by human beings when there is serious danger of loss of life from conflagration of the building due to dangerous conditions therein existing. All persons have a lawful right to peaceable occupancy and use of property owned by them but no person has a right to occupy or use or to profit from the occupancy or use of a building which seriously hazards human life, and the police power of the state, delegated to this city, is hereby invoked in prevention thereof. Connected offenses are also denounced by this article in furtherance of the principal intent.
(Code 1968, § 18-36; Ord. No. 73-2079, § 1, 11-21-73)

Sec. 10-298. Fire hazards enumerated.

The following shall be considered fire hazards:

(1) Any building containing electrical wiring or appliances in a dangerous and defective condition likely to cause fire. Electrical wiring and appliances installed or in use that are not in compliance with the provisions of any ordinance of the city regarding wiring and appliances and the installation thereof shall be deemed dangerous and defective.

(2) Any building containing gas plumbing or appliances in a dangerous and defective condition likely to cause fire. Gas plumbing or appliances installed or in use that are not in compliance with the provisions of any ordinance of this city regulating plumbing and appliances and the installation thereof shall be deemed dangerous and defective.

(3) Any building where flammable or combustible liquids are used or stored in violation of any applicable provisions of the Fire Code.

(4) Any building of wooden frame construction wherein any cafe or restaurant business is operated, unless the walls and ceilings of that portion of the building in which the cafe or restaurant is operated are separated from the remainder of the building by one-hour fire-resistive materials as defined in the Building Code.

(5) Any building of wooden frame construction wherein any automobile repair or service business is carried on unless fire-resistive separation is installed as provided in item (4) above.

(6) Any building of wooden frame construction wherein any combustible fibers are stored in quantities in excess of 100 cubic feet or wherein combustible fibers of a quantity less than 100 cubic feet are stored other than in a metal-lined wooden bin equipped with a self-closing metal cover.

(7) Any lodging house being operated in a two-story building of wooden frame construction; provided, however, that no such lodging house shall constitute a fire hazard if:

a. The ceiling of the first floor is separated from the floor of the second by one-hour fire-resistive materials as defined in the Building Code; and

b. The walls between the rooms are insulated by one-hour fire-resistive materials as defined in the Building Code that extend from ceiling to floor; and

c. The stairways, including the doors, platforms, landings, railings and corridors or passageways constructed in connection therewith, in all ways conform to the provisions of the Building Code; and

d. The floors, walls, and frame of the house are in safe and sound structural condition; and

e. The building does not otherwise constitute a fire hazard as defined herein.

(8) Any wooden frame building a substantial portion of which is in a state of dilapidation and in an advanced stage of rot and the deteriorated condition of the building renders its occupancy extremely hazardous to human life due to the increased likelihood of the occurrence of fire and the increased danger of its rapid and violent spread.

(9) Though not otherwise defined herein, any building wherein there exists a dangerous, defective and hazardous condition the nature of which renders the occupancy of the building an extreme risk to human life and the continued existence of which will, under all probabilities, result in a loss of human life.

(Code 1968, § 18-37; Ord. No. 73-2079, § 1, 11-21-73; Ord. No. 95-279, § 9, 3-15-95; Ord. No. 02-399, § 36, 5-15-02)

Sec. 10-299. Initial placarding.

(a) Whenever the fire marshal shall find that any building within the city constitutes a fire hazard, he shall forthwith cause to be posted on or near the front door of such building, in as conspicuous a manner as possible, a substantial placard upon which shall be printed in red, in letters at least 2½ inches high, the words "WARNING—FIRE HAZARD," and on which placard there shall also appear the following words:

"THIS BUILDING IS A FIRE HAZARD. ITS OCCUPANCY IS DANGEROUS TO HUMAN LIFE. THE OWNER AND ALL OCCUPANTS ARE DIRECTED BY LAW TO COMMUNICATE IN PERSON OR BY TELEPHONE, IMMEDIATELY, WITH THE OFFICE OF THE FIRE MARSHAL OF THE CITY OF HOUSTON."

(b) Such placard may contain other information deemed advisable by the fire marshal. Like placards shall be placed in or on other portions of the building as may be deemed necessary by the fire marshal.

(Code 1968, § 18-38; Ord. No. 73-2079, § 1, 11-21-73)

Sec. 10-300. Notice to owner.

(a) The fire marshal shall give notice to the owner of the building placarded in accord with section 10-299 of this Code that the same constitutes a fire hazard, stating substantially what conditions exist giving rise to same and substantially what measures should be taken to abolish the hazard. Such notice shall normally be given in

writing by mail or delivery, but may be given orally if the circumstances are urgent and delay would endanger life.

(b) The fire marshal shall find and determine from the existing facts what maximum amount of time may be safely permitted the owner to abolish the fire hazard, without materially increasing the danger of life, and shall specify in his notice to the owner the extent of such time limit.

(c) Where the fire marshal cannot, by the exercise of reasonable diligence, ascertain the identity or the residence of the owner, or is wholly unable to communicate with him for any reason, it shall be sufficient for the fire marshal to post a written notice near his placard on the building. (Code 1968, § 18-39; Ord. No. 73-2079, § 1, 11-21-73)

Sec. 10-301. Duty of owner to abolish hazard.

(a) Whenever any owner shall be given notice as provided in section 10-300 of this Code, he shall forthwith take such action as may be necessary to abolish the fire hazard. He shall do so by either correcting the physical condition or conditions which cause fire, or by causing the building to be vacated of human occupancy. Purported or alleged inability to abolish the hazard in one way will not excuse failure to abolish it in the other. He shall take all necessary action and abolish the fire hazard within the time limit which the fire marshal has found from the facts may safely be allowed.

(b) Any owner of any building who shall receive notice from the fire marshal that the building is a fire hazard as provided in section 10-300 of this Code and shall fail or refuse to abolish the fire hazard within the maximum time limit found by the fire marshal as provided in section 10-300 of this Code shall be fined not less than two hundred fifty dollars ($250.00) nor more than two thousand dollars ($2,000.00). Each day such fire hazard continues to exist after the expiration of the time limit shall constitute a separate offense.
(Code 1968, § 18-40; Ord. No. 73-2079, § 1, 11-21-73; Ord. No. 92-1449, § 24, 11-4-92)

Charter reference—Penalty for ordinance violation, Art. II, § 12.

Cross references—Assessment of fines against corporations, § 16-76; payment of fines, § 16-78; credit against fines for incarceration, § 35-6 et seq.

Sec. 10-302. Acceptance of rent prohibited until hazard abolished.

(a) Any owner of any building who shall receive notice from the fire marshal that the building is a fire hazard as provided in section 10-300 of this Code and shall fail or refuse to abolish the fire hazard within the maximum time limit found by the fire marshal as provided in section 10-300 of this Code and shall, after the expiration of such time limit, accept payment of rent from any person as consideration for occupying such building or any portion thereof shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than two hundred fifty dollars ($250.00) nor more than two thousand dollars ($2,000.00). This offense shall be separate and distinct from the offense denounced in section 10-301 of this Code. Each acceptance of payment of rent shall constitute a separate offense.

(b) Any owner of any building who has received the notice from the fire marshal that the building is a fire hazard as provided in section 10-300 of this Code and, without abolishing the fire hazard, thereafter rents any portion of the building to some person not theretofore renting or occupying same, shall be fined not less than two hundred fifty dollars ($250.00) nor more than two thousand dollars ($2,000.00).
(Code 1968, § 18-41; Ord. No. 73-2079, § 1, 11-21-73; Ord. No. 92-1449, § 25, 11-4-92)

Charter reference—Penalty for ordinance violation, Art. II, § 12.

Cross references—Assessment of fines against corporations, § 16-76; payment of fines, § 16-78; credit against fines for incarceration, § 35-6 et seq.

Sec. 10-303. Discontinuing electric service.

When any fire hazard is permitted to continue in existence by the owner after receiving the notice provided in section 10-300 of this Code, and after the expiration of the time limit as determined under section 10-300 of this Code, if the fire marshal shall find and determine from the facts that the danger to human life is materially increased by the electrical wiring and appliances present in the building, he shall give notice to the public utility company supplying electrical current to such building, to disconnect its service and forthwith cease supplying electrical current thereto. It shall thereupon be the duty of the chief officer of the company in active charge of its operations to cause such service to be disconnected and the supply of electrical current discontinued, immediately.
(Code 1968, § 18-42; Ord. No. 73-2079, § 1, 11-21-73)

Sec. 10-304. Discontinuing gas service.

When any fire hazard is permitted to continue in existence by the owner after receiving the notice provided in section 10-300 of this Code, and after the expiration of the time limit as determined under section 10-300 of this Code, if the fire marshal shall find and determine from the facts that the danger to human life is materially increased by the gas plumbing and appliances present in the building, he shall give notice to the public utility company supplying gas to such building, to disconnect its service and forthwith cease supplying gas thereto. It shall thereupon be the duty of the chief officer of the company in active charge of its operations to cause such service to be disconnected and the supply of gas discontinued, immediately.
(Code 1968, § 18-43; Ord. No. 73-2079, § 1, 11-21-73)

Sec. 10-305. Second placarding.

(a) Whenever the fire marshal shall find that a fire hazard continues to exist after the giving of notice and the expiration of the time limit provided in sections 10-300 and 10-301 of this Code, he shall cause to be posted on or near the front door of such building, in as conspicuous a manner

as possible, a second substantial placard upon which shall be printed in red in letters at least two and one-half (2½) inches high the words, "SECOND WARNING—FIRE HAZARD," and on which placard there shall also appear the following words:

"THE TIME LIMIT HAS EXPIRED FOR THE CORRECTION OF THE CONDITIONS WHICH MAKE THIS BUILDING A FIRE HAZARD, AND THEY HAVE NOT BEEN CORRECTED.

"THE FURTHER OCCUPANCY OF THIS BUILDING BY ANY PERSON IS PROHIBITED BY LAW AS IT IS DANGEROUS TO LIFE.

"THIS NOTICE IS POSTED (Here the notice shall show the date and hour). ALL PERSONS ARE REQUIRED BY LAW TO VACATE SAME NOT LATER THAN FORTY-EIGHT HOURS AFTER SUCH TIME, AND ARE PROHIBITED FROM RE-ENTERING SAME UNTIL THE FIRE MARSHAL FINDS THAT THE FIRE HAZARD HAS BEEN ABOLISHED.

"FOR FURTHER INFORMATION, CALL THE FIRE MARSHAL OF THE CITY OF HOUSTON."

(b) Such placard may contain other information deemed advisable by the fire marshal.
(Code 1968, § 1844; Ord. No. 73-2079, § 1, 11-21-73)

Sec. 10-306. Unlawful occupancy or entry.

After forty-eight (48) hours from the stated hour of the posting of the second placard pursuant to section 10-305 of this Code, as shown therein, it shall be unlawful for any person to occupy the building as living quarters or to enter or remain in same except for short visits not exceeding thirty (30) minutes in any one day, during daylight hours, after first giving notice to the fire marshal's office of intention to enter; provided, that, after first giving notice to the fire marshal's office and subject to his regulation, the owner may cause persons to enter the premises for the purpose of correcting the physical conditions which give rise to the hazard.
(Code 1968, § 18-45; Ord. No. 73-2079, 1, 11-21-73)

Sec. 10-307. Allowing reoccupancy without correcting hazardous condition.

Any owner of any building who receives a notice from the fire marshal that the building is a fire hazard as provided in section 10-300 of this Code, and abolishes the fire hazard by causing the building to be vacated of human occupancy and thereafter reconstitutes the fire hazard by allowing or causing human occupancy to be resumed without correcting the hazardous physical condition of the building shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than two hundred fifty dollars ($250.00) nor more than two thousand dollars ($2,000.00) and each day that such reconstituted fire hazard continues to exist shall be a separate offense. No additional notice from the fire marshal shall be required in such cases.
(Code 1968, § 18-46; Ord. No. 73-2079, § 1, 11-21-73; Ord. No. 92-1449, § 26, 11-4-92)

Charter reference—Penalty for ordinance violation, Art. II, § 12.

Cross references—Assessment of fines against corporations, § 16-76; payment of fines, § 16-78; credit against fines for incarceration, § 35-6 et seq.

Sec. 10-308. Unlawful removal or defacing of placards.

Any person who shall tear down or deface any placard posted by the fire marshal under the provisions of this article shall be guilty of a misdemeanor and, upon conviction, fined not less than two hundred fifty dollars ($250.00) nor more than two thousand dollars ($2,000.00).
(Code 1968, § 18-47; Ord. No. 73-2079, § 1, 11-21-73; Ord. No. 92-1449, § 27, 11-4-92)

Charter reference—Penalty for ordinance violation, Art. II, § 12.

Cross references—Assessment of fines against corporations, § 16-76; payment of fines, § 16-78; credit against fines for incarceration, § 35-6 et seq.

Sec. 10-309. Removal of placards after conditions remedied.

Whenever the fire marshal finds that the physical conditions causing a fire hazard defined in this article no longer exist, he shall forthwith notify the owner and remove his placard or placards.

After such finding, it shall be lawful to occupy the building.
(Code 1968, § 1848; Ord. No. 73-2079, § 1, 11-21-73)

Sec. 10-310. Enforcement officers.

For the purpose of the enforcement of this article, any assistant fire marshal, city arson investigator or inspector of the fire prevention division of the fire department shall be deemed to be a deputy of the fire marshal and any of the powers and duties given the fire marshal by this article may be exercised by any such deputy on behalf of the fire marshal.
(Code 1968, § 18-49; Ord. No. 73-2079, § 1, 11-21-73)

Sec. 10-311. Alternative remedies.

Any building in which one or more of the fire hazard conditions enumerated in section 10-298 above exists is hereby declared a public nuisance and a fire hazard. The fire marshal is hereby expressly authorized and directed to take or initiate appropriate action for the abatement thereof pursuant to this article or any other applicable provisions of this Code, including without limitation, article IX of this chapter and the city's Fire Code. Notwithstanding, the availability of any other remedies and sanctions the fire marshal is authorized and directed to proceed with immediate abatement action pursuant to this article whenever he finds upon inspection thereof that the continued occupancy of any building constitutes a substantial hazard to human life from potential conflagration of the building.
(Code 1968, § 18-50; Ord. No. 73-2079, § 1, 11-21-73)

Secs. 10-312—10-315. Reserved.

ARTICLE IX. BUILDING STANDARDS*

DIVISION 1. GENERALLY

Sec. 10-316. Title.

This article is, and may be cited as, the "Houston Building Standards Code."
(Ord. No. 2011-108, § 4, 2-9-2011)

Sec. 10-317. Definitions.

When used in this article, the following words and phrases have the meaning stated, unless the context of their usage clearly indicates another meaning:

Building standards official means either the neighborhood protection official or the building official, according to their respective enforcement responsibilities as provided in this article.

Commission means the building and standards commission created by this article.

Congregate living facility means a building containing facilities for living, sleeping, and sanitation for occupancy by other than a family. Examples of congregate living facilities include shelters, convents, monasteries, dormitories, boarding and rooming houses, and fraternity and sorority houses. Notwithstanding the foregoing, the following buildings are not congregate living facilities:

(a) Jails;

(b) Hotels (as defined by article III of chapter 44 of this Code); and

(c) Buildings providing sleeping facilities primarily for the purpose of rendering services regulated by a department or agency of the federal government or of the State of Texas

*Editor's note—Ord. No. 2011-108, § 4, adopted February 9, 2011, amended Ch. 10, Art. IX to read as herein set out. Former Art. IX pertained to Comprehensive Urban Rehabilitation and Building Minimum Standards and derived from Ord. No. 93-1570, § 1, 12-8-93 and subsequent amendatory ordinances. See the Code Comparative Table for a detailed list of amendatory ordinances.

(including, but not limited to, the Texas Department of State Health Services).

Dwelling means a property containing not more than two dwelling units.

Dwelling unit means a single unit providing complete independent living facilities for one or more individuals, including permanent provisions for living, sleeping, eating, cooking, and sanitation. Notwithstanding the foregoing, units in the following buildings are not dwelling units:

(a) Jails;

(b) Hotels (as defined by article III of chapter 44 of this Code); and

(c) Buildings providing sleeping facilities primarily for the purpose of rendering services regulated by a department or agency of the federal government or of the State of Texas (including, but not limited to, the Texas Department of State Health Services).

Family means an individual; or two or more individuals related by blood or by marriage; or a group of not more than ten individuals, who need not be related by blood or marriage, living together in a dwelling unit.

Habitable space means a room or other interior space lawfully occupied for living, sleeping, eating, or cooking. Bathrooms, toilet rooms, closets, halls, storage rooms, and utility rooms are not habitable spaces.

Hearing officer means the individual, whether one or more, designated by the mayor to conduct administrative hearings as provided by this article, to consider evidence of violations of this article, and to enter orders as are supported by the evidence.

Kitchen means an area used, or designated to be used, for the preparation of food.

Manager means an individual authorized by the owner of property to control or supervise the property.

Occupant means an individual having lawful possession of a building or a portion thereof, including a tenant of the building and his invitees.

Overcrowded describes:

(1) A dwelling unit or a congregate living facility not containing at least 150 square feet of net floor area for the first resident and at least 100 square feet of additional net floor area for each additional resident; or

(2) A dwelling unit or a congregate living facility of two or more rooms not containing at least 70 square feet of net floor area in each room occupied by one resident for sleeping purposes; or

(3) A dwelling unit or a congregate living facility of two or more rooms not containing at least 50 square feet of net floor area per resident in each room occupied by more than one resident for sleeping purposes;

provided that, in a calculation of net floor area for the purposes of this article, children younger than one year old shall not be considered residents; children at least one year old but younger than six years old shall be considered one-half of one resident; and floor area in a room with a ceiling height of less than seven feet shall not be included in the calculation.

Owner means

(1) A person who holds one of the following legal interests in real property:

a. Fee simple title;

b. Life estate; or

c. Leasehold estate, unless the context differentiates between owner and tenant or resident, in which case "owner" means a lessee with a lease term of five or more years; or

(2) A person (such as an executor, receiver, or trustee, depending upon the terms of the person's appoint-

ment) who by operation of law holds rights in real property materially equal to those of a holder of fee simple title; or

(3) The buyer in a contract for deed.

Premises or *property* means a parcel of land and any structures on the parcel; for the purposes of this article, real property to which one account number has been assigned by the appraisal district in which the land is located constitutes one parcel of land.

Record proceeding refers to an administrative proceeding conducted pursuant to this article, if the proceeding is related directly to a property with an appraised value exceeding $250,000.00 (including improvements), according to the most recent information available at a public website maintained by the appraisal district in which the property is located, and if the proceeding:

(1) Includes a request by the building standards official for entry of an order, declaration, or directive; or

(2) Is a hearing conducted pursuant to section 10-394 of this article.

Refuse means garbage, rubbish, or anything discarded or rejected as useless or worthless.

Resident means an individual lawfully residing in a building.

Sanitary describes a condition of good order and cleanliness reasonably likely to preclude the transmission of disease.

Secure, when used in the context of a vacant building, means to take measures necessary to prevent unauthorized entry into the building, which measures shall be in accordance with the specifications on file in the office of the city secretary for the purposes of this article, unless a variance from the specifications is approved in writing by the building standards official. To the extent an order of the hearing officer, the commission, or a court of lawful jurisdiction establishes or adopts other criteria for securing a building, a building satisfying those criteria is considered secured.

Serious and immediate hazard means a condition that violates this article and that in the absence of immediate corrective action presents a reasonable likelihood of causing bodily injury to a human being. For purposes of illustration only, examples of serious and immediate hazards include (a) a condition presenting a reasonable likelihood of electrocution or asphyxiation; (b) a structure reasonably likely to collapse; and (c) a vacant structure in which there is a reasonable likelihood that an individual with no right of entry may commit a violent criminal act while shielded from public view. The existence of a serious and immediate hazard may be determined from the personal observation of any person or from circumstantial evidence.

Sleeping unit means a room or other interior space occupied, with the permission of the owner of the property, for sleeping and other living purposes, which space may include sanitation or kitchen facilities but not both. Notwithstanding the foregoing, spaces in the following buildings are not sleeping units:

(1) Jails;

(2) Hotels (as defined by article III of chapter 44 of this Code); and

(3) Buildings providing sleeping facilities primarily for the purpose of rendering services regulated by a department or agency of the federal government or of the State of Texas (including, but not limited to, the Texas Department of State Health Services).

Substandard building means a building characterized by any of the conditions described in Section 214.001(a), Texas Local Government Code.

Vacant describes a structure in which there is no lawful residential, commercial, recreational, charitable, religious, or construction activity.

Weatherproof describes a structure able to protect occupants from exposure to precipitation, wind, and direct sunlight.

(Ord. No. 2011-108, § 4, 2-9-2011)

Sec. 10-318. Scope; responsibility for enforcement.

(a) This article applies to all structures, regardless of when they were constructed, altered, or repaired, except as otherwise may be provided by this Code.

(b) The neighborhood protection official is primarily responsible for the enforcement of this article with regard to dwellings. The building official is primarily responsible for the enforcement of this article with regard to all other properties.
(Ord. No. 2011-108, § 4, 2-9-2011)

Sec. 10-319. Article supplemental.

The provisions of this article are cumulative of all other ordinances, laws, and applicable regulations. Without limitation of the foregoing, any act to secure, repair, or demolish a structure ordered pursuant to this article must comply with all applicable requirements of this Code, specifically including the Construction Code and division 4 of article VII of chapter 33 of this Code. Furthermore, this article shall not be construed to limit the enforcement authority of officers of the police department, specifically including members of the police department's Differential Response Team.
(Ord. No. 2011-108, § 4, 2-9-2011)

Sec. 10-320. Authority to enter property; warrants; emergencies.

(a) For purposes related to the enforcement of this article, the building standards official may enter:

(1) Vacant property, provided that

a. The building standards official does not alter or damage the property; and

b. No owner of the property has denied the building standards official permission to enter the property; and

(2) Occupied property, but only with written or verbal permission from an owner, manager, or other person who reasonably appears to be in control of the property, unless otherwise provided by this article.

(b) If the building standards official is denied permission to enter a property, entry shall be made only under authority of a warrant issued by a magistrate.

(1) In applying for a warrant, the building standards official shall submit to the magistrate an affidavit, which may be based on information supplied by others, describing with reasonable specificity the property into which entry is sought, stating facts giving rise to the building standards official's reasonable belief that the property is in violation of this article, and, to the extent known by the building standards official after reasonable inquiry, the name and contact information of the owner, manager, or other person in control of the property.

(2) If the magistrate finds that probable cause exists for entry into the property by the building standards official, the magistrate shall issue a warrant authorizing the entry. The warrant shall constitute authority for the building standards official to enter and to inspect the property, to gather evidence by any reasonable means, including photography and videography, and to procure samples and specimens as reasonably necessary to determine the existence and extent of a violation of this article. It is unlawful for a person to interfere or to refuse compliance with a warrant issued pursuant to this section.

(c) Notwithstanding anything to the contrary in this section, if the building standards official reasonably believes that a serious and immediate hazard exists on a property, the building standards official may enter the property at any time. In such circumstances the building standards official:

(1) May be accompanied by other city employees, including officers of the police department;

(2) Shall make every reasonable effort to present proper identification to the owner, manager, or other persons who appear to have a right to occupy or to control the property;

(3) Shall remain on the property only for such time as is reasonably necessary to conduct inspections and to gather evidence required to determine whether a serious and immediate hazard exists on the property; and

(4) As soon as reasonably possible, shall memorialize the circumstances of his entry into the property. The memorialization may be typed, handwritten, or in electronic form and shall be preserved in the records of the building standards official.

After expiration of the time prescribed in subsection (c)(3) of this section, the building standards official may enter a property only under the authority of subsections (a) or (b) of this section.
(Ord. No. 2011-108, § 4, 2-9-2011)

Sec. 10-321. Alternative means of posting notice.

If an official responsible for posting a placard or other notice pursuant to this article reasonably believes posting the notice in the manner prescribed will present a danger to any individual, the official may post the notice in another manner reasonably likely to accomplish the intent of the notice.
(Ord. No. 2011-108, § 4, 2-9-2011)

Sec. 10-322. No alteration of lease or other agreement.

The terms of this article shall not be construed to alter the terms of a lease or other agreement between landlord and tenant or others relating to property that is a subject of this article; provided that no provision of a lease or other agreement shall be construed to excuse compliance with this article by any person. It is the intent of this article to identify the parties the city will hold responsible for compliance with and violations of this article, rather than to determine the rights and liabilities of persons under agreements to which the city is not a party.
(Ord. No. 2011-108, § 4, 2-9-2011)

Sec. 10-323. Responsibilities of the city attorney.

(a) The city attorney and attorneys acting at the direction of the city attorney shall:

(1) Provide legal advice and assistance as requested by the building official or by the neighborhood protection official related to the discharge of their respective duties under this article, which assistance may include the presentation of evidence, the examination of witnesses, and written and oral advocacy;

(2) Provide legal advice and assistance as requested by the hearing officer or by a member of the commission related to the discharge of their respective duties under this article; and

(3) Take all legal action reasonable and necessary to carry out the terms and provisions of this article, which action may include, but is not limited to, prosecution in the municipal courts of criminal citations issued for violations of this article and prosecution of civil lawsuits as authorized by this Code, by statute, or by common law.

(b) In the event the city attorney is requested by the building official or the neighborhood protection official and the hearing officer or a member of the commission to provide legal advice or assistance related to the same proceeding or to the same property, the city attorney shall take all actions reasonably necessary to protect the fairness of the proceeding, especially with regard to the rights of alleged violator(s).
(Ord. No. 2011-108, § 4, 2-9-2011)

Sec. 10-324. Penalty for violations.

Unless a different penalty is provided elsewhere in this Code, a person violating a provision of this article shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than $200.00 nor more than $2,000.00. Each day a violation continues shall constitute a separate offense. It shall be an affirmative defense to prosecution under this article that compliance with this article or an order issued pursuant

hereto was prevented as a result of the time for review and appeal following application for a certificate of appropriateness for mandatory repair pursuant to section 33-249 of this Code.
(Ord. No. 2011-108, § 4, 2-9-2011)

Secs. 10-325—10-330. Reserved.

DIVISION 2. ADMINISTRATIVE HEARINGS BEFORE HEARING OFFICER

Sec. 10-331. Authority of the hearing officer.

For the enforcement of this article the hearing officer is authorized to conduct public administrative proceedings and to enter orders to the extent and in the manner authorized by Subchapter A of Chapter 214, Texas Local Government Code, and by this article.
(Ord. No. 2011-108, § 4, 2-9-2011)

Sec. 10-332. Hearings before the hearing officer.

(a) The city attorney may recommend to the hearing officer rules and procedures as are reasonable and necessary for the enforcement of this article.

(b) The building official shall designate a city employee to maintain the office of the hearing officer and to preserve all records of the hearing officer for at least three years after the records are created and as otherwise required by law.

(c) Notice of all hearings before the hearing officer shall be given as required by Subchapter A of Chapter 214, Texas Local Government Code, and by this Code.

(d) In each public proceeding before the hearing officer, the first order of business shall be for the building standards official to state whether or not he intends to request entry of an order, declaration, or directive related to a subject of the proceeding. The building standards official's statement shall be noted in the minutes or other record of the proceeding. Subject to subsection (f) of this section, if the building standards official states that he intends to request entry of an order, declaration, or directive related to a subject of the proceeding, the hearing officer shall cause the proceeding to be recorded by a court reporter, a video recorder, or other means sufficient to ensure the availability of a record for judicial review.

(e) Any person who complies with the requirements of this subsection may record a public proceeding before the hearing officer by any reasonable method that does not disrupt, delay, or otherwise burden the proceeding. Otherwise, the proceeding may not be recorded. In each public proceeding before the hearing officer, the second order of business shall be for the hearing officer to ask if any person present intends to record the proceeding. Any person who answers in the affirmative shall state his name and mailing address and tender to the hearing officer for review a valid, government-issued identification document, which document must include the person's photograph. The names and addresses of all persons answering in the affirmative shall be noted in the minutes or other record of the proceeding. This subsection is not applicable to persons recording the proceeding at the request of the hearing officer.

(f) A record proceeding conducted by the hearing officer shall be recorded by a court reporter certified by the Texas Court Reporters Certification Board. The building standards official shall pay a reasonable and customary fee to the court reporter for the recording services. Any person, including an employee of the city, may purchase a transcript of the proceeding (or a physical or electronic copy of a transcript of the proceeding, if available) after payment of a reasonable and customary fee to the court reporter. Notwithstanding anything to the contrary in this subsection, the building standards official shall not pay any fee to a court reporter who is an employee of the city.

(g) A proceeding conducted by the hearing officer may be postponed once for good cause shown; the existence of "good cause" shall be determined by the hearing officer in the exercise of his sole but reasonable discretion.

(h) Unless otherwise provided by this article, in a proceeding before the hearing officer in which the building standards official requests entry of an order, declaration, or directive, the factual and

legal basis for the request shall be presented to the hearing officer by a person designated by the building standards official, which person may be an assistant city attorney. During the proceeding, the following persons may present testimony and other evidence on relevant issues and may cross-examine witnesses:

(1) The building standards official;

(2) An owner, resident, sublessor, or lessee of the property that is the subject of the proceeding;

(3) A person who has a lien against, or other legal interest in, the property that is the subject of the proceeding, according to:

a. The real property records of the county in which the property is located; or

b. A publicly available database maintained by the appraisal district in which the property is located;

(4) An owner, resident, sublessor, or lessee of a property adjoining the property that is the subject of the proceeding;

(5) A licensed attorney authorized to represent a person listed in subparts (1)—(4) of this subsection; and

(6) Any other person whom the hearing officer reasonably concludes is likely to further his understanding of the evidence or to assist his determination of a fact in issue.

(i) Before testifying, each witness shall be required to declare that he will testify truthfully, by an oath or affirmation administered by the hearing officer and in a form calculated to awaken the witness's conscience and to impress the witness's mind with his duty to testify truthfully.

(j) If no person having a possessory or other legal interest in the property appears before the hearing officer on the date and at the time for which the proceeding has been noticed, the building standards official shall proceed with the presentation of the evidence of the alleged violation(s).

(k) Upon consideration of the evidence and arguments presented at the proceeding, the hearing officer shall issue a written order that sustains one or more of the allegations of the building standards official or that dismisses one or more of the allegations and that orders relief, if and as authorized by this article, provided that any relief ordered by the hearing officer shall be reasonably proportionate to the threat to human health or safety presented by the violation. The order may include findings by the hearing officer, but findings are not required.

(l) Promptly after the hearing officer has issued a written order under this section, the building standards official shall give notice of the order in the manner required by Subchapter A of Chapter 214, Texas Local Government Code, and by this Code.
(Ord. No. 2011-108, § 4, 2-9-2011)

Secs. 10-333—10-340. Reserved.

DIVISION 3. ADMINISTRATIVE HEARINGS BEFORE BUILDING AND STANDARDS COMMISSION

Sec. 10-341. Building and standards commission created.

The building and standards commission of the city is hereby created. The commission shall function in the manner authorized by Subchapter C of Chapter 54, Texas Local Government Code. The commission shall conduct administrative hearings as provided by this article, to consider evidence of violations of this article, and to enter orders as are supported by the evidence.
(Ord. No. 2011-108, § 4, 2-9-2011)

Sec. 10-342. Members of the commission; terms.

(a) The commission consists of two commission panels, each of which shall be composed of five regular members appointed by the mayor and confirmed by the city council. At least one member of each commission panel shall be generally familiar with housing for low-income or homeless persons.

(b) The mayor also shall appoint eight alternate members to the commission, which members shall be confirmed by the city council. At the request of the neighborhood protection official, which request shall be noted in the records of the commission, in the absence of a regular member an alternate member may serve on either commission panel.

(c) Each regular and alternate member shall serve for a term of two years and, absent unusual circumstances as determined by the mayor's office of boards and commissions, shall hold over until the member's successor is appointed and confirmed. Each regular panel position shall be numbered consecutively within each panel as positions one through five, and each alternate position shall be numbered consecutively as positions one through eight. Each member of the commission, regular or alternate, shall be appointed to a specific numbered position. The terms of each even-numbered position shall begin on the first day of each even-numbered year and end on the last day of each odd-numbered year, and the terms of each odd-numbered position shall begin on the first day of each odd-numbered year and end on the last day of each even-numbered year. A vacancy in any position shall be filled for the remainder of the unexpired term.

(d) At its first meeting of each calendar year, the commission as a whole shall elect a chairman to preside over its meetings. A quorum of the commission as a whole consists of a total of 14 members, whether regular members or alternates.

(e) A quorum of a commission panel consists of three members. An affirmative vote of three members of each commission panel is required for the issuance of an order by the commission panel. A tie vote shall be treated as a vote to deny the relief requested. No member of the commission may abstain from a vote unless before the vote the member publicly announces the factual basis for his reasonable belief that he has a conflict of interest related to the subject of the vote.

(f) Each commission panel shall elect a chairman and vice chairman at its first meeting of each calendar year and may convene at other times as necessary to function in the manner authorized by this article.

(g) A member of the commission, regular or alternate, may be removed as provided in Section 54.033(c), Texas Local Government Code.
(Ord. No. 2011-108, § 4, 2-9-2011)

Sec. 10-343. Authority of the commission.

For the enforcement of this article the commission is authorized to conduct public administrative proceedings, to enter orders, and to take actions to the extent and in the manner authorized by Subchapter C of Chapter 54, Texas Local Government Code.
(Ord. No. 2011-108, § 4, 2-9-2011)

Sec. 10-344. Hearings before the commission.

(a) The city attorney may recommend to the commission rules and procedures as are reasonable and necessary for the operation of the commission and the enforcement of this article. The commission as a whole shall adopt rules as required by Section 54.034, Texas Local Government Code.

(b) The neighborhood protection official shall designate a city employee to maintain the office of the commission and to preserve all records of the commission for at least three years after the records are created and as otherwise required by law. The city employee designated pursuant to this subsection may be the same city employee designated by the building official pursuant to section 10-332(b) of this Code.

(c) Notice of all proceedings before the commission shall be given as required by Section 54.035, Texas Local Government Code, or by Subchapter A of Chapter 214, Texas Local Government Code, and by this Code, as applicable to the proceeding.

(d) Proceedings before the commission shall be conducted essentially in the same manner prescribed by division 2 of this article for administrative hearings before the hearing officer.

(e) Promptly after the commission has issued a written order under this division, the neighborhood protection official shall give notice of the order in the manner required by Section 54.035, Texas Local Government Code, or by Subchapter

A of Chapter 214, Texas Local Government Code, and by this Code, as applicable to the proceeding. (Ord. No. 2011-108, § 4, 2-9-2011)

Secs. 10-345—10-360. Reserved.

DIVISION 4. MINIMUM STANDARDS

Sec. 10-361. Minimum standards generally; responsibilities of owners and occupants.

(a) It is unlawful for a person knowingly to allow a property of which the person has ownership or control to be kept or used in violation of this division.

(b) Each person who owns or otherwise has control of a property is responsible for maintaining in a sanitary condition the shared or public areas of the property and the premises thereof.

(c) Each occupant of a dwelling unit or a sleeping unit shall keep in a sanitary condition the part of the unit that the occupant occupies or controls.

(d) No person who owns, controls, or occupies real property shall use the property for the open storage of any dead tree, refuse, glass, building material, or of any inoperable motor vehicle, boat, refrigerator, stove, or other object of a reasonably similar size. For the purposes of this division, "inoperable" means either incapable of use for its intended purpose or reasonably appearing to be incapable of use for its intended purpose. It is an affirmative defense to prosecution for violation of this subsection that the person to whom the citation was issued was licensed by a proper authority to store the item in the manner in which it was stored at the time the citation was issued.

(e) A violation of this division does not of itself create a negligence per se standard or otherwise expand existing liability in tort.

(f) This division applies to manufactured homes and house trailers to the extent allowed by law. (Ord. No. 2011-108, § 4, 2-9-2011)

Sec. 10-362. Congregate living facilities.

(a) Each building designed or used as a congregate living facility shall contain, at a minimum, the sanitary facilities and equipment shown below:

Toilets	*Lavatories*	*Tubs or Showers*
1 for each 8 individuals	1 for each 12 individuals	1 for each 8 individuals

(b) Except as otherwise provided by this Code, the minimum standards stated in section 10-363 of this Code apply to each sleeping unit within a congregate living facility. (Ord. No. 2011-108, § 4, 2-9-2011)

Sec. 10-363. Responsibilities of owner.

(a) *General maintenance.* Each property shall be maintained by its owner in a safe and sanitary condition and in compliance with this division. Compliance with this division does not equate to compliance with the Construction Code, or vice versa.

(b) *Property standards.* An owner of property shall:

(1) Eliminate any unprotected hole, open excavation, sharp protrusion from the ground or walls, and any other object or condition on the premises reasonably likely to cause injury to an individual;

(2) Securely seal or plug any unused water well; secure any pump house and electrical service for operating water wells; remove an unused septic tank or grease trap, or pump the effluent and fill the tank or trap with soil or sand; remove or fill an unused cesspool or cistern with soil or sand; and securely cover all septic tanks or grease traps in service;

(3) Remove dead trees, tree limbs, and other debris reasonably likely to cause injury to an individual or to provide living or breeding places for insects, ectoparasites, or rodents, provided that a reasonably-sized accumulation of compost shall not constitute a violation of this subsection; and

(4) Keep doors and windows of any vacant portion of a building secured.

(c) *Structural standards.* An owner of property shall:

(1) Protect the exterior surfaces subject to decay by application of a protective covering or coating or other surface preservative;

(2) Fill any unprotected or unenclosed hollow masonry piers, foundation holes, and other openings reasonably likely to cause injury to an individual;

(3) Provide and maintain handrails for stairways, ramps, balconies, and porches more than 30 inches above grade;

(4) Maintain buildings intended for human occupancy in a weatherproof condition;

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

(6) Maintain each inside and outside stairway, porch, and appurtenance thereto in a sound and safe condition, capable of bearing imposed loads safely;

(7) Provide cross-ventilation of not less than 1½ square feet for each 25 linear feet of wall in each basement or crawl space not mechanically ventilated;

(8) Repair or replace any chimney flue or vent attachment reasonably likely to constitute a health or safety hazard;

(9) In a floor, wall, ceiling, porch, step, or balcony, repair any hole, crack, break, or loose material reasonably likely to constitute a health or safety hazard;

(10) For the flooring or subflooring of each bathroom and other room containing a toilet, provide and maintain a moisture-resistant finish or material, such as ceramic tile or vinyl; and

(11) Maintain all fences and accessory structures, including detached garages and sheds, in a structurally sound condition and in good repair.

(d) *Utility standards.* An owner of property shall:

(1) In each non-vacant dwelling unit and congregate living facility, provide and maintain in good operating condition on or more connections to discharge sewage from the building into a public sanitary sewer system, where service is available, or into an approved septic system where public sanitary sewer service is not available;

(2) In each non-vacant dwelling unit and congregate living facility, provide and maintain in good operating condition a toilet located in a room affording privacy to the user and connected to a water source and to a public sanitary sewer system, where service is available, or to an approved septic system where public sanitary sewer service is not available;

(3) In each non-vacant dwelling unit and congregate living facility, provide and maintain in good operating condition connections and pipes to supply potable water at adequate pressure;

(4) In each non-vacant dwelling unit and congregate living facility, provide and maintain in good operating condition a device to supply hot water at a minimum temperature of 120 degrees Fahrenheit;

(5) In each non-vacant dwelling unit and congregate living facility, provide a bathtub or shower in a room affording privacy to the user and maintain connections to sources of cold and hot water for each bathtub, shower, and lavatory;

(6) In each kitchen, provide and maintain connections to sources of cold and hot water for a sink;

(7) In each habitable space, provide and maintain in good operating condition heating equipment capable of maintaining a minimum inside temperature of 70 degrees Fahrenheit when it is 20 degrees Fahrenheit outside, the inside temperature to be measured at a point three feet above the floor;

(8) In each habitable space, if screens are not provided as required in subsection (e)(2) of this section, provide and maintain in good operating condition refrigerated air equipment capable of maintaining a maximum inside temperature 20 degrees Fahrenheit lower than the outside temperature or 80 degrees Fahrenheit, whichever is warmer;

(9) In each non-vacant building (except for buildings lawfully used exclusively for storage), provide and maintain in good operating condition such electrical circuits and outlets as are sufficient to carry safely an electrical load imposed by the normal use of equipment, appliances, and fixtures;

(10) In each habitable space, connect the space to an approved electrical service and provide and maintain in good operating condition either two wall-type convenience outlets or one wall-type convenience outlet and one ceiling-type light fixture with a wall switch;

(11) In each bathroom, toilet room, laundry room, and furnace room in a non-vacant building, connect the room to an approved electrical service and provide and maintain in good operating condition one ceiling or wall-type light fixture or one wall-type convenience outlet;

(12) Provide each public hall and stairway with illumination sufficient to allow occupants who are not visually impaired to use the hall or stairway without an unreasonable risk to safety; and

(13) In each non-vacant dwelling unit and congregate living facility, connect each heating or cooking device that burns solid fuel to a chimney or flue.

For purposes of this division, existing plumbing and electrical equipment and heating and cooling facilities that at the time of installation were in compliance with the then-existing Construction Code are permissible, provided the equipment or facility is in good operating condition and capable of being used in a safe manner.

(e) *Health standards.* An owner of property shall:

(1) Substantially eliminate insects, ectoparasites, and rodents in or on the premises, except as may be limited in section 10-364(b) of this Code;

(2) Provide and maintain a screen for keeping out insects at each exterior opening of each non-vacant dwelling unit, congregate living facility, and sleeping unit not cooled with refrigerated air;

(3) Maintain the interior of each vacant building or vacant portion of a building free from refuse;

(4) Properly grade the property surrounding a building to obtain thorough drainage and to prevent the accumulation of stagnant water;

(5) Provide each non-vacant dwelling unit, congregate living facility, and sleeping unit with means of egress as required by the Construction Code in effect at the time of construction and as required by Appendix L to the Building Code; and

(6) Provide a kitchen in each dwelling unit.

(f) *Light and ventilation standards.* An owner of property shall:

(1) Provide each habitable space with at least one window or skylight facing directly to the outdoors. The minimum total window area, measured between stops, for each such space shall be ten percent of the floor space of the room. Whenever walls or other portions of structures face a window of any such room and light-obstructing structures are located less than three feet from the window and extend to a level above that of the ceiling of the room, the window shall not be deemed to face directly to the outdoors and shall not be included as contributing to the required minimum total window area. Whenever the only window in a room is a skylight-

type window in the top of the room, the total window area of the skylight shall equal at least 15 percent of the total floor space of the room. For purposes of this section, a sliding glass doors shall be considered equivalent to a window;

(2) Provide each habitable space with at least one window or skylight that can be opened easily, with a total openable window area in each such space equal to at least 40 percent of the minimum window area size or minimum skylight size, as required; or, where the Construction Code does not require windows, provide an approved ventilation system; and

(3) Provide each bathroom and toilet room with facilities meeting the light and ventilation standards for habitable spaces, except that no window or skylight is required in an adequately ventilated bathroom or toilet room equipped with an approved ventilation system.

(g) It is an affirmative defense to prosecution of an owner for violation of this section that (i) the property is the site of new construction and reasonable and continuous progress is being made to complete the construction; (ii) with respect to subsections (d)(3), (d)(4), and (d)(7) through (d)(11) of this section, that (A) the applicable utilities were disconnected from the premises by or at the instruction of the owner, who was legally authorized to cause the termination of utility service because of non-payment of rent, and (B) the tenant did not pay the utilities directly to the utility company, and (C) the premises otherwise were in substantial compliance with this division; or (iii) the violation was not capable of discovery by the owner upon reasonable investigation or inspection.
(Ord. No. 2011-108, § 4, 2-9-2011)

Sec. 10-364. Responsibilities of occupant.

(a) An occupant, with regard to any portion of a building under the occupant's control, shall:

(1) Keep the premises free from refuse and other conditions likely to encourage infestation by insects, ectoparasites, or rodents;

(2) Install in accordance with applicable codes and laws any plumbing fixtures, heating equipment, electrical equipment, and mechanical equipment supplied by the occupant; and

(3) Not alter the property so as to create a violation of this Code.

(b) With regard to dwellings, if the building was treated to eliminate insects, ectoparasites, and rodents by a duly licensed exterminator within either (i) two weeks before the date the resident took occupancy or (ii) the preceding six months if there has been more than one residential lease during the preceding six months, the resident of the structure is responsible for keeping the interior of the structure free from insects, ectoparasites, and rodents.
(Ord. No. 2011-108, § 4, 2-9-2011)

Sec. 10-365. Retaliation against residents prohibited.

It is unlawful for an owner or manager of a property to retaliate against a resident for reporting potential violations of this division. Without limitation of the foregoing, the actions constituting retaliation set forth in Subchapter H of Chapter 92, Texas Property Code, as may be amended from time to time, are hereby incorporated by reference and constitute events of retaliation under this section.
(Ord. No. 2011-108, § 4, 2-9-2011)

Sec. 10-366. Enforcement of minimum standards.

Upon discovery of a violation of this division, the building standards official may issue to the violator:

(1) A criminal citation enforceable in municipal court, provided that the violation remains after the building standards official has issued to the violator a written warning affording a reasonable opportunity to cure the violation; or

(2) An administrative citation or summons issued pursuant to article XVIII of this chapter.
(Ord. No. 2011-108, § 4, 2-9-2011)

Secs. 10-367—10-370. Reserved.

DIVISION 5. DANGEROUS BUILDINGS

Sec. 10-371. Dangerous buildings defined; existence unlawful.

(a) For the purposes of this article, the following are dangerous buildings, regardless of date of construction:

(1) A building with walls or other vertical structural members that list, lean, or buckle in excess of ¼ inch of horizontal measurement for each foot of vertical measurement;

(2) A building with 33 percent or more damage or deterioration of its supporting members, or 50 percent or more damage or deterioration of its non-supporting members or outside walls or coverings;

(3) A building with a floor or a roof of insufficient strength to be reasonably safe for the purpose used;

(4) A building with a part not properly attached so that the part may fall on or otherwise injure occupants of the building or members of the public;

(5) A building with light or air or sanitation facilities inadequate to protect the health and safety of the building's occupants;

(6) A building with unsafe electrical wiring;

(7) A building with unsafe natural gas piping or equipment;

(8) A vacant building, regardless of its structural condition, that has been unsecured for more than seven days (which days need not be consecutive) in any 30-day period;

(9) Even if secured from unauthorized entry, two or more vacant buildings under common ownership situated near one another in a manner as to allow criminal acts to be shielded from public view;

(10) An overcrowded dwelling unit or congregate living facility;

(11) A pool or other aquatic structure not enclosed as required by chapter 43 of this Code; and

(12) A property with a condition causing a building to be unfit for human occupancy or causing a danger to the public health, safety, or welfare.

(b) It is unlawful for a person knowingly to allow a property under the person's ownership or control to constitute a dangerous building.

(c) It is unlawful for a person to occupy, or to let to another person for occupancy, property that has been ordered vacated pursuant to this article.
(Ord. No. 2011-108, § 4, 2-9-2011)

Sec. 10-372. Dangerous buildings declared nuisances.

All dangerous buildings are hereby declared to be public nuisances and shall be vacated, secured, repaired, removed, or demolished as provided by this article.
(Ord. No. 2011-108, § 4, 2-9-2011)

Sec. 10-373. Duty of city employees to report dangerous buildings.

It is the duty of each city employee whose job responsibilities include the enforcement of any aspect of this Code, the Construction Code, or the Fire Code to report to the 3-1-1 Houston Service Helpline the existence of a property that reasonably appears to be a dangerous building.
(Ord. No. 2011-108, § 4, 2-9-2011)

Sec. 10-374. Administrative hearing.

(a) If a property other than a dwelling is in violation of this division, the building official shall schedule a public hearing before the hearing officer to present evidence of the violation and to request any relief authorized by this article.

(b) If a dwelling is in violation of this division, the neighborhood protection official shall schedule a public hearing to present evidence of the violation and to request any relief authorized by this article. The hearing shall be scheduled before the commission unless the commission is unable to conduct the hearing on a date and at a time reasonably necessary to protect the health and

safety of any occupants of the property or of the public in general, in which case the hearing shall be scheduled before the hearing officer.
(Ord. No. 2011-108, § 4, 2-9-2011)

Sec. 10-375. Public notice of dangerous buildings.

(a) If pursuant to this article the hearing officer or the commission finds that a property constitutes a dangerous building and that its occupancy is reasonably likely to result in an injury to or the illness of a human being, the building standards official shall post on the structure or in other conspicuous places visible from the nearest public street at least two copies of a brightly colored placard, the text of which shall be in a typeface no smaller than 28 points and include the following:

> THE BUILDING OFFICIAL [OR THE NEIGHBORHOOD PROTECTION OFFICIAL] OF THE CITY OF HOUSTON POSTED THIS NOTICE ON _____, 20___, AT ___:___ ___.m.
>
> **THIS BUILDING HAS BEEN FOUND TO BE A DANGEROUS BUILDING, AND ITS OCCUPANCY IS REASONABLY LIKELY TO RESULT IN INJURY OR ILLNESS.**
>
> **NO LATER THAN 48 HOURS AFTER THE POSTING OF THIS NOTICE, ALL PERSONS MUST VACATE THIS BUILDING AND NOT RE-ENTER.**
>
> EFFECTIVE 48 HOURS AFTER THE POSTING OF THIS NOTICE, ENTRY INTO THIS BUILDING IS PROHIBITED, EXCEPT (1) BY AUTHORIZED EMPLOYEES AND AGENTS OF THE CITY OF HOUSTON OR (2) BY PERSONS AUTHORIZED BY THE BUILDING OWNER TO PERFORM WORK FOR WHICH THE CITY HAS ISSUED ALL REQUIRED PERMITS.
>
> IT IS A VIOLATION OF MUNICIPAL LAW TO ALTER OR REMOVE THIS NOTICE.

Each placard also shall include the date and time of its posting by the building standards official.

(b) If pursuant to this article the hearing officer or the commission finds that a property constitutes a dangerous building and presents a serious and immediate hazard, instead of posting the placard required by subsection (a) of this section, the building standards official shall post on the structure or in other conspicuous places visible from the nearest public street at least two copies of a brightly colored placard, the text of which shall be in a typeface no smaller than 28 points and include the following:

> THE BUILDING OFFICIAL [OR THE NEIGHBORHOOD PROTECTION OFFICIAL] OF THE CITY OF HOUSTON POSTED THIS NOTICE ON _____, 20___, AT ___:___ ___.m.
>
> **THIS BUILDING HAS BEEN FOUND TO PRESENT A SERIOUS AND IMMEDIATE HAZARD TO HUMAN LIFE.**
>
> **ENTRY INTO THIS BUILDING IS PROHIBITED,** EXCEPT (1) BY AUTHORIZED EMPLOYEES AND AGENTS OF THE CITY OF HOUSTON OR (2) BY PERSONS AUTHORIZED BY THE BUILDING OWNER TO PERFORM WORK FOR WHICH THE CITY HAS ISSUED ALL REQUIRED PERMITS.
>
> IT IS A VIOLATION OF MUNICIPAL LAW TO ALTER OR REMOVE THIS NOTICE.

Each placard also shall include the date and time of its posting by the building standards official.

(c) No person shall occupy, let to another person for occupancy, or otherwise make available for use by any person a property if the occupancy or use violates the terms of a placard placed by the building standards official pursuant to this section.

(d) It shall be unlawful to remove a placard to which this section refers except upon the written instruction of the building standards official who

posted the placard, which instruction shall not be issued unless the condition(s) that caused the placard to be posted has been abated.
(Ord. No. 2011-108, § 4, 2-9-2011)

Secs. 10-376—10-380. Reserved.

DIVISION 6. SECURING A SUBSTANDARD OR DANGEROUS BUILDING

Sec. 10-381. Authority of building standards official to secure and notify.

The building standards official shall cause to be secured a vacant building that in the sole but reasonable judgment of the building standards official appears to be (a) in violation of division 5 of this article and (b) capable of being secured by a means and at an expense reasonably proportionate to the threat to human health or safety presented by the vacant building. After securing such building, the building standards official shall comply with Section 214.0011, Texas Local Government Code. A hearing conducted pursuant to this division shall be conducted by the hearing officer.
(Ord. No. 2011-108, § 4, 2-9-2011)

Sec. 10-382. Permit to secure; fees.

Unless otherwise provided by this article, a person other than the building standards official causing a building to be secured must obtain a permit from the code enforcement branch of the planning and development services division of the department of public works and engineering. The application for and administration of the permit shall be handled as prescribed by section 105 of the Building Code. The fee for the permit, whether original or renewal, is $190.00.
(Ord. No. 2011-108, § 4, 2-9-2011)

Secs. 10-383—10-390. Reserved.

DIVISION 7. EMERGENCIES

Sec. 10-391. Definitions.

In this division, "corrective action" means any one or more of the following:

(1) Ordering the property vacated;

(2) Repairing all or part of a structure or other fixture on the property;

(3) Demolishing a structure or other fixture on the property, specifically including a vacant building not capable of being secured by a means and at an expense reasonably proportionate to the threat to human health or safety presented by the building; or

(4) Taking any other action reasonably calculated to alter the condition so that it no longer constitutes a serious and immediate hazard;

provided that all corrective action shall be reasonably proportionate to the threat to human health or safety presented by the hazard.
(Ord. No. 2011-108, § 4, 2-9-2011)

Sec. 10-392. Immediate corrective action.

(a) If after an investigation appropriate to the circumstances the building standards official concludes that a condition of a property constitutes a serious and immediate hazard, the building standards official, as soon as reasonably possible, shall confer with the hearing officer regarding the condition. The conference may be in person, by telephone, or by electronic means but will not constitute a proceeding within the meaning of this article. The conference may be ex parte.

(b) If, as a result of the conference to which subsection (a) of this section refers, the building standards official and the hearing officer agree that the condition constitutes a serious and immediate hazard, as soon as reasonably possible the building standards official, at the city's expense, but without the necessity of prior notice to any person, shall cause corrective action to be taken so that the condition no longer constitutes a serious and immediate hazard.

(c) As soon as reasonably possible after the conclusion of the conference to which subsection (a) of this section refers, the hearing officer shall memorialize the date and time of the conference; the circumstances as described during the conference by the building standards official; whether the building standards official and the hearing officer agreed or disagreed that the condition

constituted a serious and immediate hazard; and the reasons for the agreement or disagreement, as understood by the hearing officer. The memorialization may be typed, handwritten, or in electronic form and shall be preserved in the records of the hearing officer. The hearing officer promptly shall provide a copy of the memorialization to the building standards official.
(Ord. No. 2011-108, § 4, 2-9-2011)

Sec. 10-393. Notice to vacate.

If the building standards official orders that a property be vacated pursuant to this division, he shall post on the property a placard whose contents and manner of posting shall not vary materially from that prescribed by section 10-375(b) of this Code.
(Ord. No. 2011-108, § 4, 2-9-2011)

Sec. 10-394. Notice of corrective action; hearing.

(a) Pursuant to Section 214.002, Texas Local Government Code, before the fifteenth day after the last day on which the building standards official takes corrective action as authorized by this division, the building standards official shall give a Notice of Corrective Action to the owner and to any mortgagee of the property in the manner described in Section 214.0011(c), Texas Local Government Code. The Notice of Corrective Action shall include the following:

(1) The date on which the building standards official issued the Notice of Corrective Action;

(2) An identification of the property that was the subject of the corrective action, which identification need not be a legal description;

(3) A brief description of the corrective action taken and the dates of the action;

(4) A good-faith estimate of the funds expended by the city to take the corrective action;

(5) A statement that the city intends to impose a lien against the property in an amount equal to the funds expended by the city to take the corrective action, which lien shall be imposed in the manner described in subsections (d)—(i) of Section 214.0015, Texas Local Government Code; and

(6) A statement that any owner or mortgagee of the property may file with the building standards official (whose address shall be included in the notice) a written request for an administrative hearing regarding the corrective action, which request must be received by the building standards official within 30 days after the day on which the building standards official issued the Notice of Corrective Action, and that, in the absence of such a request for hearing:

a. The corrective action will be deemed to have been duly authorized by this division; and

b. The city will make a final calculation of the funds expended by the city to take the corrective action and impose the lien to which subsection (a)(5) of this section refers.

(b) No later than 30 days after the building standards official's receipt of a request to which subsection (a)(6) of this section refers, the building standards official shall give a notice of hearing to the owner and to any mortgagee of the property in the manner described in Section 214.0011(c), Texas Local Government Code. The notice of hearing shall include the following information:

(1) That a hearing will be held on a stated date and at a stated time and place, which date shall be as soon as reasonably possible but in any case no later than ninety days after the day on which the building standards official receives a request to which subsection (a)(6) of this section refers;

(2) That the hearing will be held before a panel of the commission to consider whether the corrective action was duly authorized by this division; and

(3) That any person having a legal interest in the property (as evidenced by the real

property records of the county in which the property is located) may appear in person, may be represented by an attorney, may present testimony and other evidence, and may cross-examine all witnesses.

(c) A panel of the commission shall conduct the hearing to which subsection (b) of this section refers.

(1) If the hearing is a record proceeding, the hearing shall be recorded by a court reporter certified by the Texas Court Reporters Certification Board.

(2) The hearing may be postponed once for good cause shown; the existence of "good cause" shall be determined by the commission panel in the exercise of its sole but reasonable discretion.

(3) If no person having a legal interest in the property appears before the commission on the date and at the time for which notice was given, the commission shall proceed with the hearing, and building standards official shall present the evidence.

(4) After consideration of the evidence presented at the hearing, the commission shall issue a written order, the substance of which order shall be limited to the following:

a. A statement of the date, time, and place of the hearing and of the authority pursuant to which the hearing was conducted;

b. A list of all persons who attended all or part of the hearing, to the extent known by the commission;

c. A general description of the evidence considered by the commission;

d. A declaration of whether the corrective action was duly authorized by this division; and

e. If the commission has declared that the corrective action was duly authorized by this division, a declaration of (i) the city's right to impose the lien to which subsection (a)(5) of this section refers and (ii) the amount of the lien.

(Ord. No. 2011-108, § 4, 2-9-2011)

Secs. 10-395—10-440. Reserved.

ARTICLE X. CLEANUP AFTER DEMOLITION OR REMOVAL OF STRUCTURES

Sec. 10-441. Required.

(a) Within 30 days after any building or structure is demolished or removed from any lot or tract of land:

(1) All debris must be removed from the property.

(2) All holes or depressions in the ground must be filled to grade level.

(3) All lumber, pipes and all other buildings materials must be removed from the property or stored in such a manner that they are not a hazard to safety and do not create a condition where rats are likely to live or mosquitoes likely to breed.

(4) All pipes and conduits must be removed from above grade and must be removed or sealed below grade.

(5) All piers, pilings, steps and other appurtenances must be removed above grade.

(b) Each owner and each person having control over the property on which the building or structure stood prior to removal or demolition is individually responsible for completing such work or causing such work to be completed.

(Code 1968, § 18-83; Ord. No. 76-1919, § 1, 11-9-76; Ord. No. 93-1570, § 2(b), 12-8-93)

Sec. 10-442. Report, inspection where work believed not completed.

It shall be the duty of all city employees to make a report in writing to the neighborhood protection official whenever such employee has reason to believe a building or structure has been demolished or removed from a lot of land and the work required by this article has not been com-

pleted. Upon receipt of such written report, the neighborhood protection official shall inspect the lot or tract.
(Code 1968, § 18-84; Ord. No. 76-1919, § 1, 11-9-76; Ord. No. 89-1079, § 16, 7-12-89; Ord. No. 91-1102, § 5, 7-31-91; Ord. No. 93-514, § 26, 5-5-93; Ord. No. 93-1570, § 2(b), 12-8-93; Ord. No. 94-674, § 32, 7-6-94; Ord. No. 98-613, § 38, 8-5-98)

Sec. 10-443. Notice to complete work.

Whenever it shall come to the knowledge of the neighborhood protection official or a hearing officer designated pursuant to article IX of this chapter that a building or structure has been demolished or removed and that the work required by this article has not been completed, the neighborhood protection official or hearing officer shall cause written notice to be given by personal service or by certified mail, return receipt requested, to the owner of the property or to any person having control over the property setting out the work required by this article which has not been completed. In such notice, the neighborhood protection official or hearing officer shall order the owner of the property or person having control over the property to complete or cause to be completed all work required by this article within 30 days of service of such notice.
(Code 1968, § 18-84; Ord. No. 76-1919, § 1, 11-9-76; Ord. No. 89-1079, § 17, 7-12-89; Ord. No. 91-1102, § 5, 7-31-91; Ord. No. 93-514, § 26, 5-5-93; Ord. No. 93-1570, § 2(b), 12-8-93; Ord. No. 94-674, § 32, 7-6-94; Ord. No. 98-613, § 38, 8-5-98)

Sec. 10-444. Penalty.

Failure to comply with the requirements of section 10-441 or to comply with the order of the neighborhood protection official or a hearing officer given pursuant to this article shall be punishable by a fine of not less than $250.00, nor more than $2,000.00. Each day such work is not completed in violation of this article shall constitute a separate offense.
(Code 1968, § 18-86; Ord. No. 76-1919, § 1, 11-9-76; Ord. No. 89-1079, § 18, 7-12-89; Ord. No. 91-1102, §§ 5, 10, 7-31-91; Ord. No. 93-514, § 26, 5-5-93; Ord. No. 93-1570, § 2(b), 12-8-93; Ord. No. 94-674, § 32, 7-6-94; Ord. No. 98-613, § 38, 8-5-98)

Charter reference—Fines for violation of ordinances, Art. II, § 12.

Secs. 10-445—10-450. Reserved.

ARTICLE XI. NEIGHBORHOOD NUISANCES

Sec. 10-451. Nuisances, generally.

(a) Whatever is dangerous to human health or welfare, or whatever renders the ground, the water, the air, or food a hazard to human health is hereby declared to be a nuisance.

(b) The following specific acts, conditions, and things are declared to constitute public nuisances and are hereby prohibited and made unlawful:

(1) The deposit or accumulation of any foul, decaying, or putrescent substance or other offensive matter in or upon any lot, street, or in or upon any public or private place in such a way as to become offensive or objectionable; the overflow of any foul liquids, or the escape of any gases, dusts, fumes, mists, and sprays to such an extent that the same, or any one of them, shall become, or be likely to become, hazardous to health or a source of discomfort to persons living or passing in the vicinity, or that the same shall by reason of offensive odors become a source of discomfort to persons living or passing in the vicinity thereof.

(2) A polluted well, or cistern, spring or stream, or the pollution of any body of water used for drinking purposes.

(3) The maintenance of any privy, vault or cesspool, except as provided in this Code.

(4) Keeping any building or room is such state of uncleanliness or the crowding of person in any building or room in such a manner as to endanger the health of the persons dwelling therein, or so that there shall be less than 400 cubic feet of air to each adult, and 150 cubic feet of air to each child under 12 years of age occupying such building or room. To the extent of any conflict between the requirements of

this item and those established in section 10-331 of this Code, the more restrictive shall apply.

(5) Allowing cellars to be used as sleeping rooms.

(6) A building or portion of a building occupied as a dwelling which is not lighted and ventilated by means of at least one window, opening to the outer air, in each room, or any such building which is not provided with a plentiful supply of pure water.

(7) The accumulation of manure, unless it is in a properly constructed pit or receptacle.

(8) The maintenance, in a public place, of a roller towel for the use of more than one person.

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(9) The slopping or feeding of cattle or other animals on distillery swill, unless the enclosure wherein such slopping or feeding is done is provided with means for preventing and removing the unsanitary conditions associated with such slopping or feeding.

(10) Permitting the existence of weeds, brush, rubbish, and all other objectionable, unsightly, and insanitary matter of whatever nature covering or partly covering the surface of any lots or parcels of real estate situated within the city; permitting such lots or parcels of real estate, as aforesaid, to have the surface thereof filled or partly filled with holes or be in such condition that the same holds or is liable to hold stagnant water therein, or from any other cause be in such condition as to be liable to cause disease or produce, harbor, or spread disease germs of any nature or tend to render the surrounding atmosphere unhealthy, unwholesome, or obnoxious.

Such lots or parcels of real estate in addition to those grounds within their respective boundaries shall be held to include all lots or parcels of ground lying and being adjacent to and extending beyond the property line of any such lots or parcels of real estate to the curbline of adjacent streets, where a curbline has been established, and 14 feet beyond the property line where no curbline has been established on adjacent streets, and also to the center of adjacent alleys.

The word "weeds" as herein used shall include all rank and uncultivated vegetable growth or matter which has grown to more than nine inches in height or which, regardless of height, is liable to become an unwholesome or decaying mass or a breeding place for mosquitoes or vermin. The word "brush" as herein used shall include all trees or shrubbery under seven feet in height which are not cultivated or cared for by person owning or controlling the premises. The word "rubbish" shall include all refuse, rejected tin cans, old vessels of all sorts, useless articles, discarded clothing and textiles of all sorts, and in general all litter and all other things usually included within the meaning of such term. The words "any and all other objectionable, unsightly, or insanitary matter of whatever nature" shall include all uncultivated vegetable growth, objects and matters not included within the meaning of the other terms as herein used, which are liable to produce or tend to produce an unhealthy, unwholesome or unsanitary condition to the premises within the general locality where the same are situated, and shall also include any species of ragweed or other vegetable growth which might or may tend to be unhealthy to individuals residing within the general locality of where the same are situated.

The provisions of this item (10) shall not be applicable to a "natural area," and it shall also constitute an affirmative defense to prosecution in any criminal proceeding that is initiated under this item (10) that the property or affected portion thereof is a "natural area" that is being maintained in accordance with a permit issued under section 32-10 of this Code and regulations issued thereunder, and further provided that:

a. The natural area is maintained and managed so that no weeds or debris are allowed to accumulate and create an imminent hazard to health or safety; and

b. The natural area is regularly mowed so as to prevent uncontrolled vegetation growth within ten feet of a public roadway and within five feet of a public sidewalk.

(11) Permitting the accumulation or collection of any water, stagnant, flowing, or otherwise, in which the mosquito breeds or which may become a breeding place for mosquitoes, unless such accumulation or collection of water is treated so as effectually to prevent such breeding.

The natural presence of well grown mosquito larvae, or of pupae, shall be evi-

dence that proper precautions have not been taken to prevent the breeding of mosquitoes.

(12) Permitting the detectible presence of urine or the presence of feces, vomit and other bodily fluids in or upon any property, including any sidewalk adjacent to any paved portion of a street abutting the property, that may be accessible to the public or in such a manner that the presence of any of the foregoing may be detected in the vicinity of the property.

(c) It shall be unlawful for any owner, lessee, occupant, or any agent, representative, or employee of any owner, lessee, or occupant or any other person having ownership, occupancy, or control of any land, or improvements thereon, to permit, allow, or suffer any condition to exist on such property if such condition is prohibited or made unlawful under the provisions of this section. It shall be an affirmative defense to prosecution under section 10-451(b)(12) of this Code that the detectible presence of urine or the presence of feces, vomit or other bodily fluids in or on any property is specifically authorized or permitted by law or ordinance.

(d) Except as provided below, whenever in this section an act is made or declared to be unlawful, the first violation by any person of any such provision shall be punishable by a fine of not less than $50.00 nor more than $1,000.00; the second violation by the same person of any such provision shall be punishable by a fine of not less than $100.00 nor more than $1,500.00; and the third and any subsequent violation by the same person of any such provision shall be punishable by a fine of not less than $200.00 nor more than $2,000.00. Provided, however, if a person is convicted of an offense under this section which offense is also a violation of the criminal provisions of any state law, such person shall be subject to the criminal penalties set out in state law. Each day any violation of this section continues shall constitute a separate offense.

The first violation of item 10-451(b)(12) of this Code shall be punishable by a fine of not less than $200.00, nor more than $1,000.00; the second violation by the same person of such provision shall be punishable by a fine of not less than $400.00, nor more than $1,500.00; the third and any subsequent violation by the same person of such provision shall be punishable by a fine of not less than $600.00, nor more than the maximum amount allowed by law.
(Ord. No. 91-1102, § 12, 7-31-91; Ord. No. 93-1570, § 2(c), 12-8-93; Ord. No. 94-83, §§ 1—3, 1-26-94; Ord. No. 03-537, § 1, 6-4-03)

Sec. 10-452. Notice to property owner.

Whenever the existence of any nuisance defined in this article, on any lots or parcels of real estate situated within the city, shall come to the knowledge of the neighborhood protection official, it shall be his duty to forthwith cause a written notice identifying such property to be issued to the person owning the same; provided that notice shall not be required prior to abatement of violations described in section 10-453(e). Any required notice shall be given in compliance with the applicable provisions of section 342.006 or section 342.008 of the Texas Health and Safety Code, as amended.
(Ord. No. 91-1102, § 12, 7-31-91; Ord. No. 93-514, § 26, 5-5-93; Ord. No. 93-1570, § 2(c), 12-8-93; Ord. No. 94-674, § 33, 7-6-94; Ord. No. 95-993, § 2, 9-13-95; Ord. No. 98-613, § 39, 8-5-98)

Sec. 10-453. Abatement by city, generally.

(a) In the event of the failure, refusal, or neglect of the owner or occupant of any premises or property to timely cause such nuisance to be removed or abated in the manner and within the time provided in the notice given pursuant to section 10-452 of this Code, the neighborhood protection official shall cause the weeds, brush, rubbish, or other insanitary matter or condition constituting a nuisance to be promptly abated in a reasonable and prudent manner at the expense of the city. The neighborhood protection official shall carefully compile the cost of such work done and improvements made in abating such nuisance, and shall charge the same against the owner of the premises.

(b) The city council hereby finds and declares that the general overhead and administrative expense of inspection, locating owner(s), issuing

notice, reinspection, and ordering work done, together with all necessary incidents of same, require the reasonable charge of $25.00 for each lot, series of two or more adjacent and contiguous lots, or tract or parcel of acreage, and such minimum charge is hereby established and declared to be an expense of such work and improvement. Therefore, a minimum charge of $25.00 shall be assessed against each lot so improved under the terms of this section, but such sum of $25.00 is hereby expressly stated to be a minimum charge only, and shall have no application when the tabulated cost of the work done shall exceed such minimum charge.

(c) After determining the cost of the work, and after charging the same against the owner of the premises, the neighborhood protection official shall certify a statement of such expenses and shall file the same with the county clerk of the county in

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notice, reinspection, and ordering work done, together with all necessary incidents of same, require the reasonable charge of $25.00 for each lot, series of two or more adjacent and contiguous lots, or tract or parcel of acreage, and such minimum charge is hereby established and declared to be an expense of such work and improvement. Therefore, a minimum charge of $25.00 shall be assessed against each lot so improved under the terms of this section, but such sum of $25.00 is hereby expressly stated to be a minimum charge only, and shall have no application when the tabulated cost of the work done shall exceed such minimum charge.

(c) After determining the cost of the work, and after charging the same against the owner of the premises, the neighborhood protection official shall certify a statement of such expenses and shall file the same with the county clerk of the county in which the premises or property is located. Upon filing such statement with the county clerk, the city shall have a privileged lien, inferior only to tax liens and liens for street improvements, upon the land described therein and upon which the improvements have been made, to secure the expenditure so made, plus ten percent interest.

(d) For any such expenditures and interest, as aforesaid, suit may be instituted by the city attorney and recovery and foreclosure had in the name of the city; the statement so made, as aforesaid, or a certified copy thereof, shall be prima facie proof of the amount expended in any such work or improvements. Upon payment of the full charges assessed against any property, pursuant to the procedure hereinabove set forth, the neighborhood protection official shall be authorized to execute, for and in behalf of the city, a written release of the lien heretofore mentioned, such written release to be on a form prepared and approved in each case by the legal department.

(e) Weeds or brush higher than 48 inches tall are declared to be an immediate danger to the health, life, or safety of all persons in the vicinity thereof, and the abatement of such weeds or brush may be carried out without prior notice as described in this subsection.

(1) The neighborhood protection official may cause such weeds and brush to be removed or abated, without notice. The expenses incurred shall be assessed and a lien created in the same manner as provided for other expenses under this section.

(2) Not later than the tenth day after the date of the removal or abatement, the neighborhood protection official shall give notice thereof to the owner of the lot or parcel in the manner required in section 342.008 of the Texas Health and Safety Code, as amended.

(3) The owner may request a hearing by notifying the neighborhood protection official within 30 days following the date of the abatement. The hearing shall be scheduled not later than 20 days after the date the request therefor is received and shall be conducted by a hearing official designated by the chief of police (the "director") for the purpose of determining whether the conditions qualified for abatement under the terms of this subsection. Unless notice is waived by the owner, the owner shall be provided written notice of the time and place of the hearing at least seven days prior thereto.

(4) At the hearing, the owner and the neighborhood protection official may present any evidence relevant to the proceedings, in accordance with reasonable rules adopted by the director and approved by the city attorney. If the hearing official finds that weeds or brush existed on the property in violation of this subsection at the time of the abatement, the hearing official shall issue an order so stating. If no violation of this subsection is found to have existed, a lien for applicable abatement expenses shall not be authorized under this subsection.

(Ord. No. 91-1102, § 12, 7-31-91; Ord. No. 93-514, § 26, 5-5-93; Ord. No. 93-1570, § 2(c), 12-8-93; Ord. No. 94-674, § 33, 7-6-94; Ord. No. 95-993, § 3, 9-13-95; Ord. No. 98-613, § 39, 8-5-98; Ord. No. 04-1075, § 5, 10-20-04)

Sec. 10-454. City may contract for abatement.

The city shall have the right to award any quantity of work authorized under section 10-453

of this Code to a general contractor whose bid shall be accepted by the city council as the lowest and best secured bid for the doing of the work herein mentioned during a stipulated time not to exceed one year.
(Ord. No. 91-1102, § 12, 7-31-91; Ord. No. 93-1570, § 2(c), 12-8-93)

Sec. 10-455. Removal of weeds by city at request of property owner.

Any owners of vacant property in the city shall have the right to contract with the city to remove all such weeds and vegetation as may grow on such real estate by requesting in writing the neighborhood protection official so to do, and by agreeing to the charge to be paid therefor, not less than $25.00 to be paid therefor per lot, series of two or more adjacent and contiguous lots, or tract or parcel of acreage, to be charged against such property for each such removal of weeds and vegetation.
(Ord. No. 91-1102, § 12, 7-31-91; Ord. No. 93-514, § 26, 5-5-93; Ord. No. 93-1570, § 2(c), 12-8-93; Ord. No. 94-674, § 34, 7-6-94; Ord. No. 98-613, § 40, 8-5-98)

Sec. 10-456. Summary abatement.

In addition to the remedies prescribed in this article, and cumulative thereof, if it is determined by the director or the health officer that any nuisance described in this article is likely to have an immediate adverse effect upon the public health or safety, then the director or the health officer may order such nuisance to be summarily abated by the city in a reasonably prudent manner, and a lien for the city's expenses related to such abatement shall be assessed in the manner provided in this article. Notice and the opportunity for a hearing shall be provided in the manner provided in section 10-453(e) of this Code.
(Ord. No. 91-1102, § 12, 7-31-91; Ord. No. 93-1570, § 2(c), 12-8-93; Ord. No. 95-993, § 4, 9-13-95)

Sec. 10-457. Authority to execute and release liens.

(a) The neighborhood protection official is hereby authorized to certify a statement of expenses and cause said statement and lien to be filed of record as provided for in this article. The neighborhood protection official is hereby authorized to execute releases on behalf of the city of any and all liens created under the provisions of this article. The neighborhood protection official shall have no right to execute such releases until satisfied that the debt or portion thereof secured by the lien and for which a release is requested has been paid in full to the city, and any such lien shall be released only insofar as it affects the property for which the debt secured thereby has been paid in full.

(b) A fee shall be imposed for each release of lien as specified in section 2-125 of this Code.
(Ord. No. 91-1102, § 12, 7-31-91; Ord. No. 93-514, § 26, 5-5-93; Ord. No. 93-1570, § 2(c), 12-8-93; Ord. No. 94-674, § 35, 7-6-94; Ord. No. 98-613, § 41, 8-5-98)

Sec. 10-458. Remedies cumulative; civil enforcement; other action not limited.

The procedures set forth in this article are cumulative of all other remedies available to the city relating to the subject matter hereof. Specifically, the city attorney may institute any legal action to enforce this ordinance or enjoin or otherwise cause the abatement of any condition described in this article, as well as for the recovery of all expenses incurred in connection therewith, including without limitation administrative and legal expenses, attorneys fees and costs, and for civil penalties as provided by law.
(Ord. No. 94-83, § 4, 1-26-94)

Secs. 10-459—10-480. Reserved.

ARTICLE XII. RAT CONTROL

DIVISION 1. GENERALLY

Sec. 10-481. Definitions.

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

(1) *Business building* means any structure, whether public or private, regardless of

the type of material used in its construction, located within the boundaries of the city that is adapted to occupancy for the transaction of business, whether vacant or occupied, for the rendering of professional services, for the display, sale, or storage of goods, wares, or merchandise, or for the performance of work or labor, including hotels, rooming houses, beer parlors, office buildings, public buildings, stores, markets, restaurants, grain elevators and abattoirs, warehouses, workshops and factories.

(2) *Opening* means and refers to any opening in the foundation, side, or walls of any business building, including roof, chim-

ney caves, grills, windows, sidewalk grates, and sidewalk elevators, through which a rat may enter.

(3) *Person* includes the owner, occupant, agent, individual, partnership, or corporation, or any other person in custody of any business building as defined herein.

(4) *Premises* includes all business buildings, outhouses, sheds, barns, garages, docks, wharves, piers, grain elevators and abattoirs, whether public or private, and any and all other structures used in connection with the operation of any business building as herein defined.

(5) *Rat harborage* means any condition found to exist under which rats may find shelter or protection, and shall include any defective construction which would permit the entrance of rats into any business building.

(6) *Rat stoppage* means a form of ratproofing to prevent the ingress of rats into or to buildings or other structures from the exterior, or from one building or structure to another. It consists essentially of the closing or protecting of all openings in exterior walls, foundation, roof, sidewalk grates, outer entrances, floors, drains, doors, and all other openings that may be reached by rats from the ground by climbing or by burrowing, with concrete, galvanized flat sheet-iron of 24-gauge or heavier, hardware cloth of not more than one-half-inch mesh in its greatest dimension of 19-gauge wire or heavier, or other type of ratproofing material impervious to rat gnawing, approved by the director of public health.

(7) *Ratproof building* means one constructed in such manner and of such materials as to prevent the ingress of rats.

(Ord. No. 91-1102, § 12, 7-31-91; Ord. No. 93-1570, § 2(d), 12-8-93)

Sec. 10-482. Dumping or accumulating garbage, rubbish, etc.

(a) It shall be unlawful for any person to dump or place on any land or on any water or waterway within the city any dead animal, butchers' offal, seafood, or any waste vegetables, animal matter, or any food products whatsoever.

(b) No garbage, rubbish, waste, or manure shall be placed, left, dumped, or permitted to accumulate or remain in any building or premises in the city so that same shall or may afford food or a harboring or breeding place for rats.

(Ord. No. 91-1102, § 12, 7-31-91; Ord. No. 93-1570, § 2(d), 12-8-93)

Sec. 10-483. Accumulations of lumber, boxes, etc.

It shall be unlawful for any person to permit to accumulate on any premises, improved, or unimproved, or on any open lot or alley in the city, any lumber, boxes, barrels, or similar material that may be permitted to remain thereon and that may be used as a harborage for rats, unless the same is placed on open racks and elevated not less than 18 inches above the ground, with a clear intervening space underneath, to prevent the harborage of rats. This section shall not apply when such lumber or other material is stored temporarily, for a period not to exceed 14 days, at an elevation designated by the neighborhood protection official.

(Ord. No. 91-1102, § 12, 7-31-91; Ord. No. 93-514, § 26, 5-5-93; Ord. No. 93-1570, § 2(d), 12-8-93; Ord. No. 94-674, § 36, 7-6-94; Ord. No. 98-613, § 42, 8-5-98)

Sec. 10-484. Storage of feed and grain.

It shall be unlawful for any person to store any feed or grain for the use of animals or fowl, for other than commercial purposes, unless it is placed within a metal bin or container to prevent the feeding of rats.

(Ord. No. 91-1102, § 12, 7-31-91; Ord. No. 93-1570, § 2(d), 12-8-93)

Sec. 10-485. Treatment of rat burrows and other exterior harborage.

Rat burrows and other exterior harborage shall be treated under methods directed by the neighborhood protection official.

(Ord. No. 91-1102, § 12, 7-31-91; Ord. No. 93-514, § 26, 5-5-93; Ord. No. 93-1570, § 2(d), 12-8-93; Ord. No. 94-674, § 37, 7-6-94; Ord. No. 98-613, § 43, 8-5-98)

Sec. 10-486. Penalty for article violations.

Whenever in this article an act is prohibited or is made or declared to be unlawful, or a misdemeanor, or the doing of any act is required or the failure to do any act is declared to be unlawful, the violation of any such provision shall be punishable by a fine of not less than $100.00 nor more than $2,000.00; provided, however, if a person is convicted of an offense under this article which offense is also a violation of the criminal provisions of any state law, such person shall be subject to the criminal penalties set out in state law. Each day any violation of this article continues shall constitute a separate offense.
(Ord. No. 91-1102, § 12, 7-31-91; Ord. No. 93-1570, § 2(d), 12-8-93)

Secs. 10-487—10-495. Reserved.

DIVISION 2. BUSINESS BUILDINGS

Sec. 10-496. New construction to be ratproof.

It shall be unlawful for any person to construct within the corporate limits of the city any business building unless such building shall be ratproof.
(Ord. No. 91-1102, § 12, 7-31-91; Ord. No. 93-1570, § 2(d), 12-8-93)

Sec. 10-497. Rat stoppage and freedom from rats required.

Every business building, vacant or occupied, within the city limits shall be rat-stopped, freed of rats, and maintained in a rat-stopped and rat-free condition.
(Ord. No. 91-1102, § 12, 7-31-91; Ord. No. 93-1570, § 2(d), 12-8-93)

Sec. 10-498. Inspection of and orders to correct defects in existing buildings.

(a) The neighborhood protection official is authorized to make frequent and unannounced inspections of existing business buildings within the corporate limits of the city for the purpose of determining any rat infestation, and order, by written notice, either the owner, occupant, agent, or any other person in custody of any rat-infested business building to protect such business building by rat stoppage as provided for in this article, regardless of the need for the remodeling of or repairs to such business buildings, and further order that such other rat-control methods be employed as may be deemed necessary by the neighborhood protection official to maintain business buildings free from rats.

(b) The written notice or order shall specify the time, in no event less than 15 days, for completion of such work and improvements. Unless such work and improvements are completed in accordance with the written order or notice within the time so specified or within the time to which a written extension has been granted by the neighborhood protection official, the owner, occupant, agent, or other person in custody of the building shall be deemed guilty of a misdemeanor.
(Ord. No. 91-1102, § 12, 7-31-91; Ord. No. 93-514, § 26, 5-5-93; Ord. No. 93-1570, § 2(d), 12-8-93; Ord. No. 94-674, § 38, 7-6-94; Ord. No. 98-613, § 44, 8-5-98)

Sec. 10-499. Inspections of new construction.

The neighborhood protection official is authorized to make inspections during the course of and upon completion of any construction, repairs, remodeling, or installation of rat-control measures to business buildings to ensure compliance with the provisions of this division, and no person shall interfere with or refuse to permit such inspection.
(Ord. No. 91-1102, § 12, 7-31-91; Ord. No. 93-514, § 26, 5-5-93; Ord. No. 93-1570, § 2(d), 12-8-93; Ord. No. 94-674, § 38, 7-6-94; Ord. No. 98-613, § 44, 8-5-98)

Sec. 10-500. Closing building which is not rat-stopped or is rat-infested.

(a) The neighborhood protection official shall recommend to the city council that the city close each business building which is not rat-stopped, or which he finds to be rat-infested, to any occupancy or use until rats are exterminated or during the process of extermination. The city council shall cause the owner or occupant of such building to be notified by the city secretary of a hearing for

the closing of such building, which hearing shall be held by the city council at any time after the expiration of 15 days after the mailing of such notice of such hearing. All such buildings which are not rat-stopped may be closed by order of the city council after such hearing in each case.

(b) The city council shall hear evidence as to the condition of buildings in each case and the owner or occupant shall have the right to testify and introduce evidence and examine and cross examine witnesses. If the city council shall find that such building is not rat-stopped or is rat-infested, the city council shall, by ordinance, order the owner or occupant to close such building and cease using it for human occupancy until such time as owner or occupant shall prove to the city council that such building has been rat-stopped and is no longer rat-infested, and the city council has repealed the ordinance which ordered such building closed.
(Ord. No. 91-1102, § 12, 7-31-91; Ord. No. 93-514, § 26, 5-5-93; Ord. No. 93-1570, § 2(d), 12-8-93; Ord. No. 94-674, § 38, 7-6-94; Ord. No. 98-613, § 44, 8-5-98)

Sec. 10-501. Duty of occupant when notified of rat infestation.

(a) Whenever the neighborhood protection official notifies the occupant of a business building, in writing, that there is evidence of rat infestation of the building, such occupant shall immediately institute anti-rat-infestation measures and shall continuously maintain such measures in a satisfactory manner until the premises are declared by the neighborhood protection official to be free of rat infestation. Unless such measures are undertaken within 15 days after receipt of notice, it shall be construed as a violation of the provisions of this division and the occupant shall be held responsible therefor. Any rat or rats caught or killed therein shall be removed daily and disposed of in a manner acceptable to the neighborhood protection official, and all traps reset and rebaited and other anti-rat-infestation measures shall be continued.

(b) Rats may also be destroyed by such means other than trapping as are approved by the neighborhood protection official, or by any authorized agency of the United States Public Health Service, or the state board of health.
(Ord. No. 91-1102, § 12, 7-31-91; Ord. No. 93-514, § 26, 5-5-93; Ord. No. 93-1570, § 2(d), 12-8-93; Ord. No. 94-674, § 38, 7-6-94; Ord. No. 98-613, § 44, 8-5-98)

Sec. 10-502. Minimum requirements for applying rat stoppage.

(a) For the purpose of obtaining maximum rat stoppage at a minimum cost to the owner or occupant of business buildings or structures, the regulations prescribed in this section are set forth as minimum requirements for applying rat stoppage to all buildings or structures.

(b) The neighborhood protection official shall approve all materials used, the methods of installation, and standards of work.

(c) Solid sheet metal, expanded metal, and wire cloth specified in this section shall have a rust-resistant coating, preferably galvanized.

(d) All foundation wall ventilator openings shall be covered for their entire height and width with perforated sheet metal plates of a thickness not less than fourteen-gauge, or with expanded sheet metal of a thickness not less than eighteen-gauge, or with cast-iron grills or grates, or with any other material of sufficient strength and equal rat-resisting properties. The openings therein shall be small enough to prevent the ingress of rats, and in no instance shall be larger than one-half inch.

(e) All foundation and exterior wall openings, excluding those used for the purpose of ventilation, light, doors, and windows, such as those openings around pipes, electric cables, conduits, openings due to deteriorated walls, broken masonry, or concrete, shall be protected against the ingress of rats by closing such openings with cement mortar, concrete, or masonry, or close-fitting sheet metal or suitable size pipe flanges or other material with equal rat-resisting properties, which shall be securely fastened in place.

(f) All exposed edges of the lower eight inches of wooden doors and door jambs, serving as front, rear, or side entrances into business buildings, from the ground, basement, or cellar floors, and other doors accessible to rats, shall be protected against the gnawing of rats by covering such doors and jambs with solid sheet metal of not less than twenty-four-gauge thickness. The same material shall be used on door sills or thresholds, or such door sills or thresholds may be constructed of cement, stone, steel, or case iron.

Doors, door jambs, and sills of coal chutes and hatchways that are constructed of wood shall be covered with solid sheet metal of twenty-four-gauge or heavier, or they may be replaced with metal chutes of twenty-four-gauge or heavier, installed in such manner as will prevent the ingress of rats.

All doors on which metal flashing has been applied shall be properly hinged to provide for free swinging. When closed, doors shall fit snugly so that the maximum clearance between any door, door jambs, and sill shall not be greater than three-eighths of an inch.

Door jambs and sills constructed of metal, concrete, masonry, stone, or cement mortar, or cast iron and steel, when fitting closely to exclude rats, are not required to comply with this subsection.

(g) All screen doors, regardless of where located in or on a building or structure, which are exposed to the gnawing of rats and through which a rat may gain entrance to such building or structure, shall be protected by affixing hardware cloth over the entire length and width of the screen panels of such doors and shall, in addition, be flashed with flat sheet metal strips for the entire length and width of top and bottom rails and side stiles. All door openings not having screen doors, through which rats may gain entrance to a building or structure, shall have screen doors installed, and such screen doors shall be protected from the gnawing of rats as provided for in this division and shall be equipped with adequate closing devices so that the door will at all times be properly closed.

(h) All windows and other openings for the purpose of light or ventilation located in the exterior walls, foundation, roof, or eaves accessible to rats, or which may be subject to gnawing for the purpose of gaining ingress to a building, from the ground, climbing, or by burrowing into or under buildings from the exterior or from one building or structure to another, via wires, pipes, etc., shall be protected by placing over such opening for the entire width and length of the frame, a screen made of hardware cloth 19-gauge or heavier, such screen to be inserted in a frame made of galvanized flat sheet iron of not less than 24-gauge in thickness. All such screens shall be securely riveted together and affixed as herein provided with metal screws. All such screens installed shall be portable in application. All openings accessible to rats by way of exposed pipes, wires, conduits, or structural appurtenances shall be closed and protected with guards of galvanized twenty-four-gauge flat sheet metal so as to completely block rat usage in, through or around such pipes, wires, conduits, or structural appurtenances. All guards shall be affixed in such manner as to be portable in application so as to permit necessary repairs to and not interfere with the continuity of such service, for which such pipes, wires, conduits, or structural appurtenances shall have been installed.

(i) Unless otherwise specified, all hardware cloth to be used for the purpose of rat stoppage, as referred to in this division, shall be of not less than 19-gauge wire and shall have a mesh of not greater than one-half inch. All solid flat sheet metal used for rat stoppage purposes, as referred to in this division, shall be of not less than 24-gauge in thickness and shall have a rust-resistant coating, preferably galvanized.

(j) Light wells with windows in exterior walls that are located below the outside ground level shall be protected from the ingress of rats by one of the following methods:

(1) Installing over light wells cast-iron or steel grills or steel gratings, or other material of equal strength and rat-resisting properties, with opening in grills or gratings not to exceed one-half inch in shortest dimension.

(2) Installing securely to and completely covering existing metal grills that are broken or have openings larger than one-half inch in shortest dimension, or otherwise defective, with expanded metal of 18-gauge or heavier, having openings not greater than one-half inch in shortest dimension, or with 16-gauge or heavier wire cloth with one-half inch mesh.

(3) At the option of the owner, the opening in the wall of the building below the grate may be entirely closed with brick or concrete or partially closed and the remaining open space covered with 19-gauge or heavier wire cloth with mesh not to exceed one-half inch.

(k) Business buildings constructed on piers having wooden floor sills less than 12 inches above the surface of the ground shall have the intervening space between the floor sill and the ground protected against the ingress of rats by installing a curtain wall of solid masonry or reinforced concrete of not less than four inches in thickness and 18 inches in depth below the ground surface, with a shelf or beam four inches thick extending outward from the outside of the curtain wall eight inches.

All curtain walls installed under the provisions of this division shall provide ventilator openings of not less than two square feet for each 20 lineal feet of wall, where permissible.

All curtain walls and foundation wall ventilator openings shall be covered for their entire height and width with perforated sheet metal plates of a thickness of not less than 14-gauge or with expanded sheet metal of not less than 18-gauge or with hardware cloth of not less than 18-gauge wire, such hardware cloth to be inserted in frames of 24-gauge galvanized iron, cast-iron grills or grates or with concrete with any of the aforementioned materials set firmly therein. All openings in such wire cloth, expanded metal grills, grates, or perforated sheet metal shall have openings or mesh not to exceed one-half inch in greatest width. All ventilators in curtain walls shall be portable in application. Curtain walls as installed under the provisions of this division shall extend upward from the ground level to the first floor level of the building or structure, and shall meet with outside wood siding, and there shall be installed a protective sheathing between concrete and such outside wood siding. The top of the curtain wall shall be beveled outward from the building wall to prevent water from standing and shall be affixed so as to prevent water from seeping between the curtain wall and building wall.

(Ord. No. 91-1102, § 12, 7-31-91; Ord. No. 93-514, § 26, 5-5-93; Ord. No. 93-1570, § 2(d), 12-8-93; Ord. No. 94-674, § 39, 7-6-94; Ord. No. 98-613, § 45, 8-5-98)

Sec. 10-503. Special requirements for curb and farmers' markets.

Curb or farmers' markets in which fruits or vegetables or any other products are exposed and offered for sale, on racks, stands, platforms, and in vehicles outside of business buildings, shall have floors paved with concrete or asphalt for the entire surface area of the market. Display racks, stands, or platforms on which fruit or vegetables or any other food products are displayed or offered for sale shall be of sufficient height and shall be kept at a distance of not less than 18 inches above the floor pavement and be so constructed that rats cannot harbor therein or thereunder.

(Ord. No. 91-1102, § 12, 7-31-91; Ord. No. 93-1570, § 2(d), 12-8-93)

Sec. 10-504. Protection against climbing rats.

(a) In order to protect business buildings from what is commonly called the climbing or roof rat, it shall be unlawful to permit fishing poles, ladders, or any other object that a rat could climb on in order to reach the roof of any business building, to lean against the side or walls of such business building.

(b) The owner of a business building shall also protect elevator shafts, fire escapes, and guy wires in such manner that rats will not be able to gain ingress into any business building.

(c) It shall be the duty of any person in charge of a business building to trim the branches of all trees extending over and against such building, and the same shall be cut and trimmed and kept trimmed and cut so that no part of any branch or

any part of such tree shall be closer than ten feet to any business building, and the tops of all trees shall be cut back ten feet from a line extending perpendicular from any exterior wall of a business building.
(Ord. No. 91-1102, § 12, 7-31-91; Ord. No. 93-1570, § 2(d), 12-8-93)

Sec. 10-505. Repairing breaks in rat stoppage.

The owner, agent, or occupant in charge of a rat-stopped building or structure shall maintain it in rat-stopped and rat-free condition, and repair all breaks or leaks that may occur in rat stoppage.
(Ord. No. 91-1102, § 12, 7-31-91; Ord. No. 93-1570, § 2(d), 12-8-93)

Sec. 10-506. Removing and failing to restore rat stoppage.

It shall be unlawful for the owner, agent, occupant, contractor, public utility company, plumber, or any other person to remove rat stoppage from any building or structure for any purpose and fail to restore the same in a satisfactory condition, or to make openings that are not closed or sealed against the entrance of rats.
(Ord. No. 91-1102, § 12, 7-31-91; Ord. No. 93-1570, § 2(d), 12-8-93)

Secs. 10-507—10-530. Reserved.

ARTICLE XIII. JUNKED VEHICLE ABATEMENT PROCEDURES

Sec. 10-531. Definitions.

As used in this article the words and terms defined in this section shall have the meanings ascribed, unless the context clearly indicates another meaning:

Antique vehicle means a passenger car or truck that is at least 25 years old.

Junked vehicle means a vehicle as defined in item (9) of § 621.001 of the Texas Transportation Code, that is self-propelled and:

(1) Does not have lawfully attached to it:
   a. An unexpired license plate; and
   b. a valid motor vehicle inspection certificate; and

(2) Is:
   a. Wrecked, dismantled or partially dismantled, or discarded; or
   b. Inoperable and has remained inoperable for more than:
      [1] 72 consecutive hours, if the vehicle is on public property; or
      [2] 30 consecutive days, if the vehicle is on private property;

provided that the term "junked vehicle" shall not be construed to include a vehicle or vehicle part:

(1) That is completely enclosed within a building in a lawful manner and is not visible from the street or other public or private property, or

(2) That is stored or parked in a lawful manner on private property in connection with the business of a licensed vehicle dealer or junkyard, or that is an antique or special interest vehicle stored by a motor vehicle collector on the collector's property, if the vehicle or part and the outdoor storage area, if any, are:
   a. Maintained in an orderly manner;
   b. Not a health hazard; and
   c. Screened from ordinary public view by appropriate means, including a fence, rapidly growing trees, or shrubbery.

Motor vehicle collector means a person who:

(1) Owns one or more antique or special interest vehicles; and

(2) Acquires, collects, or disposes of an antique or special interest vehicle for personal use to restore and preserve an antique or special interest vehicle for historic interest.

Special interest vehicle means a motor vehicle of any age that has not been changed from original manufacturer's specifications and, because of its historic interest, is being preserved by a hobbyist.

(Ord. No. 91-1303, § 2, 9-11-91; Ord. No. 93-1570, § 2(e), 12-8-93; Ord. No. 98-1251, § 1, 12-22-98; Ord. No. 02-1057, § 1, 11-13-02; Ord. No. 07-1001, § 4, 9-5-07)

Sec. 10-532. Purpose.

(a) A junked vehicle or a part of a junked vehicle that is located in a place where it is visible from a public place or right-of-way is subject to removal under this article.

(b) Other than subsection (b) of section 10-534 of this Code, the provisions of this article are not penal. However, a proceeding under this article shall not be construed to preclude prosecution under section 683.073 of the Texas Transportation Code, or vice versa. This article does not affect the authority of a peace officer under law to authorize the immediate removal, as an obstruction to traffic, of a vehicle left on public property.

(c) All procedures under this article must be administered by regularly salaried, fulltime employees of the city, provided that contractors may be utilized to perform the work involved in actually removing a junked vehicle and the junked vehicle may be disposed of at a privately operated disposal site.

(Ord. No. 91-1303, § 2, 9-11-91; Ord. No. 93-1570, § 2(e), 12-8-93; Ord. No. 98-1251, § 2, 12-22-98)

Sec. 10-533. Investigation; notice.

(a) Upon receipt of information that a vehicle or a part of a vehicle is in such a condition and location that it may be subject to removal under this article the neighborhood protection official shall investigate the facts. In making a determination how long a vehicle or part of a vehicle has remained inoperable the neighborhood protection official conducting the investigation may rely upon a sworn statement of a person working or residing near the place where the vehicle is situated, who has personal knowledge of the facts, provided that the person is willing to allow the affidavit to be disclosed to the vehicle owners/lienholders and to appear at a public hearing, if one is requested by the vehicle owner/lienholder. In each instance in which it is proposed to remove a vehicle or part of a vehicle under this article, not less than ten days' notice of the nature of the nuisance shall be given to the persons specified in subsection (a) and in the manner specified in subsections (a), (b), and (c) as applicable, of § 683.075 of the Texas Transportation Code.

(b) A public hearing shall be ordered at the request of the person who receives notice as provided in subsection(a) if the request is made not later than the date by which the nuisance must be abated and removed. A public hearing requested under subsection (b) shall be conducted by the chief of police or his designee. In addition, notice of a public hearing as provided by this subsection may be published in a newspaper of general circulation throughout the city.

(c) If the neighborhood protection official or hearing officer determines that the vehicle or part of a vehicle is subject to removal hereunder he shall cause an order to be issued directing its removal. The order shall include the information specified in § 683.076 of the Texas Transportation Code.

(d) Once a proceeding for the abatement and removal of a junked vehicle has commenced, the subsequent relocation of the junked vehicle to another location in the city will have no effect on the proceeding if the junked vehicle constitutes a public nuisance at the new location.

(Ord. No. 91-1303, § 2, 9-11-91; Ord. No. 93-514, § 26, 5-5-93; Ord. No. 93-1570, § 2(e), 12-8-93; Ord. No. 94-674, § 40, 7-6-94; Ord. No. 98-613, § 46, 8-5-98; Ord. No. 02-528, § 14h., 6-19-02; Ord. No. 02-1057, § 2, 11-13-02; Ord. No. 04-1075, § 6,

10-20-04; Ord. No. 06-1000, § 1, 10-3-06; Ord. No. 07-1001, § 5, 9-5-07; Ord. No. 07-1096, § 1, 10-3-07)

Sec. 10-534. Disposal.

(a) In the event an order of disposal of the vehicle or part of the vehicle is issued under this article, then the neighborhood protection official shall cause the junked vehicle to be removed to a disposal site.

(b) It shall be unlawful for any person to cause any junked vehicle removed under this article to be reconstructed or made operable after it has been removed.

(c) Each contract let for the removal and disposal of vehicles under this article shall require the contractor to account for and be responsible to the city for the destruction of each vehicle within a specified time and require that the vehicles be kept and disposed of in such a manner that they may not be reconstructed or made operable.

(d) The neighborhood protection official shall ensure that notice of the identification of each junked vehicle or part of a junked vehicle removed under this article is give to the Texas Department of Highways and Public Transportation not later than the fifth day following the removal of the vehicle as required under section 683.074 of the Texas Transportation Code.
(Ord. No. 91-1303, § 2, 9-11-91; Ord. No. 93-514, § 26, 5-5-93; Ord. No. 93-1570, § 2(e), 12-8-93; Ord. No. 94-674, § 40, 7-6-94; Ord. No. 98-613, § 46, 8-5-98; Ord. No. 06-1000, § 2, 10-3-06; Ord. No. 07-1001, § 6, 9-5-07)

Sec. 10-535. Reserved.

Editor's note—Ord. No. 2006-1000, § 3, repealed § 10-535 in its entirety. Formerly, said section pertained to fees and derived from Ord. No. 03-780, § 1, 8-27-03.

Secs. 10-536—10-540. Reserved.

ARTICLE XIV. ABATEMENT OF UNAUTHORIZED VISUAL BLIGHT*

Sec. 10-541. Definitions.

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

Graffiti implement means an aerosol paint container, a permanent broad-tipped marker, a gum label, a paint stick, a graffiti stick, a graffiti cap, any etching equipment, a brush or any other device capable of scarring or leaving a visible mark on any natural or manmade surface.

Minor means any person under 17 years of age.

Owner means the record owner of the lot or parcel or other person specifically authorized in writing by the record owner to authorize the placement of any painting, scratching, writing or inscription upon the owner's property.

Paint stick means a solid form of paint capable of leaving a mark of at least 1/4-inch in width.

Permanent broad-tipped marker means any marker, pen, or similar implement, which contains a fluid that is not water soluble and that has a tip, point, brush, applicator or other writing surface which, at its broadest, is 1/4-inch or greater in width.

Unauthorized means without the consent of the owner or without authority of law, regulation or ordinance. Unless the owner proves otherwise, lack of consent will be presumed under circumstances tending to show (i) the absence of evidence of specific authorization of the visual blight by the owner, (ii) that the visual blight is inconsistent with the design and use of the subject property, or (iii) that the person causing the visual blight was unknown to the owner.

Visual blight means any unauthorized graffiti or any other unauthorized form of painting, scratching, writing or inscription, including

*Editor's note—Ord. No. 06-1055, § 1, amended Art. XIV in its entirety to read as herein set out. Section 4 of said ordinance states that the various former ordinance provisions that are amended in Section 1 of this Ordinance are saved from repeal for the limited purpose of their continuing application to any violation committed before the effective date of this Ordinance, as applicable. For this purpose, a violation is deemed to have been committed before the effective date of this Ordinance, as applicable, if any element of the offense was committed prior to the effective date of this Ordinance, as applicable.

without limitation, initials, slogans or drawings, regardless of the content or nature of the material that has been applied to any wall, building, fence, sign, or other structure or surface and is visible from any public property or right-of-way or is visible from the private property of another person.

(Ord. No. 94-1163, § 2, 11-2-94; Ord. No. 06-1055, § 1, 10-18-06)

Sec. 10-542. Declaration; notice.

Visual blight is declared to be a public nuisance. whenever the neighborhood protection official becomes aware of the existence of visual blight on any lot or parcel of real estate in the city, the neighborhood protection official shall provide the property owner with written notice identifying the visual blight and directing its abatement. The notice shall be sent in accordance with article XI of this chapter; however, the time allowed for abatement of the nuisance shall not be less than ten business days. The notice shall further state that the owner may request a hearing as described in section 10-543 of this Code.
(Ord. No. 94-1163, § 2, 11-2-94; Ord. No. 98-613, § 47, 8-5-98; Ord. No. 06-1055, § 1, 10-18-06)

Sec. 10-543. Hearing.

The owner of a lot or parcel subject to abatement under this article may request a hearing by notifying the neighborhood protection official within ten days following the date the city mails or delivers the required notice. The hearing shall be conducted by a hearing official designated by the chief of police for the purpose of determining whether the conditions constitute a public nuisance under the provisions of this article. Unless notice is waived by the owner, the owner shall be provided written notice of the time and place of the hearing at least ten days prior thereto. At the hearing, the owner and the neighborhood protection official may present any evidence relevant to the proceedings, in accordance with reasonable rules adopted by the chief of police and subject to approval by the city attorney. If the hearing official finds that conditions constituting a nuisance hereunder exist, the hearing official shall issue an order so stating.
(Ord. No. 94-1163, § 2, 11-2-94; Ord. No. 98-613, § 47, 8-5-98; Ord. No. 02-528, § 14i., 6-19-02; Ord. No. 04-1075, § 7, 10-20-04; Ord. No. 06-1055, § 1, 10-18-06)

Sec. 10-544. Abatement by the city; expenses and liens.

If the owner fails to either abate the visual blight or request a hearing as provided in this article, or if it is determined at a hearing that the condition of the property constitutes a nuisance under this article, then the city shall be authorized to carry out the abatement thereof and to assess its expenses and place a lien in the same manner as provided in article XI of this chapter.
(Ord. No. 94-1163, § 2, 11-2-94; Ord. No. 06-1055, § 1, 10-18-06)

Sec. 10-545. Paint provided.

An owner who demonstrates to the neighborhood protection official that his structure has been subjected to visual blight shall be provided sufficient paint materials to cover the visual blight on the blighted structure on the property. The materials will typically be from donated sources or bulk purchases and the paint may not match the existing background surface color. The owner shall have ten business days following receipt of the paint materials to abate the visual blight.
(Ord. No. 94-1163, § 2, 11-2-94; Ord. No. 98-613, § 48, 8-5-98; Ord. No. 06-1055, § 1, 10-18-06)

Sec. 10-546. Hardships.

(a) In addition to the relief authorized in section 10-545 of this Code, if the owner demonstrates that none of the family members residing in a homestead that is the subject of a visual blight notice is able to apply the paint because of age, physical disabilities, dependent care obligations or other limitations beyond their reasonable control, then the neighborhood protection official shall cause the visual blight to be abated without cost to the owner, and no lien shall be placed on the homestead property. The operation of this subsection is limited to any single family residential property that is occupied as a homestead by a 'very low income family' as defined in 24 Code of Federal Regulations Section 813.102 as computed for the city for purposes of Section 8 of the United States Housing Act of 1937.

(b) Without regard to the eligibility standards described in subsection (a) above, if an owner demonstrates that (i) the property for which the owner has been given notice of visual blight hereunder has been the subject of at least two prior visual blight incidents (evidenced by either notices provided pursuant to this article or bona fide police reports) during the preceding 180 days,

and (ii) the owner complied with the requirements of this article by abating the prior visual blight within ten business days of the date of the applicable notice or police report, then the neighborhood protection official shall cause the visual blight to be abated without cost to the owner, and no lien shall be placed on the property.

(c) Each notice given under section 10-542 of this Code shall advise of the availability of the relief under this section. Applications for relief under this section shall be submitted to the neighborhood protection official in such form and with such proofs of ownership, income, disabilities, repeat occurrences and related factors as may be required to determine whether the applicant is entitled to assistance within ten days following the date the city mails or delivers the notices under section 10-542 of this Code. If the neighborhood protection official is unable to concur that the applicant is entitled to assistance, then the issue shall be scheduled for a hearing under section 10-543 of this Code, and the hearing official shall make the determination.
(Ord. No. 94-1163, § 2, 11-2-94; Ord. No. 06-1055, § 1, 10-18-06)

Sec. 10-547. Landlord/tenant.

The terms of this article shall not be construed to alter the terms of any lease or other agreement between any landlord and any tenant or others relating to property that is the subject of this article; provided that no provision of any lease or other agreement shall be construed to excuse compliance with this article by any person. It is the intent of this article to identify the parties the city will hold responsible for compliance with and violations of this article, rather than to determine the rights and liabilities of persons under agreements to which the city is not a party.
(Ord. No. 06-1055, § 1, 10-18-06)

Sec. 10-548. Noncompliance.

(a) It shall be unlawful for any person who is the owner or who has primary responsibility for control of property or for repair or maintenance of property in the city to permit, allow or suffer property that is defaced with visual blight to remain defaced for a period of ten business days after receipt of notice of the defacement.

(b) Upon completion of appropriate training, employees designated by the neighborhood protection official are authorized to issue citations charging the violation of this section.

(c) It is a defense to prosecution under this section that the person, who is the owner or who has primary responsibility for control of property or for repair or maintenance of property, has executed a graffiti abatement waiver, as promulgated by the neighborhood protection official, and has filed such waiver with the neighborhood protection official prior to defacement of property.
(Ord. No. 06-1055, § 1, 10-18-06)

Editor's note—Section 5 of Ord. No. 06-1055 states that this § 10-548 shall take effect on the sixtieth day next following the date of passage and approval of this Ordinance. All other portions of this Ordinance shall take effect immediately upon its passage and approval by the Mayor.

Sec. 10-549. Graffiti implements.

(a) It shall be unlawful for a minor to possess any graffiti implement while on any school property, adjacent public property, or private property without the prior written consent of the owner or occupant of such private property. This subsection shall not apply to the possession of permanent broad-tipped markers and paint sticks by a minor attending or traveling to or from a school at which the minor is enrolled if the minor is participating in a class at the school that formally requires the possession of permanent broad-tipped markers and paint sticks. The burden of proof in any prosecution for violation of this subsection shall be upon the minor to establish the need to possess a permanent broad-tipped marker and paint sticks.

(b) It shall be unlawful for any person to possess any graffiti implement while in or upon any public facility, building or structure owned or operated by the city or while in or within 50 feet of any underpass, bridge abutment, storm drain, or similar types of infrastructure unless otherwise authorized by the city.

(c) It shall be unlawful for a parent or legal guardian of a minor to intentionally, knowingly, recklessly, or with criminal negligence allow the minor to violate this section.
(Ord. No. 06-1055, § 1, 10-18-06)

Sec. 10-550. Access to broad-tipped markers and paint sticks.

(a) It shall be unlawful for any person, other than a parent or legal guardian, to sell, exchange, give, loan, or otherwise furnish, or cause or permit to be exchanged, given, loaned, or otherwise furnished, any permanent broad-tipped marker or paint stick to any minor.

(b) For purposes of this section, the actions of an employee shall not be attributable to an employer if:

(1) The employer requires its employees to attend a training program regarding this section;

(2) The employee has actually attended such a training program; and

(3) The employer has not directly or indirectly encouraged the employee to violate this section.

(Ord. No. 06-1055, § 1, 10-18-06)

Editor's note—Section 5 of Ord. No. 06-1055 states that this § 10-550 shall take effect on the sixtieth day next following the date of passage and approval of this Ordinance. All other portions of this Ordinance shall take effect immediately upon its passage and approval by the Mayor.

Sec. 10-550.1. Signage.

(a) A business establishment that sells a permanent broad-tipped marker or paint stick at retail shall display a conspicuous sign, in English and Spanish, that states the following:

"Graffiti is a crime. The defacing of public or private property is punishable by a fine or imprisonment. Selling a permanent broad-tipped marker or paint stick to a person under the age of 17 is against the law. Violators can be fined up to $500.00."

(b) Failure of any business establishment to display the sign required in subsection (a) of this section shall be unlawful.
(Ord. No. 06-1055, § 1, 10-18-06)

Editor's note—Section 5 of Ord. No. 06-1055 states that this § 10-550.1 shall take effect on the sixtieth day next following the date of passage and approval of this Ordinance. All other portions of this Ordinance shall take effect immediately upon its passage and approval by the Mayor.

ARTICLE XV. DEED RESTRICTION COMPLIANCE*

Sec. 10-551. Definitions.

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

Building permit means a permit issued by the city under the provisions of the Construction Code.

City attorney means the city attorney or any assistant city attorney.

Commercial building means any building other than a single family residence.

Construction of a fence means, without limitation, the materials, location, and height of a fence.

Fence means any fence or wall that requires a building permit for construction.

Recorded restrictions means a restriction that is contained or incorporated by reference in any properly recorded plan, plat, replat or other instrument affecting a subdivision or that portion of a subdivision located inside the boundaries of the city.

Restricted subdivision means a subdivision of land or that portion of a subdivision within the city limits that is subject to recorded restrictions.

Restriction means a limitation that:

(1) Affects the character of the use to which real property, including residential and rental property, may be put;

*Note—See the editor's note to art. XIV.

(2) Fixes the distance that a structure must be set back from property lines, street lines, or lot lines;

(3) Affects the size of a lot or the size, type, and number of structures that may be built on the lot;

(4) Regulates orientation or fronting of a structure; or

(5) Regulates construction of a fence.

however, restrictions do not include provisions that restrict the sale, rental, or use of property on the basis of race, color, religion, sex, or national origin and do not include any restrictions that by their express provision have terminated.

Restriction suit means a lawsuit filed in a court of competent jurisdiction to enjoin or abate the violation of a recorded restriction.

(Ord. No. 94-1154, § 2, 10-26-94; Ord. No. 02-399, § 42, 5-15-02; Ord. No. 07-228, § 1, 2-14-07; Ord. No. 08-250, § 1, 3-26-08)

[The next page is 823]

Sec. 10-552. Compliance; enforcement; penalties.

(a) An owner or owner's representative with control over the property that is subject to a recorded restriction who, after notice of the provisions of this article, fails to comply with any recorded restriction shall be deemed to civilly violate this article and shall be subject to civil penalties of not more than $1,000.00 per day for violation of this article. Each day of noncompliance shall constitute a separate violation.

(b) It shall be unlawful to use any property or construct or continue to construct any building or structure on any property, that is the subject matter of an affidavit required by this Code as a condition for the issuance of any city permit if (1) the activity that is the subject of the affidavit is a violation of one or more recorded restrictions and (2) the person who signed the affidavit swore that the activity did not violate any recorded restriction.
(Ord. No. 94-1154, § 2, 10-26-94)

Sec. 10-553. Action by city attorney.

(a) The city attorney is authorized to file or become a party to a restriction suit; provided, however, that after a careful investigation of the facts and of the law, or of either, if in the opinion of the city attorney no legal cause of action could be alleged and proved, then in such event, the city shall not file or become a party to a suit. The city attorney is further authorized, as part of a restriction suit, to seek to compel the repair or demolition of any structure or portion thereof that is in violation of this article to the extent of noncompliance.

(b) The city attorney is authorized to file suit in a court of competent jurisdiction to seek civil penalties for the violation of subsection (a) of section 10-552 of the Code as authorized by subchapter B of chapter 54 of the Texas Local Government Code, as amended.

(c) The city attorney is authorized to establish guidelines for any activity or category of activity that the city attorney, in his best legal judgment, believes is the appropriate subject for an action to abate or enjoin pursuant to this article.

(d) All authority granted to the city attorney under this section shall be exercised uniformly on behalf of and against all citizens and property in the city.
(Ord. No. 94-1154, § 2, 10-26-94)

Sec. 10-554. Limitations.

(a) The city attorney shall have no authority to file a restriction suit or intervene in a pending restriction suit on behalf of the city upon the complaint or request of a person who:

(1) Is a defendant in a currently pending restriction suit filed by the city attorney;

(2) Is a defendant in a restriction suit in which the city attorney has intervened on behalf of the city to enforce the recorded restrictions;

(3) Has applied for a building permit for a commercial building in a restricted subdivision located in the city that has recorded restrictions the terms of which prohibit or exclude the construction or repair of commercial buildings in such subdivision; or

(4) Has filed suit to invalidate or otherwise void any portion of the recorded restrictions of a subdivision that requires the property owned by the complainant to be used for residential purposes only.

(b) The building official shall have no authority to refuse or revoke a building permit for a commercial building located in a restricted subdivision located in the city on the grounds that the construction or repair of such commercial building is prohibited or excluded by the recorded restrictions upon the complaint or request of a person who:

(1) Is a defendant in a currently pending restriction suit filed by the city attorney;

(2) Is a defendant in a restriction suit in which the city attorney has intervened on behalf of the city to enforce the recorded restrictions;

(3) Has applied for a building permit for a commercial building in a restricted subdivision that has recorded restrictions that

prohibit or exclude the construction or repair of commercial buildings in the subdivision; or

(4) Has filed suit to invalidate or otherwise void any portion of the recorded restrictions of the subdivision that requires the property owned by the person to be used for residential purposes only.

(Ord. No. 94-1154, § 2, 10-26-94)

Sec. 10-555. Building permits.

The city attorney shall advise the building official whenever, in the city attorney's opinion, building work is being done under a building permit that is void. Upon that advice the building official shall order the building work stopped. The city attorney and the building official, acting in good faith and for the city in the discharge of their duties under this section, shall not thereby render themselves liable personally and they are hereby relieved of all personal liability for any damage that may accrue to persons or property as a result of any act required or by reason of any act or omission in the discharge of their duties.

(Ord. No. 94-1154, § 2, 10-26-94)

Secs. 10-556—10-600. Reserved.

ARTICLE XVI. ADOPT-A-LOT PROGRAM

Sec. 10-601. Definitions.

As used in this article, the words and terms defined in this section shall have the meanings ascribed, unless the context clearly indicates another meaning:

Department means the police department or its successor.

Director means the director of the department or any other person who is specifically designated in writing by the director to perform any function under this article on behalf of the director of the department.

Program means the adopt-a-lot program, as established under this article.

(Ord. No. 99-1380, § 2, 12-21-99; Ord. No. 02-528, § 14j., 6-19-02; Ord. No. 04-1075, § 8, 10-20-04)

Sec. 10-602. Powers and duties of the director.

(a) The director has responsibility for the enforcement of this article, as more particularly provided herein.

(b) The director shall promulgate written applications for volunteer organizations and community groups to participate in the program. The director shall determine the criteria required for an organization or a group and its members to be authorized to participate in the program in accordance with those criteria established in sections 10-603 and 10-604 of this Code. The director shall reject an application if the applicant does not meet all of the established criteria for participation in the program.

(c) The director upon approval of the applications of civic organizations and community groups shall authorize the members of such organizations and groups to act as volunteer independent contractors for the purpose of abating violations of article XI of this chapter relating to weeds, brush, rubbish, and other objectionable, unsightly, and insanitary matter located on abandoned or vacant private property within the city, after prior notification to the property owner by the director.

(d) The director shall provide the following services:

(1) Determine the lots to be adopted in the area served by each organization or group;

(2) Perform the initial abatement on the selected properties;

(3) Provide safety training regarding the use of the tools and equipment to the organization or group;

(4) Provide limited accident and disability insurance to the organization or group to cover the program participants;

(5) Provide limited types of city tools and equipment for use by each organization or group;

(6) Document the work performed by each organization or group; and

(7) Provide such other assistance as the director may determine is required or necessary.

(Ord. No. 99-1380, § 2, 12-21-99)

Sec. 10-603. Duties of the volunteer civic organizations and groups.

(a) Each volunteer civic organization or group shall agree to be responsible for the general maintenance, storage, and security of the city's equipment.

(b) Each volunteer civic organization or group shall agree to participate in the program for a minimum of two years.

(c) Each volunteer civic organization or group shall demonstrate the ability to carry out its duties under the program, including:

(1) Community support;

(2) Adequate number of volunteers; and

(3) Technical ability of volunteers to operate equipment.

(Ord. No. 99-1380, § 2, 12-21-99)

Sec. 10-604. Duties of the members of the volunteer civic organizations and groups.

(a) The members of each volunteer civic organization or group shall agree to hold the city harmless and release the city from any and all liability with respect to the program and their participation in the program in excess of the insurance coverage under section 10-602 (d)(4) of this article.

(b) The members of each volunteer civic organization or group shall agree to abide by all applicable laws and regulations and all terms, conditions, and guidelines imposed by the director.

(c) The members of each volunteer civic organization or group shall agree to be responsible for supervising and carrying out the details of the work they perform.

(Ord. No. 99-1380, § 2, 12-21-99)

Sec. 10-605. Contract.

The director shall promulgate a written contract in a form approved by the city attorney to be executed by the members to evidence the provisions of sections 10-603 and 10-604 of this Code.

(Ord. No. 99-1380, § 2, 12-21-99)

Secs. 10-606—10-650. Reserved.

ARTICLE XVII. ABATEMENT OF OFF-PREMISE SIGNS CONSTRUCTED OR MAINTAINED IN VIOLATION OF SECTION 4612(b) OF THE CITY OF HOUSTON BUILDING CODE*

Sec. 10-651. Definitions.

As used in this article, the following terms and phrases shall have the meanings ascribed to them in this section:

Off-premise sign shall have the meaning ascribed to it in Section 4603(a) of the Sign Code.

Owners means the owner of the off-premise sign and the record owner of the lot or parcel on which the off-premise sign is located.

Sign Code means Chapter 46 of that volume of the Construction Code know as the City of Houston Building Code

Unauthorized refers to an off-premise sign that is in the process of being constructed, or is constructed or maintained in violation of the prohibition on new off-premise signs in Section 4612(b) of the Sign Code.

(Ord. No. 06-255, § 2, 3-8-06)

Sec. 10-652. Declaration; notice.

An unauthorized off-premise sign is declared to be a public nuisance. Whenever the existence of unauthorized off-premise sign within the limits of the city or within 5,000 feet outside the limits shall come to the knowledge of the sign administrator, the sign administrator shall cause a written notice identifying the unauthorized off-premise sign and directing its removal to be sent to the

*Cross reference—Neighborhood nuisances, 10-451 et seq.

owners. The notice shall be sent in the manner provided for notices under article XI of this chapter, provided that the time allowed in the notice for abatement shall not be less than 30 days, and such notice shall further state that the owners are entitled to request a hearing to be held in the manner described in section 10-653 of this Code.
(Ord. No. 06-255, § 2, 3-8-06)

Sec. 10-653. Hearing.

The owners subject to abatement under this article may request a hearing by notifying the sign administrator within ten days following the date the city mails the required notice. The hearing shall be conducted by a hearing official designated by the director of public works and engineering for the purpose of determining whether the off-premise sign has been constructed or is being maintained in violation of section 4612(b) of the Sign Code. At the hearing, the owners and the sign administrator may present any evidence relevant to the proceedings, in accordance with reasonable rules adopted by the director of public works and engineering and approved by the city attorney. If the hearing official determines that the sign has been erected or is being maintained in violation of section 4612(b) of the Sign Code, the hearing official shall issue an order so stating.
(Ord. No. 06-255, § 2, 3-8-06; Ord. No. 06-419, § 1, 4-26-06)

Sec. 10-654. Abatement by city; expenses and liens.

If the owners fail to timely abate the unauthorized off-premise sign by complete removal of the sign structure, then the city shall be authorized to carry out the abatement thereof and to assess its expenses and place a lien in the same manner as provided in article XI of this chapter.
(Ord. No. 06-255, § 2, 3-8-06)

Sec. 10-655. Remedies cumulative, civil enforcement, other action not limited.

The procedures set forth in this article are cumulative of all other remedies available to the city relating to the subject matter hereof. Exercise of this remedy shall not be a bar against, nor a prerequisite for, taking any other available actions. Specifically, the city attorney may institute any legal action to enforce this ordinance or enjoin or otherwise cause the abatement of any condition described in this article, as well as for the recovery of all expenses incurred in connection therewith, including without limitation administrative and legal expenses, attorneys fees and costs, and for civil penalties as provided by law. The city attorney is hereby authorized to file a civil suit in a court of competent jurisdiction to prevent the violation of any of the provisions of this article. This remedy shall be cumulative and in addition to any other remedies.
(Ord. No. 06-255, § 2, 3-8-06)

Secs. 10-656—10-700. Reserved.

ARTICLE XVIII. ALTERNATIVE ADMINISTRATIVE ADJUDICATION PROCEDURE

Sec. 10-701. In general.

Every violation of an ordinance in this Code or the Construction Code that is described by Section 54.032 of the Texas Local Government Code or adopted under Section 214.001(a)(1) of the Texas Local Government Code may be prosecuted as an administrative offense using the alternative administrative adjudication procedure in this article. The adoption or use of this alternative administrative adjudication procedure does not preclude the city from prosecuting a violation of an ordinance described in this section through criminal penalties and procedures or through the procedures provided in article IX of this chapter.
(Ord. No. 2010-815, § 2, 10-13-2010)

Sec. 10-702. Definitions.

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

Day means a calendar day, unless otherwise specified.

Inspector means all persons designated by the building official or neighborhood protection

official to enforce the provisions of chapter 10 of this Code, the Construction Code, and related laws.
(Ord. No. 2010-815, § 2, 10-13-2010)

Sec. 10-703. Administrative citations and summons.

(a) An administrative citation or summons may be issued for violations described by Section 54.032 of the Texas Local Government Code or adopted under Section 214.001(a)(1) of the Texas Local Government Code. Each citation or summons will include the following information:

(1) The amount of the administrative penalty, costs, and fees;

(2) The nature, date, and location of the violation;

(3) The person's right to a hearing;

(4) The time, date, and location of the hearing;

(5) That the failure to timely appear at any scheduled hearing is an admission of liability for the violation for which the citation or summons was issued; and

(6) That the inspector who issued the citation or summons is not required to appear at the hearing, but the person charged with the violation may request that the inspector be present by submitting a written request to the clerk of the municipal courts at least 15 days before the hearing. Absent a timely request for the inspector to be present, the person charged is deemed to have waived the right to call and examine that inspector.

(7) That if the person charged wants a record of the proceeding or a translator, the person must notify the clerk of the municipal courts at least five days before the hearing date. Absent a timely request, the person is deemed to have waived the right to have a record of the hearing or to have a translator.

(b) For purposes of this article, a citation may also serve as a summons.
(Ord. No. 2010-815, § 2, 10-13-2010)

Sec. 10-704. Record of citations and summons.

The original or a copy of the administrative citation or summons shall be kept as a record in the ordinary course of the business of the municipality and is rebuttable proof of the facts it states.
(Ord. No. 2010-815, § 2, 10-13-2010)

Sec. 10-705. Service of administrative citations and summons.

(a) An administrative citation or summons may be served in the following manner:

(1) Personal service by:

a. Personally handing it to the person charged;

b. If the person charged is not available, leaving the citation or summons at the person's residence with any person who is 16 years of age or older; or

c. If the person charged is not available, leaving the citation or summons at the person's place of business with any person who is 16 years of age or older and an employee or agent of the person charged; or

(2) Mailing it by certified mail to the address shown in the appraisal district records of the county in which the premises or property that is the subject of the citation or summons is located; or

(3) Posting the citation or summons on either:

a. The front door of the premises or property; or

b. A placard staked to the yard of the premises or property in a location visible from a public street or alley.

(b) If service upon the person charged is by posting the citation or summons on the premises or property, a copy of the citation or summons must also be sent by regular United States mail to the address shown in the appraisal district re-

cords of the county in which the premises or property that is the subject of the citation or summons is located.

(c) If service upon the person charged is by posting the citation or summons on the premises or property, a photograph of the posting and a copy of the mailed notice must be forwarded with a copy of the citation or summons to the clerk of the municipal courts.
(Ord. No. 2010-815, § 2, 10-13-2010)

Sec. 10-706. Responding to citations and summons.

The person charged with the violation may answer the citation or summons by:

(1) Paying the administrative penalty, costs, and fees prior to the scheduled hearing date. Payment constitutes an admission of liability; or

(2) Appearing in person at the scheduled administrative hearing at the time, date, and location set forth in the citation or summons.

(Ord. No. 2010-815, § 2, 10-13-2010)

Sec. 10-707. Failure to appear.

(a) Failure to timely appear at any scheduled hearing is an admission of liability for the violation for which the citation or summons was issued.

(b) The hearing officer shall issue in writing an administrative order of liability and assess against the person charged with the violation the appropriate administrative penalties, costs, and fees.

(c) The administrative order must include:

(1) The amount of the administrative penalties, costs, and fees;

(2) Notification of the right to appeal to municipal court within 30 days of the date the hearing officer's order is filed with the clerk of the municipal courts;

(3) Notification that unless the hearing officer's order is stayed through a properly filed appeal, the administrative penalties, costs, and fees must be paid within 30 days of the date the hearing officer's order is filed with the clerk of the municipal courts; and

(4) Notification that the city may enforce the hearing officer's administrative order pursuant to the procedure in section 10-711.

(d) Within seven days of the filing of an administrative order of liability with the clerk of the municipal courts, the city shall send a copy of the order to the person charged with the violation. The copy of the administrative order must be sent by regular United States mail to the address shown in the appraisal district records of the county in which the premises or property that is the subject of the citation or summons is located.
(Ord. No. 2010-815, § 2, 10-13-2010)

Sec. 10-708. Hearing officers—Qualifications, powers, duties and functions.

(a) Hearing officers shall be appointed by the mayor to adjudicate administrative citations or summons issued under this article. Appointment shall be made for a two year term to begin as of the date of the appointment.

(b) A hearing officer must meet all of the following qualifications:

(1) Be a resident of the city at the time of appointment and maintain residency in the city throughout the period of appointment;

(2) Be a citizen of the United States;

(3) Be a licensed attorney in good standing; and

(4) Have two or more years of experience practicing law in the State of Texas.

(c) A hearing officer shall have the following powers, duties, and functions:

(1) To act as the fact finder and determine whether or not the person charged is liable;

(2) To assess administrative penalties, costs, and fees;

(3) To issue orders compelling the attendance of witnesses and the production of documents;

(4) To administer oaths;

(5) To question witnesses and consider evidence;

(6) To suspend the payment of administrative penalties, costs, and fees for a specific period of time not to exceed one year from the date the administrative order of liability is filed with the municipal court;

(7) To make a finding as to the financial inability of a person found liable of a violation to pay administrative penalties, costs, and fees; and

(8) To make a finding as to the financial inability of a person found liable of a violation to pay for the transcription of any recording of an administrative hearing or to post an appeal bond.

(Ord. No. 2010-815, § 2, 10-13-2010)

Sec. 10-709. Hearing procedures.

(a) Every hearing conducted pursuant to this article must be held before a hearing officer no sooner than 30 days after the citation or summons has been filed in municipal court.

(b) The person charged must personally appear at the hearing at the time, date, and location set forth in the citation or summons and at any subsequent hearings set because of postponement or continuance.

(c) The administrative citation or summons is rebuttable proof of the facts that it states.

(d) The formal rules of evidence do not apply at the administrative hearing and any relevant evidence will be admitted if the hearing officer finds it competent and reliable, regardless of the existence of any common law or statutory rule to the contrary. The hearing officer shall make a decision based upon a preponderance of the evidence presented at the hearing.

(e) Each party shall have the right to call and examine witnesses, to introduce exhibits that are relevant to the issues at the hearing, to cross examine opposing witnesses on any matter relevant to the issues, and to rebut evidence.

(f) The inspector who issued the citation is not required to be present at the hearing, but the person charged with the violation may request that the inspector be present by submitting a written request to the clerk of the municipal courts no later than 15 days before the hearing. Absent a timely request for the inspector to be present, the person charged is deemed to have waived the right to call and examine that inspector.

(g) If the person charged wants a record of the proceeding or a translator, the person must notify the clerk of the municipal courts at least five days before the hearing date. Absent a timely request, the person is deemed to have waived the right to have a record of the hearing or to have a translator.

(h) The hearing officer may examine any witness and may consider any evidence offered by a witness or person charged with a violation.

(i) After hearing the evidence and testimony presented, the hearing officer shall issue a written order.

(1) If the hearing officer determines that the charged party is liable for the violation, then the hearing officer shall issue at the hearing an administrative order of liability for the violation and assess the appropriate administrative penalties, costs, and fees, and notify the person of the right to appeal to municipal court.

(2) If the hearing officer determines that the charged person is not liable for the violation, then the hearing officer shall issue at the hearing an administrative order of non-liability.

(j) A person who has been found liable for a violation may, after the hearing officer has issued an administrative order, but prior to the conclusion of the hearing, assert financial inability to pay the administrative penalties, costs, and fees assessed by the hearing officer. At that time, the

hearing officer may stay enforcement of the administrative order and make a determination of financial inability to pay pursuant to sections 10-708 (7) and (8) of this Code.

(k) An administrative order issued by the hearing officer must be filed with the clerk of the municipal courts.

(l) Any record of an administrative hearing must be kept and stored for not less than 45 days after the last day of the administrative hearing. Any administrative hearing that is appealed must be transcribed from the record by a court reporter or other person authorized to transcribe court proceedings. The court reporter or other person transcribing the record of the hearing is not required to have been present at the administrative hearing.

(m) The person seeking to appeal an administrative order to the municipal court shall pay for any transcription of the record of the administrative hearing unless the hearing officer finds, pursuant to section 10-708 of this Code, that the person is unable to pay or give security for the transcription.
(Ord. No. 2010-815, § 2, 10-13-2010)

Sec. 10-710. Financial inability to pay for administrative penalties, costs, and fees; to pay for transcription of a record; or to post an appeal bond.

(a) A person found by the hearing officer to be financially unable to pay the administrative penalties, costs, and fees assessed must be:

(1) A resident of the property or premises that is the subject of the administrative order; and

(2) The sole owner of the property or premises, except that the person may be a co-owner of the property or premises if all other co-owners cannot be located or are themselves financially unable to pay the administrative penalties, costs, and fees as established by credible evidence.

(b) A person claiming a financial inability to pay the administrative penalties, costs, and fees assessed by the hearing officer; to pay for a transcription of the record; or to post an appeal bond must make that claim prior to the conclusion of the administrative hearing before the hearing officer.

(c) A person claiming a financial inability to pay the administrative penalties, costs, and fees; to pay for a transcription of the record; or to post an appeal bond must have an income that does not exceed 50 percent of the Houston Area Median Family Income as determined by the United States Department of Housing and Urban Development.

(d) After receiving a claim that a person found liable for violation under this article is financially unable to pay the administrative penalties, costs, and fees; to pay for a transcription of the record; or to post an appeal bond, the hearing officer may set the matter for hearing and notify all parties of the hearing date by regular United States mail. The hearing officer's determination of whether the person found liable for a violation is financially unable to pay any administrative penalties, costs, or fees assessed by the hearing officer; to pay for a transcript of the record; or to post an appeal bond must be based on all information provided to the hearing officer by the person found liable or by the city attorney in opposition to the claim of financial inability.

(e) If the hearing officer determines that the person found liable for a violation does not have the financial ability to pay the administrative penalties, costs, or fees assessed by the hearing officer; to pay for a transcription of the record; or to post an appeal bond, then the hearing officer shall enter that finding in writing and may order that the penalties, costs, and fees be waived by the city.
(Ord. No. 2010-815, § 2, 10-13-2010)

Sec. 10-711. Enforcement.

An order issued by the hearing officer or a municipal judge under this article may be enforced by:

(1) Filing a civil suit for the collection of penalties, costs, and fees assessed against the person; or

(2) Obtaining an injunction to prohibit the specific conduct that violates the ordinance.

(Ord. No. 2010-815, § 2, 10-13-2010)

Sec. 10-712. Appeals.

(a) Either party may appeal the determination of the hearing officer by filing a petition and a bond for twice the amount of the administrative penalties, costs, and fees ordered by the hearing officer in municipal court within 30 days after the date the hearing officer's administrative order is filed with the municipal court. An appeals petition will not be accepted if a bond has not been filed with the municipal court, unless the appellant requests and receives a waiver pursuant to 10-712(b) of this Code.

The municipal court's ruling shall be final.

If the party does not timely file an appeal, then the hearing officer's ruling shall be final.

An appeal stays enforcement of the order of the hearing officer.

(b) An appellant to municipal court may request a waiver of the bond amount on the basis of financial inability to pay, in which case the hearing officer may hold a hearing pursuant to section 10-710 of this Code to determine whether the appellant is indigent and whether the bond amount may be waived. If the hearing officer's administrative order is reversed on appeal, the appeal bond will be returned to the appellant.

(c) If the administrative penalties, costs, and fees assessed in the final judgment are not paid within 30 days after the date the hearing officer's order is filed with the clerk of the municipal courts, the administrative penalties, fees, and costs may be referred to a collection agency and the cost to the city for the collection services will be assessed as costs to the person found liable, at the rate agreed to between the city and the collection agency, and added to the judgment.

(d) If the person found liable for violation timely requested a record of the proceedings pursuant to section 10-709(g) of this Code, and through no fault of the person, the record of the hearing is unavailable, then the municipal judge shall reverse the hearing officer's order and remand the matter to the hearing officer for a new administrative hearing.

(e) Upon receiving the record of the administrative hearing, the municipal judge shall review the record and may grant relief from the administrative order only if the record reflects that the appellant's substantial rights have been prejudiced because the administrative order is:

(1) In violation of a constitutional or statutory provision;

(2) In excess of the hearing officer's statutory authority;

(3) Made through unlawful procedure; or

(4) Affected by another error of law.

(f) The municipal judge shall rule on the appeal within 30 days after receiving the record of the administrative hearing. The municipal judge shall affirm the administrative order of the hearing officer unless the record reflects that the order violates one of the standards in subsection(e) of this section. If the record reflects that the hearing officer's order violated one of the standards in subsection(e) the municipal judge may:

(1) Reverse the hearing officer's order and find the appellant not liable;

(2) Reverse the hearing officer's order and remand the matter to the hearing officer for a new hearing; or

(3) Affirm the order, but reduce the amount of the administrative penalties assessed.

(g) The municipal judge's ruling on the appeal must be issued in writing and filed with the clerk of the municipal courts. A copy of the ruling must be sent by the clerk of the municipal courts to the appellant by regular United States mail at the last known address of the appellant as provided to the municipal court for the appeal.

(h) The municipal judge's ruling is a final judgment. If an appeal bond was posted, any administrative penalties, costs, and fees assessed by the municipal judge or by the hearing officer, if affirmed by the municipal judge, will be deducted from the appeal bond. If no appeal bond was posted, any administrative penalties, costs, and

fees assessed by the municipal judge or by the hearing officer, if affirmed by the municipal judge, must be paid within 30 days after the municipal judge's ruling is filed with the clerk of the municipal courts, unless the administrative penalties, costs, and fees were waived pursuant to section 10-710(e) of this Code. The city may enforce the municipal judge's ruling pursuant to section 10-711 of this Code.
(Ord. No. 2010-815, § 2, 10-13-2010)

Sec. 10-713. Amount and disposition of administrative penalties, costs, and fees.

(a) The amount of the administrative penalties will be the same as those provided for criminal penalties throughout this Code and the Construction Code.

(b) When no specific penalty is provided for a violation that is enforced as an administrative offense under this article and that violation pertains to fire, safety, or public health and sanitation, then the violation shall be punished by an administrative penalty not exceeding $2,000.00.

(c) The administrative cost shall be $409.58, subject to an annual adjustment by the director to reflect an increase or decrease in the CPI. The costs will be reviewed every three years in order to ensure accurate cost recovery. Any proposed adjustments beyond changes in the CPI-U will be presented to city council for approval.

(d) Administrative penalties, costs, and fees assessed under this article will be paid into the city's general fund.
(Ord. No. 2010-815, § 2, 10-13-2010; Ord. No. 2010-1063, § 2, 12-22-2010)

Secs. 10-714—10-1000. Reserved.