

**CITY OF ALPINE
BUILDING & STANDARDS COMMISSION MEETING
WEDNESDAY, OCTOBER 26, 2022 - 5:30 P.M.**

NOTICE IS HEREBY GIVEN THAT THE BUILDING AND STANDARDS COMMISSION OF THE CITY OF ALPINE, TEXAS WILL HOLD A SPECIAL MEETING AT 5:30 P.M. ON MONDAY, OCTOBER 26, 2022 AT CITY COUNCIL CHAMBERS LOCATED AT 803 WEST HOLLAND AVENUE AND VIA ZOOM FOR THE PURPOSE OF CONSIDERING THE ATTACHED AGENDA. THIS NOTICE IS POSTED PURSUANT TO THE TEXAS OPEN MEETINGS ACT. ACTION ITEMS APPROVED AT THIS MEETING WILL BE CONSIDERED BY THE CITY COUNCIL FOR FINAL ACTION.

AGENDA

- 1. Call to Order.**
- 2. Public Comments.**
- 3. Signing of Statement of Officer.**
- 4. Swearing in and Oath of Office of newly appointed Board Members –**

Ward 1 – Clayton Shoot	Alternate 1 – Robert Stallard
Ward 2 – Robert Savery	Alternate 2 – Guy Fielder
Ward 3 – Joshua Rousselow	
Ward 4 – Gerri Davis	
Ward 5 – Ralph Garcia	
- 5. Public Hearings – None.**
- 6. Approval of minutes of previous Board Meeting –None.**
- 7. Discussion Items –**
 - a) Presentation by City Staff concerning the list of current properties that have been identified, the steps taken to begin the process, and applicable timelines.
 - b) Discussion between Commissioners and City Staff regarding procedural items, questions, and/or recent Building & Standards-related items
- 8. Action Items – None.**
- 9. Board Member Comments.**
- 10. Adjourn.**

CERTIFICATION

I, Geoffrey R. Calderon, hereby certify that this notice was posted at City Hall, a convenient and readily accessible place to the general public, and to the City website at www.cityofalpine.com pursuant to Section 551.043, Texas Government Code. The said notice was posted at 5:00 P.M. on October 21, 2022, and remained so posted for at least 72 hours preceding the scheduled time of the said meeting. This facility is wheelchair accessible and accessible parking space is available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the Office of the City Secretary at (432) 837-330 I, option 1, or email city.secretary@ci.alpine.tx.us for further information.



Geoffrey R. Calderon, City Secretary





BUILDING SERVICES DEPARTMENT

"Building a better future through life, health & safety"

October 20, 2022

BUILDING AND STANDARDS COMMISSION:

We rely on the support and insight from the commissioners to make Alpine's citizen safe. Together we will have the opportunity to either rehabilitate the structures that deem fit and remove those that are too high of a hazard and are beyond repair (public nuisance).

1. Attached are the properties identified as "Dangerous Buildings"
2. Our department is working on a streamline process & procedures check list, so that any/all properties will be completed.
3. We would like to incorporate workshops on the timelines and processes for abatement.
4. Our goal for the abatement process, is that property owners repair or demolish without going through the lien process.
5. Building Services has a small budget for abatement, we may have to increase it next fiscal year, if we are not able to get the properties in compliance.
6. We have spoken about possibly working on a donate to the fire department program. We will have to investigate the legal aspects of this process. We believe that it will benefit the fire department for training and possibly make the abatement more cost effective.

	DATE INSP.	DATE LETTER	15 DAYS	NAME	LOCATION ADDRESS	VIOLATION	NOTES	STATUS	RESOLVED	CITATION	PENDING
1	6/16/2022	6/10/2022	6/25/2022	LEVARIO LUIS ENRIQUE P.O. BOX 838 PRESIDIO, TX 79845	LOT BEHIND 306 S JACKSON ST	DANG. BUIL.	Sec. 18-281-291 ARTICLE X - DANGEROUS BUILDINGS - spoke w/ 8/30 2 week ext due to weather - 10/18 spoke w/ ready for insp (432) 294-2609 INSPECTION 12:30PM 10/19 Building secure	RESOLVED 10/19	1		
2	6/9/2022	6/10/2022	6/25/2022	RIPLEY JOHN ETUX 1001 N 11TH ST ALPINE TX 79830	1101 N 11TH	DANG. BUIL	Sec. 18-281-291 ARTICLE X - DANGEROUS BUILDINGS 8/24 CALLED JB 2W EXT - 97 Health issues 396-6727				
3	6/9/2022	6/10/2022	6/25/2022	MAXWELL MESQUITE TAL CHENOA 1409 E AVE H ALPINE, TX 79830	TRAILER ON EAGLE PASS	DANG. BUIL					
4	6/28/2022	6/10/2022	6/25/2022	CHACON ANITA M 6738 TROPIC BLUE ST LAS VEGAS, NV 89031-1177	307 S 13TH ST	DANG. BUIL	Sec. 18-281-291 ARTICLE X - DANGEROUS BUILDINGS Spoke w 8/16 (432) 230-3845 2 weeks ext 6/30	RESOLVED	1		
5	7/1/2022	6/10/2022	6/25/2022	PALLANEEZ ANTONIO ETUX %DELLA P CHAVEZ 10340 REDWOOD EL PASO, TX 79924	TRAILER ON S HARRISON & AVE H	DANG. BUIL	Sec. 18-281-291 ARTICLE X - DANGEROUS BUILDINGS Spoke w 8/16 (432) 230-3845 2 weeks ext 6/30	RESOLVED	1		
6	5/9/2022	6/13/2022	5/26/2022	THOMPSON JAMES A #17 SUNNY GLEN ALPINE, TX 79830	401 N 16TH ALPINE, TX	Sec. 18-281-291 ARTICLE X - DANGEROUS BUILDINGS	INSR. 7/1 LOOKS FINE FROM OUR END				
7	5/10/2022	6/13/2022	5/26/2022	MEYER EILEEN PO BOX 278 MARFA, TX 79843	1201 W SUE ROSS ALPINE, TX	Sec. 18-281-291 ARTICLE X - DANGEROUS BUILDINGS	LEFT YW 7/11 9:38AM INSP 7/26 - LOOKS GOOD	RESOLVED	1		
8	7/1/2022	7/2/2021	7/17/2021	MORENO		DANG. BUIL/JUNK/DEBR	CITATION	PAID/NOT RESOLVED		1	
9	7/1/2022	7/2/2022	4/29/2021	GRISLENG		DANG. BUIL/JUNK/DEBR	CITATION	PAID/NOT RESOLVED		1	
10	6/15/2022	7/25/2022	6/9/2022	GALLEGO GLORIA PORTILLO C/O THERESA G RAMIREZ 701 NE 2ND ST ANDREWS, TX 79718	VACANT LOT #12173	DANG. STRUC.	Sec. 18-281-291 ARTICLE X - DANGEROUS BUILDINGS Spoke 6/17/22 - cleaning up prop. 2 weeks - 8/26 Theresa Ramirez (432) 634-6822 - Spoke w/ 6/22/22 - 2 weeks ext 9/20 - VEHICLES MOVED WHITE PICKUP TRUCK AND PLAYHOUSE STILL THERE - 10/16 CALLED LEFT YW				1
11	6/15/2022	7/22/2022	6/6/2022	ABBATE BELINDA M 6331 TIGER LAKE HOUSTON, TX 77041	407 W GALLEGO	DANG. STRUC.	Sec. 18-281-291 ARTICLE X - DANGEROUS BUILDINGS				1
12	3/1/2021	10/6/22	10/21/22	NORMA ROSE VALENZUELA 1505 S MISSOURI ROSWELL, NM 89203	OT. BLOCK 67, LOT 3 MARGARET MORENO LIFE ESTATE (303 S 4th ST)	Sec. 18, Sec. 16-283, 294, 289, 290, 291 Sec. 54-213, 211, 212 - STOR 94 SEC 211 COAR ACCUMULATION OF RUBBISH	PROP. ID: 12211	AS		1	
13	3/1/2021	10/6/22	10/21/22	NORMA ROSE VALENZUELA 1505 S MISSOURI ROSWELL, NM 89203	OT. BLOCK 67, LOT 3 MARGARET MORENO LIFE ESTATE (303 S 4th ST)	ARTICLE X - DANGEROUS BUILDINGS VBC BUILDING VIOLATION	PROP. ID: 12211	AB			1
14	9/27/22	10/6/22	10/21/22	ESSARY JOHN L 804 LINDIS SOU HOUSTON, TX 77387	TD. BLOCK 11, LOT 10 (1310 E GALLEGO AVE)	ARTICLE X - DANGEROUS BUILDINGS; Sec. 18-281-291	PROP. ID: 12164	AB			
15	6/28/22	10/6/22	10/21/22	CHACON ANITA M 720 LANGSTRY DR LAS VEGAS, NV 89107	GALLS 3RD, BLOCK 6, LOT 3 & 1, 307 S 13TH ST	ARTICLE X - DANGEROUS BUILDINGS Sec. 18-281-291	PROP. ID: 10510	AS			
16	10/12/2022			WILSON TIMOTHY J 11501 CHIMO SAMANEGO DR EL PASO, TX 79636	PAUROAD, BLOCK MM, LOT 18-19	ARTICLE X - DANGEROUS BUILDINGS Sec. 18-281-291	12168	AB			
17	10/12/2022			AGUIJAR ANGELICA 6205 S RIO FORT STOCKTON, TX 79735-6318	1710 E AVE F - TD, BLOCK 10, LOT 10	ARTICLE X - DANGEROUS BUILDINGS Sec. 18-281-291 - CALLED 10/17/2022 NEEDS AN EXTENSION# 432-290-6152		JIB			

18	10/12/2022		FLOMINO JR ROBERTO BUSTAMANTE JR 6414 CASTLE FALLS CT KATY, TX 77449	1207 E AVE I (PROPERTY ID # 10795)	ARTICLE X - DANGEROUS BUILDINGS Sec. 18-281-291		JB		
19	9/23/22	10/13/22	AGUILAR ANGELICA B 205 S RIO FORT STOCKTON, TX 79735-6318	TD, BLOCK 10, LOT 10 (1710 E AVE F)	ARTICLE X - DANGEROUS BUILDINGS Sec. 18-281-291	PROP ID: 12754	AB		
20	10/14/22	10/19/22	SARTAIN ANABEL RAMOS 2575 W COVER LANE CHINO VALLEY, AZ 85323	MEANS A, BLOCK 1, LOT 1, 2, SERIAL 00344, LABEL#TEX0025931, BRECK	ARTICLE X - DANGEROUS BUILDINGS Sec. 18-281-291	30226	AB		
21	10/14/22	10/19/22	LJUAN ALBERT 405 S 14TH ALPINE, TX 79830	GILLIS 3RD, BLOCK 12, LOT 3 (405 S 14TH)	ARTICLE X - DANGEROUS BUILDINGS Sec. 18-281-291	10545	AB		
22	10/14/22	10/19/22							
23	08/28/2022	09/30/2022	10/14/2022	RUIZ ROS A MARIE 1205 N 10TH ST ALPINE, TX 79830	HAWCOCK, BLOCK 42, LOT 9-1203 E Ave H	ARTICLE X - DANGEROUS BUILDINGS Sec. 18-281-291	10787- Posting of Dangerous Building on Premise [photo]- Certified letter sent 09/30/2022	JB	1

ARTICLE X. DANGEROUS BUILDINGS¹

Sec. 18-281. Definitions.

The words and phrases contained herein shall have the following meaning ascribed to them unless the context states otherwise:

Abatement. Repairing, removing or demolishing a structure or building so as to bring it into compliance with the minimum standards as set forth in this article.

Accessory structure. A building or structure incidental to the dwelling unit and located on the same property.

Appeal court. The Municipal Court of the City of Alpine, Texas, sitting as a Civil Court.

Building. Any structure built for the support, shelter and enclosure of persons, animals, goods or movable property of any kind. Any roof-covered structure shall be considered a building. Also see "structure."

Building codes. The most recent version of the codes adopted by the City of Alpine, including the International Property Maintenance Code, the International Building Code, International Residential Code, the Uniform Plumbing Code, and the National Electric Code.

Dangerous building. Any building or structure that does not comply with the minimum standards.

Minimum standards. The minimum standards for continued use and occupancy of a building or structure as set forth in section 18-284 herein.

Inspector. The individual designated by the city manager to carry out the duties of this article.

Owner of record. Any person, agent, firm, corporation or governmental agency shown to be the owner or owners of a structure in:

- (1) The real property, assumed name, or appraisal district records of Brewster County;
- (2) The tax and utility records of the City of Alpine; or
- (3) The records of the secretary of State of Texas.

Public nuisance.

- (1) Whatever is dangerous to human life or health; whatever renders the ground, water, air or food hazardous to human life, or health, or that is offensive to the senses; or that is detrimental to the public health; or
- (2) Any structure that creates a hazard to health, safety, comfort or welfare.

Structure. A combination of materials held or put together in a specific way to form a construction for use, occupancy or ornamentation, whether installed on, above, or below the surface of land or water. Structure includes buildings as defined herein.

¹Editor's note(s)—Ord. No. 2013-06-04, § 1, adopted July 2, 2013, added provisions numbered as Art. 18.37, §§ 18-371—18-3711. In order to conform to the format used in this Code the editor has renumbered the provisions added by this ordinance as herein set out.

(Ord. No. 2013-06-04, § 1, 7-2-13)

Sec. 18-282. General information.

- (a) *Notices mailed.* All notices required to be mailed under this article, shall be mailed by certified mail, return receipt requested. When a notice is mailed in accordance with this section and the United States Postal Service returns the notice as "refused" or "unclaimed," the validity of the notice is not affected, and the notice is considered delivered.
- (b) *Notices posted.* All notices required to be posted shall be attached to the structure as close to the front door as practicable. If there is no front door, notice shall be attached to the structure in a noticeable place.
- (c) *Change of owner.* If a building or structure has been designated as a dangerous building, it is the owner's responsibility to furnish a purchaser, transferee, grantee, mortgagee or lessee a true and correct copy of the notice of dangerous building and to provide the Inspector written notification of the intent to enter into such transaction, including the name and address of the purchaser, transferee, grantee, mortgagee or lessee. A purchaser shall be bound by the notices and orders issued pursuant to this article. It is the purchaser's responsibility to provide a copy to the inspector of the document changing ownership which has been recorded in the Official Public Records of Brewster County.

(Ord. No. 2013-06-04, § 1, 7-2-2013)

Sec. 18-283. Abatement of dangerous buildings.

- (a) It shall be unlawful for any owner, occupant, or other person in control of a structure to allow that structure to be in a condition that does not conform to the minimum standards.
- (b) Any structure that does not conform to the minimum standards is hereby declared to be a public nuisance and shall be abated by vacation, relocation of occupants, repair, demolition, or removal as necessary upon the issuance of an order to abate issued by the board in accordance with the procedures specified in this article.

(Ord. No. 2013-06-04, § 1, 7-2-2013)

Sec. 18-284. Conditions requiring abatement.

- (a) Regardless of its date of construction, a structure is considered not to meet the minimum standards of the city and shall not continue to be used or occupied if the following conditions are present and constitute a danger to persons or property:
 - (1) *Unoccupied structures.*
 - a. Any structure or any part thereof constructed or maintained in violation of any provision of this Code, or any law of the county, state or federal government which makes the structure unsafe;
 - b. Any structure with roof, ceiling, floors, walls, sills, windows, foundation or any combination thereof, rotted or decayed, and falling apart;
 - c. Any structure with shingles or roofing material not in place, or is not free from leaks and sags;
 - d. Any structure that is uninhabitable due to obsolescence and deterioration caused by neglect, vandalism, fire damage, old age, or the elements;
 - e. Any structure that is in danger of falling and injuring persons or property;

(Supp. No. 24, Update 1)

Created: 2022-07-26 14:35:35 [EST]

-
- f. Any structure that is a fire menace because it is in a dilapidated condition, or that is likely to become a fire menace or be set on fire; or contains a fire load with the potential to cause a fire;
 - g. Any structure that has been damaged by fire, water, earthquake, wind, hail, rain, vandalism, or other cause to such an extent that the roof, windows or doors or portions of the structure that protect the interior from the weather, no longer reasonably protect from the weather;
 - h. Any structure that is open and accessible so as to become a harbor for insects, rodents, vermin, uninvited persons or transients; or a place for potential illegal activity;
 - i. Any structure that is in unsanitary condition and likely to create disease because of the presence of insects, rodents or vermin;
 - j. Any structure that is damp and in unsanitary condition and is likely to create disease and sickness;
 - k. Any structure that has holes, cracks or other defects in it;
 - l. Any structure that does not have railings for stairs, steps, balconies, porches;
 - m. Any structure that is not weathertight and waterproof, including but not limited to, roofs, walls, windows, doors and flooring;
 - n. Any structure that does not have a moisture resistant finish or material for the flooring or subflooring of each bathroom, shower room and toilet room;
 - o. Any structure with floors that are missing, buckled, warped, worn, loose, or unlevel;
 - p. Any structure with an electric system that is a hazard due to inadequate maintenance, dilapidation, fire hazard, disaster, damage or abandonment or not safely capable of carrying a load imposed by normal use of appliances and fixtures;
 - q. Any structure where the deterioration, decay or inadequacy of its floor joists, floors, subfloors, or foundation is likely to cause the structure to partially or completely collapse; or
 - r. Any structure not in compliance with the adopted codes of the City of Alpine, specifically including the International Property Maintenance Code, that otherwise fails to meet the requirements of this chapter.
- (2) *Occupied structures.* In addition to the conditions for unoccupied structures:
- a. Any structure that does not have in operating condition a connection to discharge sewage from the structure or land into a public sewer system or septic system;
 - b. Any structure that does not have the minimum required fixtures as required in the International Property Maintenance Code and the UPC Building Codes; all of which shall be in operating condition and connected to both hot and cold water sources;
 - c. Any structure that does not have electrical service meeting required codes as described by the International Property Maintenance Code or the National Electric Code; or
 - d. Any structure that does not meet the standards established for an occupied structure as established by the adopted building codes of the city.
- (b) Any structure that is not occupied by its owners, lessees or other invitees, has been left unsecured from unauthorized entry to the extent that it may be entered by vagrants, transients or other uninvited persons as a place of harborage or may be entered and utilized by children as a play area, regardless of its structural condition.
- (c) Any structure that is boarded up, fenced or secured if:

-
- (1) The structure constitutes a danger to the public even though secured from entry; or
 - (2) The means used to secure the structure are inadequate to prevent unauthorized entry or use of the structure.

(Ord. No. 2013-06-04, § 1, 7-2-2013)

Sec. 18-285. Inspection and notice of required abatement

- (a) *Inspection.* The inspector shall inspect any structure that he has probable cause to believe does not meet the minimum standards. If the structure is not open and accessible, the Inspector may obtain permission from the owner or a person in control of the premises, or may apply for an administrative search warrant pursuant to Texas Code of Criminal Procedure Section 18.05 unless an exception to the warrant requirement exists.
- (b) *Determination.* The inspector shall use section 18-284 of this article to determine compliance or noncompliance.
- (c) *Notice.*
 - (1) After a determination that a structure requires abatement, an initial notice shall be provided to the owner as on file at the Brewster County Appraisal District.
 - (2) The initial notice shall contain the following:
 - a. The nature of the violation(s) of the minimum standards; and
 - b. That the structure is dangerous and that the owner must vacate and/or repair, remove, or demolish the structure for the good of the public health, safety and welfare.
 - (3) A notice shall be posted on the dangerous building as follows:

"THIS STRUCTURE IS DANGEROUS ACCORDING TO THE MINIMUM STANDARDS SET FORTH IN THE CITY OF ALPINE CODE OF ORDINANCES, CHAPTER 18, SECTION 18-284 AND THE OWNER MUST REPAIR, REMOVE, OR DEMOLISH IT. CONTACT _____ AT _____ FOR FURTHER INFORMATION. THIS NOTICE SHALL REMAIN ON THIS STRUCTURE UNTIL IT IS REPAIRED, REMOVED FROM THE CITY OF ALPINE CITY LIMITS, OR DEMOLISHED."
- (d) The owner or the owner's designated representative has 15 days from the date of the notice to contact the inspector regarding their intent to repair, remove or demolish the dangerous building.

(Ord. No. 2013-06-04, § 1, 7-2-2013)

Sec. 18-286. Hearing.

A public hearing shall be held so that the court may determine whether the structure complies with the minimum standards set forth in this article.

- (a) *Notice of hearing.*
 - (1) The inspector shall make a diligent effort to discover the identity and address of the owner(s) of record and any lienholders or mortgagees of the structure and the underlying property.
 - (2) The inspector shall notify each owner, lienholder, or mortgagee by mail.
 - (3) The inspector shall notify any unknown interested parties by posting a copy of the notice on each structure.

-
- (4) The inspector shall file a notice of hearing in the official public records of real property in Brewster County.

(b) *Contents of notice of hearing.* The notice of hearing shall contain the following information:

- (1) The owner, lienholder, mortgagee or unknown interested parties have the burden of proof and will be required to submit at the hearing proof of the scope of any work that may be required to make the structure comply with the ordinance and the amount of time it will take to reasonably perform the work.
- (2) The name and address of the owner of record.
- (3) A legal description of the property.
- (4) A general description of the structures not meeting the minimum standards.
- (5) A description of the proceeding.

(Ord. No. 2013-06-04, § 1, 7-2-2013)

Sec. 18-287. Orders of the court

(a) The court may issue one of the following orders:

- (1) Order to secure or vacate the structure and relocate the occupants.
- (2) Order to repair, remove or demolish.
- (3) Order to remove or demolish.
- (4) Order to release.

(b) If the structure is occupied and the court issues an order pursuant to subsection (a)(1), the structure shall be vacated and the occupants relocated.

(c) Orders of the court issued pursuant to subsections (a)(2) and (a)(3) shall allow 60 days for the ordered action to be completed.

(d) If a residential structure is removed or demolished pursuant to this article, any and all accessory structures located on the same property shall be removed or demolished, regardless of structural condition.

(e) The inspector shall promptly mail a copy of any order issued pursuant to subsection (a) of this section, to the owner of record, any lienholder or mortgagee along with a notice containing the following:

- (1) An identification of the structure and the property on which it is located;
- (2) A description of the violation(s) of the minimum standards;
- (3) A statement that the municipality will secure, vacate, repair, remove or demolish the structure if the ordered action is not taken within sixty (60) days.

(f) Sixty days after an order to repair, remove or demolish has been issued, the Inspector has the authority to request the utilities be disconnected at the structure in order to prepare for demolition.

(g) Once an order to remove or demolish has been issued by the court, the inspector has the authority to request the utilities be disconnected at the structure in order to prepare for demolition.

(h) Within ten days following the date that an order is issued, the inspector shall:

- (1) File a copy of the order in the office of the city secretary of the City of Alpine; and
- (2) Publish in a newspaper of general circulation in the city a notice containing the following:

-
- a. The street address or legal description of the property;
 - b. The date the hearing was held;
 - c. A brief statement indicating the results of the order; and
 - d. Instructions stating where a complete copy of the order may be obtained.

(Ord. No. 2013-06-04, § 1, 7-2-2013)

Sec. 18-288. Permits.

- (a) Any permits issued for work on a structure on which the court has issued an order shall expire on the deadline established by the order.
- (b) Applicants for a permit to make repairs on a structure on which the court has issued an order shall meet with the appropriate inspecting official from the city's code enforcement department and the building official prior to the granting of a permit. The meeting will be to ensure the applicant understands (i) the scope of work required to be completed to comply with the minimum standards, (ii) that such repairs shall be completed by the deadline established by the order and (iii) that if all repairs are not completed by the deadline established by the order, the structure will be demolished. A permit will not be issued unless the applicants comply with this meeting requirement.
- (c) No permits will be issued after the deadline established by the order.

(Ord. No. 2013-06-04, § 1, 7-2-2013)

Sec. 18-289. Appeals.

Any owner, lienholder or mortgagee of record of property jointly or severally aggrieved by an order of the court under this article may file in district court a verified petition setting forth that the decision is illegal, in whole or in part, and specifying the grounds of the illegality. The petition must be filed by an owner, lienholder, or mortgagee within 30 calendar days after the date a copy of the court's order is mailed to them in accordance with this article.

(Ord. No. 2013-06-04, § 1, 7-2-2013)

Sec. 18-290. Expense of abatement.

- (a) If an owner or other interested party does not secure, vacate, repair, remove, or demolish a structure within 60 days, the inspector may take the ordered action at the city's expense.
- (b) *Calculation of costs.*
 - (1) Costs include all expenses incurred as a result of the enforcement of the order.
 - (2) The general administrative expenses of inspecting structures, locating owners, conducting hearings, and issuing notices and orders, together with all associated administrative functions, require a reasonable minimum charge of \$500.00 per property. The building official shall maintain a log of all expenses incurred during this process. If this total is greater than \$500.00, the cost shall be the greater amount.
- (c) *Lien.* Any expenses incurred by the city pursuant to subsection (a) of this section will be assessed against the property on which the structure stands or stood. The city will have a privileged lien upon filing same in the Official Public Records of Brewster County subordinate only to tax liens against the property unless it is a

Created: 2022-07-26 14:35:35 [EST]

(Supp. No. 24, Update 1)

homestead as protected by the Texas Constitution. The lien will be extinguished if the property owner or other interested party reimburses the city for all expenses and penalties.

(Ord. No. 2013-06-04, § 1, 7-2-2013)

Sec. 18-291. Seizure and sale of property to recover expenses.

The city may foreclose a lien on property pursuant to Texas Local Government Code § 214.004:

- (1) In a proceeding relating to the property brought under Subchapter E, Chapter 33, Tax Code; or
- (2) In a judicial proceeding, if:
 - a. A building or other structure on the property has been demolished;
 - b. A lien for the cost of the demolition of the structure or other structure on the property has been created and that cost has not been paid more than 180 days after the date the lien was filed; and
 - c. Ad valorem taxes are delinquent on all or part of the property.

(Ord. No. 2013-06-04, § 1, 7-2-2013)

Section 9. Building and standards commission.

A. *Created.*

1. There is hereby created a building and standards commission consisting of five regular members and two alternates (alternate position 1 and alternate position 2) who are citizens of the city and/or own property as taxpayers and are qualified voters, and who are not members of the city council or the city planning and zoning commission. Each member of the city council will appoint one member to the commission from their ward, for a term of two years which shall align and coincide with that of the appointing councilmember. The two alternate members will be selected by the voting majority of the city council from a list submitted by the city manager; removable for cause by the appointing authority upon written charges after a public hearing. It is the policy of the city council that a member or alternate who misses three consecutive meetings without excuse by the council is cause for removal of said member or alternate. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant for any cause, in the same manner as the original appointment was made. All cases to be heard by the building and standards commission shall be heard by a quorum of members.
2. The two alternate members are required to attend all meetings in the same manner as the regular members of the board. Alternate members shall not vote unless filling an absence of a regular member or the chairperson. If a regular member or the chairperson is absent from a meeting, alternate position 1 shall take his place. If a second regular member and/or the chairperson is absent from a meeting, alternate position 2 shall take his place. Commission shall select a vice-chair, to serve when the chair is absent.

B. *Proceedings of building and standards commission*

1. A chairperson of the building and standards commission shall be selected by the city council. The building and standards commission shall adopt rules of procedure in accordance with the provisions of this section. Meetings of the building and standards commission shall be held at the call of the chairperson and at such other times as at least a quorum of the commission may determine and at least quarterly. Such chairperson, or in his absence the vice-chairperson, may administer oaths and compel the attendance of witnesses.
2. All meetings of the building and standards commission shall be open to the public. The Commission shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the city secretary and shall be a public record.
3. The City of Alpine designates the building official as the appropriate official to present all cases before the building and standards commission.
4. The building and standards commission shall:
 - (a) Use the standards of criteria related to: deterioration of the building or structure, fire hazard, pestilence, structural deformity, inadequate fire safety measures and other conditions as recognized by the building codes adopted by the City of Alpine, Article IX, section 18-260, and Article X, sections 18-281—284;
 - (b) Hear evidence and shall, upon a finding that the conditions as set out in the ordinances have been met, declare a structure substandard.

C. *Notice.*

-
1. A public hearing shall be held so that the building and standards commission may determine whether the structure complies with the minimum standards set forth in this section.
 - (a) *Notice of hearing.*
 - (1) The city secretary shall make a diligent effort to discover the identity and address of the owner(s) of record and any lienholders or mortgagees of the structure and the underlying property.
 - (2) The city secretary shall notify each owner by personal delivery, by certified mail with return receipt requested, or by delivery by the United States Postal Service using signature confirmation service, to the record owners of the affected property, and each holder of a recorded lien against the affected property, as shown by the records in the office of the county clerk of the county in which the affected property is located if the address of the lienholder can be ascertained from the deed of trust establishing the lien or other applicable instruments on file in the office of the county clerk lienholder, or mortgagee by mail.
 - (3) The inspector shall notify any unknown interested parties by posting a copy of the notice on each structure.
 - (4) The inspector shall file a notice of hearing in the official public records of real property in Brewster County.
 - (b) *Contents of notice of hearing.* The notice of hearing shall contain the following information:
 - (1) The notice must be posted and either personally delivered or mailed on or before the 10th day before the date of the hearing before the commission panel and must state the date, time, and place of the hearing. In addition, the notice must be published in a newspaper of general circulation in the municipality on one occasion on or before the 10th day before the date fixed for the hearing.
 - (2) The owner, lienholder, mortgagee or unknown interested parties have the burden of proof and will be required to submit at the hearing proof of the scope of any work that may be required to make the structure comply with the ordinance and the amount of time it will take to reasonably perform the work.
 - (3) The name and address of the owner of record.
 - (4) A legal description of the property.
 - (5) A general description of the structures not meeting the minimum standards.
 2. When a municipality mails a notice in accordance with this section to a property owner, lienholder, or registered agent and the United States Postal Service returns the notice as "refused" or "unclaimed," the validity of the notice is not affected, and the notice is considered delivered.
- D. *Functions of the building and standards commission.*
1. The building and standards commission may issue one of the following orders:
 - (a) Order to secure or vacate the structure and relocate the occupants.
 - (b) Order to repair, remove or demolish.
 - (c) Order to remove or demolish.
 - (d) Order to release.

-
2. If the structure is occupied and the commission issues an order pursuant to subsection D.1(a), the structure shall be vacated and the occupants relocated.
 3. Orders of the commission issued pursuant to subsections D.1(b) and D.1(c) shall allow 45 days before the ordered action to be completed.
 4. If a residential structure is removed or demolished pursuant to this article, any and all accessory structures located on the same property shall be removed or demolished, regardless of structural condition.
 5. The inspector shall promptly mail a copy of any order issued pursuant to subsection D.1 of this section, to the owner of record, any lienholder or mortgagee along with a notice containing the following:
 - (a) An identification of the structure and the property on which it is located;
 - (b) A description of the violation(s) of the minimum standards;
 - (c) A statement that the municipality will secure, vacate, repair, remove or demolish the structure if the ordered action is not taken within 45 days.
 6. Forty-five days after an order to repair, remove or demolish has been issued, the inspector has the authority to request the utilities be disconnected at the structure in order to prepare for demolition.
 7. Once an order to remove or demolish has been issued by the commission, the inspector has the authority to request the utilities be disconnected at the structure in order to prepare for demolition.
 8. Within ten days following the date that an order is issued, the inspector shall:
 - (a) File a copy of the order in the office of the city secretary of the City of Alpine; and
 - (b) Publish in a newspaper of general circulation in the city a notice containing the following:
 - (1) The street address or legal description of the property;
 - (2) The date the hearing was held;
 - (3) A brief statement indicating the results of the order; and
 - (4) Instructions stating where a complete copy of the order may be obtained.

E. Permits.

1. Any permits issued for work on a structure on which the commission has issued an order shall expire on the deadline established by the order.
2. Applicants for a permit to make repairs on a structure on which the commission has issued an order shall meet with the appropriate inspecting official from the city's code enforcement and building official prior to the granting of a permit. The meeting will be to ensure the applicant understands:
 - (a) The scope of work required to be completed to comply with the minimum standards;
 - (b) That such repairs shall be completed by the deadline established by the order; and
 - (c) All repairs are not completed by the deadline established by the order (90 days to repair — everything has to be done in 45 days. Forty-five days for appeal), the structure will be demolished. A permit will not be issued unless the applicants comply with this meeting requirement.
 - (d) No permits will be issued after the deadline established by the order.

-
3. The building and standards commission may not allow the owner, lienholder, or mortgagee more than 90 days to repair, remove, or demolish the building or fully perform all work required to comply with the order unless the owner, lienholder, or mortgagee:
 - (a) Submits a detailed plan and time schedule for the work at the hearing; and
 - (b) Establishes at the hearing that the work cannot reasonably be completed within 90 days because of the scope and complexity of the work.
- F. *Appeal.* Any owner, lienholder, or mortgagee of record of property jointly or severally aggrieved by an order of the building and standards commission may file in district court a verified petition setting forth that the decision is illegal, in whole or in part, and specifying the grounds of the illegality. The petition must be filed by an owner, lienholder, or mortgagee within 30 calendar days after the respective dates a copy of the final decision of the municipality is personally delivered to them, mailed to them by first class mail with certified return receipt requested, or delivered to them by the United States Postal Service using signature confirmation service, or such decision shall become final as to each of them upon the expiration of each such 30 calendar day period.
- G. *Expense for abatement.*
1. If an owner or other interested party does not secure, vacate, repair, remove, or demolish a structure within 45 days, the inspector may take the ordered action at the city's expense with permission for expenses to be incurred from the Alpine City Council.
 2. Calculation of costs.
 - (a) Costs include all expenses incurred as a result of the enforcement of the order.
 - (b) The general administrative expenses of inspecting structures, locating owners, conducting hearings, and issuing notices and orders, together with all associated administrative functions, require a reasonable minimum charge of \$500.00 per property. The building official shall maintain a log of all expenses incurred during this process. If this total is greater than \$500.00, the cost shall be the greater amount.
 3. *Lien.* Any expenses incurred by the city pursuant to subsection G.1 of this section will be assessed against the property on which the structure stands or stood. The city will have a privileged lien upon filing same in the official public records of Brewster County subordinate only to tax liens against the property unless it is a homestead as protected by the Texas Constitution. The lien will be extinguished if the property owner or other interested party reimburses the city for all expenses and penalties.
- H. *Rights and remedies saved.* All rights or remedies of the City of Alpine, Texas, are expressly saved as to any and all violations of any building ordinance or amendments thereto, of the city, that have accrued at the time of the effective date the ordinance from which this section derives; and as to such accrued violation, the building and standards commission shall have all the powers that existed prior to the effective date of this ordinance; and that all existing violations of previous building ordinances which would otherwise become non-conforming under this section but shall be considered as violations of this section are violations of this section in the same manner that they were violations of prior building ordinances of the city.

(Ord. No. 2015-03-01, § 1, 5-19-15; Ord. No. 2016-10-02, 11-1-16)

Section 10. Reserved.

Section 11. Duties of administrative official, city council and courts on matters of appeal.

It is the intent of this ordinance that all questions of interpretation and enforcement shall be first presented to the administrative official, and that recourse from the decisions of the administrative official shall be to the courts as provided by the laws of the State of Texas.

It is further the intent of this ordinance that the duties of the city council in connection with the ordinance shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this section and this ordinance. Under this ordinance the city council shall have only the duties:

- (1) Of considering and adopting or rejecting proposed amendments or the repeal of this ordinance, as provided by law; and
- (2) Of establishing a schedule of fees and charges as stated in Section 12, below.