

**CITY OF ALPINE  
BUILDING & STANDARDS COMMISSION MEETING  
WEDNESDAY, MAY 24, 2023 - 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 WEDNESDAY, MAY 24, 2023 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. Determination of Quorum.**
- 3. Public Comments.**
- 4. Approval of minutes of previous Board Meeting –**
  - a) November 16, 2022, Meeting Minutes.
- 5. Public Hearings – None.**
- 6. Information or Discussion Items –**
  - a) Update on current endeavors to identify and abate buildings that pose a threat to public health and safety.
  - b) Discussion between Commissioners and City Staff regarding Building and Standards-related items.
  - c) Discuss Building and Standards processes and procedures checklist in comparison to City ordinance and other procedural requirements.
- 7. Action Items – None.**
- 8. Board Member Comments.**
- 9. 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](http://www.cityofalpine.com) pursuant to Section 551.043, Texas Government Code. The said notice was posted at 5:00 P.M. on May 17, 2023, 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) 837-3301, option 1, or email [city.secretary@cityofalpine.com](mailto:city.secretary@cityofalpine.com) for further information.

  
Geoffrey R. Calderon, City Secretary





**BUILDING & STANDARDS COMMISSION  
MEETING AGENDA ITEM COVER MEMO**

**MAY 24, 2023**

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**APPROVAL OF MINUTES**

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**Approval of minutes of previous meetings –**

- a) November 16, 2022, Regular Meeting Minutes (G. Calderon, City Secretary)

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**BACKGROUND**

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**NONE.**

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**SUPPORTING MATERIALS**

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- November 16, 2022 Regular Meeting Minutes.

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**STAFF RECOMMENDATION**

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**APPROVE.**

**CITY OF ALPINE  
BUILDING & STANDARDS COMMISSION MEETING  
WEDNESDAY, NOVEMBER 16, 2022 - 5:30 P.M.  
MINUTES**

- 1. Call to Order** – Gerri Davis, Acting Chair of the Building and Standards Commission, called the meeting to order at 5:30 P.M. The meeting was held in City Council Chambers located at 803 West Holland Avenue, Alpine, Texas, 79830 and via Zoom video conference.

**Commissioners Physical Present:**

Robert Savery, Acting Chair of the Commission  
Gerri Davis, Commissioner  
Clayton Shoot, Commissioner  
Joshua Rousselow, Commissioner  
Ralph Garcia, Commissioner  
Robert Stallard, Commissioner  
Guy Fielder, Commissioner

**City Staff Present:**

Geoffrey R. Calderon, City Secretary  
Andrew Devaney, Director of Building Services  
Jessica Boorse, Permit Technician

**Commissioners Not Present:**

Raphael “Ralph” Garcia, Commissioner

- 2. Public Comments** – None.

- 3. Signing of Statement of Officer.**

*Robert Savery signed the Statement of Officer.*

- 4. Swearing in and Oath of Office of newly appointed Board Members.**

Ward 2 – Robert Savery

*City Secretary, Geoffrey R. Calderon, administered the Oath of Office to the newly appointed Commissioner.*

- 5. Public Hearings** – None.

- 6. Approval of minutes of previous Board Meeting** –

October 26, 2022 Regular Meeting Minutes

***On a motion by Board Member Davis and seconded by Board Member Rousselow to approve the minutes, the Building and Standards Commission unanimously voted to adopt the motion.***

- 7. Discussion Items** –

- a) Discussion with the Building Official regarding Commissioner roles vs. City Staff roles.
- b) Discussion between Commissioners and City Staff regarding procedural items, questions, and/or recent Building & Standards-related items; including updates on current endeavors and projects.
- c) Discussion with the City Attorney regarding legal issues.

Minutes: 11-16-2022

Approved: 05-24-2023

**8. Action Items –**

- a) Appoint the Chairperson of the Building and Standards Commission.

*On a motion by Board Member Stallard and seconded by Board Member Davis to approve appointment of Commissioner Robert Savory as Chairperson of the Building and Standards Commission, the Building and Standards Commission unanimously voted to adopt the motion.*

- b) Appoint the Vice-Chairperson of the Building and Standards Commission.

*On a motion by Board Member Savory and seconded by Board Member Stallard to approve Commissioner Davis for Vice-chairperson, the Building and Standards Commission unanimously voted to adopt the motion.*

- c) Appoint other officers of the Building and Standards Commission

*No action was taken on action item C.*

**9. Board Member Comments – None.**

**10. Adjourn (6:26 P.M.)**

APPROVED:

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Officer of the Building & Standards Commission

**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](http://www.cityofalpine.com) pursuant to Section 551.043, Texas Government Code. The said notice was posted at 5:00 P.M. on November 10, 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@cityofalpine.com](mailto:city.secretary@cityofalpine.com) for further information.

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Geoffrey R. Calderon, City Secretary



**BUILDING & STANDARDS COMMISSION  
MEETING AGENDA ITEM COVER MEMO**

**MAY 24, 2023**

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**INFORMATION OR DISCUSSION**

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**Information or Discussion Items –**

- a) Update on current endeavors to identify and abate buildings that pose a threat to public health and safety.
- b) Discussion between Commissioners and City Staff regarding Building and Standards-related items.
- c) Discuss Building and Standards processes and procedures checklist in comparison to City ordinance and other procedural requirements.

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**BACKGROUND**

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**NONE.**

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**SUPPORTING MATERIALS**

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- Building and Standards Processes and Procedures Checklist.
- City Ordinance – Dangerous Buildings and Building & Standards Commission.

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**STAFF RECOMMENDATION**

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**APPROVE.**



**BUILDING SERVICES**

309 W SUL ROSS AVE  
 ALPINE, TX 79830  
 (432) 837-3281

LAST NAME:
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COMPLAINT #
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**SUBSTANDARD BUILDING DEMO/ABATEMENT**

**Process and Procedures**

*Municipal authority to abate substandard structures comes from several statutory provisions. Essentially, the authority to define and abate a substandard structure stems from Chapter 214 of the Local Government Code, and the process by which it is carried out (with some exceptions) comes from a combined application of Chapters 214 and 54 of the Local Government Code.*

PHYSICAL ADDRESS:	
LEGAL ADDRESS:	
PROPERTY OWNER(S) ADDRESS:	

Step 1).

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

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.**

	DATE:
<input type="checkbox"/> <u>Inspection.</u>	
<input type="checkbox"/> <u>Determination.</u> The inspector shall use <a href="#">section 18-284</a> of this article to determine compliance or noncompliance	
<input type="checkbox"/> <u>Completed Code Enforcement Letter:</u>	
<input type="checkbox"/> <u>Citation Given:</u>	
<input type="checkbox"/> <u>Court Date(s):</u>	
<input type="checkbox"/> <b>CODE ENFORCEMENT PROCESS COMPLETED:</b>	

**C. Notice.**

**NOTICE OF PUBLIC HEARING:**

With the recommendation of the Building Official, the Building and Standard commission determines whether the structure complies with the minimum standards set forth in this section.

**Notice must include:**

The date, time, and place of the hearing. The name and address of the owner of record.

A legal description of the property. A general description of the structures not meeting the minimum standards.

**NOTICE POSTED OR PERSONALLY DELIVERED OR MAILED ON OR BEFORE THE 10<sup>TH</sup> DAY BEFORE THE HEARING**

Certified mail with return receipt or by personal delivery by the USPS 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.

DELIVERED/MAILED DATE:

HEARING DATE:

**NEWSPAPER POSTING ON OR BEFORE THE 10<sup>TH</sup> DAY BEFORE FIXED HEARING**

NEWSPAPER POSTING DATE:

HEARING DATE:

The inspector shall notify any unknown interested parties by posting a copy of the notice on each structure.

POSTING DATE:

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

POSTING DATE:

	DATE:
<input type="checkbox"/> <u>An initial notice shall be provided to the owner as on file at the Brewster County Appraisal District.</u>	
<input type="checkbox"/> <u>Owner on File Notice:</u>	
<input type="checkbox"/> <u>Brewster County Appraisal District Notice</u>	

The initial notice shall contain the following:

- The nature of the violation(s) of the minimum standards; and

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.

- 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.
- 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.
- 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.

- 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."

15 days from the notice: \_\_\_\_\_ 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.

**D. Functions of the Building & Standards commission:**

B&S may issue on of the following orders:

Order to secure or vacate the structure and relocate the occupants.

Order to repair, remove or demolish.

*\*Allow 45 days before the ordered action to be completed, 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.*

Order to remove or demolish.

*\*Allow 45 days before the ordered action to be completed, 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.*

Order to release

**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:

**DATE OF ORDER ISSUED LETTER:**

An identification of the structure  and the property on which it is located.

A description of the violation(s) of the minimum standards.

A statement that the municipality will secure, vacate, repair, remove or demolish the structure if the ordered action is not taken within 45 days.

**Within ten days following the date that an order is issued, the inspector shall:**

File a copy of the order in the office of the city secretary of the city

FILED WITH CITY SECRETARY DATE:	<input type="text"/>
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Publish in a newspaper of general circulation in the city a notice containing the following:

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

NEWSPAPER DATE:	<input type="text"/>
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**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.**

**45th DAY AFTER ORDER:**

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**FINAL RESULTS:**

DEMOLITION  REHAB  OTHER

*NOTES:*


DATE:

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- CODE OF ORDINANCES  
Chapter 18 - BUILDINGS AND BUILDING REGULATIONS  
ARTICLE XI. - DANGEROUS BUILDINGS  
DIVISION 1. GENERALLY

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***DIVISION 1. GENERALLY***

**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, including the International Property Maintenance Code, the International Building Code, International Residential Code, the International Plumbing Code, International Existing Building 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.

(Ord. No. 2013-06-04, § 1, 7-2-13; Ord. No. 2022-12-01, § I(Exh. A), 1-3-23)

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**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;
    - 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;

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- 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 International Plumbing Code; 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

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- (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, 7-2-13; Ord. No. 2022-12-01, § I(Exh. A), 1-3-23)

### **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.

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- (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;

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- 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

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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)

**Sec. 18-292—18-300. Reserved.**

*DIVISION 2. BUILDING AND STANDARDS COMMISSION*

**Sec. 18-301. In general.**

The building and standards commission shall:

- (1) 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 in article X, section 18-260, and article XI, sections 18-281—18-284.
- (2) Hear evidence and shall, upon a finding that the conditions as set out in the ordinances have been met, declare a structure substandard.

(Ord. No. 2022-10-03 , § I(Exh. A), 11-1-22)

**Sec. 18-302. Notice.**

- (a) 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.
  - (1) *Notice of hearing.*
    - a. 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.
    - b. 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

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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.

- c. The inspector shall notify any unknown interested parties by posting a copy of the notice on each structure.
- d. The inspector shall file a notice of hearing in the official public records of real property in the county.

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

- a. The notice must be posted and either personally delivered or mailed on or before the tenth 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 tenth day before the date fixed for the hearing.
  - b. 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.
  - c. The name and address of the owner of record.
  - d. A legal description of the property.
  - e. A general description of the structures not meeting the minimum standards.
- (b) 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.

(Ord. No. 2022-10-03 , § I(Exh. A), 11-1-22)

### **Sec. 18-303. Functions of the building and standards commission.**

- (a) The building and standards commission 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 commission issues an order pursuant to subsection (a)(1) above, the structure shall be vacated and the occupants relocated.
- (c) Orders of the commission issued pursuant to subsections (a)(2) and (3) shall allow 45 days before 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.

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- (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 45 days.
- (f) 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.
  - (g) 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.
  - (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; 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. 2022-10-03 , § I(Exh. A), 11-1-22)

#### **Sec. 18-304. Permits.**

- (a) 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.
- (b) 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:
  - (1) The scope of work required to be completed to comply with the minimum standards;
  - (2) That such repairs shall be completed by the deadline established by the order; and
  - (3) All repairs are not completed by the deadline established by the order (90 days to repair—everything has to be done in 45 days; 45 days for appeal), the structure will be demolished. A permit will not be issued unless the applicants comply with this meeting requirement.
  - (4) No permits will be issued after the deadline established by the order.
- (c) 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:
  - (1) Submits a detailed plan and time schedule for the work at the hearing; and
  - (2) Establishes at the hearing that the work cannot reasonably be completed within 90 days because of the scope and complexity of the work.

(Ord. No. 2022-10-03 , § I(Exh. A), 11-1-22)

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### **Sec. 18-305. 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.

(Ord. No. 2022-10-03 , § I(Exh. A), 11-1-22)

### **Sec. 18-306. Expense for abatement.**

- (a) 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 city council.
- (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 (b) 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 the county subordinate only to tax liens against the property unless it is a homestead as protected by the state constitution. The lien will be extinguished if the property owner or other interested party reimburses the city for all expenses and penalties.

(Ord. No. 2022-10-03 , § I(Exh. A), 11-1-22)

### **Sec. 18-307. Rights and remedies saved.**

All rights or remedies of the city 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. 2022-10-03, § I(Exh. A), 11-1-22)