

**CITY OF MOULTON
ORDINANCE NO. 2009-4**

**AN ORDINANCE OF THE CITY OF MOULTON, LAVACA COUNTY, TEXAS,
AMENDING CHAPTER 3, ARTICLE 3.03, SECTION 3.3.004, "PUBLIC HEARING",
REGARDING PUBLIC HEARING REQUIREMENTS FOR DILAPIDATED OR
SUBSTANDARD BUILDINGS**

WHEREAS: Chapter 214 of the Local Government Code, and to a lesser extent Ch 54, govern municipal regulation of housing and other structures. Ch. 214(b) states:

"(b) The ordinance must:

- (1) establish minimum standards for the continued use and occupancy of all buildings regardless of the date of their construction;
- (2) provide for giving proper notice to the owner of a building; and
- (3) provide for a public hearing to determine whether a building complies with the standards set out in the ordinance."

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY
OF MOULTON, TEXAS:**

Section 1. Findings of Fact. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

Section 2. Amendments. Section 3.03.004 is hereby amended to read as follows:

Notice of hearing before the City Council.

- (a) 15 calendar days prior to the hearing, written notice of the public hearing will be sent to the owner, lienholder or mortgagee and all other persons having an interest in the building, as shown by the deed records of the county clerk. If the owner cannot be identified, the city will file a notice of the hearing in the city's official newspaper.
- (b) The notice will specify the violation and address where the building is located. The notice will state whether the building must be vacated, secured, repaired, removed or demolished in order to comply with the terms of this article.
- (c) The notice will state that the owner, lienholder or mortgagee will be required to submit written proof at the hearing of the scope of any work that may be required to comply with this article and the time it will reasonably take to perform the work.
- (d) The notice will also state that the city may perform the work required to abate the violation if the owner fails to do so and that the city may place a lien on the property to recover all costs associated with the work.

Public Hearing.

At the hearing the building official will present evidence of the condition of the building and may recommend a course of action. The owner, lienholder, mortgagee or any other interested person may present evidence on any relevant issues.

City Council orders.

(a) If the City Council determines that a building is a dangerous building, the City Council may order the building vacated, secured, repaired, removed or demolished by the owner within 30 days. The City Council may also order the owner relocate the occupants of the building.

(b) If the owner does not comply with the City Council's order within 30 days, the city will send each lienholder and mortgagee a certified letter, return receipt requested, listing the violation and address where the building is located. The letter will also state that the city will vacate, secure, repair, remove or demolish the building or relocate the occupants if the lienholder or mortgagee does not do so within 30 days.

(c) If the value of the building or the property on which the property is located exceeds \$100,000.00, the City Council may require the owner, lienholder or mortgagee to post cash or a surety bond in an amount adequate to cover the cost of repairing, removing or demolishing the building. The bond or cash must be posted within 30 days of the date of the order.

(d) The City Council may grant an extension to an owner, lienholder or mortgagee if the owner, lienholder or mortgagee can prove that the scope and complexity of the work will take more than 30 days. When the City Council grants an extension, it will establish a time schedule by which the owner, lienholder, or mortgagee must commence and complete the work required to comply with the City Council's order.

(e) If the City Council grants an extension greater than 90 days, the City Council will require the owner, lienholder, or mortgagee to submit progress reports every 15 days to the building official to demonstrate progress and compliance with the time schedule established by the City Council.

(f) Notice of the City Council's order will be published in the city's newspaper within 10 days after the date the City Council issues the order. The notice will contain the street address or legal description of the dangerous building, the date of the hearing, a brief statement indicating the results of the order and that a complete copy of the order may be obtained from the City Secretary. A copy of the notice will be sent by certified mail, return receipt requested, to the owner, lienholder and mortgagee.

Section 3. Severability. Should any sentence, paragraph, subdivision, clause, phrase, or section of this Ordinance be adjusted or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this Ordinance in whole or any part or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional.

Section 4. Repealer Clause. The provisions of this ordinance shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent that such inconsistency is

apparent. This ordinance shall not be construed to require or allow any act which is prohibited by any other ordinance.

Section 5. Effective Date. This Ordinance shall take effect immediately from and after its passage and publication as may be required by law.

Section 6. Proper Notice and Meeting. It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED AND APPROVED this ____ day of _____, 2009.

_____, Mayor
City of Moulton, Texas

ATTEST:

_____, City Secretary
City of Moulton, Texas

(SEAL)