

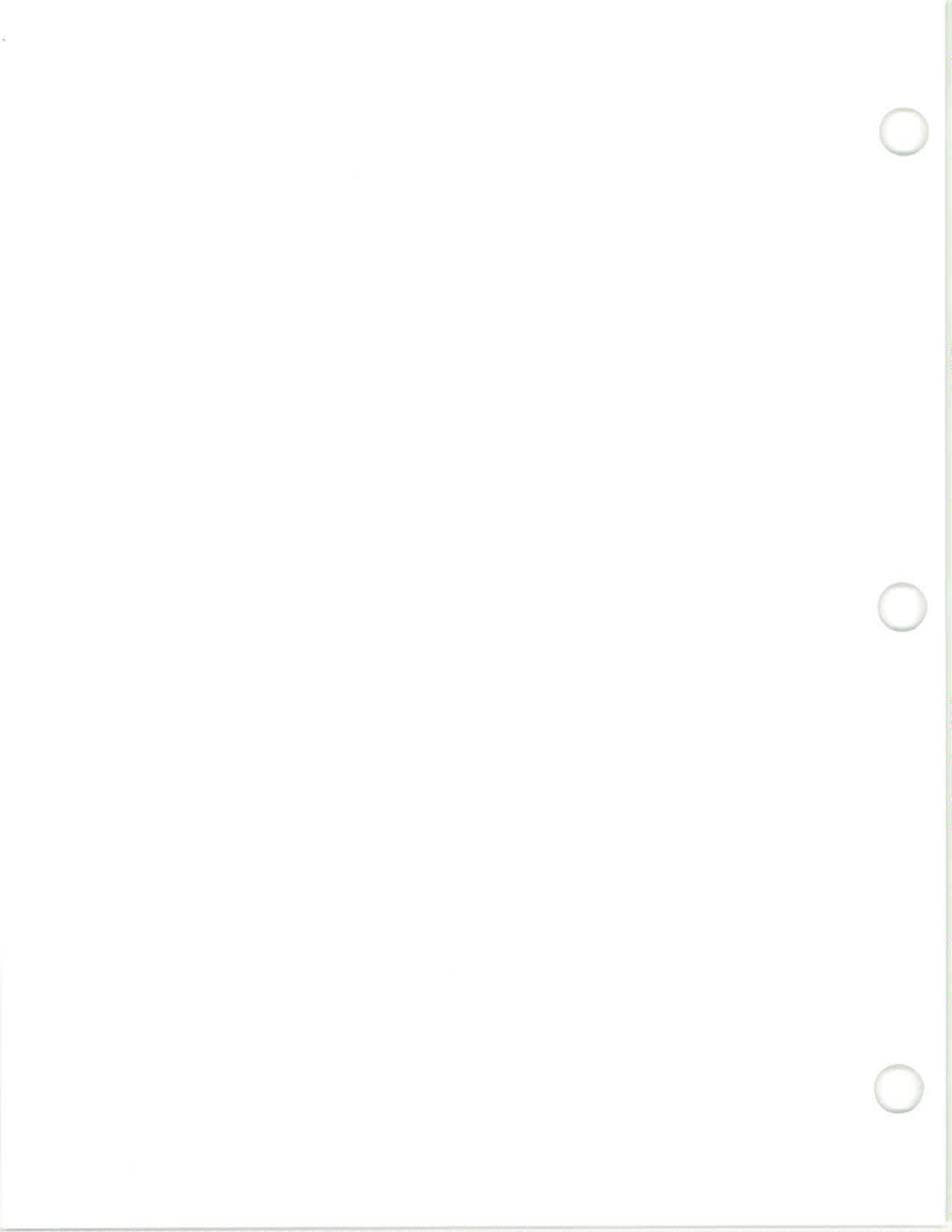
Chapter 4

BUILDINGS AND BUILDING REGULATIONS*

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***Cross references**—Fire prevention and protection, ch. 5; mobile home parks, ch. 9; planning, ch. 14; utilities, ch. 17.

State law references—Fire escapes, V.T.C.A., Health and Safety Code § 791.001 et seq.; protection of workmen on buildings, Vernon's Ann. Civ. St. arts. 5182, 5182-1; Manufactured Housing Standards Act, Vernon's Ann. Civ. St. art. 5221f; industrialized housing and buildings, Vernon's Ann. Civ. St. art. 5221f-1; Plumbing License Law, Vernon's Ann. Civ. St. art. 6243-101; establishment of building lines, V.T.C.A., Local Government Code § 213.001 et seq.; municipal regulation of structures, V.T.C.A., Local Government Code § 214.001 et seq.; Residential Service Company Act, Vernon's Ann. Civ. St. art. 6573b.



ARTICLE I. IN GENERAL**Sec. 4-1. Technical codes adopted.**

The following codes are hereby adopted by reference as though they were copied herein fully:

Standard Amusement Device Code—1985 edition

Standard Building Code—1988 edition and 1990 revision

Standard Unsafe Building Abatement Code—1985 edition

Standard Existing Building Code—1988 edition

Standard Fire Prevention Code—1988 edition and 1990 revision

Standard Gas Code—1988 edition and 1990 revision

Standard Housing Code—1988 edition

Standard for Installation of Roof Coverings—1988 edition

Standard Mechanical Code—1988 edition and 1990 revision

Standard Plumbing Code—1988 edition and 1990 revision

Standard Swimming Pool Code—1985 edition and 1990 revision

National Electrical Code—1990 edition

(Ord. No. 02-10-90, § I, 10-22-90)

Sec. 4-2. Building permits.

(a) It shall be unlawful for any person to erect, build, add to or move any type and size building within the city without first securing a permit to erect, build, add to or move such building from the city.

(b) The permit to erect, build, add to or move any type and size building within the corporate limits of the city shall be issued by the mayor, and the permit must meet the approval of the city council. The permit must be issued three days prior to the time of erection, moving or addition of the building.

(Ord. of 11-1-51(1), §§ 1, 2)

Sec. 4-3. Building permit fees.

The fee schedule for building permits required of new construction and remodeling within the city shall be set, from time to time, by the council and is on file in the building inspector's office.

(Ord. of 4-4-85; Ord. of 9-14-87)

Sec. 4-4. Fire limits.

The boundaries of the fire limits of the city shall be set, from time to time, by the council and a description of such fire limits is on file in the building inspector's office.
(Ord. of 11-16-28, § 1; Ord. of 1-10-40, § 1)

Cross reference—Fire prevention and protection, ch. 5.

Secs. 4-5—4-30. Reserved.**ARTICLE II. MOVING BUILDINGS*****DIVISION 1. GENERALLY****Sec. 4-31. Notice to utilities, law enforcement agency and fire department required.**

No person shall move any house, building or other structure within the corporate limits, now existing or hereafter existing, of the city over any street, alley or other way without first notifying all public utilities and the law enforcement agency and fire department of the proposed route to be taken and the proposed time of such moving.
(Ord. No. 08-01-87, § 1, 8-10-87)

Sec. 4-32. Change of route upon request of city.

The route proposed to be used by any person in moving any building, house or other structure shall be changed, if requested by the law enforcement agency or fire department or the building inspector.
(Ord. No. 08-01-87, § 2, 8-10-87)

Sec. 4-33. To be accompanied by uniformed officer if required.

No building, house or other structure shall be moved unless accompanied by a uniformed officer, if required by the building inspector.
(Ord. No. 08-01-87, § 3, 8-10-87)

Sec. 4-34. Flagmen; flares and lights; leaving building on public property; moving at night.

When any moving of a house, building or other structure is commenced, flagmen must be posted ahead of and behind such moving to give proper warning. In the event it becomes necessary to leave the building or structure on public property, there shall be placed around such building or structure, and all equipment used therefor, red lights, flares or other warning devices; provided that no building or structure shall be allowed to remain stationary on and in the streets and ways for more than 24 hours, except on weekends. Any moving at night must be accompanied by sufficient lights and flares continually burning for the protection of the public.
(Ord. No. 08-01-87, § 4, 8-10-87)

***Cross references**—Utilities, ch. 17; vehicles and traffic, ch. 18.

Sec. 4-35. Requirements for buildings to be relocated within city.

(a) Any person desiring to relocate an existing house, building or other structure to property inside the city shall obtain a permit so to do from the building inspector. Such permit is in addition to the permit required by this article.

(b) No person shall move any house, building or other structure and relocate such house, building or other structure within the city, unless the following conditions exist:

- (1) The existing structure is structurally sound and all windows, doors, and trim are in place or will be replaced before occupancy and use.
- (2) Any structure intended for residential occupancy has or will have interior sanitary toilet facilities (flush toilet, lavatory, bathtub or shower), hot and cold water facilities, and kitchen sink with hot and cold water with all sewage and waste discharge connected to the sanitary sewer system of the city, or if a sanitary sewer main is not accessible to the property, then to an approved septic tank.
- (3) The building, plumbing and electrical wiring and apparatus in or to be constructed in the relocated structure complies with the building code, plumbing code, electrical code, zoning ordinance and all other applicable ordinances of the city.
- (4) The excavations, footings and foundations for the relocated structure comply with the applicable provisions of the building code adopted by section 4-1.

(c) It shall be unlawful for any person to occupy and use any existing house, building or structure that has been moved and relocated on property inside the city, unless the provisions of this section have been fully complied with and final approval has been issued by the building inspector. No utilities may be connected to any such house, building or structure until and unless this section has been complied with.

(Ord. No. 08-01-87, § 5, 8-10-87)

Sec. 4-36. Penalty.

Any person who shall violate any of the provisions of this article shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished in accordance with section 1-14.

(Ord. No. 08-01-87, § 16, 8-10-87)

Secs. 4-37–4-50. Reserved.

DIVISION 2. PERMIT

Sec. 4-51. Required.

It shall be unlawful for any person to move or cause to be moved a house, building or other structure from one location to another within the corporate limits of the city, or to move a house, building or other structure from without the city to a location within the city, or to move

a house, building or other structure within the city to a point without the city, without first securing a permit from the building inspector.

(Ord. No. 08-01-87, § 6, 8-10-87)

Sec. 4-52. Application.

Application for a permit required by this division shall be filed with the building inspector on a form provided for that purpose.

(Ord. No. 08-01-87, § 7, 8-10-87)

Sec. 4-53. Bond required of applicant.

Each applicant for a permit under this division shall furnish a good and sufficient indemnity bond in the sum of \$2,000.00, with corporate surety authorized to do business in this state, payable to the city and conditioned that the streets, alleys and ways of the city will be used in accordance with the conditions set forth in the application for the permit and that the city shall be held harmless from all claims on account of any injury done to any person or property by reason of the moving of the building for which the permit is required. Such bond shall be filed with the city secretary and approved by the city attorney.

(Ord. No. 08-01-87, § 8, 8-10-87)

Sec. 4-54. Financial responsibility required.

Each applicant for a permit under this division shall furnish evidence of financial responsibility in conformity with the Safety Responsibility Law, Vernon's Ann. Civ. St. art. 6701h. Such evidence shall be filed with the application for a permit required by this division.

(Ord. No. 08-01-87, § 9, 8-10-87)

Sec. 4-55. Fee.

The fee for a permit required by this division shall be set from time to time by the council and a schedule of such fee is on file in the city secretary's office.

(Ord. No. 08-01-87, § 10, 8-10-87)

Sec. 4-56. Issuance.

The building inspector shall issue a permit applied for under this division upon payment of the required fee and filing of the required bond, if the building inspector finds that the moving contemplated by the application can be accomplished in accordance with this article and that the building, when relocated, will meet the requirements of this article.

(Ord. No. 08-01-87, § 11, 8-10-87)

Sec. 4-57. Form and conditions.

A permit issued under this division shall be in such form and contain such conditions as the city council may, from time to time, prescribe and require; provided that each such permit, whether expressly stated therein or not, shall be issued on the condition that the permit holder

will pay all damage done to any city street, alley or way or any other public or private property, directly or indirectly.

(Ord. No. 08-01-87, § 12, 8-10-87)

Sec. 4-58. Term.

A permit issued under this division shall be valid for the time stated therein only. Any use of the streets and ways of the city in excess of such period of time shall be at the city's discretion.

(Ord. No. 08-01-87, § 13, 8-10-87)

Sec. 4-59. Transfer prohibited.

It shall be unlawful for any person securing a permit under this division to lend, rent or transfer such permit, or for any other person to make use of such permit.

(Ord. No. 08-01-87, § 14, 8-10-87)

Secs. 4-60–4-80. Reserved.

ARTICLE III. HOUSING*

DIVISION 1. GENERALLY

Sec. 4-81. 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:

Building shall mean structure or part thereof.

Demolish means to destroy a building and to remove all debris and waste materials from the lot on which the building stood.

Dwelling shall mean any building or structure or part thereof used and occupied for human habitation or intended to be so used and includes any garages or other accessory buildings belonging thereto.

Dwelling unit shall mean any room or group of rooms located within a dwelling and forming a single habitable unit with the facilities which are used or intended to be used for living, sleeping, cooking, or eating.

Occupant shall mean any person over one year of age living, sleeping, cooking, or eating in, or having actual possession of a dwelling unit or rooming unit.

Owner shall mean the holder of fee simple title.

***Cross reference**—Mobile home parks, ch. 9.

Parties in interest shall mean all individuals, associates, and corporations who have a mortgage or other interest of record in a dwelling or building or who are in possession thereof.

Public officer shall mean the officers who are authorized by law to exercise the powers prescribed by this article.

Public record shall mean deeds, mortgages and other instruments of record relating to land titles.

Rooming house shall mean any dwelling or that part of any dwelling containing one or more rooming units in which space is let by the owner or occupant to three or more persons who are not husband and wife, son or daughter, mother or father, sister or brother of the occupant.

Rooming unit shall mean any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

Structural alterations shall mean any change in the supporting members of a building such as bearings, walls, columns, beams, or gutters, except repair or replacement of support members.

(Ord. No. 01-12-84, § 11, 12-10-84)

Cross reference—Definitions and rules of construction generally, § 1-2.

Sec. 4-82. Housing board.

There is hereby created a housing board to consist of five members who shall be appointed by the city council. It shall be the responsibility of this board to hold all hearings required in this article to render such judgments as may be made by the board. The city council may, at its discretion, serve as the housing board.

(Ord. No. 01-12-84, § 10, 12-10-84)

Sec. 4-83. Penalty.

Any person violating any provision of this article shall be punished in accordance with section 1-14.

(Ord. No. 01-12-84, § 20, 12-10-84)

Secs. 4-84–4-100. Reserved.

DIVISION 2. HOUSING OFFICER

Sec. 4-101. Position created.

There is hereby created the position of housing officer. The housing officer shall be appointed by the city council and shall not serve for a specific term. The housing officer may be removed by the city council at its pleasure.

(Ord. No. 01-12-84, § 1, 12-10-84)

Sec. 4-102. Qualifications.

The housing officer shall have sufficient knowledge due to training, experience, or both training and experience, to be able to make inspections and identify problems relating to building, construction, plumbing, fire safety, electrical systems and other matters relating to safety, and to be able to identify problems that may give rise to the health and safety of the public.

(Ord. No. 01-12-84, § 2, 12-10-84)

Sec. 4-103. Compensation.

The housing officer shall receive such compensation as is set, from time to time, by the city council.

(Ord. No. 01-12-84, § 3, 12-10-84)

Sec. 4-104. Duties generally.

The housing officer shall enforce all city ordinances relating to residential building, including existing housing and new housing. Routine inspections of buildings under construction shall not be a part of the housing officer's duties. The housing officer shall inspect existing buildings to enforce all ordinances relating to health and safety in such buildings. The housing officer shall investigate complaints by any person about any unsafe building or dangerous building used for housing.

(Ord. No. 01-12-84, § 4, 12-10-84)

Sec. 4-105. Supervision.

The housing officer shall be under the direct supervision of the mayor of the city.

(Ord. No. 01-12-84, § 6, 12-10-84)

Sec. 4-106. Enforcement of ordinances.

Whenever the housing officer finds a condition creating a health or safety problem, he shall immediately notify the owner, any manager, tenants and occupants of the building, if such persons can be found. Notice may be oral at first but written notice shall be given in addition to any oral notice. If any person to receive notice cannot be found, the housing officer shall post notice at the building directed to such person and shall mail a copy of the notice to the last known address of such person. Any procedures necessary to enforce any ordinances relating to the housing officer's duties shall be instituted by the mayor upon the reporting of same by the housing officer.

(Ord. No. 01-12-84, § 7, 12-10-84)

Sec. 4-107. Entrance to buildings.

If the housing officer is refused entrance to any building by the owner, tenants or occupants, the housing officer shall not enter the building until a search warrant or other appropriate court order has been obtained.

(Ord. No. 01-12-84, § 5, 12-10-84)

Sec. 4-108. Outdoor conditions.

The housing officer shall inspect conditions in yards, open spaces, carports, and places where garbage cans or containers for garbage and refuse are kept, to determine whether there are any conditions violating any city ordinances, and to determine whether there are any conditions endangering public health or safety. Upon finding any such conditions, the housing officer shall, through warnings, negotiations, or enforcement procedure, take the necessary steps to protect public health and safety and to obtain compliance with the ordinances.

(Ord. No. 01-12-84, § 8, 12-10-84)

Sec. 4-109. Voluntary compliance.

The housing officer shall, to the extent possible, seek to obtain voluntary compliance with all applicable ordinances of the city. The housing officer may give an oral or written warning prior to starting any ordinance enforcement procedures concerning any matters covered by his duties. If any oral warning is given, the housing officer shall make a note of the oral warning and shall make a reinspection at a later time or a later date to determine whether necessary changes have been made pursuant to the oral warning.

(Ord. No. 01-12-84, § 9, 12-10-84)

Secs. 4-110–4-120. Reserved.**DIVISION 3. UNFIT DWELLINGS AND BUILDINGS****Sec. 4-121. Defined.**

Any dwelling or building which has any or all of the following defects shall be deemed unfit for human habitation:

- (1) Any dwelling or building which has support members which have deteriorated to such an extent as to be unable to safely support the applied loads or which have 40 percent damage or deterioration of the nonsupporting, enclosed, or outside walls or covering.
- (2) Any dwelling or building which has been damaged by fire, wind, or other causes so as to have become dangerous to life, safety, morals, or the general health and welfare of the occupants.
- (3) Any dwelling or building which has parts thereof which are so attached that they may fall and injure persons or property.
- (4) Any dwelling or building which does not have an unobstructed means of egress leading to an open space at ground level.
- (5) Any dwelling or building which has wiring that is dangerous due to lack of insulation, improper fuses, inadequate grounding, lack of capacity of wires or other dangerous condition.

- (6) Any dwelling or building which does not have an installed kitchen sink in each dwelling unit properly connected to the hot and cold water supply pipes and the sewer system.
 - (7) Any dwelling or building which does not have an installed tub or shower and lavatory properly connected to hot and cold water supply pipes and sewer system.
 - (8) Any dwelling or building which does not have a flush-type water closet located in a room affording privacy and properly connected to the water supply pipes and sewer system.
 - (9) Any dwelling or building which does not have installed electric lighting facilities consisting of at least two separate wall-type convenience outlets or one ceiling-type fixture and one wall-type outlet for every habitable room installed in accordance with the electrical ordinance of the city.
 - (10) Any dwelling or building which does not have all heating equipment properly ventilated as required by the manufacturer of such heating equipment.
- (Ord. No. 01-12-84, § 12, 12-10-84)

Sec. 4-122. Renting unfit dwelling or building.

It shall be unlawful for any owner or any party in interest of a dwelling or of a building to rent or offer for rent any dwelling or building or rooming unit which is unfit for human habitation for any reason set out in section 4-121, due to the defects increasing hazards of fire, accidents or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such dwelling or building unit unsafe, unsanitary or dangerous.

(Ord. No. 01-12-84, § 13, 12-10-84)

Sec. 4-123. Rooming houses.

No person shall operate a rooming house or shall let to another for occupancy any room unless such rooming house or room complies with the following requirements:

- (1) Each rooming house shall be in compliance with the minimum standards set forth in this division.
- (2) Each rooming house shall be equipped with at least one flush-type water closet, one lavatory, and one tub or shower for each ten persons or fraction thereof within the rooming house, including members of the family, if they are to share the use of the facilities. All such facilities shall be properly connected to the water supply and sewer system.
- (3) Each flush-type water closet, lavatory, tub, or shower required above shall be located within the rooming house, in a room which:
 - a. Affords privacy.
 - b. Is accessible by a common hall without going outside the rooming house.
 - c. Is accessible by a common hall without going through the sleeping quarters of others.

- d. Is not more than one story removed from the room of an occupant intended to share the facilities.

(Ord. No. 01-12-84, § 14, 12-10-84)

Sec. 4-124. Nuisance.

Any dwelling or rooming house unfit for human habitation is hereby declared to be a public nuisance, and shall be repaired or demolished and debris removed from the site as provided in this article. The following criteria shall be used by the housing board in ordering repair or demolition:

- (1) If the dwelling or rooming house unfit for human habitation or dangerous building can be repaired so that it will no longer exist in violation of the terms of this division or other ordinances of the city the owner shall repair it unless he elects to demolish it. In all cases where a dwelling or building or rooming house cannot be repaired, so that it will no longer exist in violation of the terms of this division, it shall be demolished.
- (2) If, after notice of not less than 20 days and hearing, the housing board determines that the dwelling or rooming house under consideration is unfit for human habitation or that the building is dangerous, it shall state in writing its findings of fact in support of such determination, and shall issue and cause to be served upon the owner thereof an order in accordance with the terms of this division.
- (3) If the owner fails to comply with an order of the board hereunder, the housing officer may cause such building to be repaired, altered or improved, or to be vacated or closed, and he may cause to be posted on the main entrance of the building so closed a plaque with the following words: "THIS BUILDING IS UNFIT FOR HUMAN HABITATION. THE USE OR OCCUPANCY OF THIS BUILDING FOR HUMAN HABITATION IS PROHIBITED AND UNLAWFUL."
- (4) If the owner fails to comply with an order to demolish the building, the housing officer may cause such building to be demolished.
- (5) The costs of such repairs, alterations, improvements or vacating, closing, and demolition by the housing officer shall be a lien against the real property upon which the cost was incurred, with credit being allowed the owner for the proceeds, if any, received from the disposition of the building materials remaining where the dwelling is demolished. The housing officer may cause and claim for lien in a form approved by the city attorney, to be filed of record as an instrument relating to land titles.

(Ord. No. 01-12-84, § 15, 12-10-84)

Sec. 4-125. Service of complaints and orders.

The complaints and orders issued hereunder shall be served upon persons either personally or by certified mail, return receipt requested, but if the whereabouts of such persons are unknown and cannot be ascertained by the housing officer in the exercise of reasonable

diligence, the officer shall make an affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publishing the same for two consecutive weeks in a newspaper printed and published in the city, and a copy of such complaint or order shall be posted in a conspicuous place on the premises affected by the complaint.

(Ord. No. 01-12-84, § 16, 12-10-84)

Sec. 4-126. Emergencies.

In cases where it reasonably appears that there is immediate danger to the life or safety of any person unless a dwelling or rooming house, unfit for human habitation or a dangerous building, as defined herein, is immediately repaired or demolished, the housing officer shall report such facts to the housing board, and the board shall cause the immediate repair or demolition of such dwelling, rooming house or building. The cost of such emergency repair or emergency demolition shall be a lien, and collected in the same manner as provided in section 4-123(5).

(Ord. No. 01-12-84, § 17, 12-10-84)

