

Ordinance No. 2025-07-14-4

An Ordinance of the City of Wolfe City, Texas, Regulating Substandard and Dangerous Buildings to Protect Public Health and Safety; Defining Substandard Structures and Declaring Them Public Nuisances; Establishing the Substandard Structures Rehabilitation Board to Conduct Hearings and Issue Orders for Repair, Vacation, or Demolition; Providing Procedures for Notice, Compliance, and Appeals; Authorizing City Abatement, Cost Recovery, and Liens with Interest; Imposing Civil Penalties of up to \$1,000.00 Per Day, or \$10.00 Per Day for Homestead Property and Criminal Charges for Non-Compliance; Coordinating with the Public Nuisance Ordinance; Repealing Prior Substandard Structure Ordinances; and Setting an Effective Date.

Be it ordained by the City Council of the City of Wolfe City, Texas:

Section 1: Definitions. For purposes of this Ordinance on substandard structures, the following definitions apply:

- a. **Board:** The Substandard Structures Rehabilitation Board of Wolfe City, established to conduct hearings and issue orders regarding dangerous buildings (also known as the Building and Standards Commission, per Tex. Local Gov't Code §214.001).
- b. **Building Inspector:** The City official (and any designee) responsible for enforcing building standards and this Ordinance. This term may include the City Code Enforcement Officer or another appointed official when acting in this capacity. This term may also include any private third party the City Council may choose to appoint on a case-by-case basis or as part of an ongoing contract to provide inspection services.
- c. **Substandard Building (or Dangerous Building):** Any structure or part thereof that is **structurally unsafe, unsanitary, or otherwise dangerous** to the health, safety, or general welfare of its occupants or the public. This includes buildings that:
 1. Have structural damage or deterioration (foundation, roof, walls, or supports) to the extent that there is a risk of partial or complete collapse.
 2. Are a fire hazard (for example, due to faulty wiring, open flames, or accumulation of combustible materials).
 3. Are unsanitary – e.g., contaminated by sewage or harboring vermin – to an extent making them unsafe for habitation.
 4. Lack safe egress (exits) in case of fire or emergency, or otherwise do not meet minimum building code standards to the degree that life is endangered.
 5. Are **50% or more damaged or decayed** (by value) — generally, if repairing the building would cost more than half of its value, it can be deemed substandard.
- d. **Owner:** Any person, agent, operator, firm or corporation having a legal or equitable interest in the property. This includes the holder of any lien, mortgage or deed of trust, as well as the executor or estate of a deceased owner. For the purpose of notice, “owner” is the person listed as owner on the last approved city tax roll, and any identifiable lienholders or mortgagees of record.
- e. **Occupant:** Any person living in or legally in possession of the building (such as a tenant).

- f. **Rehabilitation:** The repair, renovation, or improvement of a structure such that it meets minimum code standards and is no longer substandard.
- g. **Miscellaneous:** Other terms like “Boarding” (securing), “Demolition,” etc., have their common meaning in context.

Section 2: Declaration of Nuisance. Any substandard or dangerous building, as defined above, is hereby declared to be a **public nuisance**. Such a building poses a risk to the public health and safety and shall be addressed under the procedures of this Ordinance and Tex. Local Gov’t Code Chapter 214. It is the responsibility of property owners to maintain structures in a safe condition. The existence of a dangerous building is a violation of this Code, and the City may require its repair, vacation, or demolition in accordance with due process.

Section 3: Substandard Structures Board – Powers and Duties. The City’s Substandard Structures Rehabilitation Board (the **Board**) is vested with the powers to conduct hearings and issue orders for the repair or removal of substandard buildings. The Board shall consist of members appointed by the City Council (or it may be the City Council itself acting as the Board, if so designated by ordinance). The Board’s proceedings shall conform to LGC §214.001:

- a. **The Board may inspect** or cause to be inspected any structure suspected of being substandard. It can then schedule a public hearing to determine whether the building complies with minimum standards.
- b. **Notice of Hearing:** The Board shall provide notice of the hearing to the owner, any lienholder or mortgagee, and any occupant of the structure. The notice shall be in **writing and mailed via certified mail** or personally delivered. It must be given at least **10 days before** the hearing. If mail and personal delivery fail, notice may be posted on the building and published in the newspaper. The notice shall state the date, time, and place of the hearing and the **alleged defects or conditions** making the building substandard.
- c. At the hearing, the Building Inspector or City representative will present evidence of the structure’s condition, and the owner and any interested parties may present evidence or argue why the building is or is not substandard and what can be done.
- d. The Board acts as a quasi-judicial body to determine whether the building is in fact substandard as defined, and if so, what action should be required of the owner (repair, secure, vacate, demolish, etc.).

Section 4: Standards for Repair or Demolition. In deciding what orders to issue, the Board shall consider the extent of disrepair and the feasibility of rehabilitation:

- a. If the building **can reasonably be repaired** so that it will no longer be in violation of the substandard building criteria, the Board will order the owner to **repair** it to meet minimum standards.
- b. If the building is in such condition that it’s **dangerous to the health, safety or welfare** of occupants or the public even with temporary measures, the Board can order it **vacated**.
- c. If a building is **50% damaged or decayed** or if it cannot be safely repaired to meet code, the Board may order it **demolished**. A building will be considered 50% damaged or decayed if the cost of repairs would exceed 50% of the structure’s value, or if the structure

is a total loss. Demolition may also be ordered if the owner fails to make required repairs by deadlines and the structure remains hazardous.

- d. The Board will include in its order specific findings to justify the action (e.g., “the roof has collapsed, foundation is failing – building is unsafe to occupy and >50% deteriorated; owner must demolish”).

Section 5: Board Order; Compliance. After the hearing, the Board shall issue a **written order**. This order will be promptly mailed to the owner and any lienholders/mortgagees by certified mail and filed in the City records. The order shall:

- a. Identify the property and owner.
- b. State the Board’s findings (the specific violations or dangerous conditions).
- c. **Order the owner** to take certain action within a specified timeframe. Possible orders include: repair specific elements, secure the building from entry (boarding up), vacate the building (forbid occupancy until fixed), or demolish the building. The timeframe given will be realistic but prompt (e.g., 30 days to start and 60 days to complete repairs; or 30 days to demolish).
- d. If the Board allows more than 30 days for repair (which it can if the owner shows ability and intent to do so), the order will establish **specific benchmarks** for progress (e.g., “by Day 30 submit engineer’s report, by Day 60 roof repaired, by Day 90 all code violations corrected”) and may require the owner to secure the building in the meantime.
- e. State that if the owner does not comply, the City is authorized to carry out the necessary work and charge the costs as a lien on the property (Tex. LGC §214.0015).
- f. If the building is ordered vacated, notice will also be given to occupants and a **placard posted** on the building stating it is substandard and occupancy is prohibited. It is unlawful for anyone to occupy or remove the placard until the Board certifies the structure is safe.

Section 6: Appeal of Board Order. The property owner, lienholder or mortgagee has the right to **appeal the Board’s order** by filing a petition in a court of competent jurisdiction (state district court) within **30 days** after the order is mailed to them or personally delivered. This appeal is a judicial review to determine if the Board’s decision was legal and supported by evidence (a substantial evidence review).

- a. If no appeal is filed within 30 days, the Board’s order becomes final and binding, and the City may proceed to enforce it.
- b. The City Secretary shall file a copy of the Board’s order in the City’s records and may also file a notice in the County deed records after the hearing with a brief statement of the results, per state law requirements.

Section 7: Compliance; City Abatement. The owner is expected to comply with the Board’s order within the timeframe given. The City’s Building Inspector will monitor compliance. Extensions may be granted by the Board (or by City officials if authorized) only for good cause and must be documented.

- a. If the owner **fails to take action** as ordered (for instance, does not start or complete repairs by the deadline), the City may proceed to **abate the nuisance**. Abatement may include:

1. **Securing the building:** boarding up windows and doors to prevent entry if it was to be vacated or if repairs are pending and the building is open.
 2. **Demolition:** If demolition was ordered and not done, the City can hire a contractor to demolish the structure.
 3. **Repair:** In some cases, the City might make minimal repairs to remove immediate dangers (like removing a collapsing porch or capping utilities). Generally, the City will opt for demolition if the owner fails to act and the building is dangerous.
- b. The costs incurred by the City in such abatement (including contractor fees, dumping fees, etc., as well as administrative costs) shall be **billed to the owner**. If unpaid, the City will place a **lien** on the property for the amount of the costs, plus interest of 10% per annum in accordance with LGC §214.0015. This lien is inferior only to tax and prior recorded liens.

Section 8: Emergency Securing of Buildings. If a building is found open and unsecured such that it poses an immediate hazard (for example, an abandoned house with open access that children are entering, or open to vermin), the City may **immediately secure the building** (board it up) without going through the full hearing process, as allowed by LGC §214.0011. The City will then post notice on how the owner can reclaim the building and request a hearing after-the-fact. The cost of emergency securing will be billed to the owner and, if unpaid, liened. This is a stop-gap measure only to prevent imminent danger or unauthorized entry; further action (repair/demolition) still requires the Board hearing.

Section 9: Vacating Occupants; Relocation. If the Board or Building Inspector orders an occupied structure to be **vacated** for safety, the occupants must leave within the time specified (which could be immediately for severe danger, or within a short, set time for cases which do not present an immediate, severe danger to the safety of the occupants). The City will give written notice to vacate to any occupants. Occupants who fail to vacate as ordered may be subject to legal action (it is unlawful to occupy a building posted as unsafe).

- a. Occupants made to vacate under this ordinance are **not automatically entitled to relocation assistance from the City**, especially if the need to vacate arises from their own or the owner's actions (e.g., allowing the property to become unsafe).
- b. The City or local charities may provide information on temporary housing resources, but the responsibility is primarily on the property owner/landlord to assist tenants if required by landlord-tenant laws.

Section 10: Unlawful Re-Occupancy or Removal of Notices. It shall be unlawful for any person to occupy a structure that has been ordered vacated until the City officially indicates it is safe. Likewise, it is unlawful to remove or destroy any notice or placard placed by the City on a substandard building (such as a "Do Not Enter – Unsafe" sign) without City permission. Violations may result in misdemeanor charges.

Section 11: Appeals to Court; Judicial Order. As noted, an owner or interested party can appeal the Board's decision to district court within 30 days. If such an appeal is filed, the City generally will not take further abatement action (like demolition) while the court review is pending, **except** in cases where the condition of the building is so dangerous it presents an immediate threat (in

which case the City may seek an expedited court order). The district court will review the Board's decision under the substantial evidence rule. If the City prevails, it may seek recovery of attorney's fees and costs against the owner as allowed by law.

Section 12: Civil Penalties. In addition to the remedies above, Texas Local Gov't Code §214.0015 allows the City to impose civil penalties for failure to repair, vacate, or demolish as ordered. The Board's order may include an assessment of a civil penalty (for example, \$10 per day for non-compliance after the deadline) which can be enforced by lawsuit. If the Board intends to assess such a penalty, it will be included in the notice of hearing. The City can sue to recover the penalty and/or to force compliance. Each day of continued violation can be considered in setting the penalty, up to \$1,000 per day in many cases (or \$10/day for homestead property, per LGC §214.0015).

Section 13: Coordination with Ordinance for Definition, Regulation, and Abatement of Public Nuisances ("Public Nuisance Ordinance"). If a structure is in such disrepair that it constitutes a broader public nuisance (harboring pests, attracting crime, etc.), it could fall under both this Ordinance and the City's Public Nuisance Ordinance. In general, the City will handle structural integrity and building safety issues under the process set forth in this Ordinance (Board hearings), and use the process contained in the Public Nuisance Ordinance (nuisance abatement) for ancillary issues (like mowing the yard or removing trash on the lot of a vacant dangerous house). Compliance with a repair or demolition order under this Ordinance will usually resolve the nuisance aspects as well. To the extent there is any **conflict** between this Ordinance and the Public Nuisance Ordinance, this specific Ordinance shall govern for building issues, as it provides the required due process for such matters under state law.

Section 14: Repeal of Previous Ordinances. All other ordinances or regulations of the City that address substandard, dangerous, dilapidated, or unsafe structures, are hereby repealed in their entirety. Regulation of such structures shall hereafter be governed solely by this Ordinance.

Section 15: Severability. The provisions of this Ordinance are severable. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions. The City Council declares that it would have adopted this Ordinance and each section hereof irrespective of the fact that any one or more sections may be declared invalid.

Section 16: Effective Date. This Ordinance will take effect immediately upon passage, approval, and publication.

PASSED AND APPROVED this 14th day of July, 2025


Sharion Scott
Mayor

Attest: 
Nancy Sanders
City Secretary