



## Code Enforcement Unsafe Structures

### **City Code of Ordinances Chapter 3, Article 3.700, Sections 3.701 – 3.707**

#### Administration

- (a) Title. The provisions included within this article shall constitute and be known and may be cited as "The Standard Code for the Elimination of Unsafe Buildings," hereinafter referred to as the code, and shall become effective upon its passage.
- (b) Code Remedial. This code is hereby declared to be remedial and shall be construed to secure the beneficial interests and purposes thereof which are public safety, health and general welfare through structural strength, stability, sanitation, adequate light and ventilation, and safety to life and property from fire and other hazards incident to the construction, alteration, repair, removal, demolition, use, and occupancy of buildings, structures, or premises.
- (c) Scope. The provisions of this code shall apply to all unsafe buildings or structures, as herein defined, and shall apply equally to new and existing conditions.
- (d) Alterations, Additions, and Repairs. All buildings or structures which are required to be repaired under the provisions of this code shall comply with the following requirements:
- (1) If, within any twelve (12) month period, alterations or repairs costing in excess of fifty percent (50%) of the then physical value of the building are made to an existing building, such building shall be made to conform to the requirements of the Standard Building Code for new buildings.
  - (2) If an existing building is damaged by fire or otherwise in excess of fifty percent (50%) of its then physical value before such damage is repaired, it shall be made to conform to the requirements of the Standard Building Code for new buildings.
  - (3) If the cost of such alterations or repairs within any twelve (12) month period or the amount of such damage as referred to in paragraph (2) is more than twenty-five percent (25%) but not more than fifty percent (50%) of the then physical value of the building, the portion to be altered or repaired shall be made to conform to the requirements of the Standard Building Code for new buildings to such extent as the Building Official may determine.
  - (4) For the purpose of this section, physical value of the building shall be determined by the Building Official.
  - (5) Repairs and alterations not covered by the preceding paragraphs of this section, restoring a building to its condition previous to damage or deterioration, or altering it in conformity with the provisions of this code or in such manner as will not extend or increase an existing nonconformity or hazard, may be made with the same kind of materials as those of which the building is constructed; but not more than twenty-five percent (25%) of the roof covering of a building shall be replaced in any period of twelve (12) months unless the entire roof covering is made to conform with the requirements of the Standard Building Code for new buildings.



(e) Maintenance. All buildings or structures, both existing and new, and all parts thereof, shall be maintained in a safe and sanitary condition. All devices or safeguards which are required by the Standard Building Code in a building when erected, altered, or repaired, shall be maintained in good working order. The owner, or his designated agent, shall be responsible for the maintenance of buildings and structures.

(f) Enforcement Officer. The provisions of this code shall be enforced by the Building Official.

(g) Restrictions on Employees. An officer or employee connected with the department, except one whose only connection is as a member of a board, designated by this act, shall not have a financial interest in the furnishing of labor, material, or appliances for the construction, alteration, demolition, repair, or maintenance of a building, or in the making of plans or of specifications therefor, unless he is the owner of such building. Such officer or employee shall not engage in any work which is inconsistent with his duties or with the interests of the department.

(h) Records. The Building Official shall keep, or cause to be kept, a record of the business of the department. The records of the department shall be open to public inspection.

(i) Right of Entry.

(1) The Building Official or his authorized representative may enter any building, structure, or premises at all reasonable times to make an inspection or enforce any of the provisions of this code.

(2) When entering a building, structure, or premise that is occupied, the Building Official shall first identify himself, present proper credentials and request entry. If the building, structure, or premise is unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge of the building and demand entry. If entry is refused, the Building Official or his authorized representative shall have recourse to every remedy provided by law to secure entry.

(3) No person, owner, or occupant of any building or premise shall fail, after proper credentials are displayed, to permit entry into any building or onto any property by the Building Official or his authorized agent for the purpose of inspections pursuant to this code. Any person violating this section shall be protected within the limits of the law as established by the proper governing authority.

(j) Inspections. The Building Official, the Fire Official, and other authorized representatives are hereby authorized to make such inspections and take such actions as may be required to enforce the provisions of this code.

(k) Requirements Not Covered by Code. Any requirement necessary for the strength or stability of an existing or proposed building or structure, or for the safety or health of the occupants thereof, not specifically covered by this code, shall be determined by the Building Official.

(l) Liability. Any officer or employee, or member of the Housing Standards board charged with the enforcement of this code, acting for the applicable governing body in the discharge of his duties, shall not thereby render himself liable personally, and he is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties.



(m) Violations and Penalties. Any person, firm, corporation, or agency who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, or who shall erect, construct, alter, demolish, or move any structure, or has erected, constructed, altered, repaired, moved, or demolished a building or structure in violation of a detailed statement or drawing submitted and approved thereunder, shall be guilty of a Class C misdemeanor. Each such person shall be deemed guilty of a separate offense for each violation.

(n) Appointment to Housing Standards Board. The Housing Standards Board of the City shall act as the adjustments and appeals board for the final interpretation of provisions of this code.

(o) Records. The Building Official shall be an ex-officio member of the board, act as secretary and shall make a detailed record of all its proceedings, which shall set forth the reasons for its decisions, the vote of each member participating therein, the absence of a member, and any failure of a member to vote.

(p) Procedures. The board shall establish rules and regulations for its own procedure not inconsistent with the provisions of this code. The board shall meet at such time as is necessary to transact its business, to be determined by the chairman, or in any event, the board shall meet within ten (10) days after notice of appeal has been received. (1975 Code of Ordinances, Chapter 17.5, Section 1)

#### Definitions

(a) General. For the purpose of this code, certain abbreviations, terms, phrases, words, and their derivations shall be construed as set forth in this section.

(b) Tense, Gender, and Number. Words used in the present tense include the future. Words in the masculine gender include the feminine and neuter. Words in the feminine and neuter gender include the masculine. The singular number includes the plural and the plural number includes the singular.

(c) Words not Defined. Words not defined herein shall have the meanings stated in the Standard Building Code, Standard Mechanical Code, Standard Plumbing Code, Standard Gas Code, or Standard Fire Prevention Code, Words not defined in the standard codes shall have the meanings stated in the Webster's Collegiate Dictionary, as revised.

Governing Body. The City of Corsicana, Texas.

Approved. Approved by the Building Official or other authority having jurisdiction.

Building. Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind which has enclosing walls for fifty percent (50%) of its perimeter. The term "building" shall be construed as if followed by the words "or part thereof." (For the purpose of this code each portion of a building separated from other portions by a fire wall shall be considered as a separate building.)

Building Official. Is the supervisor of the municipal services department, or his duly authorized representative.

Chief Appointing Authority. The person or persons designated by the laws of the governing body as having authority to appoint persons to various boards.



Department. The municipal services department.

Office of the Recorded. Is that office, in the local governing body, responsible for recording deeds and other legal documents or actions.

Owner. Is any person, agent, firm, or corporation having a legal or equitable interest in the property.

Structure. Is that which is built or constructed.  
(1975 Code of Ordinances, Chapter 17.5, Section 2)

Unsafe Building. Any building or structure that has any of the following conditions, such as that the life, health, property, or safety of the general public or its occupants are endangered:

- (1) Whenever any means of egress or portion thereof is not of adequate size or is not arranged to provide a safe path of travel in case of fire or panic.
- (2) Whenever any means of egress or portion thereof, such as but not limited to, fire doors, closing devices, fire resistance ratings, are in disrepair or in a dilapidated or nonworking condition such that the means of egress could be rendered unsafe in case of fire or panic.
- (3) Whenever the stress in any material, member or portion thereof, due to all imposed loads including dead load exceeds the working stresses allowed in the Standard Building Code for new buildings.
- (4) Whenever a building, structure, or portion thereof has been damaged by fire, flood, earthquake, wind, or other cause to the extent that the structural integrity of the buildings or structures is less than it was prior to the damage and is less than the minimum requirement established by the Standard Building Code for new buildings.
- (5) Whenever any exterior appendages or portions of a building or structure is not securely fastened, attached, or anchored such that it is capable of resisting wind, seismic or similar loads as required by the Standard Building Code for new buildings.
- (6) Whenever for any reason a building, structure, or portion thereof is manifestly unsafe or unsanitary for the purpose for which it is being used.
- (7) Whenever any building, structure, or portion thereof as result of decay, deterioration, or dilapidation is likely to fully or partially collapse.
- (8) Whenever any building, structure, or portion thereof has been constructed or maintained in violation of a specific requirement of the standard codes or of a city, county, or state law.
- (9) Whenever any building, structure, or portion thereof is in such a condition as to constitute a public nuisance.
- (10) Whenever any building, structure, or portion thereof is unsafe, unsanitary, or not provided with adequate egress, or which constitutes a fire hazard, or is otherwise dangerous to human life, or, which in relation to



existing use, constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence or abandonment.

(11) Whenever any building, structure, or portion thereof is vacant due to inadequate maintenance, dilapidation, obsolescence or abandonment.

(Ordinance 2089 adopted November 14, 1995)

Valuation of Value. As applied to a building, means the estimated cost to replace the building in kind. (1975 Code of Ordinances, Chapter 17.5, Section 2)

Inspection and Notice of Nonconformance

(a) General. The Building Official shall inspect or cause to be inspected any building, structure, or portion thereof which is or may be unsafe

(b) Action Required. After the Building Official has inspected or caused to be inspected a building, structure, or portion thereof and has determined that such building, structure, or portion thereof is unsafe, he shall initiate proceedings to cause the abatement of the unsafe condition by repair, vacation, or demolition or combination thereof.

(c) Form.

(1) The Building Official shall prepare and issue a notice of unsafe building directed to the owner of record of the building or structure. The notice shall contain, but not limited to, the following information:

(A) The street address and legal description of the building, structure, or premise.

(B) A statement indicating the building or structure has been declared unsafe by the Building Official, and a detailed report documenting the conditions determined to have rendered the building or structure unsafe under the provisions of this code.

(C) The action required to be taken as determined by the Building Official.

(i) If the building or structure is to be repaired, the notice shall require that all necessary permits be secured and the work commenced within thirty (30) days and continued to completion within such time as the Building Official determines. The notice shall also indicate the degree to which the repairs must comply with the provisions of the Standard Building Code, in accordance with Section 3.701(d).

(ii) If the building or structure is to be demolished, the notice shall require that the premises be vacated within thirty (30) days, that all required permits for demolition be secured and that the demolition be completed within such time as determined reasonable by the Building Official.



(D) A statement advising that if the required action is not commenced within or completed by the time specified, the building will be ordered vacated and posted to prevent further occupancy until the work is completed and the Building Official may cause the work to be done and all costs incurred charged against the property or the owner of record. Notice of the inspection and action required to abate the unsafe condition of the structure shall be served on the property owner, as disclosed on the tax roll, by certified mail and by posting on the subject structure.

(E) Standards for Compliance. The following action shall be taken by the Building Official when ordering the repair, vacation, or demolition of an unsafe building or structure:

(i) The building shall be ordered repaired or demolished in accordance with the Standard Building Code.

(ii) If the building or structure poses an immediate hazard to life or the safety of the public, it shall be ordered vacated immediately.

(F) Posting of Notice. Every notice to vacate shall be posted at each exit and entrance to the building or structure and shall state: "THIS BUILDING IS UNSAFE AND ITS USE OR OCCUPANCY HAS BEEN PROHIBITED BY THE BUILDING OFFICIAL. Such notice shall remain posted until the required repairs are made or demolition is completed. It shall be unlawful for any person, firm, or corporation or their agents to remove such notice without written permission of the Building Official, or for any person to enter the building except for the purpose of making the required repairs or of demolishing same."

(1975 Code of Ordinances, Chapter 17.5, Section 3)

### Public Hearing

(a) When an order or directive of the Building Official to repair or demolish a substandard building is not timely performed, the Housing Standards Board shall hold a public hearing to determine whether the building complies with City building standards. After the public hearing, if a building is found in violation of City building standards, the Housing Standards Board may order that the building be vacated, secured, repaired, removed, or demolished by the owner in a reasonable time, which shall be set out in such order.

(b) If the building is not vacated, secured, repaired, removed, or demolished, or the occupants are not relocated within the allotted time as ordered by the Housing Standards Board, the City may vacate, secure, remove, or demolish the building or relocate the occupants at its own expense. If the City incurs expenses under this section, it shall have and exert the lien created by and under Section 214.001, Local Government Code, V.T.C.A., and, if any, its amendments.

(c) The Housing Standards Board shall establish rules and procedures to facilitate public hearings to accomplish the purposes of this article and to accord due process to property owners.

(1) The Housing Standards Board shall have the power on its own volition and for parties entitled to notice of the public hearing to subpoena witnesses. Failure of any person, firm, or corporation to comply with a subpoena issued by the Housing Standards Board shall be unlawful and constitute a Class C misdemeanor.

(2) At least 15 (fifteen) days' notice shall be given property owners prior to the public hearing.



(3) The Housing Standards Board should make a diligent effort to discover each mortgagee and lienholder before conducting the public hearing and give such party or parties notice and an opportunity to comment at the public hearing.

(1975 Code of Ordinances, Chapter 17.5, Section 4)

#### Appeals

(a) Appeals from decisions of the Housing Standards Board shall be to the Corsicana City Commission and may be taken by the building inspector, the property owner, and all lienholders. To appeal a party must give notice of appeal in writing to the Housing Standards Board within three (3) days from the date of the decision being appealed. The appeal proper must be in writing and filed with the City Secretary within ten (10) days after notice of appeal to the Housing Standards Board and must contain the following information:

- (1) Location of the property.
- (2) Appellant's position or interest in the property in controversy.
- (3) A statement identifying the section or part of the order being appealed.
- (4) The basis and reasons by the decision or order should be reversed or altered.
- (5) Appellant's name and address.

(b) The City Secretary shall within three (3) working days present a copy of the appeal documents to each member of the City Commission.

(c) Within 30 (thirty) days after the appeal is filed with the City Secretary, the City Commission shall render by resolution its decision to confirm, reverse, or alter the order being appealed. No public hearing shall be required.

(1975 Code of Ordinances, Chapter 17.5, Section 5)

#### Housing Standards Board Established \*

(a) There is hereby created and established a board to be known as the Housing Standards Board of the City of Corsicana, which shall be composed of five (5) members, each of whom shall be a resident of the City of Corsicana.

(b) Such members shall be appointed by the City Council of the City of Corsicana in staggered terms of one (1) member appointed for one (1) year, two (2) members for two (2) years, and two (2) members for three (3) years, and shall serve until their respective successors shall have been duly appointed and qualified. Members appointed by the City Council subsequent to the first appointment shall be appointed for a term of two (2) years unless an appointment is made to fill out an unexpired term. Selection of membership shall be made as near as practicable from persons qualified in one (1) or more of the fields of building construction, architecture, engineering, sanitation, or health.

At least ten (2) days prior to the expiration date of any of the Housing Standards Board, or within ten (10) days of the death, resignation, or removal of any member, his successor shall be named and appointed by the City Council of the City of Corsicana; providing, however, that should the City Council of the City of Corsicana fail to set within ten (10) days,



such member except for reasons of death shall continue as a member of the Housing Standards Board until an appointment is made by the City Council of the City of Corsicana. Any member of the Housing Standards Board shall be eligible for reappointment to said board. The members of the board shall elect one (1) of themselves to serve as chairman of such board.

(c) When any member of the Housing Standards Board has been absent from the regular meeting of said board for more than four (4) consecutive times, his office shall become vacant and the chairman or acting chairman of this board shall certify such record of absence and vacancy to the City Council and the City Council shall appoint a new member to fill such vacancy. Any member of said board may be removed at any time a majority vote of the City Council for inefficiency, neglect of duty, or malfeasance in office.  
(1975 Code of Ordinances, Chapter 17.5, Section 8)

#### Unsafe Occupancy and Penalty for Violation

It shall be unlawful to occupy any structure that has been declared unsafe by the City of Corsicana. A person who violates any provision of this Article is guilty of a misdemeanor and, upon conviction of a Class C misdemeanor in the Municipal Court, shall be subject to a fine not to exceed Two Thousand Dollars (\$2,000) for the offense, and each day of violation shall constitute a separate offense.  
(Ordinance 2513 adopted 12/19/06)

\*The Planning and Zoning Commission has been designated to serve as the Housing Standards Board pursuant to Chapter 3, Article 3.800, Section 3.803 of the Code of Ordinances.