TITLE XV: LAND USAGE

Chapter

150. GENERAL REGULATIONS

151. SUBSTANDARD BUILDINGS

CHAPTER 150: GENERAL REGULATIONS

Section

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150.02 Designated official
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§ 150.01 ADOPTING OF STANDARD CODES.

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

(A) Standard Gas Code - 1997 Edition;

(B) Standard Plumbing Code - 1997 Edition; and

(C) AWWA - M14 Backflow Prevention and Cross-Connection Control Manual.
(Ord. 990916, passed 9-16-1999)

§ 150.02 DESIGNATED OFFICIAL.

Within the codes listed in § 150.01, when reference is made to the duties of a certain official named therein, that designated official of the City of Quitman, who has duties corresponding to those of the named official in that code shall be deemed to be the responsible official insofar as enforcing the provisions of that code are concerned.
(Ord. 990916, passed 9-16-1999)

§ 150.03 PREVAILING REGULATIONS.

Any matters in the codes listed in § 150.01 which are contrary to existing ordinances of the city shall prevail, and any existing ordinances to the contrary are hereby repealed in that respect only.
(Ord. 990916, passed 9-16-1999)

CHAPTER 151: SUBSTANDARD BUILDINGS

Section

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DANGEROUS BUILDINGS

§ 151.01 AUTHORITY.

This chapter is adopted pursuant to the authority provided by Tex. Loc. Gov't Code Chapter 214, as amended. Tex. Loc. Gov't Code Chapter 214, as amended, is adopted as if set out word for word. In the event of conflict or inconsistency in the wording of state and local law, state law shall prevail unless city ordinances state a more stringent law or procedure authorized in accordance with city home rule authority and relevant law.
(Ord. passed 10-18-2007)

§ 151.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ADMINISTRATOR. The Quitman Building Inspector or his or her designee.

BUILDING. Any structure which is built for the support, shelter, or enclosure or partial enclosure of persons, animals, chattels, or movable property of any kind including pools.
(Ord. passed 10-18-2007)

§ 151.03 DANGEROUS BUILDING DEFINED.

(A) Section 302 of the 1994 edition of the Uniform Code for the Abatement of Dangerous Buildings, as published by the International Conference of Building Officials, is hereby adopted but modified and amended by the following, so that Section 302, entitled "Dangerous Buildings," shall read as follows: Any building or structure which has defects or conditions described herein is a dangerous building, provided that such condition or defects exist to the extent that the life, health, property or safety of the public or its occupants are endangered:

(1) When any door, aisle, passageway, stairway or other means of exit is not of sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire or panic;

(2) When the walking surface of any aisle, passageway, stairway or other means of exit is warped, worn, loose, torn or otherwise unsafe so that it would not provide safe and adequate means of exit in case of fire or panic;

(3) When the stress in any materials, member or portion thereof, due to all dead and live loads, is more than 1½ times the working stress or stresses allowed in the Building Code for new

buildings of similar structure, purpose or location;

(4) When any portion has been damaged by fire, earthquake, wind, flood or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the Building Code for a newly constructed building of like area, height and occupancy;

(5) When any portion or member or appurtenance is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property;

(6) When any portion of the building, or when any member, appurtenance or ornamentation on its exterior is not of sufficient strength or stability, or is not anchored, attached or fastened in place so as to be capable of resisting a wind pressure of ½ of that specified in the Building Code for a newly constructed building of like area, height and occupancy, without exceeding the working stresses permitted in the Building Code for such buildings;

(7) When any portion has wracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction;

(8) When the building or any portion thereof is likely to partially or completely collapse because of:

(a) Dilapidation, deterioration or decay;

(b) Faulty construction;

(c) The removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building;

(d) The deterioration, decay or inadequacy of its foundation; or

(e) Any other cause;

(9) When, for any reason, the building or any portion thereof is manifestly unsafe for the purpose for which it is being used;

(10) When the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle 1/3 of the base;

(11) When the building, exclusive of the foundation, shows 33% or more damage or deterioration of its supporting member or members, or 50% damage or deterioration of its non-supporting members, enclosing or outside walls or coverings;

(12) If the building was constructed or is maintained in violation of any specific requirement or prohibition applicable to such building provided by the Building Code, or of any law or ordinance of this state or city relating to the condition, location or structure of buildings;

(13) If the building has in any non-supporting part, member or portion less than 50%, or in any supporting part, member or portion less than 66% of the strength, fire-resisting qualities or characteristics, or weather-resisting qualities or characteristics required by law for a newly constructed building of like area, height and occupancy;

(14) If the building is used or intended to be used for dwelling purposes, and because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by the Building Official or Administrator or an authorized representative to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease;

(15) If the building, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the Building Official or Administrator or an authorized representative to be a fire hazard;

(16) When any portion of an abandoned building or structure remains on a site after the demolition or destruction of the building or structure;

(17) When the building or its curtilage contains accumulations of litter, refuse, garbage, rubbish, junk, animal carcasses, decaying flesh, fish, fowls or vegetables, stagnant water or other stagnant liquid, flammable liquids, slops, trash, or other deposits or substances, which are unwholesome, filthy, unsightly, offensive or unsanitary; likely to create or engender disease; likely to harbor insects or rodents; or likely to pollute storm water;

(18) When a building which is partially constructed has not had any significant construction work done on it in the preceding 6 months, and it is not secured by a fence or other means to prevent children and vagrants from entering the building; or

(19) When a building which is partially constructed has not had any significant construction work done on it in the preceding 6 months, and all building materials and construction equipment and tools have neither been removed from the construction site nor secured at the site to prevent their use by children, their theft, their deterioration, their vandalism, or their harborage of rodents or insects.

(B) Any building or structure is a dangerous building when it is unsafe, unsanitary, substandard, unfit for human habitation, not provided with adequate egress, or which constitutes a fire hazard, otherwise dangerous to human life or which constitutes a hazard to the safety, health or welfare of the public or its occupants, for any reason or by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment.

(C) Any building or structure is a dangerous building, regardless of its structural condition:

(1) When unoccupied by its owners, lessees, or other invitees and unsecured from unauthorized entry to the extent that it could be entered or used by vagrants or other uninvited persons as a place of harborage or could be entered or used by children;

(2) When boarded up, fenced or otherwise secured in any manner if the means used to secure the building or structure are inadequate to prevent unauthorized entry or use by vagrants or other uninvited persons as a place of harborage, or to prevent entry or use by children; or

(3) When boarded up, fenced or otherwise secured in any manner if the building or structure constitutes a danger to the public even though secured from entry.
(Ord. passed 10-18-2007)

§ 151.04 COMMENCEMENT OF HEARING.

(A) *Hearing*. The Administrator may schedule a hearing before the City Counsel to determine whether a building or structure is a dangerous building and, if so, whether it shall be vacated, secured, repaired, removed, and/or demolished, or any occupants relocated. The City Council shall be known as the "Hearing Authority".

(B) *Scheduling of hearing*. The Administrator may schedule a public hearing:

(1) When the Administrator has inspected any building or structure, other than an owner-occupied, single-family dwelling, and has determined that such building is a dangerous building, and that such building is 50 years old or older or located in a landmark preservation overlay zoning district, he or she shall report this determination to the local historic preservation board for review of the building pursuant to Tex. Loc. Gov't Code § 214.00111, or any successor statute. Ninety days after the building or structure is placed on the agenda of the local historic preservation board, the Administrator may schedule a hearing before the Hearing Authority; or

(2) When the Administrator has inspected any owner-occupied, single-family dwelling and has determined that such building is a dangerous building, he or she may schedule a hearing before the Hearing Authority.

(C) *Issuance of notice*.

(1) The Administrator shall issue a notice of hearing to each owner of the building and to each mortgagee and lienholder of the building and of the property on which it is located, as known by the city and as shown by search of the following records:

(a) Official public records of real property in Wood County, specifically in the Wood

County Clerk's Office;

(b) Appraisal district records for the appraisal district in which the building is located;

(c) Records of the Texas Secretary of State;

(d) Assumed name records for Wood County;

(e) Tax records of the city; and

(f) Utility records for the city.

(2) The Administrator shall issue notice of hearing to all unknown owners, if any, by posting the notice as described in § 151.04(E)(1).

(D) *Contents of notice.* The notice shall contain:

(1) The street address or legal description of the building;

(2) A statement that the Administrator has found the building to be dangerous, and a brief description of the conditions found to render the building dangerous under the provisions of § 151.03;

(3) A statement specifying the date, time and place of the hearing; and

(4) A statement that the owner, lienholder, or mortgagee will be afforded an opportunity to comment at the hearing and will be required to submit at the hearing proof of the scope of any work that may be required to comply with the minimum standards set out in city ordinance and the time it will take to reasonably perform the work.

(E) *Service of notice.*

(1) (a) Notice of the hearing shall be given by certified mail, return receipt requested, or by personal service. If the address of any person entitled to notice cannot be ascertained, or if service cannot be made by mail or in person after a reasonable attempt, and for all unknown owners, service shall be made by posting a copy of the notice on the front door of each improvement situated on the affected property or as close to the front door as practicable.

(b) The notice shall be mailed and/or posted before the 10th day before the date of the hearing. Service by certified mail shall be effective on the date of mailing.

(c) Proof of personal service shall be certified at the time of service by a written declaration executed by the person effecting service, declaring the date, time and manner in which service was made. The declaration, together with any receipt card returned in acknowledgment of

receipt by certified mail shall be affixed to the copy of the notice retained by the Administrator.

(d) Notice of the hearing may be filed in the Official Public Records of Real Property in Wood County, specifically in the Wood County Clerk's Office. The notice shall contain:

1. The name and address of the owner of the affected property if that information can be determined;

2. A legal description of the affected property; and

3. A description of the hearing.

(2) The filing of the notice is binding on subsequent grantees, lienholders, or other transferees of an interest in the property who acquire such interest after filing of the notice, and constitutes notice of the hearing on any subsequent recipient of any interest in the property who acquires such interest after the filing of the notice.
(Ord. passed 10-18-2007)

§ 151.05 CONDUCT OF HEARING.

(A) *Failure to appear*. If the owner of the building fails to appear at the hearing after being duly served, the Hearing Authority shall conduct the hearing as if the owner personally appeared.

(B) *Subpoena power*. Witnesses may be subpoenaed in accordance with the procedures to the laws of the state.

(C) *Procedure*. The Hearing Authority shall be authorized to establish rules and regulations for the conduct of hearings, if such are consistent with this chapter, other local ordinances and state law.

(D) *Decisions and orders*.

(1) After all evidence has been presented at the hearing, the Hearing Authority shall determine whether the building or structure is a dangerous building. If more than 1 building is located on a property and is the subject of the hearing, the Hearing Authority shall make a separate determination for each building.

(2) The Hearing Authority shall enter orders as set forth below:

(a) If the building or structure is declared a dangerous building under § 151.03, except subsections (A)(16), (A)(17), (A)(18) and (A)(19), the Hearing Authority shall order the owner, at his or her option, to repair, remove or demolish the building. The Hearing Authority shall specify a reasonable period of time for the owner to do so.

(b) If the building or structure is declared a dangerous building under § 151.03(A)(16),

the Hearing Authority shall order the owner to remove or demolish the building, and shall specify a reasonable period of time for the owner to do so.

(c) If the building or structure is declared a dangerous building under § 151.03(A)(17), the Hearing Authority shall order the owner to remove the accumulated matter, and shall specify a reasonable period of time for the owner to do so.

(d) If the building or structure is declared a dangerous building under § 151.03(A)(18), the Hearing Authority shall order the owner, at his option, to secure, demolish or remove the building, and shall specify a reasonable period of time for the owner to do so.

(e) If the building or structure is declared a dangerous building under § 151.03(A)(19), the Hearing Authority shall order the owner, at his or her option, to secure or remove all building materials, equipment and tools, and shall specify a reasonable period of time for the owner to do so.

(f) If the building or structure is declared a dangerous building under § 151.03, the Hearing Authority shall order the owner to secure the building, and shall specify a reasonable period of time for the owner to do so. If the owner fails to properly secure the building as ordered, the Administrator may secure the building, assessing expenses and placing liens against the property as authorized by this chapter.

(3) If necessary to protect the health, safety and welfare of the building's occupants, the Hearing Authority shall order the building vacated. If the condition of the building is due to neglect or to intentional or negligent acts by the owner, the Hearing Authority shall order the owner to relocate the occupants at his or her reasonable expense and in a reasonable manner. The Hearing Authority shall specify a reasonable period of time for the completion of the relocation.

(4) The Hearing Authority shall also order an additional reasonable period of time for all mortgagees or lienholders to comply with the order should the owner fail to comply with the order within the time provided for action by the owner.

(5) The Hearing Authority shall also order a civil penalty that the city may assess if the owner fails to repair, remove or demolish the building in accordance with the Hearing Authority's order. The penalty shall not exceed the amount of $1,000 per day that the building is out of compliance with the order.

(6) A reasonable period of time to comply with an order of the Hearing Authority is within 30 days from the date of an order:

(a) To secure the building from unauthorized entry; or

(b) To repair, remove or demolish the building, unless the owner or lienholder or mortgagee establishes at the hearing that the work cannot reasonably be performed within 30 days.

(7) If the Hearing Authority finds that the work cannot reasonably be performed within 30 days to repair, remove or demolish the building, the Hearing Authority shall order specific time schedules for the commencement and performance of the work and shall order the owner, lienholder, or mortgagee to secure the property in a reasonable manner from unauthorized entry while the work is being performed.

(8) The Hearing Authority shall not order 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:

(a) Submits a detailed plan and time schedule for the work at the hearing; and

(b) The Hearing Authority finds that the work cannot reasonably be completed within 90 days because of the scope and complexity of the work.

(9) If the Hearing Authority allows the owner, lienholder or mortgagee to complete any part of the work required to repair, remove or demolish the building within a time period that is more than 90 days, the Hearing Authority shall order that the owner, lienholder or mortgagee regularly submit progress reports to the Administrator and appear before the Hearing Authority or its designee to prove compliance with the time schedule established for commencement and performance of the work. If the owner, lienholder, or mortgagee owns property, including structures or improvements on property, within the city that exceeds $100,000 in total value, the Hearing Authority may require the owner, lienholder, or mortgagee to post a cash or surety bond in an amount adequate to cover the cost of repairing, removing, or demolishing a building under this chapter. The Hearing Authority may require the owner, lienholder, or mortgagee to provide a letter of credit from a financial institution or a guaranty from a third party approved by the city. The bond must be posted, or the letter of credit or third party guaranty provided, not later than the 30th day after the date the Hearing Authority issues the order.
(Ord. passed 10-18-2007)

§ 151.06 CONTENTS OF ORDER.

(A) An order issued by the Hearing Authority shall be in writing and shall set forth the decisions of the Hearing Authority made pursuant to § 151.05(D).

(B) An order to repair shall set forth those items that need to be repaired.

(C) An order to vacate shall require the Administrator to post notice to vacate at or upon each entrance and exit of the building or structure in substantially the form described by § 151.10.

(D) An order shall also contain the following statement:

"It is further ORDERED that if the owner fails to comply with any part of this order by the

specified dates, and if any of the mortgagees or lienholders fail to comply with the order in the owner's stead and by the specified dates, the city is hereby authorized at its discretion to vacate, secure, repair, remove and/or demolish the building(s) at its own expense. Alternatively, the city is authorized to assess a civil penalty on the owner in the amount of _____ ($_____) per day for each day that the building continues to be in violation of this order. Such costs or penalty shall accrue interest at a rate of 10% per annum. The city shall have all remedies provided by law to recover such costs, penalties and interest, and shall be entitled to place a lien on the property unless it is a homestead protected by the Texas Constitution."

(E) An order shall be signed by the Mayor of the city.

(F) A copy of the order shall be sent promptly after the hearing by certified mail, return receipt requested, to the owner of the building and to any lienholder or mortgagee of the building. If a notice is mailed according to this division and the United States Postal Service returns the notice as "refused" or "unclaimed", the validity of the notice is not affected, and the notice shall be deemed as delivered.

(G) Within 10 days after the date the order is issued:

(1) A copy of the order shall be filed in the office of the City Secretary; and

(2) A notice shall be published in a newspaper of general circulation in the city, the notice containing:

(a) The street address or legal description of the property;

(b) The date of the hearing;

(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. passed 10-18-2007)

§ 151.07 FAILURE TO COMPLY WITH ORDER.

(A) If the owner of a building declared dangerous fails to comply with an order of the Hearing Authority within the allotted time, the Administrator shall cause a copy of the Hearing Authority's order to be sent by certified mail return receipt requested to each lienholder and mortgagee as was determined pursuant to § 151.04(C). This shall constitute notice to the lienholders and mortgagees that the owner has failed to comply with the order.

(B) If the lienholders and mortgagees fail to comply with the order within the time allotted to

them by the Hearing Authority, the Administrator may:

(1) Vacate, secure, repair, remove and/or demolish the building at the city's expense; or

(2) Assess a civil penalty against the owner of the building, as provided by the Hearing Authority, for failure to comply with the order.

(C) The Administrator is authorized to repair a building only to the extent necessary to bring the building into compliance with minimum standards, and only if the building is a residential building with 10 or fewer units.

(D) The Administrator is authorized, if the order requires demolition, to cause the building to be sold and demolished, or to be demolished and the materials, rubble and debris removed and the lot cleaned. Any demolition work shall be accomplished, and the cost thereof paid and recovered in the manner provided in this chapter. Any surplus realized from the sale of any building or from the demolition thereof over and above the cost of demolition and of cleaning the lot shall be paid to the person or persons lawfully entitled thereto.

(E) The Administrator is further authorized to ask the City Attorney to bring suit against the owner in a Wood County district court to request that a receiver be appointed to rehabilitate the property.
(Ord. passed 10-18-2007)

§ 151.08 LIENS FOR PENALTIES AND EXPENSES.

(A) If the city assesses a civil penalty or incurs expenses under this chapter, the city may assess the expenses or penalty on and place a lien against the land on which the building was located, unless the land is a homestead protected by the Texas Constitution.

(B) A lien imposed pursuant to this chapter is a privileged lien subordinate only to tax liens and all previously recorded bona fide mortgage liens.

(C) The lien arises and attaches to the property at the time the notice of the lien is recorded and indexed in the official public records of real property in the county, specifically in the office of the County Clerk. The notice shall contain the name and address of the owner if that information can be determined; a legal description of the land on which the building was located; the amount of expenses incurred by the city or the civil penalty and the balance due.

(D) A lien under this chapter is extinguished when the property owner or other person with an interest in the legal title to the land pays the city the balance due in full.
(Ord. passed 10-18-2007)

§ 151.09 NOTICE AND COLLECTION OF PENALTY AND EXPENSES.

(A) If the city incurs expenses under this chapter, the Administrator shall cause a statement to be sent to the owner, setting forth the amount of the expenses and the interest accrued to date. The Administrator may thereafter cause an annual statement to be sent to the owner until the expenses and interest are paid in full.

(B) If the city assesses a civil penalty pursuant to this chapter, the Administrator shall cause a notice to be sent to the owner that the city has begun assessing the penalty provided by the order. Thereafter, the Administrator may cause a monthly statement to be sent to the owner, setting forth the amount of the accrued penalty and interest, until the penalty and interest is paid in full.

(C) A civil penalty or assessment for expenses shall accrue interest at the rate of 10% per annum or as allowed by law from the date of assessment until paid in full.

(D) The city shall be entitled to all remedies provided by law for the collection of debt in order to recover penalty, expenses and interest. However, the city shall not be entitled to foreclose a lien for repair expenses if the property on which the repairs were made is occupied as a residential homestead by a person 65 years of age or older.
(Ord. passed 10-18-2007)

§ 151.10 NOTICE TO VACATE; VIOLATIONS.

(A) (1) Every notice to vacate shall be posted at or upon each entrance and exit of the building and shall be in substantially the following form:

DO NOT ENTER
UNSAFE TO OCCUPY

It is a misdemeanor to occupy this building, or to remove or deface this notice.

Building Inspector
City of Quitman

(2) The notice to vacate shall specify the conditions which necessitate the posting and recite the emergency or shall identify the order to vacate and state where a complete copy of the order may be obtained.

(B) *Compliance; violations.* No person shall remain in or enter any building which has been posted, except that entry may be made to repair, remove, demolish or secure such building under permit. No person shall remove or deface any notice after it is posted until the required work has been completed and a certificate of occupancy is issued pursuant to the provisions of the Building Code. Any person violating this division shall be guilty of a misdemeanor punishable by a fine not

to exceed $2,000.
(Ord. passed 10-18-2007)

§ 151.11 OTHER ENFORCEMENT.

(A) An owner who fails to comply with an order of the Hearing Authority shall be guilty of a misdemeanor punishable by a fine not to exceed $2,000.

(B) Each day that a violation continues shall constitute a separate offense.

(C) A criminal prosecution shall be in addition to any civil remedies to which the city is entitled. The remedies provided by this chapter shall be in addition to the remedies provided by this chapter or any other applicable ordinance or statute.

(D) No person shall obstruct, impede or interfere with any officer, employee, contractor or authorized representative of the city or with any person who owns or holds an estate or interest in any building or structure which has been ordered repaired, removed, secured, vacated or demolished under the provisions of this code, or with any person to whom the building has been lawfully sold, whenever such officer, employee, contractor or authorized representative of the city, person having an interest or estate in such building or structure, or purchaser is engaged in the work as ordered or in performing any necessary act preliminary to or incidental to such work. A person who obstructs, impedes or interferes with an order of the Hearing Authority shall be guilty of a misdemeanor punishable by a fine not to exceed $2,000.

(E) It is a violation for any person, firm or corporation to own, lease, use, occupy or maintain a dangerous building as defined in this chapter, or to cause or permit the same to be done, in the city. A violator shall be guilty of a misdemeanor punishable by a fine not to exceed $2,000 for each violation pursuant to the enforcement, violation and penalties provisions of § 151.08 of this chapter.
(Ord. passed 10-18-2007)

ADDITIONAL AUTHORITY TO SECURE BUILDING

§ 151.25 AUTHORITY TO SECURE BUILDING.

The Administrator may secure or cause to be secured a building at the city's expense if he or she determines that:

(A) The building or structure violates the minimum standards for the use and occupancy of buildings in the city regardless of the date of their construction; and

(B) The building or structure is unoccupied or is occupied only by persons who do not have a right of possession to the building.
(Ord. passed 10-18-2007)

§ 151.26 ISSUANCE OF NOTICE.

Before the 11th day after the date the building is secured pursuant to § 151.25, the Administrator will give notice to the owner that the building has been secured. The Administrator may also give notice to each mortgagee and lienholder, and to any unknown owners, in the same manner as described by § 151.04(C).
(Ord. passed 10-18-2007)

§ 151.27 CONTENTS OF NOTICE.

The notice will contain:

(A) An identification of the building and the property on which it is located;

(B) A description of the violation of the ordinance that is present at the building;

(C) A statement that the city has secured the building; and

(D) A statement explaining the owner's right to request a hearing about any matter relating to the city's securing of the building.
(Ord. passed 10-18-2007)

§ 151.28 SERVICE OF NOTICE.

Notice regarding the securing of the building shall be given by either:

(A) Personally serving the owner with written notice;

(B) Depositing the notice in the United States mail addressed to the owner at the owner's post office address; or

(C) If personal service cannot be obtained and the owner's post office address is unknown:

(1) Publishing the notice at least twice within a 10-day period in the official newspaper of the city; or

(2) Posting the notice on or near the front door of the building.
(Ord. passed 10-18-2007)

§ 151.29 HEARING.

If, within 30 days after the date a building is secured pursuant to this chapter, the owner files with the Administrator a written request for a hearing, the Administrator will schedule a hearing before the Hearing Authority. At the hearing, the owner may testify or present witnesses or written information about any matter relating to the city's securing of the building.

(A) *Scheduling of hearing*. The Hearing Authority will conduct the hearing within 20 days after the date the request is filed.

(B) *Notice of hearing*. Notice of the hearing shall be provided to the requestor by personal service or certified mail, return receipt requested, before the 10th day before the hearing, in the same manner as provided in § 151.04(E)(2) and (3).
(Ord. passed 10-18-2007)

§ 151.30 LIENS AND COLLECTION OF EXPENSES.

If the city incurs expenses under § 151.25, the city may assess the expenses on and place a lien against the land on which the building is located, in accordance with this chapter.
(Ord. passed 10-18-2007)

PERFORMANCE OF WORK AND RECOVERY OF COST

§ 151.40 GENERAL PROCEDURE.

When any work to repair, remove, secure, vacate, or demolish is to be done pursuant to this code, the Administrator shall cause the work to be accomplished by city personnel or by private contract under the direction of the Administrator, or he or she may employ such architectural, engineering, or other specialized assistance on a contract basis as reasonably necessary.
(Ord. passed 10-18-2007)

§ 151.41 ACCOUNT OF EXPENSE, FILING OF REPORT: CONTENTS.

The Administrator shall keep an itemized account of the expense incurred by this jurisdiction for the work to repair, remove, secure, vacate or to demolish any building pursuant to the provisions of this chapter. Upon the completion of the work, the Administrator shall prepare a report specifying the work done, the itemized and total cost of the work, a description of the real property upon which

the building or structure is or was located promptly after the preparation of the account of expenses, the Administration shall file for record, in recordable form in the office of the County Clerk, a written notice of the imposition of the line. The lien shall contain a legal description of the property. (Ord. passed 10-18-2007)

§ 151.42 LIEN OF ASSESSMENT.

(A) *Priority*. Immediately upon its recording, the assessment shall be deemed to be complete, the amount assessed shall be payable, and the assessments shall be liens against the lots or parcels of land assessed, respectively. The lien shall be subordinate to all existing assessment liens previously imposed upon the same property and shall be paramount to all other liens except for state, county and municipal taxes, with which it shall be upon a parity. The lien shall continue until the assessment and all interest due and payable thereon are paid.

(B) *Interest*. All assessments remaining unpaid after 30 days from the date of recording shall become delinquent and shall bear interest at the rate of 10% per annum or as allowed by law from and after the date.

(C) A lien under this chapter is extinguished when the property owner or other person with an interest in the legal title to the land pays the city the balance due in full. At the time of sale of properties with the aforementioned lien, the lien shall be released without payment if the purchaser's family income meets the current Department of Housing and Urban Development Low or Moderate Income Requirements in accordance with federal law.

(D) At the time of sale of properties with the aforementioned lien, the lien may be assumed if the purchaser is a 26 U.S.C.A. § 501(c)(3) not-for-profit entity with the principal office located in the county, the primary purpose of which is constructing or rehabilitating single-family homes for people who meet the current Department of Housing and Urban Development Low or Moderate Income Requirements in accordance with federal law.
(Ord. passed 10-18-2007)