

## INTRODUCTION

The Building Inspection Department has developed this document to inform multi-family dwelling tenants, managers and owners of their rights and responsibilities as members of the multi-family dwelling community in the City of Hurst.

Our desire is to keep you informed. If you have a concern or suggestion which may improve our City, we invite you to let us know. City Services and Community Regulations are designed to promote the health, safety and general welfare of all our citizens. Our commitment is to provide a healthy, safe and desirable community.

Ed Edwards, C.B.O.  
Building Official

## HELPFUL TELEPHONE NUMBERS

Emergency. . . . .	911
Fire (Non-Emergency). . . . .	(817) 788-7238
Police (Non-Emergency). . . . .	(817) 788-7146
Multi-Family Inspector. . . . .	(817) 788-7091
Building Inspections/Code Enforcement. . . . .	(817) 788-7088
Water Office. . . . .	(817) 788-7038
Animal Control. . . . .	817) 788-7216

ORDINANCE NO. 1471

AN ORDINANCE AMENDING CHAPTER 5 OF THE HURST CODE OF ORDINANCES; AMENDING THE HOUSING CODE; ADOPTING ADDITIONAL MINIMUM STANDARDS AND REGULATIONS FOR MULTI-FAMILY DWELLING COMPLEXES AND APARTMENT HOUSES; PROVIDING DEFINITIONS; REQUIRING LICENSES AND ESTABLISHING CHARGES FOR MULTI-FAMILY DWELLING COMPLEXES AND APARTMENT HOUSE LICENSES; PROVIDING FOR VACATION, REPAIR AND ELIMINATION OF SUBSTANDARD UNINHABITABLE AND DANGEROUS DWELLING UNITS; PROVIDING FOR NOTICE, HEARINGS AND FOR ENFORCEMENT; ESTABLISHING A PENALTY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE AND PROVIDING FOR PUBLICATION.

WHEREAS, dilapidated housing and inadequate and missing plumbing, heating equipment and weatherproofing creates a health hazard and leads to a progressive decline in the City's housing stock and threatening life, safety and property values; and

WHEREAS, repeated problems have been encountered in multi-family complexes which require regulation and a higher level of inspection than other types of dwelling units; and

WHEREAS, the standards, procedures and requirements of this ordinance are hereby found to be a public health measure for the protection of the lives, health and safety of the City's residents;

WHEREAS, it is further found that the remedies and charges established herein are no more than necessary to achieve the public ends sought by this measure, which includes the goal of recovering as much of the cost of administering this ordinance as possible from those who own affected premises; NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HURST, TEXAS:

Section 1: That ARTICLES VI and VII of the Hurst Code of Ordinances be amended to read as follows:

“ARTICLE VI. HOUSING CODE

## **Sec. 5-276. Definitions.**

For the purpose of Articles VI and VII of this chapter, the following words and phrases shall have the meanings respectively ascribed to them:

- (1) *Accessory Buildings.* Means outhouse and appurtenances belonging on the same lot.
- (2) *Apartment.* A room or group of rooms used as a dwelling for one (1) family unit, with cooking facilities therein located, in a building where other family dwelling units are located.
- (3) *Apartment Building.* Means any structure containing more than four (4) dwelling units.
- (4) *Apartment House.* Means any building, or portion thereof, which is designed, built, rented, leased, let or hired out to be occupied as more than four (4) dwelling units or which is occupied as the home or residence of more than four (4) families living independently of each other and maintaining separate cooking facilities.
- (5) *Bathroom.* A room equipped with a shower or bathtub.
- (6) *Bedroom.* Room intended to be used for sleeping purposes and not as a kitchen, bathroom, living room, closet, hallway, utility space, entryway, garage, patio or breezeway.
- (7) *Building.* Any structure used or intended for supporting or sheltering any use of occupancy.
- (8) *Building Code.* Building Code means the Building Code of the City in effect at the time of construction.
- (9) *Building Official.* The Building Official of the City of Hurst and/or any Code Enforcement Officer of the City of Hurst.

- (10) *City.* The City of Hurst.
- (11) *Dwelling.* The structure occupied for residential purpose.
- (12) *Dwelling Unit.* Any room or group of rooms occupied or intended or designed to be occupied as the home or residence of one (1) individual, group of individuals, family or household, for housekeeping purposes; such term includes apartments.
- (13) *Efficiency Unit.* An apartment without a bedroom separate from other living quarters.
- (14) *Electrical Code.* The Hurst Electrical Code.
- (15) *Extermination.* Means the control and elimination of insects, rodents, and vermin.
- (16) *Family.* Means any number of related persons or not more than four (4) unrelated persons living as a single housekeeping unit.
- (17) *Fire Chief.* Means the Fire Chief of the City of Hurst or his designated representative.
- (18) *Floor Space.* Means the total area of all habitable space.
- (19) *Garbage.* Means refuse animal or vegetable matter (as from a kitchen or food-processing facility), ashes or any other household waste which is damp or capable of emitting noxious odors.
- (20) *Gross Floor Area.* Means the total square foot area of all floors in a building measured to the outside faces of exterior walls or to the line of an omitted wall whichever includes the largest area.
- (21) *Habitable Space (Room).* Shall mean a space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, hall, storage or utility space, and similar

areas, are not considered habitable space.

- (22) *Hot Water.* Means hot water supplied to plumbing fixtures at a temperature of not less than one hundred ten (110) degrees Fahrenheit.
- (23) *Infestation.* Means the presence, within or contiguous to a dwelling unit, or apartment, of insects, rodents, vermin or other pests.
- (24) *Kitchen.* Means space used for cooking or preparation of food.
- (25) *Landlord.* Means the owner, lessor or sub-lessor of a dwelling or apartment building.
- (26) *License.* Means the multi-family dwelling complex license.
- (27) *Litter.* Means garbage, refuse, and rubbish and all other waste material.
- (28) *Mechanical Code.* The Mechanical Code of The City.
- (29) *Multi-Family Dwelling Complex.* Means any building or group of buildings which provide more than four (4) dwelling units on single platted lot, or if the land on which the building or buildings is unplatted, then any building or group of buildings which provide more than four (4) dwelling units on contiguous tracts of land under a common ownership.
- (30) *Multi-Family Dwelling Complex License.* License issued by Building Official pursuant to this ordinance and referred to as "License" in this ordinance [Articles VI and VII of this chapter].
- (31) *Occupant.* Means any person over one (1) year of age living, sleeping, cooking, or eating in or having actual possession of or access to a dwelling unit or apartment.
- (32) *Owner.* Means a person claiming, or in whom is vested some title, ownership, or interest in

real property, including but not limited to:

- (a) the owner of fee simple title;
  - (b) the holder of a life estate;
  - (c) the holder of leasehold estate for an initial term of five (5) years or more;
  - (d) the buyer in a contract for deed;
  - (e) a mortgagee, receiver, executor, or trustee in control of real property, but not including the holder of a leasehold estate or tenancy for an initial term of less than five (5) years; and
  - (f) the landlord, lessor or sublessor of a dwelling or apartment building.
- (33) *Person.* A natural person, his heirs, executors, administrators or assigns; a firm, partnership or corporation, its or their successors or assigns; or the agent of any of the aforesaid.
- (34) *Plumbing.* Means and includes all of the following supplied facilities, equipment, and devices: gas pipes, toilets, lavatories, sinks, laundry tubs, catch basins, wash basins, bathtubs, shower baths, waste sewer pipes and sewerage system, septic tanks, drains, vents, traps, and any other fuel-burning or water-using fixtures and appliances, including private fire hydrants together with all connections to water, waste and sewer or gas pipes.
- (35) *Potable Water.* Means water which is satisfactory for drinking, culinary, and domestic purposes and meets the requirements of the health authority having jurisdiction.
- (36) *Premises.* Means a lot, plot or parcel of land, including any structures thereon.
- (37) *Property Manager.* Means a person who has managing control of real property.
- (38) *Resident Manager.* Means on-site property manager and agent of a property manager who resides in the apartment complex and is the person with whom the tenant normally deals

with concerning the rental agreement or apartment building use of the property.

- (39) *Rooming House.* Is a dwelling other than a charitable or other non-profit institution, consisting of at least one (1) dwelling unit occupied by four or more persons not related by blood, marriage or adoption. This shall not be construed as meaning apartment houses.
- (40) *Secure.* Means to lock all exterior doors and windows of dwelling units within twenty-four (24) hours after such units become vacant and exercise reasonable care to maintain such locks as necessary to deter unauthorized entrance into any unoccupied dwelling.
- (41) *Single Location.* Property held in common ownership that is contiguous property or separated only by public streets.
- (42) *Substandard or Dilapidated Building.* Any structure in which there exists any condition listed in Sec. 5-295.
- (43) *Tenant.* Any person who occupies a dwelling unit in an apartment building for living or dwelling purposes with the landlord's consent.

**Sec. 5-277. Space and Occupancy Standards.**

- (1) *Location on Property.* All buildings shall be located with respect to property lines and to other buildings on the same property as required by Section 504 and Part IV of the Building Code.
- (2) *Yards and Courts*
  - (a) *Scope.* This sub-section shall apply to yards and courts having required window openings therein.
  - (b) *Yards.* Every yard shall not be less than three (3) feet in width for one-story and two-story buildings.

For buildings more than two (2) stories in height,

the minimum width of the yard shall be increased at the rate of one (1) foot for each additional story. Where yards completely surround the building, the required width may be reduced by one (1) foot. For buildings exceeding fourteen (14) stories in height, the required width of yards shall be computed on the basis of fourteen (14) stories.

- (c) *Courts.* Every court shall not be less than three (3) feet in width. Courts having windows opening on opposite sides shall not be less than six (6) feet in width. Courts bounded on three(3) or more sides by the walls of the building shall not be less than ten (10) feet in length unless bounded on one (1) end by a public way or yard. For buildings more than two (2) stories in height, the court shall be increased one (1) foot in width and two (2) feet in length for each additional story. For buildings exceeding fourteen (14) stories in height, the required dimensions shall be computed on the basis of fourteen (14) stories.

Adequate access shall be provided to the bottom of all courts for cleaning purposes. Every court more than two (2) stories in height shall be provided with a horizontal air intake at the bottom not less than ten (10) square feet in area and leading to the exterior of the building unless abutting a yard or public way. The construction of the air intake shall be as required for the court walls of the building, but in no case shall be less than one-hour fire-resistive.

(3) *Room Dimensions*

- (a) *Ceiling Heights.* Habitable space shall have a ceiling height of not less than seven (7) feet six (6) inches except as otherwise permitted in this Section. Kitchens, halls, bathrooms and toilet compartments may have a ceiling height of not less than seven (7) feet measured to the lowest projection from the ceiling. Where exposed beam ceiling members are spaced at less than forty-eight (48) inches on center, ceiling height shall be measured to the bottom of these members. Where exposed beam ceiling members are spaced at forty-eight (48) inches or



more on center, ceiling height shall be measured to the bottom of the deck supported by these members, provided that the bottom of the members is not less than seven (7) feet above the floor.

If any room in a building has a sloping ceiling, the prescribed ceiling height for the room is required in only one-half (1/2) the area thereof. No portion of the room measuring less than five (5) feet from the finished floor to the finished ceiling shall be included in any computation of the minimum area thereof.

If any room has a furred ceiling, the prescribed ceiling height is required in two-thirds (2/3) the area thereof, but in no case shall the height of the furred ceiling be less than seven (7) feet.

- (b) *Floor Area.* Dwelling units shall have at least one (1) room which shall have not less than one hundred twenty (120) square feet of floor area. Other habitable rooms, except kitchens, shall have an area of not less than seventy (70) square feet. Where more than two (2) persons occupy a room used for sleeping purposes, the required floor area shall be increased at the rate of fifty (50) square feet for each occupant in excess of two (2).

*EXCEPTION:* Nothing in this Section shall prohibit the use of an efficiency living unit within an apartment house meeting the following requirements:

1. The unit shall have a living room of not less than two hundred twenty (220) square feet of superficial floor area. An additional one hundred (100) square feet of superficial floor area shall be provided for each occupant of such unit in excess of two (2).
2. The unit shall be provided with a separate closet.
3. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than thirty (30) inches in front. Light and ventilation conforming to this Code shall be provided.

4. The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.

(c) *Width.* No habitable room other than a kitchen shall be less than seven (7) feet in any dimension.

Each water closet stool shall be located in a clear space not less than thirty (30) inches in width and a clear space in front of the water closet stool of not less than twenty-four (24) inches shall be provided.

(4) *Light and Ventilation*

(a) *General.* For the purpose of determining the light or ventilation required by this section, any room may be considered as a portion of an adjoining room when one-half (1/2) of the area of the common wall is open and unobstructed and provides an opening of not less than one-tenth (1/10) of the floor area of the interior room or twenty-five (25) square feet, whichever is greater.

Exterior openings for natural light or ventilation required by this section shall open directly onto a public way or a yard or court located on the same lot as the building.

*EXCEPTIONS:*

1. Required windows may open into a roofed porch where the porch:

- a. Abuts a public way, yard or court;
- b. Has a ceiling height of not less than seven (7) feet; and
- c. Has a longer side at least sixty-five (65) percent open and unobstructed.

2. Skylights.

- (b) *Light.* Guest rooms and habitable rooms within a dwelling unit shall be provided with natural light by means of exterior glazed openings with an area of not less than one-tenth (1/10) of the floor area of such rooms with a minimum of ten (10) square feet.
- (c) *Ventilation.* Guest rooms and habitable rooms within a dwelling unit shall be provided with natural ventilation by means of openable exterior openings with an area of not less than one-twentieth (1/20) of the floor area of such rooms with a minimum of five (5) square feet.

In lieu of required exterior openings for natural ventilation, a mechanical ventilating system may be provided. Such system shall be capable of providing two (2) air changes per hour in all guest rooms, dormitories, habitable rooms and in public corridors. One-fifth (1/5) of the air supply shall be taken from the outside.

Bathrooms, water closet compartments, laundry rooms and similar rooms shall be provided with natural ventilation by means of openable exterior openings with an area of not less than one-twentieth (1/20) of the floor area of such rooms with a minimum of one and one-half (1 ½) square feet.

In lieu of required exterior openings for natural ventilation in bathrooms containing a bathtub or shower or combination thereof, laundry rooms, and similar rooms, a mechanical ventilation system connected directly to the outside capable of providing five (5) air changes per hour shall be provided. The point of discharge of exhaust air shall be at least three (3) feet from any opening into the building. Bathrooms which contain only a water closet or lavatory or combination thereof, and similar rooms may be ventilated with an approved mechanical recirculating fan or similar device designed to remove odors from the air.

- (d) *Hallways.* All public hallways, stairs and other exitways shall be adequately lighted at all times in accordance with Section 3313(a) of the Building Code.

(5) *Sanitation*

(a) *Dwelling Units and Lodging Houses.*

Dwelling units and lodging houses shall be provided with a bathroom equipped with facilities consisting of a water closet, lavatory, and either a bathtub or shower.

(b) *Hotels.* Hotels or subdivisions thereof where both sexes are accommodated shall contain at least two (2) separate toilet facilities consisting of a water closet, lavatory, and either a bathtub or shower.

*EXCEPTION:* Hotel guest rooms may have one (1) unidentified toilet facility.

Additional water closets shall be provided on each floor for each sex at the rate of one (1) for every additional ten (10) guests, or fractional part thereof, in excess of ten (10).

(c) *Kitchen.* Each dwelling unit shall be provided with a kitchen. Every kitchen shall be provided with a kitchen sink. Wooden sinks or sinks of similarly absorbent material shall not be permitted.

(d) *Fixtures.* All plumbing fixtures shall be connected to a sanitary sewer or to an approved private sewage disposal system. All plumbing fixtures shall be connected to an approved system of water supply and provided with hot and cold running water necessary for its normal operation.

All plumbing fixtures shall be of an approved glazed earthenware type or of a similarly non-absorbent material.

(e) *Water Closet Compartments.* Walls and floors of water closet compartments, except in dwellings, shall be finished in accordance with Section 510 of the Building Code.

(f) *Room Separations.* Every water closet, bathtub or shower required by this Code shall be installed in a room which will afford privacy to the occupant.

- (g) *Installation and Maintenance.* All sanitary facilities shall be installed and maintained in a safe and sanitary condition and in accordance with applicable requirements of the Plumbing Code.

### **Section 5-278. Structural Requirements.**

(1) *General.* Buildings or structures maybe of any types of construction permitted by the Building Code. Roofs, floors, walls, foundations and all other structural components of buildings shall be capable of resisting any and all forces and loads to which they may be subjected. All structural elements shall be proportioned and joined in accordance with the stress limitations and design criteria as specified in the appropriate sections of the Building Code. Buildings of every permitted type of construction shall comply with the applicable requirements of the Building Code.

(2) *Shelter.* Every building shall be weather protected so as to provide shelter for the occupants against the elements and to exclude dampness.

(3) *Protection of Materials.* All wood shall be protected against termite damage and decay as provided in the Building Code.

### **Sec. 5-279. Mechanical Requirements.**

(1) *Heating.* Dwelling units and guest rooms shall be provided with heating facilities capable of maintaining a room temperature of seventy (70) degrees Fahrenheit at a point three (3) feet above the floor in all habitable rooms. Such facilities shall be installed and maintained in a safe condition and in accordance with Chapter 37 of the Building Code, the Mechanical Code, and all other applicable laws. Unvented fuel-burning heaters are not permitted. All heating devices or appliances shall be of an approved type.

(2) *Electrical Equipment.* All electrical equipment, wiring and appliances shall be installed and maintained in a safe manner in accordance with all applicable laws. All electrical equipment shall be of an approved type.

Where there is electrical power available within three hundred (300) feet of any building, such building shall be connected to

such electrical power. Every habitable room shall contain at least two (2) electrical convenience outlets or one (1) convenience outlet and one (1) electric light fixture. Every water closet compartment, bathroom, laundry room, furnace room and public hallway shall contain at least one (1) electric light fixture.

(3) *Ventilation.* Ventilation for rooms and areas and for fuel-burning appliances shall be provided as required in the Mechanical Code and in this Code. Where mechanical ventilation is provided in lieu of the natural ventilation required by Section 504 of this Code, such mechanical ventilating system shall be maintained in operation during the occupancy of any building or portion thereof.

#### **Sec. 5-280. Exits.**

Dwelling units or guest rooms shall have access directly to the outside or to a public corridor. All buildings or portions thereof shall be provided with exits, exitways and appurtenances as required by Chapter 33 of the Building Code.

Sleeping rooms below the fourth story shall have at least one (1) operable window or exterior door approved for emergency escape or rescue. The units shall be operable from the inside to provide a full clear opening without the use of separate tools.

#### **Sec. 5-281. Fire Protection.**

All buildings or portions thereof shall be provided with the degree of fire-resistive construction as required by the Building Code for the appropriate occupancy, type of construction and location on property, and shall be provided with the appropriate fire-extinguishing systems or equipment required by Chapter 38 of the Building Code.

#### **Sec. 5-282. Multi-Family Dwelling Unit Owner Responsibilities.**

The landlord, owner, lessor, sub-lessor and property manager of a multi-family dwelling unit shall each be responsible for the maintenance, structural soundness and operative condition of all installed systems including, but not limited to, plumbing, electrical, heating, air conditioning

systems thereof and shall be responsible for providing and maintaining the following:

- (1) Water and sewer systems;
- (2) Bathroom facilities – water closet and shower or tub;
- (3) Windows unless broken out by occupants but same shall be repaired before being occupied by new occupants;
- (4) Window screens on every operable window used for ventilation purposes from a dwelling unit directly to or from outdoor space shall be equipped with insect proof screens unless said screen or screens are broken out by the tenant, but said screen or screens shall be repaired or replaced before the dwelling unit is occupied by a new tenant;
- (5) Painting, waterproofing and repair to prevent deterioration due to the elements which shall include, but not be limited to, loose siding with holes, excessive cracks or rotted boards which permit air or water to penetrate rooms, loose roof covering, holes or leaks in roof which cause damage to the structure or rooms, rotting, sagging, or deteriorating supports for steps, stairs, and porches;
- (6) Extermination of insects, rodents and other pests in all occupied and/or unoccupied units of multi-family dwellings shall be required as necessary to prevent infestations;
- (7) Central garbage and refuse disposal on the premises;
- (8) Railings for stairs, steps, balconies, porches, and elsewhere as specified in the Building Code in effect at time of construction;
- (9) Repair of holes, cracks and other defects in stairs, porches, steps and balconies reasonably capable of causing injury to a person;
- (10) Repair of holes, breaks, and loose surface materials that are health or safety hazards in or on floors, walls, and ceilings;

- (11) Screened cross-ventilation openings of not less than one and one-half (1½) square feet for each twenty-five (25) lineal feet of wall in each basement, cellar, and crawl;
- (12) Eliminate any holes, excavation, sharp protrusions and other objects or conditions that exists on the land and that are reasonably capable of causing injury to a person;
- (13) Securely cover or close any well, cesspool, or cistern;
- (14) Drainage to prevent standing and stagnant water on the premises;
- (15) Removal of dead trees and tree limbs that are reasonably capable of causing injury to a person;
- (16) The interior of vacant structures or vacant portions of a structure free from rubbish and garbage;
- (17) Secure vacant or unoccupied dwelling units from unauthorized entry;
- (18) Not allow an overcrowded dwelling unit to be occupied;
- (19) Install and maintain the parking lot, fire lane and required paved areas, including legible parking stripes and fire lanes in accordance with other City ordinances;
- (20) Air conditioning capable of cooling to twenty (20) degrees less inside than outside temperatures, and function to at least fifteen (15) degrees below outside temperatures measured at a point not less than five (5) feet from an exterior wall, five (5) feet above the floor, and not in a direct air flow. If owner pays electric bill, owner shall provide the required electricity;
- (21) All swimming pools in a sanitary condition and remove all water and debris from a swimming pool not so maintained or in accordance with Tarrant County Health Department requirements;



- (22) Provide and maintain all gas service lines to each dwelling unit that is heated by natural gas or gas water-heating devices or cook stove fueled by natural gas. If owner pays gas bills, provide necessary gas service;
- (23) Maintain floors, walls, ceilings and all structural members in an accessory structure in a sound condition capable of bearing imposed loads safely;
- (24) Repairing or replacing all broken sewer lines(s), removing all residue and treating affected areas with a suitable disinfectant within seventy-two (72) hours of notification.
- (25) If central air conditioning is provided, it shall be operational at any time that temperatures in any dwelling unit in the complex exceeds eighty-five (85) degrees Fahrenheit. If central heat is provided, it shall be operational at any time the temperature in any dwelling unit in the complex is less than sixty (60) degrees Fahrenheit.

**Sec. 5-283. Emergency telephone number.**

The owner or his agent or manager of a multi-family dwelling complex shall provide to each tenant an emergency telephone number which shall be answered twenty-four (24) hours each day by an employee or agent of the owner or property manager of the multi-family dwelling unit in which the tenant resides or a telephone answering service in order that the tenant may report emergencies which cannot wait until the first business hours.

**Sec. 5-284. Minimum responsibilities of Occupant.**

- (1) An occupant shall maintain those portions of the interior of a dwelling unit structure under his control free from rubbish, garbage, and other conditions that would encourage infestation of insects, rodents, vermin, and unsanitary conditions;
- (2) Keep occupied area and all plumbing equipment and facilities provided in a clean, sanitary condition at all times;

(3) Connect plumbing fixtures and heating equipment that the occupant supplies in accordance with the applicable City of Hurst codes;

(4) Not alter a dwelling unit or its facilities so as to create a nonconformity with this Article;

(5) Windows and screens to be replaced by tenant if broken out during tenant's occupancy;

(6) Tenant is required to comply with maximum occupancy requirements specified in Section 5-289(2)(a);

**Sec. 5-285. Multi-Family License required.**

(1) It shall be unlawful for any person to own, operate, manage or maintain a multi-family dwelling complex in the City without a current and valid license having been issued for each multi-family dwelling complex. Any person owning, operating, managing or maintaining a multi-family dwelling complex at more than one (1) location shall obtain a license for each separate location.

(2) An owner, or the owner's authorized agent, of a multi-family dwelling complex shall file with the Building Official the trade name of his apartment complex, and it shall be unlawful for any person to use or permit to be used more than one (1) trade name at a single location.

**Sec. 5-286. License application, place of business, issuance, renewal and expiration.**

(1) An applicant for a license shall file with the Building Official a written application upon a form provided for that purpose which shall be signed by the owner, landlord, or his agent. Should an applicant own a multi-family dwelling complex at more than one (1) location, a separate application shall be filed for each location. The following information shall be required in the application:

Name, address, and telephone number of the owner and property manager; names and addresses of all registered agents in case the parties above named are corporations; number of dwelling units broken down as to number of efficiencies, one-bedroom, two-bedroom, and three-bedroom.

If the Building Official determines the name and address of the mortgagee is necessary for the enforcement of this ordinance, said information shall be provided.

(2) Parties currently owning, operating, managing or maintaining apartment complexes shall apply for a license no later than April 1, 1995.

(3) All licenses expire on the 31<sup>st</sup> day of December of each year and shall be renewed no later than January 1<sup>st</sup> of the following year.

(4) The Building Official may, at any time, require additional relevant information of the owner or property manager to clarify items on the application.

(5) At any time record title to the property is changed, the license shall be transferred, without charge for the transfer, to the new record owner within sixty (60) days after such change. Licenses shall automatically expire sixty (60) days after such change of record title unless the license is transferred.

(6) If an annual license cannot be issued at the time the application is filed, a temporary license shall be issued upon payment of the license fee which shall be valid until such time as the annual license is issued or the temporary license is revoked for failure or refusal to comply with this Article.

**Sec. 5-287. License fee.**

No annual license shall be issued until all requirements have been met and required payment made for the license. The fee for a license for any part of the period between April 1, 1995 and December 31, 1995, shall be sixty-five cents (\$0.65) per dwelling unit, per month and is non refundable. There shall be no charge for any license for the first three (3) annual licenses obtained by a new multi-family complex. "New" shall mean a complex constructed where none previously existed. Should additional dwelling units be constructed on the multi-family premises after a license has been issued, no certificate of occupancy shall be issued for the new units until the regular fee per dwelling unit has been paid. The regular license fee for a license period after December 31, 1995, shall be sixty-five cents (\$0.65) per dwelling unit, per month, non refundable,

collected on an annual basis prior to January 1<sup>st</sup> of the license year. All multi-family complexes open for occupancy after January 1<sup>st</sup> shall be prorated and no charge shall be made for the whole months between January 1<sup>st</sup> and the opening date of the multi-family dwelling complex. Should the license payment be made by check or other instrument which is not honored, the license for which the payment was made to secure shall become null and void without additional action by the City. Each washeteria, club house or office shall be counted as a separate unit and each unit shall be charged sixty-five cents (\$0.65) per unit, per month license fee set forth in this Section. The license fee is to be paid at the time the initial application is filed and at the time each renewal is filed with the Department of Building Inspections. The fee for issuing a replacement or duplicate license shall be twenty dollars (\$20.00).

**Sec. 5-288. License display, replacement and transferability.**

(1) Each license issued pursuant to this ordinance to a multi-family dwelling unit may be posted and displayed in the business office of the multi-family dwelling complex office or a conspicuous place to which tenants have access.

(2) A replacement license may be issued for one lost, destroyed, or mutilated upon application on the form provided by the Building Official. A replacement license shall have the word "Replacement" stamped across its face and shall bear the same number as the one it replaces.

(3) A multi-family dwelling complex license is not assignable or transferable.

(4) The form for the license shall be prepared by the Building Official.

**Sec. 5-289. License standards.**

Continued maintenance and observance of the standards contained in this Article are conditions that shall be complied with in order to retain a license and to obtain any renewal of a license. Other standards to be observed in order to secure and maintain an annual license under this Article:

- (1) All City building, electrical, plumbing, heating and air conditioning codes in effect at the time building permits were issued for the structure and health, and fire safety ordinances shall be complied with at all times. However, when a unit or building undergoes renovation or repair of its structure or system which requires a building permit, the renovation or repair must be in compliance with the current code or codes.
- (2) Notwithstanding the provisions of other City ordinances, the maximum number of persons per dwelling unit in a multi-family dwelling complex is as follows:
  - (a) No more than two (2) occupants per each bedroom are permitted to reside in a unit plus one (1) additional occupant. For example: in a one-bedroom or efficiency unit, the occupancy shall not exceed three (3); in a two-bedroom unit, the occupancy shall not exceed five (5); in a three-bedroom unit, the occupancy shall not exceed seven (7).
  - (b) To assist compliance with this requirement, all licensees shall display in a conspicuous place, the following notice, the form of which shall be furnished by the City.

**CITY OF HURST IMPOSES THE FOLLOWING  
MAXIMUM OCCUPANCY RESTRICTIONS:**

1-Bedroom or Efficiency Unit – No more than three (3) occupants per unit.  
2-Bedroom – No more than five (5) occupants per unit.  
3-Bedroom – No more than seven (7) occupants per unit.

In the alternative, licensee may display a similar notice that establishes more restrictive occupancy maximum limitations.

- (c) Licensee shall keep records that reflect the number of tenants in each unit. Said records shall be available for review by the Building

Official during regular working hours and upon receipt of reasonable notice.

- (d) It shall be unlawful and a violation of this ordinance for an owner, property manager or resident manager, to knowingly permit or allow a violation of any of the terms of Sub-section (2) hereof.
- (e) Occupancy maximum limitations shall not be applicable to a family residing in a dwelling unit on the effective date of this ordinance nor during the time said family continues to reside in the same dwelling unit. This exception does not apply to, permit, or allow any additional unrelated parties to reside in said occupied dwelling unit.
- (f) An owner may establish a more restrictive occupancy limitation for each dwelling unit within an apartment complex, provided the occupancy is based upon persons per each established bedroom.

**Sec. 5-290. Inspections, reinspections, and certificates of occupancy.**

(1) The owner, landlord, lessor or sub-lessor, resident manager and property manager, as a condition to the issuance of the license, shall consent and agree to permit and allow the Building Official to make the following inspections of the apartment complex when and as needed to insure compliance with this ordinance.

- (a) Access to inspect all portions of the premises and structures located on the premises that are not dwelling units. This includes all storage areas, community buildings, athletic facilities, club rooms, equipment rooms and all other portions of the facilities not constructed as dwelling units, upon reasonable advance notice being given to the owner, landlord, property or resident manager.
- (b) Access to inspect all unoccupied dwelling units upon giving reasonable notice to owner, landlord, resident or property manager.

- (c) Access to inspect all occupied dwelling units when, upon reliable information, the Building Official has reason to believe that violations of the ordinances of the city or state law exist that involve serious threats to life, safety, health and property.
- (d) Semi-annually, once each six (6) months, the owner, landlord, resident manager or property manager shall make all unoccupied dwelling units in the apartment complex available for inspection by the Building Official. Any occupied dwelling units where the occupant expressly allows it may be made available for inspection by the Building Official. The Building Official and the owner, resident manager and/or property manager shall agree on a reasonable date and time for each semi-annual inspection. In the event the parties cannot agree on an inspection time, said semi-annual inspections shall be determined by the Building Official.

(2) The Building Official, upon presentation of proper identification to the occupant in charge of any unit, may enter, with the occupant's permission, any unit; provided, however, where extreme hazards are known to exist which may involve imminent injury to person, loss of life or severe property damage, the Building Official may, after presentation of proper identification, enter the aforementioned dwellings at any time. Whenever the Building Official is denied admission to inspect any premises under this provision, inspection shall be made only under the authority of a warrant issued by a magistrate authorizing the inspection. In applying for such a warrant, the Building Official shall submit to the magistrate an affidavit setting forth his belief that a violation of this Code exists with respect to the place to be inspected and the reasons for such belief. Such affidavit shall designate the location of such place and the name of the person believed to be the occupant thereof, if known. If the magistrate finds that probable cause exists for an inspection of the premises in question, he may issue a warrant authorizing the inspection, such warrant describing the premises with sufficient certainty to identify the same. Any warrants issued will constitute authority for the Building Official to enter upon and inspect the premises described therein.

(3) In the event any of the inspections authorized in this ordinance require a second reinspection due to noted violations, then a twenty-five dollar (\$25.00) reinspection fee per dwelling unit inspected shall be paid prior to the second reinspection.

(4) Revocation Certificate of Occupancy and License. For failure to comply with the terms of this ordinance after receipt of written notice of the violation from the Building Official setting out the violations and in the reasonable time allowed to rectify the violations, Owner's Certificate of Occupancy may be withdrawn and the license authorized by the ordinance may be canceled for those units in violation. The Building Official may notify all public utility companies serving the apartment complex that the Certificate of Occupancy for the units in violation has been withdrawn and request that all public utility services be discontinued for the units in violation.

(5) Reinstatement of Certificate of Occupancy and License. A reinstatement or reissuance of the Certificate of Occupancy and License, if revoked, shall be issued upon compliance with the violation notice and request by owner, landlord, or property manager.

**Sec. 5-291. Inspections – Authorized.**

The Building Official, is hereby authorized to make inspections to determine the condition of dwelling units and premises located within the City in order that they may perform their duties of safeguarding the safety, health, and welfare of the occupants and of the general public.

**Sec. 5-292. Same – Complaint required.**

The Building Official is hereby:

(1) Authorized to inspect any dwelling unit, wall or other part thereof when complaints are filed by a person or any City department, division or section to the effect that a dwelling unit, wall or part thereof is, or may be, existing in violation of this Chapter. Complaints shall be in writing and signed by the complainant before being filed.



- (2) Authorized to inspect dwelling units in all parts of the City to determine whether they are uninhabitable, dangerous or otherwise in violation of this Chapter.

**Sec. 5-293. Right of entry of Building Official.**

For the purpose of making the inspections authorized and required by the provisions of this chapter, the Building Official is hereby authorized to enter, examine and survey, at all reasonable times, all dwelling units and all premises within the City. Should the occupant, landlord, property manager or other person in charge refuse entry, the inspector shall secure a warrant to enter said premises.

ARTICLE VII. SUBSTANDARD BUILDINGS

**Sec. 5-294. Purpose.**

This Article is enacted pursuant to the authority granted by Chapter 214, Texas Local Government Code, as well as by the Texas Constitution, and is intended to establish minimum standards for the continued use and occupancy of all buildings regardless of the date of their construction by limiting the definition of substandard and dilapidated buildings to those with specified defects.

**Sec. 5-295. Substandard Buildings.**

(a) *General.* Any building or portion thereof which is determined to be an unsafe building in accordance with Section 203 of the Building Code; or any building or portion thereof, including any dwelling unit, guest room or suite of rooms, or the premises on which the same is located, in which there exists any of the conditions referenced in this section to an extent that endangers the life, limb, health, property, safety or welfare of the public or the occupants thereof shall be deemed and hereby are declared to be substandard buildings.

(b) *Inadequate Sanitation.* Buildings or portions thereof shall be deemed substandard when they are unsanitary. Inadequate sanitation shall include, but not be limited to, the following:

1. Lack of, or improper water closet, lavatory, bathtub or shower in a dwelling unit or lodging house.
2. Lack of, or improper water closets, lavatories and bathtubs or showers per number of guests in a hotel.
3. Lack of, or improper kitchen sink in a dwelling unit.
4. Lack of hot and cold running water to plumbing fixtures in a hotel.
5. Lack of hot or cold running water to plumbing fixtures in a dwelling unit, or apartment complex.
6. Lack of adequate heating facilities.
7. Lack of or improper operation of required ventilating equipment.
8. Lack of minimum amounts of natural light and ventilation required by City codes.
9. Room and space dimensions less than required by City codes.
10. Lack of required electrical lighting.
11. Dampness of habitable rooms.
12. Infestation by insects, vermin or rodents as determined by the Building Official.
13. General dilapidation or improper maintenance.
14. Lack of connection to required sewage disposal system.
15. Lack of adequate garbage and rubbish storage and removal facilities.
16. Partial destruction or damage by fire unrepaired for more than ninety (90) days.

17. Lack of required air conditioning.

(c) *Structural Hazards.* Buildings or portions thereof shall be deemed substandard when they are or contain structural hazards. Structural hazards shall include, but not be limited to, the following:

1. Deteriorated or inadequate foundation.
2. Defective or deteriorated flooring or floor supports.
3. Flooring or floor supports of insufficient size to carry imposed load with safety;
4. Members of walls, partitions or other vertical supports that split, lean, list or buckle due to defective material or deterioration;
5. Members of walls, partitions or other vertical supports that are of insufficient size to carry imposed loads with safety;
6. Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or buckle due to defective material or deterioration.
7. Members of ceilings, roofs, ceiling and roof supports, or other horizontal members that are of insufficient size to carry imposed loads with safety;
8. Fireplaces or chimneys which list, bulge or settle due to defective material or deterioration;
9. Fireplaces or chimneys which are of insufficient size or strength to carry imposed loads with safety;
10. Heating flues and exhausts which list, bulge or settle due to defective material or deterioration;

(d) *Nuisance.* Buildings or portions thereof in which there exists any nuisance as defined by ordinance are deemed substandard buildings.

(e) *Hazardous Electrical Wiring.* Electrical wiring which was installed in violation of code requirements in effect at the time of installation or electrical wiring not installed in accordance with generally accepted construction practices in areas where no codes were in effect or which has not been maintained in good condition or which is not being used in a safe manner shall be considered substandard.

(f) *Hazardous Plumbing.* Plumbing which was installed in violation of code requirements in effect at the time of installation or plumbing not installed in accordance with generally accepted construction practices in areas where no codes were in effect or which has not been maintained in good condition or which is not free of cross-connections or siphonage between fixtures shall be considered substandard.

(g) *Hazardous Mechanical Equipment.* Mechanical equipment which was installed in violation of code requirements in effect at the time of installation or mechanical equipment not installed in accordance with generally accepted construction practices in areas where no codes were in effect or which has not been maintained in good and safe condition shall be considered substandard.

(h) *Faulty Weather Protection.* Buildings or portions thereof shall be considered substandard when they have faulty weather protection which shall include, but not be limited to, the following:

1. Deteriorated, crumbling or loose plaster.
2. Deteriorated or ineffective waterproofing of exterior walls, roof, foundations or floors, including broken windows or doors.
3. Defective or lack of weather protection for exterior wall coverings, including lack of paint or weathering due to lack of paint or other approved protective covering.
4. Broken, rotted, split or buckled exterior wall coverings or roof coverings.

(i) *Fire Hazard.* Any building or portion thereof, device, apparatus, equipment, combustible waste or vegetation which, in the opinion of the Chief of the Fire Department or the Fire Marshall, is in such a condition as to cause a fire or explosion or provide a ready fuel to augment the spread and intensity of fire or explosion arising from any cause shall be considered a substandard building.

(j) *Faulty Materials of Construction.* The use of materials of construction except those which are specifically allowed or approved by the Building Official and the Uniform Building Code and which have been adequately maintained in good and safe condition shall cause a building to be substandard.

(k) *Hazardous or Insanitary Premises.* The accumulation of weeds, vegetation, junk, dead organic matter, debris, garbage, offal, rat harborages, stagnant water, combustible materials and similar materials or conditions on a premises constitutes a nuisance to be abated as provided by this Article.

(l) *Inadequate Exits.* Except for those buildings or portions thereof which have been provided with adequate exit facilities conforming to the provisions of this code, buildings or portions thereof whose exit facilities were installed in violation of code requirements in effect at the time of their construction or whose exit facilities have not been increased in number or width in relation to any increase in occupant load due to alterations, additions or change in use or occupancy subsequent to the time of construction shall be considered substandard.

Notwithstanding compliance with code requirements in effect at the time of their construction, buildings or portions thereof shall be considered substandard when the building official finds that an unsafe condition exists through an improper location of exits, a lack of an adequate number or width of exit, or when other conditions exist which are dangerous to human life.

(m) *Inadequate Fire Protection or Fire-Fighting Equipment.* Buildings or portions thereof shall be considered substandard when they are not provided with the fire-resistive construction or fire-extinguishing systems or equipment required by the codes of the City, except those buildings or

portions thereof which conformed with all applicable laws at the time of their construction and whose fire-resistive integrity and fire-extinguishing systems or equipment have been adequately maintained and improved in relation to any increase in occupant load, alteration or addition, or any change in occupancy.

(n) *Improper Occupancy.* All buildings or portions thereof occupied for living, sleeping, cooking or dining purposes which were not designed or intended to be used for such occupancies shall be considered substandard.

**Sec. 5-296. Notices and orders of Building Official.**

(a) *Commencement of Proceedings.* Whenever the Building Official has inspected or caused to be inspected any building, and has found and determined that such building is:

1. Dilapidated, substandard, or unfit for human habitation and a hazard to the public health, safety, and welfare;
2. Regardless of its structural condition, unoccupied by its owners, lessees, or other invitees and is 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; or
3. Boarded up, fenced, or otherwise secured in any manner if:
  - a. The building constitutes a danger to the public even though secured from entry; or
  - b. The means used to secure the building are inadequate to prevent unauthorized entry or use of the building in the manner described by Sub-section (a)2, hereof;

he shall commence proceedings to cause the repair, rehabilitation, vacation or demolition of the building.

(b) *Notice.* The Building Official shall issue a notice directed to the record owner of the building. The notice shall contain:

1. The street address and legal description sufficient for identification of the premises upon which the building is located;
2. A statement that the Building Official has found the building to be substandard with a brief and concise description of the conditions found to render the building dangerous;
3. A statement of the action required to be taken as determined by the Building Official.
4. A requirement that the owner or person in charge of the building or premises secure required permits and commence the required action within fifteen (15) days from the date of such notice and that all work be completed within such time as the Building Official shall determine is reasonable;
5. If the Building Official has determined that the building or structure must be vacated, the notice shall contain a requirement that the building be vacated within such time from the date of the notice as determined by him to be reasonable.
6. A statement advising that if any required repair or demolition work is not commenced within the time specified, the Building Official will, without further notice, order the building vacated and posted to prevent further occupancy until the work is completed;
7. A statement advising that if any required repair or demolition work is not commenced or completed within the time specified, proceedings will be commenced to have the building repaired or demolished and the cost of such assessed as a charge against the land.

(c) *Service of Notice.* The notice and any amended notice shall be served upon the record owner.

(d) *Method of service.* Service of notice shall be made upon all persons entitled thereto either personally or by mailing a copy of such notice and order by certified mail, postage prepaid, return receipt requested, to each such person at his address as it appears on the last tax roll of the city, or as known to the Building Official. If no address of any such person so appears or is known to the Building Official, then a copy of the notice and order shall be published twice within ten (10) consecutive days in a newspaper of general circulation in the City. Failure to receive such notice or order shall not affect the validity of any proceedings taken under this Section. Service by certified mail in the manner provided in this Section shall be deemed effective on the date of mailing. Service by publication shall be deemed effective on the date of the second publication.

(e) *Order to vacate.* An order to vacate immediately may be issued only if the building or structure is in such condition as to make it immediately dangerous to the life, limb, property or safety of the public or of the occupants.

(f) *Posting.* Every notice to vacate shall, in addition to being served as provided in paragraph (d), be posted at or upon each 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 Official  
City of Hurst, Texas

### **Sec. 5-297. Violations.**

No person shall remain in or enter any building which has been posted as provided by Section 5-296(f), except that entry may be made to repair, demolish or remove such building under permit. No person shall remove or deface any such notice after it is posted until the required repairs, demolition or removal have been completed and a Certificate of Occupancy issued pursuant to the provisions of the Uniform Building Code. Any person violating this Section shall be guilty of a Class C Misdemeanor, and any person who fails to meet the requirements made in any notice duly



served as provided in this article shall be guilty of a misdemeanor for each day such failure continues after the date the notice requires compliance.

**Sec. 5-298. City Repair or Demolition.**

If the required repair or demolition has not been commenced within fifteen (15) days from the date of any notice served pursuant to this article; or if required action has not been completed as required by such notice, the Building Official shall commence proceedings as follows:

- (a) The Building Official shall cause such building to be vacated by posting at each entrance thereto a notice reading:

SUBSTANDARD BUILDING  
It is a Misdemeanor to Occupy this Building  
or to Remove or Deface this Notice.  
Building Official  
City of Hurst, Texas.

- (b) The City Council shall be notified and requested to consider holding a public hearing to decide whether to order the repair, removal or demolition specified in such notice to be done and whether to cause the cost of such work to be paid and levied as a special assessment against the property.
- (c) The City Council may set a date and time for a public hearing to consider ordering the improvement and assessment of any property the owner has failed to improve as required by notices described in this article. Such public hearing shall be held not less than fifteen (15) nor more than sixty (60) days from the date such hearing is set.
- (d) A title search shall be conducted to discover each mortgagee, and notice of the public hearing to be held before the City Council shall be given by causing a notice thereof to be served on the owner of such property and upon each mortgagee and lienholder having an interest in the building or in the property on which the building is located. Such notice shall be mailed to such owner and lienholder by certified mail, return receipt requested. The notice shall include the

date, time and place of such hearing and shall state that the owner, lienholder or mortgagee will be required to submit proof of the scope of any work that may be required to comply with the ordinance and the time it will take to reasonably perform the work together with:

- (1) An identification, which is not required to be a legal description, of the building and the property on which it is located;
  - (2) A description of the violation of City standards that is present at the building; and
  - (3) a statement that the City will vacate, secure, remove, or demolish the building or relocate the occupants of the building if the ordered action is not taken within a reasonable time.
- (e) The City Secretary shall, at the time notices are mailed, file a notice of the hearing in the Tarrant County Clerk's office, describing the land, owner, and stating the purpose, time and place of the hearing.
- (f) After conducting a hearing authorized under this section, if the Council finds that the allegations are true, the Council shall require the owner, lienholder, or mortgagee of the building to, within thirty (30) days:
1. Secure the building from unauthorized entry; or
  2. Repair, remove, or demolish the building, unless the owner or lienholder establishes at the hearing that the work cannot reasonably be performed within thirty (30) days.
- (g) If the Council allows the owner, lienholder, or mortgagee more than thirty (30) days to repair, remove, or demolish the building, the Council shall establish specific time schedules for the commencement and performance of the work and shall require the owner, lienholder, or mortgagee to secure the property in a reasonable manner from unauthorized entry while the work is being performed, as determined by the Council.

- (h) The owner, lienholder, or mortgagee shall not be allowed more than ninety (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:
  - 1. Submits a detailed plan and time schedule for the work at the hearing; and
  - 2. Establishes at the hearing that the work cannot reasonably be completed within ninety (90) days because of the scope and complexity of the work.
  
- (i) If the Council allows the owner, lienholder, or mortgagee more than ninety (90) days to complete any part of the work required to repair, remove, or demolish the building, the owner, lienholder, or mortgagee shall be required to regularly submit progress reports to the City to demonstrate that the owner, lienholder, or mortgagee has complied with the time schedules established for commencement and performance of the work. The order may require that the owner, lienholder, or mortgagee appear before the Council or its designee to demonstrate compliance with the time schedules.
  
- (j) In a public hearing to determine whether a building complies with the standards set out in this article, the owner, lienholder, or mortgagee has the burden of proof to demonstrate the scope of any work that may be required to comply with the ordinance and the time it will take to reasonably perform the work. The Council shall specify a reasonable time for the building to be vacated, secured, repaired, removed or demolished by the owner or for the occupants to be relocated by the owner and an additional reasonable time for the ordered action to be taken by the mortgagees or lienholders in the event the owner fails to comply with the order within the time provided for action by the owner.
  
- (k) The Council's requirement shall be reduced to writing and shall be considered an order. Within ten (10) days after the date that the order is issued, the City Secretary shall:

1. File a copy of the order in the office of the municipal Secretary or clerk; and
  2. Publish in a newspaper of general circulation in the municipality in which the building is located a 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.
- (l) After the hearing, the City Secretary shall promptly mail by certified mail, return receipt requested, a copy of the order to the owner of the building, and if the owner does not take the ordered action within the allotted time, the municipality shall promptly mail by certified mail, return receipt requested, a copy of the order to any lienholder or mortgagee of the building.

**Sec. 5-299. Performance.**

(a) *Procedure.* If the building is not vacated, secured, repaired, removed or the occupants are not relocated within the allotted time pursuant to the provisions of the order of the City Council, the work may be accomplished by City personnel or by private contract as may be deemed necessary. Rubble and debris shall be removed from any premises, and the lot shall be cleaned. The building or building materials may be sold if removal is ordered, and the proceeds shall be used to offset other costs of cleaning the lot.

(b) *Costs.* The cost of such work shall be paid from the City funds and shall constitute a special assessment and a lien against such property to secure its payment from the date the lien is recorded in the County Clerk's office. Such liens shall be privileged as provided by law. The City

Attorney may bring an action in any court of proper jurisdiction to foreclose the lien and to recover the costs incurred by the City.

**Sec 5.300. Notice of Lien.**

A sworn account of the expense incurred by the City in the repair, removal or demolition of any building, done pursuant to the provisions of this article, shall be filed by the Building Official with the City Secretary. The City Secretary shall file such notice of the City's assessment and lien in the records of the County Clerk. Such notices shall read substantially as follows:

STATE OF TEXAS  
COUNTY OF TARRANT

NOTICE OF LIEN

\_\_\_\_\_, Building Official for the City of Hurst, makes oath and says that the City of Hurst has incurred an expense of \$\_\_\_\_\_ in improving property, the legal description of which is \_\_\_\_\_.

Such expense was incurred to repair, remove or demolish substandard buildings after notices pursuant to ordinance and to Chapter 214, Texas Local Government Code, were served on the record owner thereof, \_\_\_\_\_, whose address is \_\_\_\_\_.

\_\_\_\_\_  
Building Official  
Hurst, Texas

SWORN TO AND SUBSCRIBED before me by the said \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, to certify which witness my hand and seal of office.

\_\_\_\_\_  
Notary Public,  
State of Texas

**Sec. 5-301. Prohibitions Against Service.**

No utility service, building permit or certificate of occupancy shall be allowed for any such property until any lien imposed pursuant to this article is discharged.