

ORDINANCE 2276

AN ORDINANCE AMENDING CHAPTER 5 “BUILDING REGULATIONS” OF THE CITY OF HURST CODE OF ORDINANCES; ARTICLE VI “HOUSING CODE” BY REPEALING THE EXISTING ARTICLE VI “HOUSING CODE” OF CHAPTER 5 “BUILDING REGULATIONS” AND REPLACING IT WITH A NEW ARTICLE XII “HOUSING CODE” PROVIDING FOR DEFINITIONS; PROVIDING FOR OWNER’S AND MANAGER’S GENERAL RESPONSIBILITIES; PROVIDING FOR OCCUPANT’S RESPONSIBILITIES; PROVIDING FOR MULTI-FAMILY LICENSE; PROVIDING FOR CERTIFICATE OF OCCUPANCY; PROVIDING FOR REVOCATION AND REINSTATEMENT; PROVIDING FOR INSPECTIONS; PROVIDING FOR REGULATIONS FOR STRUCTURES AND PREMISES; PROVIDING FOR BUILDING NUMBERS; PROVIDING FOR AUTHORITY TO SECURE BUILDING; PROVIDING FOR NOTICE, PROCEEDINGS, ACTION OF CODE APPEALS AND ADVISORY BOARD, ASSESSMENTS AND LIENS; PROVIDING FOR MUNICIPAL COURT ENFORCEMENT AND CRIMINAL OFFENSES; ESTABLISHING A PENALTY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, dilapidated housing and inadequate and missing plumbing, heating equipment and weatherproofing creates a health hazard and leads to a progressive decline in the housing stock of the City of Hurst (hereafter “City”) and threatens 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, and the public health, welfare 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** all matters stated hereinabove are found to be true and correct and are incorporated herein by reference as if copied in their entirety.

Section 2: **THAT** the City of Hurst, Texas Code of Ordinances be amended by repealing the current Article VI “Housing Code” of Chapter 5 “Building Regulations” and replacing it with the following Article XII “Housing Code.”

“ARTICLE XII. HOUSING CODE

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Subpart A. Definitions; Scope

Sec. 5-501 Definitions.

For the purpose of Article XII of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them;

- (1) **Accessory Buildings.** A building or structure accessory to the primary building, with a separate means of egress, the use of which is incidental to that of the main building and which is located on the same lot.
- (2) **Apartment.** A room or group of rooms used as a dwelling for one 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 dwelling units on the same platted property.
- (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.** An area including a basin with one or more of the following: toilet, urinal, bathtub, shower, bidet or similar plumbing fixtures. If an area is divided into two rooms (separating the shower and toilet from the sink, for example) both rooms will be considered to be the same area and will be included in the definition.
- (6) **Bedroom.** Room intended to be used for sleeping purposes and not as a kitchen, bathroom, living room, closet, hallway, utility space, entry way, garage, patio or breezeway.
- (7) **Building.** Any structure used or intended for supporting or sheltering any use or occupancy.
- (8) **Building Code or International Building Code.** Building Code means the Building Code as adopted by the City of Hurst, Texas.
- (9) **Building Official.** The Building Official of the City of Hurst or designated representative.
- (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 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 or National Electrical Code.** Electrical Code means the Electrical Code as adopted by the City of Hurst, Texas.
- (15) **Energy Code or International Energy Code.** Energy Code or International Energy Code means the Energy Code as adopted by the City of Hurst, Texas.
- (16) **Extermination.** Means the control and elimination of insects, rodents, and vermin.
- (17) **Fire Code or International Fire Code.** Fire Code or International Fire Code means the Fire Code as adopted by the City of Hurst, Texas.
- (18) **Fire chief.** Means the Fire Chief of the City of Hurst or designated representative.
- (19) **Floor space.** Means the total area of all habitable space.
- (20) **Fuel Gas Code or International Fuel Gas Code.** Fuel Gas Code or International Fuel Gas Code means the Fuel Gas Code as adopted by the City of Hurst, Texas.
- (21) **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.
- (22) **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.
- (23) **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.
- (24) **Hot water.** Means hot water supplied to plumbing fixtures at a temperature of not less than one hundred ten (110) degrees Fahrenheit.
- (25) **Infestation.** Means the presence, within or contiguous to a dwelling unit, or apartment, of insects, rodents, vermin, or other pests.

- (26) **Kitchen.** Means space used for cooking or preparation of food.
- (27) **Landlord.** Means the owner, lessor or sub-lessor of a dwelling or apartment building, and includes the term Manager.
- (28) **License.** Means multi-family dwelling complex license.
- (29) **Litter.** Means garbage, refuse, and rubbish and all other waste material.
- (30) **Mechanical code or International Mechanical Code.** Mechanical Code or International Mechanical Code means the Mechanical Code as adopted by the City of Hurst, Texas.
- (31) **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.
- (32) **Multi-family dwelling complex license.** Means the license issued by the Building Official pursuant to this ordinance.
- (33) **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.
- (34) **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 sub-lessor of a dwelling or apartment building.
- (35) **Person.** Means 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.

- (36) **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.
- (37) **Plumbing Code or International Plumbing Code.** Plumbing or International Plumbing Code means the Plumbing Code as adopted by the City of Hurst, Texas.
- (38) **Potable water.** Means water which is satisfactory for drinking, culinary, and domestic purposes and meets the requirements of the health authority having jurisdiction.
- (39) **Premises.** Means a lot, plot or parcel of land, including any structures thereon.
- (40) **Property Maintenance Code or International Property Maintenance Code.** Property Maintenance Code or International Property Maintenance Code means the Maintenance Code as adopted by the City of Hurst, Texas.
- (41) **Property manager.** Means a person who has managing control of real property.
- (42) **Public Works Director.** The Public Works director of the City of Hurst, Texas or designee.
- (43) **Resident manager.** Means on-site property manager and agent of a property manager who is the person with whom the tenant normally deals with concerning the rental agreement or apartment building use of the property, and includes the term landlord.
- (44) **Residential Code or International Residential Code.** Residential Code or International Residential Code means the Building Code as adopted by the City of Hurst, Texas.
- (45) **Risk Rating.** A quantitative designation of 1 (best) through 4 (worst), assigned to a Multi-Family Dwelling Community based on several factors, but not limited to, age, property condition, maintenance standards, provision of life safety systems, management practices and other factors as determined by the City Manager or his or her designated representative and as set forth in

the Risk Rating Assessment Form maintained in the office of the Building Official.

- (46) **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.
- (47) **Single location.** Means property held in common ownership that is contiguous property or separated only by public streets.
- (48) **Substandard or dilapidated building.** Means any structure in which there exists conditions in violation of this chapter or any code as adopted by the City of Hurst which makes the building unsafe or unhealthy.
- (49) **Tenant.** Means any person who occupies a dwelling unit in an apartment building for living or dwelling purposes with the landlord's consent.

5-502 Scope

This chapter shall apply to all existing designated properties, structures, and all existing premises thereon regardless of the date of their construction. Nothing in this chapter is intended to amend or repeal any existing International Fire Code, International Building Code, International Property Management Code, National Electric Code, International Plumbing Code or any other International, Uniform or other Code as adopted by the City of Hurst and in case of conflict, it is intended that the strictest interpretation should prevail.

Sections 5-503 through 5-525 Reserved.

Subpart B. Compliance; Owner and Occupant Responsibilities; License; Certificate of Occupancy; Density;

Sec. 5-526 Compliance with chapter provisions.

Each owner, manager, and occupant of each structure and premises within the city shall comply with the applicable provisions of this chapter. The standards established in this chapter shall be the minimum standards for the continued use and occupancy of all structures and premises regardless of when they were constructed, unless otherwise specified in a particular section. Any structure or premise that is in violation of these standards is hereby declared to be in violation of this chapter and may be ordered to be one (1) or more of the following: vacated, secured, repaired, removed, or demolished.

Sec.5-527 Owner's and manager's general responsibilities.

The owner and manager of the premises shall maintain the structures and premises in compliance with these minimum standards. A person shall not occupy or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter. The standards of this Chapter are intended to complement the requirements of any other applicable code or ordinance of the City of Hurst, and shall not be deemed to lower any more restrictive standard required by the codes at time of original construction or subsequent remodeling. The duty of an owner and manager to maintain premises in compliance with this chapter is not affected by any duty this chapter creates upon the occupants thereof, even if the owner or manager has, by agreement, imposed upon the occupants the duty of maintaining the premises and complying with this chapter.

Sec. 5-528 Occupant's general responsibilities.

(a) Occupants of a building, dwelling unit shall keep in a clean, sanitary, and safe condition that part of the building, dwelling unit, rooming unit or exterior premises which they occupy and control.

(b) Persons removing, disabling or possessing a smoke alarm with the battery removed or possessing a disabled smoke alarm shall be subject to immediate issuance of citation, with no warning period. It shall be an affirmative defense that the person provided written notification to the landlord or apartment manager of the defective smoke alarm.

(c) The owner or manager shall be required to inform all adult occupants of a unit about the duties required for occupants by this chapter. Such information shall be provided by a separate written notice, with one copy signed and retained by the Owner or Manager and subject to inspection by the City, and one copy given to the tenant. Such notice must be in at least 12 point type and worded so as to be easily understood. The City's Building Inspection department may provide a notice the Owner or Manager may use.

Sec. 5-529 Multi-family license.

(a) *License required.* Any person who owns or manages a multi-family dwelling community in the city shall obtain a current and valid license having been issued by the city for each. Any person owning, managing, or maintaining a multi-family dwelling community at more than one (1) location shall obtain a license for each separate location. The city will not issue a certificate of occupancy for any multi-family dwelling community that does not have a license issued to it.

- (b) *License application and issuance.*
- (1) An owner or manager shall file a city-supplied application with the Building Official for each location. The following correct and current information is required in the application:
 - a. Names, current addresses, and telephone numbers of all owners, managers, lien holders, and insurance companies, including an emergency number which shall be responded to within one (1) hour 24 hours a day, seven days a week, every day of the year;
 - b. State-issued driver's license or identification numbers and dates of birth of all owners;
 - c. Names, addresses, state-issued driver's license or identification numbers, and dates of birth of all registered agents and presidents, if any of the above-named parties or registered agents are partnerships or corporations;
 - d. One trade name;
 - e. Zoning district in which the property is located;
 - f. Telephone number, name, and address of a person responsible for paying utility bills;
 - g. The number of dwelling units broken down by number of efficiencies, one-bedroom, two-bedroom, and three-bedroom; and
 - h. The current occupancy rate, in percentage, of the multi-family dwelling community at the time of application.
 - (2) Any person shall not use or permit to be used more than one (1) trade name at a single location.
 - (3) It is the duty of an owner and manager to update all information provided in the application within fifteen (15) calendar days of any change.
 - (4) The city may, at any time, require additional relevant information of the owner or manager to clarify items on the application. The owner and manager shall provide the information the city requires within seven (7) calendar days of the city's request.
 - (5) When more than fifty (50) percent of the ownership changes or there is a change of a general partner, the new owners and partners shall obtain a new license within thirty (30) days of the change. There is no fee for such a new license.
 - (6) The owner or licensee shall notify the city in writing of each change in ownership and each change in manager and individual responsible for compliance with this chapter, and any information required in this section within thirty (30) calendar days of the change.

(7) If an annual license cannot be issued at the time the application is filed, a temporary license may be issued upon payment of the license fee. The temporary license 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 chapter.

(8) No annual license may be issued until the applicant has met all the requisites for it and paid all applicable fees.

(c) *License expiration and renewal for multi-family dwelling communities.* Each license expires on December 31 of each year and the owner shall renew it no later than January 1 of the following year. Late fees of 10% on the amount due will be assessed if payment of the license fee is not received by the city by the last working day of each month, or fraction thereof, beginning January 31. If payment in full, including all late fees, is not received by the city by the last working day of March, the multi-family dwelling community's certificate of occupancy may be revoked in accordance with the terms of this chapter, including section 5-531, and the property may be ordered to vacate.

(d) *Multi-family dwelling community license fee.*

(1) All applicants for an initial or renewal for a license for a multi-family dwelling community shall pay license fees as follows: The fee for a license is three dollars (\$3.00) per unit, per month, per year, per dwelling unit, washateria, clubhouse, athletic facility, office, mechanical buildings, storage buildings, accessory buildings, and all other separate structures, per calendar year. The annual license fee may be waived for the first two full years after the original construction using the original certificate of occupancy, provided the multi-dwelling community maintains a level one or two rating and does not have significant health or safety violations.

(2) 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 be null and void without additional action by the city.

(3) The license fee shall be paid at the time the initial application is filed and at the time each renewal application is filed with the Building Official.

(4) The fee for issuing a replacement or duplicate license is twenty dollars (\$20.00).

(5) License Fee Reduction Program

A license holder is eligible for a license fee reduction of up to half of the annual fee which may be granted provided the following conditions are met:

(A) The property risk rating for the prior year was either 1 or 2 or 3 for the year;

(B) The property management has at least 70% attendance in the Crime Free Multi-Family program administrated through the Hurst Police Department;

(C) Provided (A) and (B) above are met, the reduction will be applied to the following year's license fee renewal.

(e) *Multi-family dwelling community license display.* The owner and manager shall post and display each license issued pursuant to this chapter in a conspicuous place to which occupants have regular access.

(f) *License replacement and transferability.*

(1) 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 may have the word "replacement" stamped across its face and may bear the same number as the one it replaces.

(2) A license pursuant to this chapter is not assignable or transferable from one (1) person to another or from one (1) place to another.

(3) The form of the license shall be determined and prepared by the Building Official.

(g) *License standards.* The owner and manager shall maintain the premises in compliance with the provisions of this chapter and with all applicable laws in order to obtain, retain, or renew a license.

(h) *Appeal of license denial.*

(1) If the Building Official denies or revokes a license, the owner (or manager with written permission of the owner) may appeal the denial to the code appeals and advisory board. License appeals shall be handled in accordance with the provisions set forth in this article and section 5-1 of the Hurst Code of Ordinances. The appeal shall be in writing, filed with the Building Official within fifteen (15) calendar days of such denial.

(2) Failure of any person to file an appeal in accordance with this section is a waiver of his or her right to a hearing and the Building Official's decision shall be final.

(3) The denial of a license by the Building Official is stayed pending appeal.

(i) *False information.* It shall be unlawful and a violation of this section for an owner or manager to intentionally provide, cause to be provided, or allow false information to be provided in response to any of the terms of this section or to allow a violation of any of the terms of this section.

Sec. 5-530. Certificate of occupancy.

It shall be unlawful for an owner or manager to intentionally, knowingly, recklessly, or negligently permit or allow a building or structure to be used or occupied without a valid certificate of occupancy issued pursuant to the requirements of this chapter and the City of Hurst ordinances.

Sec. 5-531. Revocation of license and certificate of occupancy.

(a) For failure to comply with the terms of all applicable laws, the Building Official may revoke a license authorized by this chapter and may revoke a certificate of occupancy for those units or structures in violation. Each building in a multi-family apartment community shall have a separate certificate of occupancy.

(b) If the Building Official revokes a license or certificate of occupancy, the owner or manager may appeal the revocation to the code appeals and advisory board. Certificate of occupancy appeals shall be handled in accordance with the provisions set forth in this article and in section 5-1 of the Hurst Code of Ordinances and the requirements of this ordinance. The appeal shall be in writing, filed with the Building Official within fifteen (15) calendar days of such revocation.

(c) Failure of any person to file an appeal in accordance with this section is a waiver of his or her right to a hearing and the Building Official's decision shall be final.

(d) The revocation of a certificate of occupancy by the Building Official is stayed pending appeal.

(e) Public utilities discontinued. If an owner's certificate of occupancy is revoked in any manner, the city may notify all public utility companies serving the building that the certificate of occupancy for the units in violation has been withdrawn and may request that all public utility services be discontinued from those units in violation.

Sec. 5-532. Reinstatement of certificate of occupancy and license.

If the license or certificate of occupancy is revoked by the Building Official, the same may be reinstated or reissued by the Building Official upon the occurrence of all the following: compliance with the violation notice; compliance with current code requirements governing fire protection systems, building systems, electrical systems, plumbing systems and mechanical systems; and compliance with this Chapter and other ordinances of the City of Hurst, Texas.

Sec. 5-533 Inspections, re-inspections, 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 chapter.

(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) At least once annually, the owner, landlord, resident manager or property manager shall make all unoccupied dwelling units and twenty percent (20%) of the occupied units in the apartment complex available for inspection by the Building Official. Any occupied dwelling units where the occupant expressly requests or 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 annual inspection. In the event the parties cannot agree on an inspection time, said 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, that in cases of emergency 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, and if imminent injury to a person, loss of life or severe property damage is not apparent, 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 article require a re-inspection due to noted violations not being corrected, or the unit to be inspected is locked and the Owner or Manager cannot gain entry at the time of inspection or re-inspection, then a fifty dollar (\$50.00) re-inspection fee per dwelling unit subject to re-inspection shall be paid prior to each re-inspection. The re-inspection fee may be waived if all violations are rectified.

(4) Revocation certificate of occupancy and license. For failure to comply with the terms of this Chapter 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 this chapter 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. 5-534. 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. 5-535. Same—Upon Complaint.

The Building Official is hereby:

(1) Authorized to inspect any dwelling unit, wall or other part thereof, grounds, premises or any structure 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 may 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 and to inspect the grounds, premises, or any structure or portion of a structure to determine whether they are dangerous or otherwise in violation of this chapter.

Sec. 5-536. 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.

Sec. 5-537 Requirements-Exterior Grounds and Premises

(a) The owner and manager shall maintain all exterior grounds and premises in a clean, safe, and sanitary condition, including, but not limited to, the following:

(1) Maintain parking lots, fire lanes, driveways, sidewalks, walkways, porches, patios, and other paved areas in good repair, free from deterioration, holes, excavations, sharp protrusions, or any other object or condition which may cause injury to a person in accordance with the requirement of section 27-20 (“Minimum parking and loading requirements”), and section 14-8 (“Maintenance of parking lots”) any successor sections, of the Hurst Code of Ordinances and in compliance with all applicable provisions of the Fire Code as adopted by the City of Hurst Texas;

(2) Provide and maintain legible parking, fire lane and disabled parking markings;

(3) Maintain vehicular and pedestrian control devices in good condition;

(4) Cover and maintain all exposed ground with pavement, stone screenings, other solid or semi-pervious material, or vegetative growth that is capable of eliminating soil erosion and dust, and that is free of holes and depressions that may injure a person or property;

(5) Maintain wells, cesspools, and cisterns securely covered or closed;

(6) Remove trees and tree limbs that are reasonably capable of damaging a structure, or that are reasonably capable of causing injury to a person, or which are within fourteen (14) feet of a fire lane measured vertically from the surface of the fire lane to the lowest point of the tree limb or branch;

(7) Maintain fences, gates, and screening walls in good condition;

(8) Maintain all exterior property and premises free from rubbish or garbage except as contained in covered, leak-proof containers;

(9) Provide trash containers of adequate size and number

(10) Provide such trash containers be serviced with adequate regularity to prevent an overflow;

(11) Remove excess rubbish and garbage or items too large for the provided containers;

(12) Maintain dumpster screening as provided by section 27-21 and any successor section of the Hurst Code of Ordinances; and

(13) Provide for and maintain proper drainage throughout the property so as to prevent structural damage to buildings, parking lots, walkways, sidewalks, or any other structure, prevent accumulation of water that could provide a haven for mosquitoes to breed and not to allow the water to create a public nuisance.

(b) Exterior of structures. The owner and manager shall maintain the exterior of all structures and equipment thereon in good condition, structurally sound, and in a sanitary condition, so as not to pose a threat to the public health, safety, or welfare including, but not limited to, as follows:

(1) Maintain all exterior surfaces, including, but not limited to, doors, windows, door and window frames, cornices, porches, trim, balconies, decks, and fences in good condition. Exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking, and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces;

- (2) Maintain all structural members free from deterioration, and capable of safely supporting the imposed dead and live loads;
- (3) Maintain all foundation walls plumb and free from open cracks and breaks in such condition so as to prevent the entry of rodents and other pests;
- (4) Provide mechanical ventilation or screened cross-ventilation openings of not less than one and one-half (1½) square feet for each twenty-five (25) linear feet of wall in each basement, cellar, and crawl space;
- (5) Maintain all exterior walls free from holes, breaks, and loose or rotting materials;
- (6) Maintain all exterior walls and exposed surfaces of metal or wood to protect them from the elements and against decay or rust by periodic application of weather coating materials, such as paint or similar surface treatment;
- (7) Maintain the roof and flashing sound, tight and without defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters, and downspouts shall be maintained in good condition and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance;
- (8) Maintain all cornices, belt courses, corbels, trim, wall facings, and similar decorative features in good condition with proper anchorage and in a safe condition;
- (9) Maintain all overhang extensions including, but not limited to, canopies, marquees, signs, metal awnings, fire escapes, standpipes, and exhaust ducts in good condition and properly anchored so as to be kept in a sound condition. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment;
- (10) Maintain every exterior stairway, deck, porch, and balcony, and all appurtenances attached thereto, structurally sound, in good condition, with proper anchorage and capable of supporting the imposed loads and in compliance with the International Building Code as adopted by the City of Hurst, Texas. It shall be an affirmative defense that the exterior stairways, deck, porch, balcony or other appurtenances attached thereto were in compliance with the Building Code in effect at the time of installation; provided such structures do not pose a hazard to health, safety or welfare; provided, however, that if any such structures become more than fifty

percent (50%) deteriorated or destroyed this affirmative defense is not available and the entire structure shall be replaced;

(11) Maintain all chimneys, cooling towers, smoke stacks, and similar appurtenances structurally safe and sound, and in good condition;

(12) Maintain every window, skylight, door, and frame in sound condition, good condition, and weather tight;

a. All glazing materials shall be maintained free from cracks and holes;

b. Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware; and

c. Every window which opens directly to or from an outdoor space shall be equipped with a tightly fitting insect-proof screen of not less than sixteen (16) mesh per inch; and

(13) Maintain all exterior doors, door assemblies, and hardware in good condition. Locks at all entrances to dwelling units shall tightly secure the door; and

(14) Provide and maintain drainage of roofs and paved areas, yards and courts, and other open areas on the premises in a way so as not to be discharged in a manner that creates a public nuisance or accumulation of water for more than 24 hours after a rain event or creates a condition that could harbor mosquitoes.

Section 5-538 Security devices. The owner and manager of all residential rental property shall comply with the Texas Property Code Chapter 92, Residential Tenancies, Subchapter D, Security Devices;

Section 5-539. Requirements - Interior of structure.

(a) The owner and manager shall maintain the interior of a structure and equipment therein in good condition, structurally sound, and in a sanitary condition, and occupants shall maintain that part of the structure which they occupy or control in a clean and sanitary condition, including, but not limited to, as follows:

(1) Maintain all structural members structurally sound, and capable of supporting the imposed loads;

(2) Maintain all interior surfaces, including windows and doors, in good, clean, and sanitary condition. Peeling, chipping, flaking, or abraded paint

shall be repaired, removed, or covered. Cracked or loose plaster, decayed wood, and other defective surface conditions shall be corrected;

(3) Maintain every stair, ramp, landing, or other walking surface in sound condition and good condition;

(4) Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers, or tracks as intended by the manufacturer of the attachment hardware; and

(5) Every dwelling unit shall contain a kitchen that meets the following requirements:

a. Food-contact surfaces shall be smooth and easily cleanable; impermeable to liquid; unpainted; if resurfaced, resurfaced only with methods and materials approved for use with food contact surfaces; free from areas which are inaccessible to cleaning and inspection; free from breaks, seams, cracks, chips, pits, or similar imperfection; and free from difficult-to-clean internal corners or crevices;

b. Surfaces for equipment not intended for contact with food but which are exposed to splash or food debris or which otherwise require frequent cleaning shall be smooth, washable, free of unnecessary ledges, projections or crevices; readily accessible for cleaning; and constructed of such material in such repair as to be easily maintained in a clean and sanitary condition;

c. Gaskets and seals used for temperature control on doors into refrigeration systems shall be maintained clean, firm-fitting, and intact;

d. Grease extracting ventilation hoods shall be provided which are readily removable and listed by a recognized testing laboratory; and

e. A fire suppression system above each cooking device, including, but not limited to stoves, ovens, or other similar devices, capable of suppressing a fire which shall be installed within one (1) year after the passage of this ordinance.

(b) Fuel burning equipment. The owner and manager shall provide and maintain:

(1) That fuel burning heating and cooking devices be properly vented to the outside;

(2) That all fuel supply lines and fuel containers be securely installed to avoid accidental displacement;

- (3) All required clearances to combustible materials;
- (4) All safety controls for fuel-burning equipment be in effective operating condition; and
- (5) A supply of air for complete combustion of the fuel and for ventilation of the space containing the fuel-burning equipment.

(c) Mechanical systems. The owner and manager shall provide and maintain heating and cooling facilities in all dwellings as follows:

(1) Heating facilities shall be capable of maintaining a room temperature of sixty-eight (68) degrees Fahrenheit in all habitable rooms, bathrooms, and toilet rooms at any point measured a distance of not more than three (3) feet above floor level, and not more than two (2) feet from an exterior wall;

(2) Cooking appliances shall not be used to provide space heating to meet the requirements of this subsection;

(3) Cooling facilities shall be capable of maintaining a room temperature of at least twenty (20) degrees cooler than the outside temperature, but in no event higher than eighty-five (85) degrees, in all habitable rooms, bathrooms, and toilet rooms at any point measured a distance of not less than five (5) feet above floor level, and not more than three (3) feet from an exterior wall; provided, however, the Building Official may waive this condition for twenty-four (24) hours due to extraordinary weather conditions. Should such conditions persist, the Building Official may grant additional twenty-four (24) hour waivers;

(4) All rooms, and all other enclosed spaces, excluding closets and storage areas, shall be ventilated in a manner sufficient to keep them free of excessive heat, steam, condensation, vapors, offensive odors, smoke, and fumes; and

(5) Intake and exhaust air ducts shall be maintained in such a manner as to prevent the entrance of dust, dirt, and any other contaminating material.

(d) Electrical. The owner and manager shall properly install and maintain all electrical equipment, wiring, and appliances in a safe manner, including, but not limited to:

(1) The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the National Electrical Code;

(2) Artificial light fixtures with protective shields capable of preventing broken glass from falling in areas where food may be exposed and where equipment or utensils may be stored; and

(3) Ground-fault circuit-interrupter protected receptacles shall be provided as required by the Electrical Code and for the following locations:

a. Kitchens where the receptacles are installed to serve counter surfaces;

b. Bathrooms, laundry rooms or areas, utility rooms or areas, and wet bar sinks; and

c. Garage and outside electrical outlets.

(4) Grounding and bonding of electrical systems must be provided and maintained and shall meet the requirements of the National Electric Code, as adopted. It shall be an affirmative defense that the electrical systems were in compliance with the Electric Code in effect at the time of installation; provided such electrical systems do not pose a hazard to health, safety or welfare.

(e) Egress required. The owner and manager shall ensure that every sleeping room has at least one (1) window or opening facing directly to the outdoors which is capable of being opened far enough to permit egress by any adult.

(1) It is an affirmative defense to this subsection that the windows conform to all applicable laws at the time of their construction and have been adequately maintained and upgraded to current building code requirements in response to any alteration, fire damage, repair, or addition in which the windows were affected.

(2) When an unsafe condition exists through lack of, or improper location of exits, the Building Official or Fire Chief may require the owner and manager to install additional exits.

Section 5-540 Required - Essential utilities.

(a) Multi-family dwelling communities. If the owner or manager is responsible for the provision of an essential utility for a dwelling unit in a multi-family dwelling community, he or she shall ensure that these utilities are provided at all times.

(b) If an essential utility is interrupted due to an accident, natural event, or equipment malfunction, the owner and manager shall cause repairs to begin as soon as practical and shall have service reinstated within

twenty-four (24) hours, except as otherwise provided for sewer systems in this chapter.

(c) Except in cases beyond the reasonable control of the owner or manager, if repairs are not completed and service reinstated within twenty-four (24) hours, affected residents shall be relocated to temporary housing at the owner's expense; provided that the requirement to locate in temporary housing only exists until the unit is habitable.

(d) If the owner or manager is responsible for payment for an essential utility for a dwelling unit, he or she shall ensure that these essential utilities are not discontinued due to payment delinquency. Termination of an essential utility due to non-payment is grounds for the revocation of the certificate of occupancy.

Section 5-541. Required – Handrails and Guardrails

(a) The owner and manager shall provide and maintain every exterior and interior flight of stairs having three or more risers with a handrail on each side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp, or other walking surface which is more than thirty (30) inches above the floor or grade below with guards.

(b) Handrails shall not be less than thirty-four (34) inches high or more than thirty-eight (38) inches high measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces.

(c) Guardrails shall not be less than thirty-six (36) inches high above the floor of the landing, balcony, porch, deck, ramp, or other walking surface.

(d) Intermediate rails shall be spaced to prohibit the passage of: a four (4) inch sphere for rails installed after August 30, 1991; a six (6) inch sphere for rails installed prior to August 30, 1991.

(e) Every handrail and guardrail shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

(f) It shall be an affirmative defense that the handrails or guardrails were in compliance with the Building Code in effect at the time of installation; provided such structures do not pose a hazard to health, safety or welfare

Section 5-542. Required - Extermination.

(a) The owner and manager shall maintain all structures free from insect and rodent infestation.

(b) All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, the owner and manager shall take proper precautions to prevent re-infestation.

(c) The owner, manager, and occupant shall maintain those portions of the interior of a structure under his or her control free from rubbish, garbage, and other substances that may encourage infestation by insects, rodents, or

vermin, and from all unsanitary conditions and shall cause the structure to be exterminated of insects, rodents, and other pests by an exterminator licensed by the state within ten (10) days after receiving written notice from the city that extermination is necessary.

Section 5-543. Required - Plumbing in all structures and premises.

(a) The owner and manager shall provide and maintain the following plumbing facilities connected to said systems in compliance with the Hurst Code of Ordinances and so as not to pose any health or sanitation hazard:

(1) Kitchen sink, lavatory basin, and either a bathtub or shower all of which are provided with both hot and cold water;

(2) Flush toilet; and

(3) Water heating equipment adequate to supply hot water to every kitchen sink, lavatory basin, and bathtub or shower at a temperature of not less than one hundred ten (110) degrees Fahrenheit.

(b) The owner, manager, and occupant shall:

(1) Maintain all occupied areas and all plumbing equipment and facilities in a clean, sanitary condition at all times; and

(2) Connect plumbing fixtures and heating equipment that the occupant supplies in compliance with applicable laws and as allowed by lease agreement.

(c) The owner and manager shall take immediate action to clear stoppages and partial blockages of all sanitary sewer systems. The owner and manager shall, within twenty-four (24) hours after written notice of a malfunctioning sewer system:

(1) Reinstate properly functioning sewer service; and

(2) Complete removal of all residue, and complete treatment of all affected areas with a suitable disinfectant, including, but not limited to, inside structures, underneath structures, and all premises under the control of the owner and manager. It is unlawful for the owner, manager, or any person under his control to permit washing or power-washing sewage and debris. It is an affirmative defense to the washing requirement that the debris and wash water are contained, collected, and properly disposed of.

(d) If repairs are necessary that involve excavating to replace or rearrange sanitary sewer piping, the Building Official may grant additional time for

the owner or manager to complete the repair and restore properly functioning sewer service. Said additional time shall not exceed forty-eight (48) hours for a total of seventy-two (72) hours after written notice. Additional time may be allowed for repairs of sewer service that are not in use and which do not involve sewage and that do not endanger the public or the health, safety or welfare of the community.

(e) If repairs involving excavation are necessary, the owner and manager shall establish an electronic record of the internal problems using a sewer line video inspection system or by taking photographs or video of the repairs once the line is excavated. The owner and manager shall maintain said record to confirm to the City of Hurst that the repairs were completed.

(f) Written notice of a malfunctioning sewer system shall be effective upon the earliest of any of the following:

(1) Upon personal service;

(2) Upon delivery to the person's office during normal business hours;

(3) Upon posting such notice on the door of the person's residence or office;
or

(4) Seventy-two (72) hours after depositing the notice, enclosed in a postpaid, properly addressed envelope, in a post office or official depository under the care and custody of the United States Postal Service.

(g) The owner or representative shall notify the Building Official and the Public Works Director of sewer main overflows immediately, but in no case later than twenty-four (24) hours, after the overflow.

(h) The owner or representative shall maintain access points (i.e., cleanouts and manholes) to sanitary sewer piping closed and tightly capped at all times. It is an affirmative defense that there is construction, cleaning, inspection, or repair actively occurring.

(i) If a notice is provided under this section in excess of two (2) times within a twelve-month period, the owner and manager shall have the sanitary sewer piping cleaned and the internal piping condition assessed by a video inspection system. The cleaning and video assessment shall, at a minimum, include the piping from the point of blockage downstream to the City sewer system. The owner and manager shall retain an electronic record of said condition assessment and provide it as requested by the City of Hurst.

(j) If a notice is provided under this section in excess of four (4) times within a twelve-month period, the owner and manager shall maintain a written agreement to have the sanitary sewer piping, including, but not limited to, sewer mains and lateral lines, cleaned at least once every two (2) months. The owner and manager shall retain a copy of said written agreement and provide it as requested by the City of Hurst. If the structure and premises improve to such a condition that notice is not required for twelve (12) consecutive months, the owner and manager may reduce the cleaning frequency to once annually.

(k) If a notice is provided under this section in excess of six (6) times within a twelve-month period, it is deemed that all or part of the sanitary sewer piping under the control of the owner and manager is in total structural failure. When all or part of the sanitary sewer piping is deemed to be in total structural failure, the owner and manager shall conduct a complete assessment of the sewer piping and replace the failed area. The owner and manager shall retain an electronic record of said condition assessment and provide it as requested by the City of Hurst.

(l) The costs, charges, and expenses incurred by the City of Hurst in responding to, cleaning up, applying appropriate disinfectant to raw sewage and residue that entered the public right-of-way from the structure and premises, or causing such work to be done, shall be a charge to and a personal liability of the owner and manager.

Section 5-544. Requirements - Fire safety.

(a) The owner and representative shall provide and maintain a safe, continuous, and unobstructed path of travel from any point in a structure to the public way. Means of egress shall comply with the International Fire Code and the International Building Code, including, but not limited to, as follows:

(1) At least one (1) emergency escape window or door shall be provided for each nonsprinklered bedroom below the fourth story;

(2) Emergency escape and rescue openings shall have a minimum net clear opening of 5.7 square feet. It is an affirmative defense to this subsection that the minimum net clear opening for emergency escape and rescue grade-floor openings and for buildings built prior to February 1, 1979, shall be five (5) square feet;

(3) The minimum net clear opening height dimension shall be twenty-four (24) inches. The minimum net clear opening width dimension shall be twenty (20) inches. The net clear opening dimensions shall be the result of normal operation of the opening. It is an affirmative defense to this subsection that the minimum net clear opening height or width shall be

twenty-two (22) inches for windows legally installed prior to February 1, 1979;

(4) Emergency escape and rescue openings shall have the bottom of the clear opening not greater than forty-four (44) inches measured from the floor. It is an affirmative defense to this subsection that the bottom of the clear opening height is forty-eight (48) inches for windows legally installed prior to February 1, 1979;

(5) Emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates, or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with this section and such devices shall be releasable or removable from the inside without the use of a key, tool, or force greater than that which is required for normal operation of the escape and rescue opening; and

(6) When an unsafe condition exists due to the provision of an insufficient means of egress system or emergency escape opening, the city may require the owner or manager to comply with this section.

(b) Fire protection systems. The owner and manager shall provide and maintain all systems, devices, and equipment to detect a fire, smoke, or carbon monoxide, actuate an alarm, or suppress or control a fire or any combination thereof in operable condition at all times in accordance with the International Fire Code, including, but not limited to, as follows:

(1) Smoke alarms shall be installed and maintained on the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms and in each room used for sleeping purposes.

(2) Smoke alarms shall receive their primary power from the building wiring, shall be interconnected and shall be equipped with a battery backup. It is an affirmative defense that there is a smoke alarm powered by battery in a dwelling unit built before September 1, 1987 and that the dwelling unit was built in compliance with city ordinance. This defense shall not be available after the interior of said unit is repaired, remodeled, or rebuilt at a projected cost of more than \$5,000 and (A) the repair, remodeling, or rebuilding requires a municipal building permit and (B) either (i) the repair, remodeling, or rebuilding results in the removal of interior walls or ceiling finishes exposing the structures; or (ii) the interior of the unit provides access for building wiring through an attic, crawl space, or basement without the removal of interior walls or ceiling finishes; (2) an addition occurs to the unit at a projected cost of more than \$5,000; (3) a smoke alarm powered by alternating current was actually installed in the unit at any time prior to September 1, 1987; or (4) a smoke alarm powered

by alternating current was required by city ordinance at the time of initial construction of the unit.

(3) Persons removing, disabling or possessing a smoke alarm with the battery removed or a disabled smoke alarm shall be subject to immediate issuance of citation, with no warning period. It shall be an affirmative defense that the person provided written notification to the Owner or Manager of the defective smoke alarm.

Section 5-545. Requirements - Alterations.

Each owner, manager, and occupant of a building shall not alter the building or its facilities so as to create any noncompliance with any applicable law.

Section 5-546. Requirements - Vacant units, structures, and land.

In addition to the other requirements of this section, the owner and manager shall maintain:

(a) All vacant units, structures, and premises thereof or vacant land in a clean, safe, secure, and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety; and

(b) All vacant or unoccupied structures or parts of structures completely secure from unauthorized entry. Minimum standards for securing a structure are:

(1) All openings in a structure, including all floor levels, shall be secured to prevent entry by unauthorized persons. One (1) building entrance may be secured with a door of either solid core wood or steel construction, having no window in the door, and the door shall be securely locked to allow access only to authorized persons. Said door shall be secured with a through-bolted hasp and padlock if the door swings in. All openings shall comply with the Crime Free Multi-Family ordinance;

(2) If plywood materials are used to secure buildings, such materials shall be no less than one-half (1/2) inch thick, exterior grade. Particle board, wafer board, Masonite, or other similar materials shall not be used for purposes of boarding-up a building;

(3) Mechanical fasteners used for wood board-up materials shall be round-headed, non-slotted carriage bolts no less than three-eighths-inch in diameter with washers and nuts on the interior face;

(4) The primary method of securing plywood boards shall be by the use of through-bolt compression fastening, using plywood on the exterior face and wood bracing constructed of minimum two-inch by four-inch (nominal) lumber installed on the interior side of the opening to be secured,

perpendicular to the long dimension of the opening. Such bracing shall extend at least six (6) inches beyond the edge of the opening on each side in order to be securely braced against the building structure;

(5) Wood construction used to secure a structure opening shall contain at least one (1) bolt in each corner and additional bolts no more than four (4) feet on center continuously along the perimeter. Each bolt shall fully penetrate the wood bracing on the interior side of the opening; and

(6) The surfaces of such securing materials exposed to the weather shall be protected with the application of exterior grade paint, or a similar weather resistant finish, which blends with the background color of the building.

(7) It is an affirmative defense to the requirement of through-bolt compression fastening that such fastening is impossible due to the construction or condition of the opening. In such event, the opening shall be covered with plywood secured with minimum three-inch-long wood screws fastened on four-inch centers around the circumference of the opening.

(c) Nothing in the minimum standards of this section shall preclude an owner or manager from utilizing superior materials, such as metal, masonry, or concrete, or proprietary systems such as VPS systems, which exceed the durability and reliability of the foregoing standards, to secure a vacant structure or portion of a structure.

(d) In the event that a structure becomes unsecure after compliance with the standards in this section, the owner and manager shall re-secure immediately and maintain said building in a secure manner.

Section 5-547. Requirements -Applicable Codes and Ordinances

Owners shall meet all applicable codes and ordinances for multi-family structures, in addition to all Housing Code requirements.

Sec. 5-548. Requirements-Density

(a) Notwithstanding the provisions of all other city ordinances, the maximum number of persons per unit is as follows: no more than two (2) occupants per each bedroom plus one (1) additional occupant are permitted to reside in a dwelling unit or as set out in subsection (g) below.

(b) The owner, manager, and licensee shall keep records that reflect the number of occupants in each dwelling unit. Said records shall be available for review by the city during regular working hours or upon receipt of reasonable notice.

(c) It shall be unlawful and a violation of this section for an owner or manager to permit or allow a violation of any of the terms of this section.

- (d) It is unlawful for an occupant to violate, or permit, or allow any person or persons to reside in the occupant's unit in violation of this section.
- (e) It is an affirmative defense to the density requirements of this section that a family residing in a dwelling unit in April 1985 continues to reside in the same dwelling unit. This defense does not apply to, permit, or allow any additional unrelated parties to reside in the occupied dwelling unit.
- (f) An owner may establish a more restrictive density for each dwelling unit provided the density is based upon occupants per each bedroom.
- (g) *Multi-family dwelling community notice display.* To assist compliance with the density requirements of this chapter, all licensees of a multi-family dwelling community shall display in a conspicuous place, the following notice, the form of which may be furnished by the Building Official:

CITY OF HURST IMPOSES THE
FOLLOWING MAXIMUM DENSITY
REQUIREMENTS:

One-bedroom or efficiency — No more than three (3) occupants per unit.

Two-bedrooms — No more than five (5) occupants per unit.

Three-bedrooms — No more than seven (7) occupants per unit.

Four or more bedrooms — No more than nine (9) plus two (2) additional occupants for each additional bedroom.

Or, in the alternative, the licensee may display a similar notice that states the licensee's density requirements that are as strict as or stricter than the standards set by this section.

Sections 5-549 through 5-560 Reserved

Subpart C. Specific provisions; Street numbers

Sec. 5-561 Multi-family dwelling community specific provisions.

Each owner and manager of a multi-family dwelling community shall met the following requirements:

(a) Emergency telephone number. The owner and manager of a multi-family dwelling community shall provide to each resident and the Building Official a current correct emergency telephone number which shall be responded to within one (1) hour twenty-four (24) hours each day by an owner, an employee or agent of the owner, a manager, or a telephone answering service for the multi-family dwelling unit in which the resident resides, in order to be able to respond to all resident emergencies which cannot wait until the first business hours.

(b) Management registration.

(1) All managers of a multi-family dwelling community shall register as such with the city. Such registration shall include the name of the person or management company, street address, a current correct telephone number, and a current correct emergency telephone number which shall be responded to within one (1) hour twenty-four (24) hours each day by an owner, an employee or agent of the owner, or a manager and any other information as determined by the Building Official.

(2) An owner shall not use a manager or management company that is not registered with the city pursuant to this subsection.

(c) Disclosure of ownership.

Upon request, the landlord or manager shall disclose to each resident and the Building Official the name and either a street address or post office box address of the holder of record title in accordance with the provisions set forth in Section 92.201, *et seq.* of the Texas Property Code, as amended.

(d) Utilities to master-metered multi-family dwelling community.

(1) *Utility company records.* Before providing utility service to a new account at a master-metered multi-family dwelling community, a utility company may obtain, and the applicant for utility service shall provide:

a. The name and address of the owner or owners of the building;

b. The name and address of the manager responsible for paying the utility bills; and

c. The name and address of the first-lien holder, if any.

(2) The utility company may maintain a record of the information obtained per subsection (1) and may make it available to the city.

(3) *Notice of utility interruption.*

a. A utility company may make a reasonable effort (including, but not limited to, messenger delivery) to provide notice of a pending utility interruption to residents of a master-metered multi-family dwelling community.

b. Prior to disconnecting service, a utility company providing gas, electricity, water, or sanitary sewer may send to the Building Official a copy of each termination of service letter or notice sent to the owner or manager of a master-metered multi-family dwelling community.

(e) Crime prevention standards. The owner and manager of a multi-family dwelling community shall provide the following crime prevention measures:

(1) Signs for emergencies and code violations. The owner and manager of a multi-family dwelling community shall post and maintain signs on the premises of the community which include the following:

a. Emergency numbers. The names of designated employees or other authorized persons who shall be assigned to respond to emergency conditions and a telephone number where said employees can be contacted during any twenty-four-hour period. Emergency conditions shall include fire, natural disaster, flood, collapse hazard, burst pipes, or violent crime.

b. Notice for reporting code violations. A sign for reporting code violations to the city in a form approved by the Building Official.

(2) Sign requirements. The sign required by this section shall be a minimum of twelve (12) inches by twenty-four (24) inches. Sign facings shall be fabricated out of weather-proof material. The signs shall have a white background, with letters and numbers in a contrasting color. At each multi-family dwelling community there shall be at least one (1) sign posted, and an additional sign for each fifty (50) dwelling units in excess of fifty (50). The signs shall be prominently displayed in exterior, publicly accessible areas of the complex. If the community has an on-site management office, one (1) sign shall be on the exterior of the office.

(3) Lighting.

a. Exterior illumination shall be provided at appropriate points adjacent to all building entrances, including individual dwelling units. Lighting shall be sufficient to illuminate areas where hazards may reasonably exist, and shall be operable between a half hour after sunset and a half hour before sunrise.

b. If control mechanisms for such lighting are not accessible by each tenant, such illumination shall be activated and deactivated by a photo cell or seasonally-adjusted timer switch, not operable by individual tenants of the community.

c. The owner and manager shall repair all inoperable exterior lighting fixtures within a reasonable period of time after being notified that the fixture is not working. In no instance shall a reasonable period of time be deemed to mean more than seven (7) calendar days. It shall be an affirmative defense that a request for repairs was made to the electrical provider and can be shown to the Building Official if the repair of such fixtures requires repair work by the electrical provider.

(4) Vacant buildings. The owner and manager shall maintain all vacant buildings pursuant to the standards otherwise in this chapter.

(5) Security gate access.

a. The owner and manager of a multi-family dwelling community which has unstaffed security gates which restrict vehicle access onto the premises shall provide the police chief with master codes to the gates so that police vehicles and personnel and ambulance and ambulance personnel are allowed unrestricted entry onto the premises when responding to emergencies and calls for service and routine patrols.

b. Prior to changing the master codes, the owner and manager shall notify the police chief of the new codes.

c. The owner and manager shall equip all security gates with a manual override to be used in the event of a power outage or system failure. The owner and manager shall notify the police chief of the location of the override.

d. The owner and manager shall provide access through such security gates by fire trucks and fire personnel as required by the International Fire Code as adopted by the city.

(6) Graffiti abatement. An owner and manager shall remove graffiti from his or her multi-family dwelling community as required by the ordinances of the City of Hurst.

Sec. 5-562 Assignment of numbers.

The city shall have sole authority to assign address numbers for all buildings. Numbers shall be subject to change by the city.

Sec. 5-563 Responsibility.

It shall be the responsibility of the owner, owner's agent, and manager of property subject to this chapter to comply with the street address requirements.

Sec. 5-564 Numbering - Multi-family dwelling community.

The owner and manager of each structure or occupancy shall affix official street address numbers assigned to each building and each unit as follows:

(a) **Street number required.** The owner and manager shall post street address numbers or other identifying numbers designated by the city on each multi-family dwelling community structure; shall post the range of street address numbers at each entrance to the multi-family dwelling community; if there is a name sign posted at each entrance, shall post the range of street address numbers on this sign; and, if there are covered parking structures, shall post the building address numbers on the faces of the covered parking structures adjacent to the fire lane or access way at all locations that provide pedestrian access to a building. The street address numbers required by this subsection shall be at least six (6) inches in height with a one-inch-stroke and otherwise comply with the requirements of this chapter.

(b) **Dwelling unit numbers required.**

(1) The owner and manager shall post on each dwelling unit in a multi-family dwelling community structure at its main entrance a number distinguishing the unit from all other units in the structure. The numbers shall be no less than one and one-half (1½) inches in height and the stroke shall be one-fourth (¼) inch and comply with the requirements of this chapter.

(2) In a multi-family dwelling community which has more than one (1) vehicular access to one (1) or more structures, the city may require the posting of more than one (1) set of street numbers or other identifying numbers on each structure in order that each structure may be identified from each vehicular access point. The street address numbers or other identifying numbers required by this subsection shall be at least six (6) inches in height with a one-inch stroke and otherwise comply with the material requirements of this chapter.

Sec. 5-565 Sizing of address numbers.

When the size of street numbers is not specifically stated in this chapter and when street address numbers face a public or private street, driveway, or access way, the minimum size of each number shall be based upon the following formula unless otherwise specified:

Distance from Posted Number Location to Street, Driveway, or Access Way	Minimum Size of Numbers	Minimum Width of Stroke
Up to and including fifty (50) feet	Three (3) inches high	One-half inch
From fifty-one (51) feet to and including one hundred (100) feet	Five (5) inches high	Three-fourths inch
From one hundred and one (101) feet up to and including one hundred and fifty (150) feet	Six (6) inches high	One inch

Sec. 5-566 Specifications for numbers

The number assigned by the city as required by this section shall be of a durable material which shall not tarnish, fade, corrode, or peel on account of the action of the elements and shall be of a color contrasting to its background. Numbers shall be visible from the public street, alleyway, and any other access.

Sec. 5-567 Approving authority and applicability.

The Building Official or fire chief may approve a variance to the requirements of sections 5-564 (“Numbering-Multifamily dwelling community”), 5-565 (“Sizing of address numbers”) or 5-566 (“Specifications for numbers”) if it improves the effectiveness of the

street numbering system. This section shall apply to all existing structures within the corporate limits of the City of Hurst, Texas.

5-568 through 5-580 Reserved

Subpart D. Substandard structures; risk rating

Sec. 5-581 Substandard Structures

(a) A structure does not meet the minimum standards of the city if it is in violation of any applicable law, or:

(1) Is dilapidated, substandard, or unfit for human habitation and a hazard to the public health, safety, and welfare;

(2) Is 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;

(3) Is boarded up, fenced, or secured, but

a. 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 by vagrants, children, or other uninvited persons;

(4) Is deteriorated or inadequate foundation.

(5) Is defective or deteriorated flooring or floor supports.

(6) Has flooring or floor supports of insufficient size to carry imposed load with safety.

(7) Has members of walls, partitions or other vertical supports that split, lean, list or buckle due to defective material or deterioration.

(8) Has members of walls, partitions or other vertical supports that are of insufficient size to carry imposed loads with safety.

(9) Has members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or buckle due to defective material or deterioration.

(10) Has members of ceilings, roofs, ceiling and roof supports, or other horizontal members that are of insufficient size to carry imposed loads with safety.

(11) Has fireplaces or chimneys which list, bulge or settle due to defective material or deterioration.

(12) Has fireplaces or chimneys which are of insufficient size or strength to carry imposed loads with safety.

(13) Has heating flues and exhausts which list, bulge or settle due to defective material or deterioration.

(14) There exist conditions caused by accumulations of refuse, vegetation, or other matter that create breeding and living places for insects and rodents; or

(15) The condition, use, or appearance of property is in violation of the Code of Ordinances of the City of Hurst, Texas, or the Zoning Ordinance.

(b) A structure is unsafe and dangerous if its structural condition presents a substantial hazard to its occupants, adjoining property, or other persons by not providing minimum safeguards to protect or warn occupants in the event of fire, or because the structure contains unsafe equipment or is so damaged decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation, that partial or complete collapse is possible or that has any of the following structural deficiencies:

(1) Walls or other vertical structural members which list, lean, or buckle in excess of one-quarter-inch horizontal measurement for each one-foot of vertical measurement;

(2) A supporting member, exclusive of the foundation, which shows thirty-three percent (33%), or more damage or deterioration;

(3) A non-supporting enclosing outside wall or covering with fifty (50) percent damage or deterioration;

(4) Parts that may fall and injure a person or property;

(5) A foundation that has holes, cracks, buckling, crumbling, or defects that may cause said foundation to be unable to provide adequate support;

(6) A floor, exterior wall, or roof that has holes, cracks, or loose, rotten, warped, or protruding boards that may injure a person;

(7) An interior wall or ceiling that has holes, cracks, loose plaster, defective materials, or structural deterioration that may defeat the purpose of the wall or ceiling or that may fail to protect the occupants of the structure from danger of collapse or fire;

(8) Damage by fire, explosion, wind, vandalism, or elements of nature so that there may be a danger to life, safety, or to the general health and welfare of a person;

(9) Absence of an essential utility for forty-eight (48) hours or more;

(10) Inaccessibility of any part of the structure to fire, police, EMS, or other emergency vehicles; or

(11) Sewage flowing into the right-of way.

The fire chief, police chief, or Building Official shall be authorized to order the immediate evacuation of any structure which in his or her opinion is unsafe due to hazardous conditions that present imminent danger to the structure's occupants.

5-582 Risk rating assessment

(a) Each multi-family dwelling community is subject to a risk rating assessment. A notice that each multi-family dwelling community is subject to such assessment will be filed with the Tarrant County real estate records.

(b) The multi-family inspector is authorized to assess each multi-family dwelling community for a risk rating once per calendar year, with follow-up or compliance assessments as necessary.

(c) Risk rating will be assessed by a city inspector and will be based upon factors which include the number of violations per multi-family community with a factor for adjustment based upon the number of units in a multi-family community, the severity of the violations, the nature of the violations and other factors affecting the health, safety and welfare of the residents, guests, visitors, employees, adjoining properties or others affected. The inspector may use formulas and forms designed by the City to assess the risk rating which address the property management of a multi-family community and the health, safety and welfare and other life safety issues of the multi-family community.

(d) Notice of the risk rating report of a multi-family dwelling community will be made by one of the following methods: personal delivery, by certified mail with return receipt requested, or by delivery by the United States Postal Service using signature confirmation service, to the owner, manager, or lienholder of the affected multi-family dwelling community, as shown on the current multi-family dwelling community license application filed with the city, within thirty (30) business days of the report.

(e) An owner, manager, or lienholder may request another inspection once per calendar year within thirty (30) calendar days of the date of a risk rating report in an attempt to modify the rating of a multi-family dwelling community, unless the owner or manager is calling to request a re-inspection due to subsequent repairs or renovations. The owner or manager may request additional inspections, but the Building Official is not required to make additional inspections outside the schedule for repairs. Subsequent inspections shall only be made after previous re-inspection fees are paid.

(f) The results of a risk rating become final thirty (30) calendar days from the date the report is mailed in accordance with subsection (d) above, unless modified pursuant to said subsection.

Sec. 5-583 Risk rating appeal process

(a) An owner, manager, or lienholder, jointly or severally aggrieved by a risk rating by the multi-family inspector, may file an application to appeal to an administrative appellate panel within thirty (30) calendar days after the date of the risk rating report. The application must be filed with the Building Official and state the basis for the appeal.

(b) The administrative appellate panel shall consist of three members: one representative each from the Building Official's office, the city attorney's office, and the multi-family department. Administrative appellate rulings shall be made by a simple majority of the members. The appeal to the administrative panel must be heard no later than thirty (30) days from the date the hearing request is filed, unless otherwise agreed to by the city and the applicant.

(c) The authority of the administrative appellate panel is limited in that it may modify a risk rating only if error is shown by the appellant as of the date of the risk rating report. Subsequent repair, renovations, work, or presentation of a scope and schedule do not form a basis for the administrative appellate panel to modify a risk rating.

(d) An owner, manager, or lienholder, jointly or severally aggrieved by a decision of the administrative appellate panel, may file an appeal to the Code Appeals and Advisory Board within thirty (30) calendar days after the date of the administrative appellate ruling. The authority of the Code Appeals and Advisory Board is limited in that it may modify a risk rating only if error is shown by the appellant as of the date of the risk rating report. Subsequent repair, renovations, work, or presentation of a scope and schedule do not form a basis for the administrative appellate panel to modify a risk rating. Risk rating appeals shall be handled in accordance with the provisions set forth in Article 1, Section 5-1 of this Code. The rulings of the Code Appeals and Advisory Board shall be final.

(e) Filing for any appeal does not stay the deadlines related to a risk rating report.

(f) Nothing in the above sections prevents a change in the rating based upon a re-inspection by the inspector and improvements due to subsequent repairs and corrections. A change due to subsequent repairs and renovations will not affect the requirements of section 5-584(a).

Sec. 5-584 Requirements for risk rating Level 4 Multi-Family Dwelling Communities

(a) An owner or manager, of a multi-family dwelling community as of January 1, 2016, which receives a risk rating of 4 as a result of any inspection on or after January 1, 2016, and the risk rating is not improved within thirty (30) days from the date of the inspection, the owner or manager, shall be required to:

- (1) Install attic draft stops between units;
- (2) Install either a one hour rated fire wall between units or install a hard-wired interconnected smoke alarms system for each unit throughout the property;
- (3) Improve the risk rating to a 3 or better within the time allotted by the Multi-Family inspector; and
- (4) Leave all units that are currently vacant or become vacant unoccupied until the risk rating has been improved to a 3 or better.

After a risk rating of 4 has been received, an owner or manager shall be required to meet the provisions of subsection (a) even if the risk rating is raised due to subsequent repairs of renovations. This provision does not affect the appeal provisions for a risk rating of 4.

(b) If an owner, manager, or lienholder described in subsection (a) herein fails to comply with said requirements in subsection (a), the Building Official shall revoke the certificate of occupancy for failure to meet the minimum standards set forth in this chapter. An owner, manager, or lienholder may appeal the revocation to the Code Appeals and Advisory Board. Certificate of occupancy appeals shall be handled in accordance with the provisions set forth in Section 5-1 of this code with the exception that the appeal shall be in writing, filed with the Building Official within seven (7) calendar days of such revocation.

(c) An owner who purchases property after January 1, 2015, and applies for a certificate of occupancy for a multi-family dwelling community which has a current risk rating of 4, may be issued a temporary certificate of occupancy and shall be required to comply with the requirements set out in 5-584(a)(1) through (4) within six (6) months..

(d) Only one (1) owner per multi-family dwelling community per rolling twelve-month period may take advantage of the provisions of subsection (b) or (c). If such an owner fails to comply with the requirements of subsection (b) or (c), whichever is applicable, the Building Official shall automatically revoke the temporary certificate of occupancy for failure to meet the minimum housing standards set forth in this chapter.

(e) If a multi-family dwelling community receives a risk rating of 4, subsequent upgrades that improve the multi-family dwelling community's risk rating shall not relieve the owner, manager, and lienholder from the requirements of this section, including those requirements set out in subsection (a). It shall be a violation of this chapter to maintain a multi-family dwelling community at a risk rating of 4 other than temporarily, as set forth herein.

(f) Ownership changes of a multi-family dwelling community shall not extend any requirement deadlines set forth in this chapter, except as specifically provided herein.

(g) If the property has received a Risk Rating of 4 and the owner has failed to make the necessary repairs in the time allotted by the inspector, then the property may be ordered to be vacated. Vacated property must comply with the requirements of 5-584(a) before it can be occupied.

Sec. 5-585 Risk rating does not stay other enforcement

Risk ratings under this chapter do not stay proceedings in civil or criminal court for violations of any ordinances of the city.

Sec. 5-586 through 5-600 Reserved

Subpart E. Authority of City to Secure Building Before a Hearing; Code Appeals and Advisory Board; Authority of Board; Actions of Board; Notice;

Proceedings; Action of Code Appeals and Advisory Board in cases Where Board Action is Final; Appeals from Board to City Council from Demolition Order; Action by City After Final Order; Action by City on Non-compliance; Refused or unclaimed Notice

Sec. 5-601 Authority of city to secure building before a hearing

(a) The multi-family inspector or the Building Official may, before notice and hearing, secure a building that violates the minimum standards in this chapter and is unoccupied or is occupied only by persons who do not have a right of possession if: by the eleventh day after the building is secured, the owner is given notice by:

- (1) Personally serving the owner with written notice;
- (2) Depositing the notice in the United States mail addressed to the owner at the owner's post office address;
- (3) Publishing the notice at least twice within a ten-day period in a newspaper of general circulation in the county in which the building is located if personal service cannot be obtained and the owner's post office address is unknown; or
- (4) Posting the notice on or near the front door of the building if personal service cannot be obtained and the owner's post office address is unknown.

(b) The notice pursuant to this section must contain:

- (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 that is present at the building;
- (3) A statement that the city will secure or has secured, as the case may be, the building; and
- (4) An explanation of the owner's entitlement to request a hearing about any matter relating to the city's securing of the building.

(c) The Board shall conduct a hearing pursuant to this section at which the owner may testify or present witnesses or written information about any matter relating to the city's securing of the building if, within thirty (30) days after the date the city secures the building, the owner files with the city a written request for the hearing. The Board shall conduct the hearing within twenty (20) days after the date the request is filed.

(d) The city has the same authority to assess expenses under this section as it has to assess expenses as set out in Chapter 5, Article VII, Division I, herein. A lien is created under this section in the same manner that a lien is created under Chapter 5, Article VII, Division I herein and is subject to the same conditions as a lien created under that section.

(e) The authority granted in this section is in addition to that granted by section 214.001 of the Texas Local Government Code and other sections in this article.

Sec. 5-602 Code Appeals and Advisory Board.

(a) The Code Appeals and Advisory Board shall hear appeals from the decision of the Building Official as set out in this chapter. The Board shall hear and determine cases concerning alleged violations of ordinances, under this chapter, including:

(1) For the preservation of public safety, relating to the materials or methods used to construct a building or improvement, including the foundation, structural elements, electrical wiring or apparatus, plumbing and fixtures, entrances, or exits, including, but not limited to, the building codes as adopted and the minimum standards for buildings in this chapter;

(2) Relating to the fire safety of a building or improvement, including, but not limited to, provisions in the International Fire Code as adopted, relating to materials, types of construction or design, warning devices, sprinklers or other fire suppression devices, availability of water supply for extinguishing fires, or location, design, or width of entrances or exits;

(3) Relating to dangerously damaged or deteriorated buildings or improvements, as set out in this Chapter or other provisions of the Hurst Code of Ordinances, including, but not limited to all adopted Codes, as adopted by the City of Hurst, Texas;

(4) Relating to conditions caused by accumulations of refuse, vegetation, or other matter that creates breeding and living places for insects and rodents, including, but not limited to, the provisions set forth in this chapter; or

(5) Relating to a building code or to the condition, use, or appearance of property in the city including, but not limited to, provisions regarding the minimum standards for buildings in this chapter.

(b) Appeal from the Code Appeals and Advisory Board to City Council for Demolition.

The recommendation of the Code Appeals and Advisory Board in favor of demolition shall be forwarded to the City Council for final determination.

Sec. 5-603 Notice of Proceedings

(a) Notice of proceedings before the Code Appeals and Advisory Board shall be given:

(1) By personal delivery, by certified mail with return receipt requested or by delivery by the United States Postal Service using signature confirmation service to the record owners of, and each holder of a recorded lien against, the affected property as shown by the records in the Office of the Tarrant County Clerk if the address of the lienholder can be ascertained from the deed of trust establishing the lien and/or other applicable instruments on file in the office of the Tarrant County Clerk;

(2) The owner or manager shown on the current license on file with the city, if applicable; and

(3) To all unknown owners 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 must be:

(1) Posted and either personally delivered or mailed on or before the tenth day before the date of the hearing before the Board and must state the date, time and place of the hearing; and

(2) Published in a newspaper of general circulation in the City of Hurst on one occasion on or before the tenth day before the date fixed for the hearing.

(c) The Board may file notice of a proceeding before the Board in the Tarrant County Official Public Records of Real Property. The notice must contain the name and address of the owner of the affected property, if that information can be determined from a reasonable search of the instruments on file in the office of the Tarrant County Clerk, a legal description of the affected property and a description of the proceeding. 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 the filing of the notice and constitutes notice of the proceeding on any subsequent recipient of any interest in the property who acquires such interest after the filing of the notice.

(d) The city must exercise due diligence to determine the identity and address of a property owner or lienholder to whom the city is required to give notice. The city exercises such due diligence when it searches the following records:

- (1) Tarrant County Official Public Records of Real Property;
- (2) Tarrant County Appraisal District records;
- (3) Texas Secretary of State records, if the property owner or lienholder is a corporation, partnership or other business association;
- (4) Tarrant County assumed name records;
- (5) City tax records; and
- (6) City utility records.

(e) Notice to an owner of real property for the purpose of enforcing the Code of Civil and Criminal Ordinances of the City of Hurst, Texas, may include the following statement in the notice: "According to the real property records of Tarrant County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office not later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not." The notice must be delivered in person or by certified mail, return receipt requested.

(f) If the city sends a notice to the owner of the property to which the notice relates as shown on or after the tenth day before the date notice is sent by the Tarrant County real property records, and the record owner no longer owns the property, the record owner shall execute an affidavit provided with the notice by the governmental entity stating:

- (1) That the record owner no longer owns the property; and
- (2) The name and last known address of the person who acquired the property from the record owner.

(g) The record owner shall deliver the affidavit in person or by certified mail, return receipt requested, to the Building Official not later than the twentieth day after the date the record owner receives the notice.

(h) If the multi-family inspector receives an affidavit as set forth above, the Building Official shall send the appropriate notice to the person named in the affidavit as having acquired the property. A notice sent under this subsection must include the statement authorized by subsection (e).

(i) If the multi-family inspector receives an affidavit as set forth above, he or she shall:

(1) Maintain the affidavit on file for at least two (2) years after the date the entity receives the affidavit; and

(2) Deliver a copy of the affidavit to the chief appraiser of the appraisal district in which the property is located.

(j) The city is considered to have provided notice to a property owner if the city complies with the statute, rule, regulation, or ordinance under which the notice is sent and if it:

(1) Complies with subsection (e) and does not receive an affidavit from the record owner; or

(2) Complies with subsection (h) and does not receive an affidavit from the person to whom the notice was sent under subsection (h).

(k) If the city complies with this section and does not receive an affidavit under subsection (c), the record owner is presumed to be the owner of the property for all purposes to which the notice relates.

(l) For purposes of this section, "real property" does not include a mineral interest or royalty interest.

(m) All notices herein shall be sent or given by the Building Official.

(n) The notice of hearing shall include a statement that the owner, lienholder, or mortgagee will be required to submit at the hearing 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.

Sec. 5-604 Proceedings

(a) All cases to be heard by the Board must be heard by at least a quorum of its members.

(b) A majority of the Board shall adopt rules for the Board in accordance with this chapter. The rules shall establish procedures for use in hearings, providing ample opportunity for presentation of evidence and testimony by respondents or persons opposing charges being brought by the city relating to alleged violations of ordinances.

(c) A majority vote of the members voting on a matter is necessary to take any action under this chapter.

(d) The Building Official or designee shall present all cases to the Board.

(e) Meetings of the Board shall be held at the call of the chair, or in the chair's absence, the acting chair, and at other times as determined by the Board. All meetings of

the Board shall be open to the public. The chair or acting chair may administer oaths and compel the attendance of witnesses.

(f) The Board shall keep minutes of its proceedings showing the vote of each member on each question or the fact that a member is absent or fails to vote. The minutes and records shall be filed immediately in the office of the building inspection as public records.

(g) Appeals from the decision of the Code Appeals and Advisory Board shall be as set out by section 5-601 (“Code Appeals and Advisory Board”).

(h) In a meeting to determine whether a building complies with the standards set out in this chapter, the owner, lienholder, or mortgagee, has the burden of proof to demonstrate the scope of work that may be required to comply with this chapter, and the time it will take to reasonably perform the work.

Sec. 5-605 Action by Board in Cases Where Board Action is Final

(a) The Board shall hear and determine cases concerning alleged violations of ordinances, under this chapter, including:

(1) For the preservation of public safety, relating to the materials or methods used to construct a building or improvement, including the foundation, structural elements, electrical wiring or apparatus, plumbing and fixtures, entrances, or exits, including, but not limited to, the building codes as adopted and the minimum standards for buildings in this chapter;

(2) Relating to the fire safety of a building or improvement, including, but not limited to, provisions in the International Fire Code as adopted, relating to materials, types of construction or design, warning devices, sprinklers or other fire suppression devices, availability of water supply for extinguishing fires, or location, design, or width of entrances or exits;

(3) Relating to dangerously damaged or deteriorated buildings or improvements, as set out in this Chapter or other provisions of the Hurst Code of Ordinances, including, but not limited to all adopted Codes, as adopted by the City of Hurst, Texas;

(4) Relating to conditions caused by accumulations of refuse, vegetation, or other matter that creates breeding and living places for insects and rodents, including, but not limited to, the provisions set forth in this chapter; or

(5) Relating to a building code or to the condition, use, or appearance of property in the city including, but not limited to, provisions regarding the minimum standards for buildings in this chapter.

(b) After hearing an appeal pursuant to subsection (a), the Board may:

(1) Affirm the decision of the Building Official;

(2) Reverse the decision of the Building Official;

(3) Modify the decision of the Building Official; or

(4) Any combination of the above as deemed appropriate by the Board.

(c) Appeals – Board’s Determination Not Final when Demolition Ordered

Sec. 5-606 Appeals from Board to City Council Regarding Demolition Orders

- (a) Upon determination by the Building Official that a building does not comply with the standards of this chapter or other city ordinances, the Building Official shall prepare notice and set the matter before the Code Appeals and Advisory Board if, in the opinion of the Building Official, the building should be demolished.
- (b) After proper notice and hearing, as provided for by this chapter, the Code Appeals and Advisory Board shall make a recommendation in favor of or opposed to demolition, or some other course of action.
- (c) A recommendation in favor of demolition shall be forwarded to the City Council for a final determination.
- (d) Once the recommendation of the Code Appeals and Advisory Board in favor of demolition is made, the recommendation shall be forwarded and heard by the City Council within 30 days, unless the Owner or Manager and the City agree to a longer time period.

Sec. 5-607 Action by City After Final Order

(a) Within ten (10) days after the date a final decision or order is issued by the Board or city council, the city may:

- (1) File a copy of the order in the office of the city secretary; and
- (2) Publish in a newspaper of general circulation in the city 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.

(b) The city shall promptly mail by certified mail with return receipt requested, delivery by the United States Postal Service using signature confirmation service or personally deliver a copy of the order to the owner of the building and to any lienholder or mortgagee of the building. The city shall use its best efforts to determine the identity and address of any owner, lienholder or mortgagee of the building.

(c) The city satisfies the requirements of this section to make a diligent effort, to use its best efforts or to make a reasonable effort to determine the identity and address of an owner, a lienholder or a mortgagee if the city searches the following records:

- (1) Tarrant County Official Public Records of Real Property;
- (2) Tarrant County Appraisal District records;
- (3) Records of the secretary of state;
- (4) Tarrant County assumed name records;
- (5) Tax records of the city; and
- (6) Utility records of the city.

(d) Upon a finding by the city council that a building is dangerously damaged or deteriorated or is likely to endanger persons or property, the city may place a placard on all dwelling units which the Board or City Council has determined to be dangerously

damaged or deteriorated or likely to endanger persons or property, with the following language: "Warning! This Structure has been found to be dangerously damaged or deteriorated or likely to endanger Persons or property. The Building/Unit is to be vacated immediately. This notice is to remain on this Building until it is repaired or demolished in compliance with the order of the Building Official. It is unlawful to remove this Placard."

Sec. 5-608 Action by City on Noncompliance with Order

(a) If an owner does not take the action ordered by the Board or City Council within the allotted time, the city shall make a diligent effort to discover each mortgagee and lienholder having an interest in the building or property on which the building is located. The city shall personally deliver, send by certified mail with return receipt requested or deliver by the United States Postal Service using signature confirmation service, or other method of delivery with signature service, to each identified mortgagee and lienholder a notice containing:

- (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 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 at the owner's cost if the ordered action is not taken within a reasonable time.

(b) As an alternative to subsection (a):

(1) The city may make a diligent effort to discover each mortgagee and lienholder before conducting the Board's or City Council's public hearing and may give them a notice of and an opportunity to comment at the hearing.

(2) In addition, the city may file notice of the hearing in the Official Public Records of Real Property in Tarrant County.

a. The notice must contain the name and address of the owner of the affected property if that information can be determined, a legal description of the affected property and a description of the hearing.

b. 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 the 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.

(3) If the city operates under this subsection, the order issued by the Board or City Council may 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 any of the mortgagees or lienholders in the event the owner fails to comply with the order within the time provided for action by the owner.

(4) Under this subsection, the city is not required to furnish any notice to a mortgagee or lienholder other than a copy of the order in the event the owner fails to timely take the ordered action.

(c) If a building is not vacated, secured, repaired, removed or demolished or the occupants are not relocated within the allotted time, the city may:

(1) vacate, secure, remove or demolish the building, or relocate the occupants at its own expense and then collect on a bond or other financial guaranty that may be required in this chapter or provided by Owner or Manager;

(2) If the building is a residential building with ten (10) or fewer dwelling units, repair the building to the extent necessary to bring the building into compliance with the minimum standards; and

(3) Withdraw the owner's certificate of occupancy and cancel the license authorized by this chapter for those units or structures in violation.

(d) If the city incurs expenses under this section, the city may assess the expenses on, and the city may file a lien against, the property on which the building was located. The lien is extinguished if the property owner or another person having an interest in the legal title to the property reimburses the city for the expenses. The lien arises and attaches to the property at the time the notice of the lien is recorded and indexed in the office of the Tarrant County Clerk. The notice must contain the name and address of the owner if that information can be determined with a reasonable effort, a legal description of the real property on which the building was located, the amount of expenses incurred by the city and the balance due.

(e) If the notice is given and the opportunity to relocate the residents of the building or to repair, remove or demolish the building is afforded to each mortgagee and lienholder as authorized herein, the lien is a privileged lien subordinate only to tax liens.

(f) In any judicial proceeding regarding enforcement of the city's rights under Section 214.0015 of the Texas Local Government Code and this chapter, the prevailing party is entitled to recover reasonable attorney's fees from the non-prevailing party.

Sec. 5-609 Refused or unclaimed notice

When the city mails a notice in accordance with this chapter to a property owner, lienholder, or mortgagee, and the United States Postal Service returns the notice as "refused" or "unclaimed," the validity of the notice is not affected, and the notice is considered delivered.

Sections 5-610 through 5-655 Reserved

Subpart F. Municipal Court

Sec. 5-656 Municipal Court Enforcement

Proceedings by the Code Appeals and Advisory Board do not affect proceedings under the jurisdiction of the municipal court.

Sec. 5-657 Notice for enforcement

(a) Notice to an owner of real property for the purpose of enforcing the Code of Ordinances of the City of Hurst, Texas, may include the following statement in the notice: "According to the real property records of Tarrant County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be

delivered in person or by certified mail, return receipt requested, to this office not later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not." The notice must be delivered in person or by certified mail, return receipt requested.

(b) If the city sends a notice to the owner of the property to which the notice relates as shown on or after the tenth day before the date notice is sent by the Tarrant County real property records, and the record owner no longer owns the property, the record owner shall execute an affidavit provided with the notice by the governmental entity stating:

(1) That the record owner no longer owns the property; and

(2) The name and last known address of the person who acquired the property from the record owner.

(c) The record owner shall deliver the affidavit in person or by certified mail, return receipt requested, to the Building Official not later than the twentieth day after the date the record owner receives the notice.

(d) If the multi-family inspector receives an affidavit under subsection (c), the Building Official shall send the appropriate notice to the person named in the affidavit as having acquired the property. A notice sent under this subsection must include the statement authorized by subsection (a).

(e) If the multi-family inspector receives an affidavit under subsection (c), he or she shall:

(1) Maintain the affidavit on file for at least two (2) years after the date the entity receives the affidavit; and

(2) Deliver a copy of the affidavit to the chief appraiser of the appraisal district in which the property is located.

(f) The city is considered to have provided notice to a property owner if the city complies with the statute, rule, regulation, or ordinance under which the notice is sent and if it:

(1) Complies with subsection (a) and does not receive an affidavit from the record owner; or

(2) Complies with subsection (d) and does not receive an affidavit from the person to whom the notice was sent under subsection (d).

(g) If the city complies with this section and does not receive an affidavit under subsection (c), the record owner is presumed to be the owner of the property for all purposes to which the notice relates.

(h) For purposes of this section, "real property" does not include a mineral interest or royalty interest.

(i) All notices herein shall be sent or given by the Building Official.

Sec. 5-658 Criminal offenses

(a) It is unlawful for the owner or manager of a building to knowingly:

(1) Permit a building or structure to be in violation of any provision of this chapter;

(2) Permit a building to exist in a dilapidated or substandard condition, or condition unfit for human habitation and a hazard to the public health, safety, and welfare;

(3) Permit a building to be unoccupied 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;

(4) Permit a building that is boarded up, fenced, or otherwise secured to:

a. Constitute a danger to the public; or

b. Have inadequate means to secure the building from unauthorized entry or use;

(5) Permit a building to be unoccupied or occupied only by persons who do not have a right of possession and violate any applicable law;

(6) Permit a building to exist in a dangerously damaged or deteriorated condition or in a condition likely to endanger persons or property;

(7) Permit a building to be occupied when the building does not meet the minimum building or maintenance standards as set forth in this chapter;

(8) Permit a building to operate with a risk rating of 4 except as provided in this chapter; or

(9) Permit a building to operate without updating information required by a license as set forth in this chapter;

(10) Permit a building or unit to be occupied that does not have a certificate of occupancy.

(b) It is unlawful for the owner, manager, occupant or lessee of a building to knowingly:

(1) Remove or destroy a placard placed by the city without authority from the Building Official, Police Chief or Fire Chief;

(2) Occupy a building or room on which the city has placed a placard;

(3) Permit a person to occupy a building or room on which the city has placed a placard; or

(4) Permit interference with an employee of a utility company posting notices of a utility interruption at dwelling units of a master-metered multi-family dwelling community.

(5) Remove a notice of utility interruption posted at a dwelling unit of master-metered multi-family dwelling community. It is an affirmative defense to prosecution under this subsection that the person is a resident of the dwelling unit from which notice is removed.

(c) The owner or manager of a master-metered multi-family dwelling community commits an offense if the owner or manager fails to pay a utility bill and the nonpayment results in the interruption to any dwelling unit of an essential utility service.

(1) Each violation of this subsection is considered a separate offense for each dwelling unit to which an essential utility service is interrupted.

(2) It is an affirmative defense to prosecution under this subsection that the occupant of a dwelling unit to which utility service is interrupted is in arrears in rent to the owner or manager of the master-metered multi-family dwelling community.

Section 3. **THAT** the terms and provisions of this ordinance shall be deemed to be severable and that if the validity of any section, subsection, sentence, clause, or phrase of this ordinance should be declared to be invalid, the same shall not affect the validity of any other section, subsection, sentence, clause, or phrase of this ordinance.

Section 4. **THAT** any person, firm or corporation violating any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon final conviction thereof fined an amount not to exceed two thousand dollars (\$2,000.00) for health or safety violations and five hundred dollars (\$500.00) for all others.

Section 5. **THAT** this ordinance shall become effective and shall be in full force and effect from and after the final date of passage and adoption by the City Council of the City of Hurst, Texas.


Section 6. The repeal of any Ordinance or part of Ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under by virtue of such Ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions at the time of passage of this ordinance.

AND IT IS SO ORDERED.

Passed on the first reading on the 11th day of November 2014 by a vote of 6 to 0.

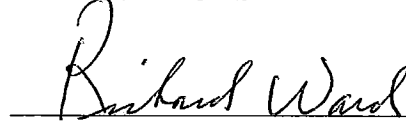
Approved on the second reading on the 9th day of December 2014 by a vote of 6 to 0.

ATTEST:



Rita Frick, City Secretary

CITY OF HURST



Richard Ward, Mayor

Approved as to form and legality:



City Attorney