

ARTICLE I. - IN GENERAL

Sec. 56-1. - Purpose, Intent, and Scope of Chapter

- (a) The purpose and intent of this chapter is to regulate and control public nuisances and other conditions and circumstances, as set forth in this chapter that adversely affect the health, safety or welfare of the general public. This chapter shall not interpreted or enforced to require the city to intervene in matters which are primarily personal or private in nature and which may appropriately be resolved between or among private interests without material danger to the public health, safety or welfare.
- (b) This chapter shall apply to all property, both real and personal, within the city, including all vacant, occupied, residential, nonresidential, improved or unimproved land, properties, structures and buildings.

Sec. 56-2. - Penalty for Violation

- (a) Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction in the municipal court, shall be subject to a fine not to exceed \$2,000.00 for each offense unless a different fine is otherwise stated. Each and every day such violation continues, it shall constitute a separate offense.
- (b) Civil penalties may be assessed by Municipal Court of Record No. 1 for failure to comply with a lawful order of the Municipal Court of Record No. 1 as established in this chapter. Civil penalties shall be assessed in an amount not to exceed \$1,000.00 a day for a violation of an ordinance.
- (c) The penalties provided for in this section are in addition to any other penalties or enforcement remedies that the city may have under any applicable laws.

Sec. 56-3. - Stricter Standards or Regulations

If another provision of this Code conflicts with this chapter and the standards and regulations established herein, the higher or stricter standard or regulation shall prevail.

ARTICLE II. - DEFINITIONS

Sec. 56-10. – Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned vehicle means a vehicle that:

- (1) Is inoperable and more than five years old and left unattended on public property for a period of more than 48 hours;

- (2) Has remained illegally on public property for more than 48 hours;
- (3) Has remained on private property without the consent of the owner or person in control of the property for more than 48 hours; or
- (4) Has been left unattended on the right-of-way of a designated city, county, state or federal highway within the city for more than 48 hours; or
- (5) Has been left unattended for more than 24 hours on a turnpike or a controlled access highway, as defined by Tex. Trans. Code § 541.302(8).

Antique vehicle means a passenger car or truck that is at least 25 years old.

Collector or *Motor Vehicle Collector* means the owner of one or more antique or special interest vehicles who acquires, collects, or disposes of an antique or special interest vehicle or part of an antique or special interest vehicle for personal use to restore, preserve, and maintain an antique or special interest vehicle for historic interest.

Enforcement authority means the city manager or the person or department to whom the city manager delegates the responsibility for the enforcement of the provisions of this chapter.

Exterior elements means any object located on the exterior of a premises or its adjacent right-of-way including but not limited to, decorative objects (trellises, lattices, statues, birdbaths and feeders, fountains, flower beds, windmills, and similar objects or improvements), swings, swing sets, playsets, jungle gyms, light devices, mailboxes, vegetation receptacles, furniture and hammocks, weathervanes, benches, tents, shade covers, and signs.

Fence means any structure more than 12 inches in height erected or maintained for the purposes of enclosing, screening, restricting access to, or decorating a lot, parcel, building, or other structure.

Garagekeeper means an owner or operator of a garage, parking lot, motor vehicle storage facility, or establishment for the servicing, repair or maintenance of a motor vehicle.

Graffiti means painting, scratching, writing, etching, or inscription including, but not limited to, initials, slogans, symbols, drawings, and/or stickers or decals, that is made in any manner on property.

Hazard and/or *Hazardous* means an object, situation, or condition that subjects, or may potentially subject, a person to harm or property to damage.

Hot water means water at temperature of not less than 120° F.

Improved parking surface means a parking or driving area constructed, expanded, or extended in compliance with the property maintenance code, the comprehensive zoning ordinance, and the building code.

Inoperable motor vehicle means a motor vehicle that is wrecked, dismantled, partially dismantled, has one or more flat tires, or has a dead or missing battery.

Inoperable vehicle means a vehicle that is not self-propelled and is wrecked, dismantled, partially dismantled, or has one or more flat tires, or has a dead or missing battery.

Junked vehicle means a vehicle that is self-propelled that displays an expired license plate or does not display a license plate and is:

- (1) Wrecked, dismantled or partially dismantled, or discarded; or
- (2) Inoperable and has remained inoperable for more than:
 - a. Seventy-two (72) consecutive hours, if the vehicle is on public property; or
 - b. Thirty (30) consecutive days, if the vehicle is on private property.

Lateral clearance means the dimension measured horizontally and perpendicular to a sidewalk, street, paved alley or easement within which no encroachment is allowed; or the dimension measured horizontally and perpendicular to an alley or easement line beyond which no encroachment is allowed.

Motor vehicle means:

- (1) any vehicle that is self-propelled including, but not limited to, those subject to registration under the Certificate of Title Act, Tex. Trans. Code §501.001 et. seq.;
- (2) a boat, motorboat, or vessel as defined in Tex. Parks and Wildlife Code §31.003; and
- (3) an aircraft.

Nuisance means as follows:

- (1) Any public nuisance known and established at common law or in equity jurisprudence;
- (2) Insufficient ventilation or illumination, contrary to the public health, safety or welfare or in violation of the codes and ordinances of the city;

(3) Inadequate or unsanitary sewage or plumbing facilities, contrary to the public health, safety or welfare or in violation of the codes and ordinances of the city;

(4) Graffiti;

(5) Living, dead, dying, or diseased vegetation which creates a hazard or risk of damage or injury to persons or property, contrary to the public health, safety or welfare or in violation of the code and ordinances of the city; and

(6) Any other nuisance or public nuisance as declared or defined by the codes and ordinances of the city.

On-demand storage container means a storage or delivery container designed, intended, and/or rented to be used as temporary shelter for personal property. Also known as *PODS* or *portable on-demand storage*.

Ornamental plant means a plant or grass planted for decorative purposes on a developed lot, but does not include turf or lawns, or any kind of vegetation on a vacant lot.

Outside storage means the storage, collection, or safekeeping of any goods, materials, products, appliances, equipment, or containers that are not enclosed by a structure with walls on all four (4) sides and a roof.

Owner means any person claiming, or in whom is vested, the ownership, dominion or title of real or personal property, including, but not limited to:

(1) Holder of fee simple title;

(2) Holder of life estate;

(3) Holder of a leasehold estate for an initial term of five years or more;

(4) A buyer in possession, or having right of possession under a contract for deed;

(5) A mortgagee, receiver, executor, tenant or trustee in possession or control, or having right of possession or control, of real or tangible property; and

(6) Any agent who is responsible for managing, leasing or operating the property.

Person means an individual, firm, partnership, proprietorship, association, corporation, estate, receiver, syndicate, social or fraternal organization, or any other group or combination acting as a legal entity, and including any trustee, assignee, executor, or other representative.

Premises means any parcel, lot or tract of land, including any structure, building, landscaping or vegetation, or improvement located thereon.

Property means:

- (1) any real property and any fixtures or improvements thereon; and
- (2) tangible personal property of any kind.

Public right-of-way or *right-of-way* means any street, alley, sidewalk, public access easement, public trail, or similar parcel of land which is deeded, dedicated or otherwise permanently appropriated to the public for vehicle and/or pedestrian travel and use.

Special interest vehicle means a motor vehicle of any age that has not been changed from original manufacturer's specifications and, because of its historic interest, is being preserved by a hobbyist.

Structure means any building, dwelling, condominium, apartment unit, awning, wall, sign, swimming pool, excavation or any other edifice, erection placed or located on any property within the city, and any other improvement of any kind or nature.

Subdivision fence means a fence located adjacent to a public right-of-way constructed of the same materials with substantially the same continuous design that has been installed as an architectural feature, screening device, or sound barrier across the front yard, rear yard and/or side yard of four or more adjacent lots, with breaks in the fence only at intersections with public rights-of-way, utility, drainage or pipeline easements, or creeks, streams, and/or other water ways.

Substandard building means any building or portion of a building, including any dwelling unit, guestroom or suite or rooms, or the premises on which such structures are located, in which there exists any of the conditions listed in the article XIV of this chapter to an extent that endangers the life, limb, health, property, safety or welfare of the public or the occupants of such building.

Tenant means any person, corporation, partnership or group, other than the owner, occupying a building or portion thereof.

Trash and debris means all manner carrion, filth, garbage, junk, refuse, dumping and/or impure or unwholesome matter as defined below:

Carrion means the dead, putrefying flesh of any animal, fowl, or fish.

Dumping means any object(s) left, placed, or stored on any property or premises without express consent of the property or premises owner.

Filth means any matter in a putrescent state.

Garbage means any kitchen refuse, foodstuffs, or related materials, including all putrescible waste.

Junk means worn out, worthless, or discarded material, objects, or items including but not limited to wood or metal pieces, barrels, tires, discarded appliances or appliances exposed to the elements, car parts, objects that can hold water for more than 48 hours, building material fragments, rubble, and unused dirt, sand, or mulch.

Refuse means a heterogeneous accumulation of worn-out, used, broken, rejected or worthless materials including, but not limited to, paper, plastic, wood, metal, cardboard, litter, fallen or trimmed vegetation or portions of vegetation including grass/weed clippings, and other decayable or non-decayable matter.

Yard waste means any cut, trimmed, or fallen vegetative matter including, but not limited to, grass or weed clippings, tree cuttings, fallen leaves, and similar vegetative debris.

Vehicle means a device in or by which a person or personal property is or may be transported or drawn on any surface, or on any waterway, and shall include, but not be limited to all motor vehicles, trailers, campers, wheeled towing frames, recreational vehicles (RVs), golf carts, go carts, all-terrain vehicles (ATVs), tractor trailers, travel trailers, self-propelled farm equipment, motor-boats or boat trailers, and aircraft.

Vegetation means plant life of any kind including but not limited to, shrubs, trees (including saplings), brush, bushes, wildflowers, cultivated flowers, ornamental plants, turf, grass (lawn), weeds, ground cover, annuals, perennials, or vines.

View obstruction means any object(s) placed, installed, or stored temporarily or permanently in such a manner that it creates a lack of visibility for drivers, pedestrians, and/or any other parties in a given area.

Walkway means an improved or unimproved path located on private property.

Water buffer means a vegetated area adjacent to a water resource that protects the water resource from nonpoint source pollution and/or provides bank stabilization. Also known as a *riparian area*.

Yard, front means the area from the front face of a main building or structure to the front property line or street right-of-way line or when the lot is vacant, the area defined as the required front yard by the comprehensive zoning ordinance.

Yard, rear means the area extending across the rear of a lot from one side lot line to the other side lot line and having a depth between the face of the main building and the rear lot line or when the lot is vacant, the area defined as the required rear yard by the comprehensive zoning ordinance.

Yard, side means the area from the side of the main building or structure to the side property line or when the lot is vacant, the area defined as the required side yard by the comprehensive zoning ordinance.

ARTICLE III. - ENFORCEMENT

Sec. 56-31. - Enforcement and Inspection

- (a) The enforcement authority is hereby authorized and directed to enforce any violations of this chapter. The enforcement authority shall have the authority to interpret these provisions and apply such interpretations to these provisions in the interest of public safety, health, and general welfare.
- (b) Whenever it is necessary to make an inspection to enforce this chapter, or whenever the enforcement authority has reasonable cause to believe that there exists in any structure or upon any property a condition or violation which is unsafe, dangerous or hazardous or detrimental to the public interest, the enforcement authority may enter such structure or property at all reasonable times to inspect such structure or property; provided, however, that if such structure or property is occupied, he shall first present proper credentials and request entry, and if such entry is refused, the enforcement authority shall have recourse to every remedy provided by law to secure entry.

Sec. 56-32. - Responsibilities of Owners and Tenants

- (a) Every owner shall maintain the owner's premises in compliance with this chapter. An owner shall not let, rent or lease a premises for occupancy or use, which does not comply with the provisions of this chapter.
- (b) Every owner and every tenant of every premises shall maintain the premises in a clean, sanitary and safe condition and free of violations of the regulations set forth in this chapter.

Sec. 56-33. - Change in Ownership, Tenancy, or Use

- (a) Upon change of ownership or tenancy in a building or structure used as a dwelling unit, the owner shall request and obtain a Certificate of Occupancy from the enforcement authority. Prior to allowing occupancy of the building, the enforcement authority shall inspect the building or structure for compliance with the requirements of the Property Maintenance Code, the Building Code, the Minimum Housing Code, and the Comprehensive Zoning Ordinance.
- (b) If, during the inspection performed pursuant to subsection (a), the dwelling unit is found to not be compliance with this chapter, the enforcement authority may prohibit occupancy of the dwelling unit and shall direct the owner to take such action as necessary to bring the dwelling unit into compliance with the codes and ordinances identified in subsection (a). Changes in the character or use of an existing building or structure shall not be made except as specified in the International Building Code as adopted and amended by the city.
- (c) Subject to applicable provisions of state law regarding the disconnection of utility services, the enforcement authority or building official shall have the authority to order the disconnection of utility services to the premises of a business found to be operating within the city without a valid certificate of occupancy not earlier than five (5) days after issuance

of written notice of the intent to give such order. The enforcement authority or building official shall direct the reconnection of utilities disconnected pursuant to an order issued pursuant to this subsection (c) upon issuance of a certificate of occupancy to the affected business or upon agreement with the business owner regarding reasonable conditions designed to obtain issuance of a certificate of occupancy to the owner of the business.

Sec. 56-34. - Substandard Property

- (a) **Declaration of substandard status.** Failure of the owner to maintain any structure or property or portion of a structure or property as required by article XI of this chapter to an extent that endangers the life, limb, health, property, safety or welfare of the public or the occupants thereof shall be grounds for the enforcement authority to declare the structure or property substandard.
- (b) **Order to vacate.** When an occupied structure or property is declared substandard and is in such condition as to make it immediately dangerous to the life, limb, property or safety of the public or of the occupants, there shall be grounds for the enforcement authority to order the structure or property vacated.

Sec. 56-35. - Enforcement Procedures: Notice, Appeal and Hearing

- (a) Whenever the enforcement authority has found and determined that a building or structure is substandard and should be vacated, the enforcement authority shall give notice in accordance with the provisions of this chapter and shall have, exercise and perform the rights, duties and function of the enforcement authority set forth in this chapter.
- (b) Appeals of any determination of the enforcement authority shall be to Municipal Court of Record No. 1 in accordance with the procedure for appeal under the provisions of this chapter.
- (c) There shall be a filing fee in an amount established by the city and listed in appendix A of this Code for an appeal of the provisions of this chapter.
- (d) Enforcement of the orders issued by the enforcement authority shall be in accordance with the provisions of the article XIV of this chapter, and the enforcement authority shall have, exercise and perform the powers, duties and functions of the building official and enforcement authority therein set forth.
- (e) Except for vacation orders, enforcement of any notice and order of the enforcement authority under this article shall be stayed during the pendency of an appeal therefrom which is properly and timely filed. The decision of the Municipal Court of Record No. 1 is final.

Sec. 56-36. - Enforcement of Order and Cost Recovery

- (a) The enforcement authority shall be authorized take whatever action is necessary under this chapter or other applicable law to bring a structure or property into compliance with the provisions of this chapter upon the failure of an owner of a building or structure to comply with any notice or order that has become final regarding the condition of such building or structure.
- (b) All costs for the demolition and removal, repair, and/or restoration, of buildings declared substandard pursuant to this chapter shall be levied, assessed and collected in accordance with the provisions of article XIV and applicable provisions of state law.
- (c) All such costs shall include costs for mailing of a notice and filing of a statement with the in the Official Public Records of Dallas County, and interest shall be levied, assessed and collected against such property for which any such final order was granted. If any owner of such property shall fail to pay the costs so assessed within 30 days after being notified of such costs, the city shall file with in the Official Public Records of Dallas County a statement of such costs. The city shall have a privileged lien on the premises and the personal obligation of the owner of such property, second only to tax liens and liens for street improvements, to receive the costs so made and ten percent interest on the amount from the date the payment is due. For any such costs and interest, suit may be instituted in the name of the city, and the statement of costs, as provided previously in this chapter, shall be prima facie proof of the costs expended in such work.
- (d) At the time of the hearing, the city council may make any written revisions or modifications to the expense report which it deems necessary and order that such expenses are made the personal obligation of the property owner and assess such expenses as a lien against the property involved. If the city council orders that the expenses shall be assessed against the property, it shall confirm the assessment, cause the assessment to be recorded on the assessment roll, and thereafter the assessment shall constitute a special assessment against and a lien upon the property.

Sec. 56-37. - Authority of the Municipal Court of Record No. 1

The Municipal Court of Record No. 1 shall have jurisdiction to:

- (a) Uphold the determination and order of the enforcement authority;
- (b) Allow a reasonable length of time in which to comply with the determination and order of the enforcement authority and the requirements of this chapter;
- (c) Accept an alternate method for compliance with the provisions of this chapter or order of the enforcement authority when it can be demonstrated that such alternate method meets the intent of this chapter;

- (d) When it is determined that, due to peculiarities of the property, a literal enforcement of this chapter would result in an unnecessary hardship, allow the minimal variation necessary to relieve the hardship when such minimal variations will not result in danger to persons or property or will not result in a lack of maintenance so as to effect the appearance and/or values of the neighborhood; and
- (e) Impose civil penalties as provided for in section 56-2.

Sec. 56-38. - Notice of Nuisance or Violation; Service; Failure to Comply; Abatement; Costs; Lien; Administrative Fees

- (a) The enforcement authority or his duly appointed representative shall deliver written notice to the owner of a property found to not be compliance with this chapter setting forth a reasonable description of the nature of such non-compliance not later than seven (7) days prior to taking any enforcement action pursuant to this chapter and demanding that such property such violations be remedied. If such person fails or refuses to comply with the provisions of this chapter within the specified period following notification, the owner shall be considered to be in violation of this chapter and subject to fine and penalties as provided by this chapter.
- (b) Notwithstanding subsection (a) above, official notice shall not be required to be given to any owner of property when a nuisance or condition is found to exist on said property that is a threat or danger to the health, safety or welfare of the tenants, employees or the general public. Such owner shall be considered to be in violation and subject to fines and penalties as provided by this chapter. Nuisances or conditions that may be considered a threat or danger shall include, but shall not be limited to:
 - (1) Unsanitary conditions;
 - (2) Exposed electrical wiring or electrical equipment that is not protected as required by the law;
 - (3) Blocked exits or exit ways;
 - (4) Handrails or guardrails that have deteriorated members;
 - (5) Broken windows;
 - (6) Missing members of guardrails that are more than 30 inches above the grade;
 - (7) Missing or inoperable smoke and/or carbon monoxide detectors;
 - (8) Improperly installed and maintained hot water heaters or boilers;
 - (9) Missing air conditioning compressor fan guards;

- (10) Inoperable plumbing fixtures such as water closets, bathtubs, and showers;
 - (11) Trash or debris; and
 - (12) Inoperable lighting along stairways or exit ways.
- (c) The notice required by subsection (a), above, shall be in writing and may be served on the property owner, or agent of the owner, by handing it to him in person, by United States mail, addressed to such owner, or agent of the owner, at his post office address as listed with the Dallas Central Appraisal District, or if the address is unknown, then by posting such notices on the front door of the dwelling or establishment or where no building exists, by posting them on a sign in the front yard.
- (d) This section shall apply to all real properties occupied or unoccupied, except that the requirement of a seven-day official notification is met and fulfilled when the enforcement authority has given the notice required by subsection (a), above, at least one time in any 365-day period to such person which is creating or allowing such nuisance with respect to the same violation described in the original notice.
- (e) The city shall be further entitled to go upon such nuisance properties and do or cause to be done the work necessary to abate any public nuisance existing in violation of this chapter if such person fails or refuses to comply with the provisions of this chapter within the specified period following official notification.
- (f) All costs for abatement of any such public nuisance, or any part of a nuisance, including costs for mailing of a notice and filing of a statement in the Official Public Records of Dallas County, and an administrative fee approved by the City Council interest shall be levied, assessed and collected against such property or upon which such public nuisance, or any part of a nuisance, is located. The enforcement authority shall send an invoice to the owner of the premises requesting payment within thirty (30) days from the date of the invoice. Any such assessment remaining unpaid after thirty (30) days from the date of the invoice shall become delinquent, and the city shall file in the Official Public Records of Dallas County a statement of such costs. The city shall have a privileged lien on the premises and the personal obligation of the owner of such property, second only to tax liens and liens for street improvements, to receive the costs so made and ten percent interest on the amount from the date the payment is due. For any such costs and interest, suit may be instituted in the name of the city, and the statement of costs, as provided previously in this chapter, shall be prima facie proof of the costs expended in such work.

ARTICLE IV. - TRASH AND DEBRIS

Sec. 56-41. - Declared a Public Nuisance and Prohibited

- (a) It is unlawful and declared a public nuisance for an owner or tenant of any real property, occupied or unoccupied, to fail to remove any trash and debris from any such real property, including easements and adjacent rights-of-way.

- (b) It is unlawful and declared a public nuisance for an owner or tenant any real property, occupied or unoccupied, to maintain any such real property in a manner that is likely to attract and/or harbor insects, rodents, vermin, or other pests.

ARTICLE V. - VEGETATION

Sec. 56-51. - Declared a Public Nuisance and Prohibited

It is unlawful and declared a public nuisance for any person owner or tenant of any real property, occupied or unoccupied, to maintain any and all vegetation on such real property that fails to comply with the following provisions:

- (a) Except for water buffers and ornamental plants used as landscaping, grass or weeds shall not be allowed to grow in excess of ~~either~~/twelve inches in height;
- (b) Yard waste shall not be allowed to accumulate on any public street, public alley, or public right-of-way adjacent to private property nor deposited in any inlet, manhole, storm sewer, or sanitary sewer system;
- (c) Vegetation shall not be allowed to obstruct the access to or from any door or window of any structure which is used, or is required by city codes to be used, for ingress and egress;
- (d) Vegetation which is believed to be hazardous to persons or property by the enforcement authority shall be removed, including but not limited to any dead, dying, or diseased vegetation, and any tree in danger of falling. Any vegetation that appears to have lost more than 50 percent of its living foliage during the normal growing season for the species of such vegetation shall be considered dying or dead.
- (e) Trees stumps located in the front yard of a residence resulting from the removal of a tree for any reason shall be cut or ground to no higher than six (6) inches above grade level. This requirement shall only apply to trees stumps located in the front yard of a residence and shall include all tree stumps existing prior August _____, 2021.
- (f) Vegetation shall be maintained with the following minimum clearances:
 - (1) Vegetation growing over Public Sidewalks and Public Pathways shall:
 - a. be cut provide not less than seven (7) feet of vertical clearance;
 - b. not encroach beyond, over, or above the edge of a sidewalk or other pathway.
 - (2) Vegetation growing over for Public Streets shall:

- a. be cut to provide not less than fourteen (14) feet of vertical clearance above the street pavement; and
 - b. not encroach over or above the back of the curb or, if there is no curb, the edge of the street pavement.
- (3) Vegetation growing over Public Alleys and Public Easements dedicated and improved for vehicle use shall:
 - a. be cut to provide not less than fourteen (14) feet of vertical clearance above the alley pavement; and
 - b. not encroach over or above the back of the curb or, if there is no curb, the edge of the alley pavement or easement pavement.
- (g) Grass, ground cover, or other type of landscaping shall be grown and maintained in the unimproved area of the front yard to such an extent that the soil or dirt will not spread to sidewalks, streets or alleys. The landscaping occupying the unpaved areas of the front yard shall be provided with adequate water to sustain the landscape material, unless landscape watering is prohibited by mandatory water conservation regulations.
- (h) All vegetation used as a border or edging, including decorative groundcovers, shall be maintained by mowing, trimming, and/or edging so as to be in conformance with subsection (f) of this section and shall be maintained so as not to encroach over the edge of public ways and public sidewalks, curbs, or street pavement. This shall not preclude the use of permeable pavement or permeable flatwork techniques that incorporate groundcover in their design provided the areas are maintained in accordance with this chapter.
- (i) Vegetation that is required on any site as part of a city-approved plan must be maintained alive and in accordance with the requirements of said plan and this chapter at all times. Required vegetation that is removed for any reason must be replaced.
- (j) Utility and/or drainage easements and all alleys shall be maintained clear and unobstructed, for the entire width of the easement or alley, of any vegetation, structures or other objects that would prohibit access and maintenance of the utilities. Drainage easements having surface draining shall be maintained such that surface water is transported to the appropriate locations. Easements shall not be enclosed with a fence or by other means unless all entities having a right to the easement allow the obstruction of the easement by providing written documentation to the enforcement authority.

ARTICLE VI. - OUTSIDE STORAGE

Sec. 56-61. - Declared a Public Nuisance and Prohibited

- (a) **Violation Generally.** It is unlawful and declared a public nuisance for any owner or tenant to allow, conduct or maintain any outside storage on any premises.

- (b) **Defenses.** The following shall constitute a defense to a violation of the article if the items constituting outside storage:
- (1) are screened from view from a public street, alley, or other public property by a solid fence, wall, landscaping or any combination thereof;
 - (2) are furniture designed and constructed for outdoor use that shows no signs of deterioration including, but not limited to, broken or missing pieces or rust;
 - (3) are building materials stored in a workmanlike manner in association with an active building permit;
 - (4) are appliances designed and intended for outdoor use, provided they are properly installed and functional, and show no signs of deterioration including, but not limited to broken or missing pieces or rust;
 - (5) is firewood stored in a manner that does not allow it to be used as harborage by insects, rodents, vermin or other pests.
 - (6) Are containers or carts intended for the temporary storage of trash and debris and/or recyclable matter provided that such containers and carts are:
 - a. Stored at the side or rear of a primary structure;
 - b. Stored at the front of a primary structure and are completely screened from public from any other public or private property; or
 - c. Placed at the curb for collection in accordance with solid waste code Chapter 66.
 - (7) is an edging for flower or hedge beds that is constructed of brick, stone, treated lumber;
 - (8) are freestanding statuary, columns, bird baths and pedestals;
 - (9) is a masonry, brick, concrete or stone retaining wall constructed in compliance with applicable building codes and other ordinances;
 - (10) is a banister and/or handrail for uncovered steps or a ramp, provided the design and construction is consistent with the architectural design and style of the residence and constructed in accordance with applicable building codes;
 - (11) is an earthen berm for landscaping and screening purposes installed in the required front yard, provided:

- a. the height of the berm does not exceed one foot of height for each three feet of horizontal distance; and
 - b. the crown of the berm does not exceed three feet, six inches in height.
- (12) is a flagpole erected in the required front yard, provided:
 - a. the height of the flagpole does not exceed the permitted structure height in the zoning district in which the property is located; and
 - b. the pole is set back from all property lines a distance not less than the height of the pole;
- (13) is an exterior light, provided the light is;
 - a. placed or erected on private property; and
 - b. shielded, placed or erected so as not to create a hazard to those on public property;
- (14) is a freestanding lamppost that:
 - a. does not exceed ten feet (10.0') in height;
 - b. is set back from all property lines a distance not less than the height of the poles; and
 - c. does not create a hazardous glare to those on public property;
- (15) is a single-pole basketball goal set back not less than fifteen (15) feet from the front property line;
- (16) is a landscape receptacle made of durable, non-temporary material that shows no signs of deterioration and contains living and visible vegetation; provided, however, if the receptacle is empty or has no living and visible vegetation on display, it remains a defense if the receptacle is stored out of public view; or
- (17) is outside storage that is authorized by the comprehensive zoning ordinance or other ordinance regulating the use and development of the property on which the outside storage is occurring.

ARTICLE VII. - PARKING

Sec. 56-71. - Declared a Public Nuisance and Prohibited

It is unlawful and declared a public nuisance for any owner or tenant located in an R-1, R-2, R-3, R-4, R-5, R-6, D-1, D-2, MF-1, MF-2, MF-3, MF-4 zoning districts and planned development districts which allow residential use, occupied or unoccupied to park or store, or allow others to park or store, any vehicle on such real property that fails to comply with the provisions of this article.

Sec. 56-72. - General Parking Regulations

- (a) It shall be unlawful for any person to park or store, or allow others to park or store, any vehicle(s):
 - (1) On any surface other than an improved parking surface; provided, however:
 - a. Parking on an unimproved surface is authorized by a permit issued by the enforcement authority in relation to a special event and in accordance with the conditions set forth in such permit; or
 - b. The vehicle parked on the unimproved surface is completely screened from public view.
 - (2) On any surface other than a parking surface approved by and in compliance with all applicable codes and regulations;
 - (3) On any curb, traffic-calming device, or other public improvement;
 - (4) On or extending over a public sidewalk
 - (5) In any manner that creates a hazardous view obstruction; and/or
 - (6) In public view that is covered in excessive dirt or grime.
- (b) All vehicles that are not self-propelled and not in current use shall place wheel stops in front of at least two (2) tires.
- (c) It shall be unlawful for any persons to park or store, or allow others to park or store, more than five (5) vehicles on any residential lot outside of an enclosed garage.
- (d) It shall be unlawful to cover, or allow another to cover, a vehicle parked or stored on any premises with a tarpaulin or other cover that is not a fitted cover designed to fit the vehicle being covered.
- (e) It shall be unlawful for any person to park or store, or allow others to park or store, any vehicle(s) being offered for sale:
 - (1) In the public right-of-way or on public property;

- (2) On a non-residential property that does not have a current and valid Certificate of Occupancy that allows vehicle sales;
- (3) On a residential property if two vehicles have already been parked and offered for sale in the same calendar year on said property; and/or
- (4) On a residential property if the vehicle(s) is not registered to an occupant of the property.

The provisions of subsection (e) shall apply to all vehicles offered for sale regardless of whether a sale occurs.

Sec. 56-73. - Parking Surface Requirements and Maintenance

Parking surfaces on all properties regardless of type or zoning district shall comply with the following:

- (a) Parking surfaces must be maintained in good condition and free of hazards;
- (b) Parking lots must be maintained free of potholes;
- (c) Parking surface attachments, improvements, and enhancements must be kept in good repair and functional condition including, but not limited to, wheel stops, signs, and official or unofficial markings;
- (d) Parking surface repairs, expansions, and extensions must be made of the same material as the existing parking surface. Permits, when required, must be issued and posted in a conspicuous location near the work being performed;
- (e) Vehicular access to improved parking surfaces must be provided by means of a continuous full-width improved surface;
- (f) Parking surfaces located parallel and adjacent to a public street or public sidewalk shall be constructed with not less than five feet (5.0') between the parking surface and the street or sidewalk, whichever is closer to the parking surface; and
- (g) Parking or driving surface expansions, extensions, and/or repairs including, but not limited to, driveways, parking lots, drive isles, parking pads, parking space, and similar areas shall be made of the same material as the existing parking or driving surface.

Sec. 56-74. - Driveway Requirements

- (a) Driveways shall be designed and constructed in accordance with applicable provisions of the construction codes adopted by Chapter 22 of this Code, but shall be, at least, a concrete pad poured to a nominal depth of four inches (4.0") at a minimum of 3,000 psi, using No. 3 rebar set 18 inches on center each way, unless more stringent standards are required.

- (b) The approach width of driveways in residential zoning districts shall be measured at the property line and subject to the following:
 - (1) The total of all approach widths along a street or alley frontage shall not exceed the lesser of:
 - a. Fifty percent of the width of the frontage; or
 - b. Thirty linear feet;
 - (2) Driveway pavement shall line up with the edges of the driveway approach at the property line;
 - (3) In the event more than one driveway approach is located along the same property line, the driveway approaches must be separated by a minimum of 20 feet measured at the property line; and
 - (4) No single drive approach shall exceed 20 feet in width.
- (c) No driveway or improved parking surface shall cover more than 67 percent of a front yard in a residential zoning district.
- (d) A driveway located parallel and adjacent to a street shall be constructed with not less than five feet (5.0') between the surface of the driveway and the property line.
- (e) A driveway located parallel and adjacent to a public sidewalk shall be constructed with not less than five feet (5.0') between the driveway or parking surface and the sidewalk.
- (f) Improved parking surfaces, including the area covered by vehicle storage buildings, and their access driveway, may not cover more than 33 percent of the rear half of the lot.
- (g) It is an affirmative defense to prosecution for the parking or storing of vehicles at an existing residence on an unimproved driveway surface where the driveway was constructed before February 19, 1990; however, the existing unimproved drive or parking surface shall be maintained in a fashion that will support vehicular traffic, not allow grass, weeds or other vegetation to grow in the driveway area and at such time as the residence is completely rebuilt or improvements to the same real property constitute 25 percent or more of the property's total assessed value, compliance with this section shall be required.

ARTICLE VIII. - FENCES

Sec. 56-81. - General Fence and Wall Maintenance Regulations

- (a) Owners shall maintain all fences and walls, including those existing prior to the adoption of this chapter, in sound structural condition. Any broken, bent, loose, missing, or removed

fence parts shall be repaired or replaced including but not limited to pickets, panels, posts, hinges, handles, locks and latches, braces, bolts, nails, and fastenings.

- (b) Owners shall maintain all fences and walls free of all forms of deterioration including, but not limited to, rot, rust, termite infestation, and cracked, broken, or otherwise deteriorated masonry.
- (c) Fence and wall repairs and replacement parts must be of the same material, size, shape, color and design as the existing fence or wall. Permits, when required, must be issued and posted in a conspicuous location near the work being performed.
- (d) It shall be unlawful for any person to install or repair a fence or wall, or any portion of a fence or wall, located on a residential lot, with used or secondhand materials.
- (e) Fences and walls shall maintain an adequate level of weather proofing by means of applying paint or stain. Areas of chipping, peeling, cracking, flaking, and/or chalking paint shall be repainted or re-stained so as to conform to the rest of the fence or wall.
- (f) It shall be unlawful for any owner(s) to allow a fence or wall on his property to lean in any direction. Leaning fences or fence portions must be straightened and secured. Bracing the exterior of a fence or wall with a post, pole, or any other object is prohibited.
- (g) A fence, the ownership of which cannot be determined, is exempt from subsections (a), (b), and (e).

Sec. 56-82. - Subdivision Fence and Subdivision Wall Maintenance

- (a) All subdivision fences and walls must comply with section 56-81.
- (b) Whether or not one or more portions or segments of a subdivision fence or wall are owned by more than one person and/or entity, a subdivision fence or wall must be maintained uniform in appearance and construction for the entire length of the subdivision fence.
- (c) If a subdivision fence or wall is owned by more than one person and/or entity and the owners cannot agree on a uniform color for materials, including paint, if applicable, of the subdivision fence on or before the fifteenth (15th) day following issuance of written notice from the enforcement authority to select a color, the enforcement authority shall have the authority to select the required color of the subdivision fence or wall materials or paint, whichever is applicable, in which case the subdivision fence or wall shall be constructed in the color selected by the enforcement authority.
- (d) If a subdivision fence or wall is replaced in its entirety, the finished side of the fence or wall must face the public right-of-way.

ARTICLE IX. - ABANDONED, JUNKED AND INOPERABLE VEHICLES

Sec. 56-91. - Enforcement of Article

The enforcement authority may enter private property for the purposes specified in the procedures set forth in this article to examine a vehicle or vehicle part, obtain information as to the identity of the vehicle, and remove or cause the removal of a vehicle or vehicle part that constitutes a nuisance. The Municipal Court No. 1 may issue orders necessary to enforce the procedures.

Sec. 56-92. - Penalty for Violation of Article

A person who violates a provision of this article is guilty of a separate offense for each day or portion of a day during which the violation is committed, continued or permitted, and each offense is punishable by a fine not to exceed \$200.00.

Sec. 56-93. - Abandoned Motor Vehicles - Authority to Take Possession

A member of the police department may take into custody an abandoned motor vehicle found on public or private property. The police department may employ its own personnel, equipment and facilities or hire persons, equipment and facilities to remove, preserve and store an abandoned motor vehicle it takes into custody. The city shall have the authority to immediately remove any vehicle located on public property and causes an immediate threat to human safety, health, welfare or any governmental function, or creates a public disturbance.

Sec. 56-94. - Abandoned Motor Vehicles - Notification of Owner and Lienholders

- (a) **Contents of notice; method of service.** Not later than ten (10) days after taking an abandoned vehicle into custody, the police department shall provide the notice required by Tex. Trans Code §683.012.
- (b) **Storage fees.** The city is entitled to reasonable storage fees for:
 - (1) A period of not more than ten days beginning on the day the police department takes custody and continuing through the day the police department mails notice as provided by this division; and
 - (2) A period beginning on the day after the day the police department mails the notice and continuing through the day any accrued charges are paid and the vehicle is removed.

Sec. 56-95 - Abandoned Motor Vehicles - Use by Police Department

- (a) If an abandoned motor vehicle has not been reclaimed within 20 days after issuance of the notice required by Section 56-94, the police department may use that vehicle for police department purposes as provided by this section.
- (b) The police department may use the abandoned motor vehicle for police department purposes as long as the police department considers it cost effective. If the police department discontinues use of the abandoned motor vehicle, the police department shall auction the vehicle as provided by section 56-96.
- (c) This section does not apply to an abandoned motor vehicle with a garagekeeper's lien.

Sec. 56-96. - Abandoned Motor Vehicles – Auction

If an abandoned motor vehicle has not been reclaimed as provided by section 56-94, the police department shall sell the abandoned motor vehicle at a public auction. Proper notice of the public auction shall be given, and in case of a garagekeeper's lien, the garagekeeper shall be notified of the time and place of the auction. The purchaser of the motor vehicle takes title to the motor vehicle free and clear of all liens and claims of ownership, shall receive a sales receipt from the police department, and is entitled to register the purchased vehicle and receive a certificate of title. From the proceeds of the sale of an abandoned motor vehicle, the police department shall reimburse

itself for the expenses of the auction; the costs of towing, preserving and storing the vehicle that resulted from placing the abandoned motor vehicle in custody; and all notice and publication costs incurred. Any remainder from the proceeds of a sale shall be held for the owner of the vehicle or entitled lienholder for 90 days and then shall be deposited in a special fund that shall remain available for the payment of auction, towing, preserving, storage and all notice and publication costs that result from placing another abandoned vehicle in custody, if the proceeds from a sale of another abandoned motor vehicle are insufficient to meet these expenses and costs. The city may transfer the amount in the special fund that exceeds \$1,000.00 from the special fund to the general revenue account to be used by the police department.

Sec. 56-97. - Abandoned Motor Vehicles - In Storage Facilities

- (a) **Time limit; notice to owner.** A motor vehicle left for more than ten days in a storage facility operated for commercial purposes after notice is given by registered or certified mail, return receipt requested, to the owner and to any lienholder of record under the Certificate of Title Act, V.T.C.A., Transportation Code § 501.001 et seq., to pick up the vehicle, or for more than ten days after a period when under a contract the vehicle was to remain on the premises of the storage facility or a motor vehicle left for more than ten days in a storage facility by someone other than the registered owner, or by a person authorized to have possession of the motor vehicle under a contract of use, service, storage or repair, is considered an abandoned vehicle, and shall be reported by the garagekeeper to the police department. If the notice to the owner or a lienholder is returned by the post office unclaimed, notice by one publication in one newspaper of general circulation in the city is sufficient notice.
- (b) **Storage fees; report by garagekeeper.** If a garagekeeper or storage facility acquires possession of a motor vehicle for a purpose other than repair, the garagekeeper or storage facility is entitled to towing, preservation and notification charges and to reasonable storage fees, in addition to storage fees earned pursuant to contract, for a maximum of seven days only until notification is mailed to the last known registered owner and all lienholders of record as provided by subsection (a) of this section. After such notice is mailed, storage fees may continue to accrue until the vehicle is removed and all accrued charges are paid. A garagekeeper who fails to report the possession of an abandoned vehicle to the police department within seven days after it becomes abandoned may no longer claim reimbursement for storage of the vehicle.
- (c) **Fee for notification costs.** The police department, upon receipt of a report from a garagekeeper of the possession of a vehicle considered abandoned under the provisions of this section, shall follow the notification procedures provided by section 56-94, except that custody of the vehicle shall remain with the garagekeeper until after compliance with the notification requirements. A fee in an amount established by the city and listed in appendix A of the Code of Ordinances shall accompany the report of the garagekeeper to the police department. The fee shall be retained by the police department and used to defray the cost of notification or other cost incurred in the disposition of an abandoned motor vehicle.

- (d) **Vehicle taken into custody by police; disposition of sale proceeds.** An abandoned vehicle left in a storage facility and not reclaimed after notice is sent in the manner provided by section 56-94 shall be taken into custody by the police department and used for police department purposes as provided by section 56-95 or sold in the manner provided by section 56-96. The proceeds of a sale under this section shall first be applied to the garagekeeper's charges for servicing, storage and repair, but as compensation for the expenses incurred by the police department in placing the vehicle in custody and the expense of auction, the police department shall retain two percent of the gross proceeds of the sale of each vehicle auctioned, unless the gross proceeds are less than \$10.00. If the gross proceeds are less than \$10.00, the police department shall retain the proceeds less than \$10.00 to defray expenses of custody and auction. Surplus proceeds remaining from an auction shall be distributed in accordance with section 56-96.
- (e) **Impairment of garagekeeper's lien.** Except for the termination or limitation of claim for storage for failure to report an abandoned motor vehicle, nothing in this section may be construed to impair any lien of a garagekeeper under the laws of this state.
- (f) **Penalty for improper charging of fees.** A person charging fees under V.T.C.A., Transportation Code § 683.032, commits an offense if the person charges a storage fee for a period of time not authorized by such subsection. An offense under such subsection is punishable by a fine of not less than \$200.00, nor more than \$1,000.00.

Sec. 56-98. - Junked Vehicles – Declared an Attractive Public Nuisance and Prohibited

- (a) **Declared public nuisance.** A junked vehicle that is located in a place where it is visible from a public place, adjoining private property or a public right-of-way is detrimental to the safety and welfare of the general public, tends to reduce the value of private property, invites vandalism, creates fire hazards, constitutes an attractive and public nuisance creating a hazard to the health and safety of minors, and is detrimental to the economic welfare of the city by producing urban blight adverse to the maintenance and continuing development of the city.
- (b) **Maintenance.** A person commits an offense if that person maintains, or allows to maintain, a public nuisance as determined under this section.
- (c) **Penalty for violation of section.** A person who commits an offense under this section is, upon conviction, subject to a fine not to exceed \$200.00. Upon conviction, the court shall order removal and abatement of the nuisance.

Sec. 56-99. - Junked Vehicles – Procedures for Abating

- (a) **Generally.** The procedures for abatement and removal of a junked vehicle or a part of a junked vehicle as a public nuisance from private property, public property or a public right-of-way shall be in accordance with this section.
- (b) **Private property; notice and service.** Any removal of a junked vehicle or part of a junked vehicle on private property requires not less than ten days' notice stating the nature of the

public nuisance on private property, that it must be removed and abated within ten days, and that request for a hearing must be made before expiration of the ten-day period. The notice shall be mailed, by certified mail with a five-day return requested, to the last known registered owner of the junked motor vehicle, any lienholder of record and the owner or occupant of the private premises on which the public nuisance exists. If any notice is returned undeliverable by the United States Postal Service, official action to abate the nuisance shall be continued to a date not less than ten days after the date of the return.

- (c) **Public property; notice and service.** For a nuisance on public property, a notice of not less than ten days, stating the nature of the public nuisance on public property or on a public right-of-way, stating that the nuisance must be removed and abated within ten days, and that a request for a hearing must be made before expiration of the ten-day period. The notice must be mailed, by certified mail with a five-day return requested, to the last known registered owner of the junked motor vehicle, any lienholder of record, and the owner or occupant of the public premises or to the owner or occupant of the premises adjacent to the public right-of-way on which the public nuisance exists. If the notice is returned undelivered by the United States Postal Service, official action to abate the nuisance shall be continued to a date not less than ten days after the date of the return.
- (d) **Reconstruction or making operable of junked vehicles.** In addition, a vehicle that is declared a junked vehicle is prohibited from being reconstructed or made operable after it has been removed by the city.
- (e) **Hearing; order for removal.** A public hearing shall be conducted before the removal of the junked vehicle which public hearings shall be before the city's Municipal Court Judge. If a hearing is requested by the owner or occupant of the public or private premises or by the owner or occupancy of the premises adjacent to the public right-of-way on which the junked vehicle is located, it shall be held within ten days after service of notice to abate the nuisance. An order requiring the removal of the junked vehicle shall include a description of the vehicle and the correct identification number and license number of the vehicle if the information is available at the site.
- (f) **Hearing; presumption of inoperability.** At the hearing it is presumed, unless demonstrated otherwise by the owner to the enforcement authority, that the vehicle is inoperable.
- (g) **Notice to Texas Department of Motor Vehicles.** Notice shall be given to the Texas Department of Motor Vehicles not later than the fifth day after the date of removal. The notice shall identify the vehicle or vehicle part.
- (h) **Exceptions.** The procedures of this section shall not apply to a vehicle or vehicle part that is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property; a vehicle or vehicle part that is stored or parked in a lawful manner on private property in connection with the business of a licensed vehicle dealer or junkyard; or an unlicensed, operable, or inoperable antique or special interest vehicle stored by a collector on the collector's property, if the vehicle and the outdoor

storage area are maintained in a manner so that they do not constitute a health hazard and are screened from ordinary public view by means of a fence, rapidly growing trees, shrubbery or other appropriate means.

- (i) **Enforcing persons.** All actions taken in regard to junked vehicles will be taken by regularly salaried, full-time employees of the city, except that the removal of a vehicle or vehicle part from property may be by any duly authorized person.

Sec. 56-100. - Inoperable Vehicles - Declared a Public Nuisance and Prohibited

- (a) **Declared public nuisance.** An inoperable vehicle that is located in a place where it is visible from a public place, adjoining private property or a public right-of-way is detrimental to the safety and welfare of the general public, tends to reduce the value of private property, invites vandalism, creates fire hazards, constitutes an attractive nuisance creating a hazard to the health and safety of minors, and is detrimental to the economic welfare of the city by producing urban blight adverse to the maintenance and continuing development of the city and is a public nuisance.
- (b) **Maintenance of nuisance.** A person commits an offense if that person maintains a public nuisance as determined under this section.
- (c) **Penalty for violation of section.** A person who commits an offense under this section is, upon conviction, subject to a fine not to exceed \$200.00.
- (d) **Abatement and removal.** An inoperable vehicle that is not abated or removed within thirty (30) calendar days beginning from the date of the first notice of the public nuisance will be declared a junked vehicle.
- (e) **Presumption following notice.** Once a notice has been issued by the enforcement authority to abate an inoperable vehicle, it shall be presumed that the vehicle is inoperable unless the vehicle is demonstrated to be operable to the enforcement authority.

Sec. 56-101. - Unattended Vehicles on Public Property

- (a) **Obstructing traffic.** It shall be unlawful to leave a vehicle unattended within a public right-of-way or on public property that obstructs traffic.
- (b) **Removal.** Notwithstanding any of the other provisions of this division, any unattended vehicle that obstructs traffic within a public right-of-way or on public property may be immediately removed by the police department.
- (c) **Authority of city to remove.** The city shall have the authority to immediately remove any vehicle which is on public property and causes an immediate threat to human safety, health, welfare, or any governmental function, or creates a public nuisance or disturbance.

Sec. 56-102. - Covering Vehicle No Defense.

Covering an inoperable or junked vehicle with a tarp or cover of any kind shall not be a defense to a violation of this article.

ARTICLE X. - GRAFFITI

Sec. 56-110. - Declared a Public Nuisance and Prohibited

It is unlawful and declared a public nuisance for any person owning, claiming, occupying or having supervision or control of any real property, occupied or unoccupied, to maintain or allow to remain graffiti on said property.

Sec. 56-111. - Offense for Failing to Remove Graffiti

An owner of any property in the city commits an offense if the owner fails to remove all graffiti from the owner's property that is visible from any public property or right-of-way or from any private property other than the property on which the graffiti exists.

Sec. 56-112. - Notice Required

- (a) Before issuing a citation for a violation under this article, the enforcement authority shall serve the property owner with written notice to remove the graffiti from the property on or before the 15th calendar day after the date the notice is received by the owner. The notice may be served by handing it to the owner in person or by United States certified mail, return receipt requested, addressed to the owner at the owner's address as shown in the records of the Dallas Central Appraisal District. If the notice cannot be personally delivered to the owner or, if mailed, is returned undeliverable or unclaimed by the United States Postal Service, then the owner may be notified by:
 - (1) publication at least once in a newspaper of general circulation in the city;
 - (2) posting the notice on or near the front door of each building on the property to which the notice relates; or
 - (3) posting the notice on a placard attached to a stake driven into the ground on the property to which the notice relates.
- (b) For purposes of subsection (a) of this section, the 15th calendar day by which the owner is required to remove the graffiti from the property will be counted:
 - (1) from the date the notice is personally served on the owner or the date beginning on the sixth day after the notice is placed in the United States certified mail; or
 - (2) if the owner cannot be found or the notice is returned by the United States Postal Service, from the date the notice is:

- a. published in accordance with subsection (a)(1) of this section; or
- b. posted in accordance with Subsection (a)(2) or (a)(3) of this section.

Sec. 56-113. - Pre-Requisites for Notice; Offer for Removal

Before the enforcement authority may issue a notice to remove graffiti under Section 56-112, all of the following must occur:

- (a) The city must offer to remove the graffiti from the owner's property at no charge to the owner;
- (b) The offer made pursuant to subsection (a) of this section must be in writing and must include a date by which the owner must accept or refuse the offer; and
- (c) The owner has refused the city's offer to remove the graffiti free of charge. Failure to accept or refuse the city's offer in writing by the date set forth in the offer is deemed to be a refusal of the offer.

Sec. 56-114. - Failure to Remove Graffiti; Assessment of Lien

If the enforcement authority serves notice to an owner under Section 56-112 and the owner fails to remove the graffiti within the time required by Section 56-112, then the city may remove the graffiti and charge the expenses of removal to the owner of the property plus an administrative fee in the amount of \$100.00 or such other larger amount as established from time to time by resolution or ordinance and set forth in the city fee schedule. The city's expenses to remove the graffiti will be collected from the owner, or, if the property from which the graffiti is removed is real property or a fixture to real property, levied, assessed, and collected against the property on which the work is performed.

Sec. 56-115. - Perfecting the Lien for Expenses

- (a) To perfect the lien against real property as authorized by Section 56-114, the enforcement authority is authorized to file a statement of expenses in the Official Public Records of Dallas County setting forth the actual expenses incurred by the city plus the amount of the administrative fee, the name of the property owner, if known, and a legal description of the property.
- (b) The city's lien attaches when the statement of expenses described in subsection (a) of this section is filed in the Official Public Records of the Dallas County.
- (c) The city's lien authorized by Section 56-114 is subordinate to any previously recorded lien and to the rights of a purchaser or lender for value who acquires an interest in the property before the statement of expenses is filed.

- (d) The expenses incurred by the city in removing graffiti pursuant to Section 56-114 and set forth in the notice of lien recorded in accordance with this section shall accrue interest at the rate of ten percent (10%) per year until paid.

Sec. 56-116. - Defenses

It is a defense to prosecution under Section 56-111 that:

- (1) The city did not offer to remove the graffiti at no charge to the property owner in compliance with Section 56-113(a);
- (2) The property owner did not refuse the city's offer to remove the graffiti free of charge in compliance with Section 56-113(b);
- (3) No notice was served on the property owner in compliance with Section 56-112;
- (4) The graffiti is located on transportation infrastructure;
- (5) The removal of the graffiti would create a hazard for the person performing the removal; or
- (7) The graffiti was created on the property with the owner's consent and does not violate any applicable city ordinance or state or federal law.

Sec. 56-117. - Penalty

An offense under this article is punishable by a fine of not less than \$200 or more than \$500.

ARTICLE XI. - MINIMUM PROPERTY STANDARDS

Sec. 56-120. - Minimum Property Standards

The owner of any property, premises, structure, building, improvement, attachment, appurtenance, or any other object within the city limits is in violation of this article for failing to comply with any one (1) or more minimum standards set forth in this article.

Sec. 56-121. - Exterior Premises

- (a) **Private Sidewalks, Walkways, Steps, Driveways, Parking Lots and Similar Areas.** All private sidewalks, walkways, pathways, steps, driveways, drive isles, parking pads, parking lots, parking spaces, fire lanes, parking stops, bollards, and similar areas and objects shall be maintained free from hazardous conditions including, but not limited to, holes, cracks, buckling, deteriorated signage, striping or markings, and pedestrian or vehicle hazards of any kind. Such areas shall also be maintained free of debris, mud, yard waste, and/or other obstructions or objects. Damaged objects shall be repaired, removed, or replaced in accordance with all applicable city codes.

(b) Grading and Drainage

- (1) All property shall be graded and maintained so as to prevent the accumulation of standing or stagnant water thereon.
- (2) No filling, excavation or other improvement shall be performed or constructed on any property which will have an adverse effect on an existing drainage pattern on an adjacent property.

(c) Antennas, Towers, Vents, Fans, Stacks and Similar Structures

- (1) Antennas, towers, vents, fans, stacks and similar structures must be maintained structurally sound, free of deterioration and firmly secured.
- (2) Pipes, ducts, conductors, fans or blowers shall not discharge hazardous or potentially hazardous gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate waste directly onto adjacent public or private property.

(d) Sprinklers and Irrigation Systems. All sprinklers and irrigation systems shall be maintained in good, safe, operational condition free of leaks, broken or missing parts, or any other defects.

(e) Lighting. All exterior lights and light devices shall be maintained in good, safe, operational conditional at all times. Light poles and posts shall not lean or display any signs of deterioration like rust, rot, or missing paint. Broken or missing bulbs, covers, toppers, hardware, or decorative elements must be repaired or replaced.

(f) Other Exterior Elements.

- (1) All exterior elements of every premises shall be maintained in good condition, structurally sound, and free of any signs of deterioration.
- (2) All exterior elements shall be protected from the elements through the use of a protective coating of paint, stain, or other treatment.
- (3) All tents, shade covers, sun guards and shades, canopies, and similar objects shall remain firmly secured to their mountings and in good condition without any missing, bent, or damaged pieces. Ripped, torn, or missing material shall be replaced.

Sec. 56-122. - Minimum Standards for Structures and Buildings

The interior and exterior of every structure and building, and every element and piece of equipment therein or thereon, must be maintained in good condition, structurally sound, and kept in a clean

and sanitary condition so as to protect the health, safety, and general welfare of the public and all occupants of the structure. These standards shall also apply to vacant buildings.

Sec. 56-123. - Structural Members

All interior and exterior structural members of every structure and building shall be kept in structurally sound condition, free of deterioration, and capable of safely bearing the dead and live loads upon them.

Sec. 56-124.- Structural Surfaces

- (a) All interior and exterior surfaces shall be maintained in a state of good repair with no cracks, holes, impressions, protrusions, gaps, rust, rot, mold, mildew, dirt, loose, damaged or missing pieces, or any other signs of deterioration. Surfaces include, but are not limited to, roofs, ceilings, walls, floors (including carpeting), fences, foundations, crawlspaces, chimneys and smokestacks, solar panels, windows, doors, and structural attachments including, but not limited to, awnings, canopies, stairways and fire escapes, eaves and overhangs.
- (b) All interior and exterior surfaces shall be maintained in a state sufficient to exclude rodents, insects, birds and other animals or pests.
- (c) All exterior surfaces with peeling, cracking, chipping, flaking, chalking, or missing paint or stain shall be repainted or re-stained. Cracked, loose, or missing plaster, broken glass, decayed wood, and any other defective conditions shall be repaired or replaced.

Sec. 56-125. - Roofs and Roof Drainage

The roof, roof coverings and flashing on every building shall be maintained in good repair. Roof coverings shall be sound, tight and not have defects or evidence of deterioration. Repairs made to roofs shall be of the same material as the existing roof material. Roof drainage shall be adequate to prevent ponding on the roof, dampness or deterioration in or on any portion of the building. Roof drains, gutters and downspouts shall be maintained in good repair, properly anchored, and free from obstructions. Runoff water shall not be discharged in a manner that creates a public nuisance.

Sec. 56-126. - Decorative Features

Cornices, entablatures, belt courses, corbels, terra cotta trim, wall facings, skirting and any other decorative features of every structure shall be maintained in good repair with proper anchorage and in a safe condition.

Sec. 56-127. - Attachments

All exterior canopies, marquees, signs, awnings, canopies, stairways, fire escapes, standpipes, gutters, exhaust ducts, overhang extensions, and any other objects attached to a structure or

building shall be maintained in good repair free of any missing or damaged pieces, and shall be properly anchored and kept in a safe and sound condition.

Sec. 56-128. - Chimneys, Cooling Towers, and Smokestacks

All chimneys, cooling towers, smokestacks, and similar appurtenances shall be maintained structurally safe, sound, properly mortared and in good repair.

Sec. 56-129. - Stairs, Porches, Balconies and Rails

Every interior and exterior stair, tread, riser, banister, newel, landing, porch, balcony, handrail and guardrail, and all their portions, appurtenances, and accessories shall be so constructed and installed as to be securely fastened, safe to use and capable of supporting the loads to which they are subjected and shall be kept in sound condition and good repair.

Sec. 56-130. - Windows, Doors, Skylights and Frames

- (a) The windows, doors, skylights, as well as their respective frame, shall be constructed and maintained in such relation to the adjacent wall construction so as to be fitted and weather tight to prevent the elements and pests from entering the dwelling or structure.
- (b) All windows and doors shall remain operable at all times. All hinges, latches, locks and other hardware shall be maintained in good and operable condition.
- (c) Every window and/or window sash shall be fully supplied with approved glazing materials which are without open cracks and holes. A window and/or window sash may be temporarily secured and/or closed with alternate materials approved by the enforcement authority for periods during actual construction, remodeling or repairs, provided the period of time does not exceed 30 days. The enforcement authority may grant extensions of time due to extenuating circumstances.
- (d) Every window shall be supplied with approved, properly-fitted screening free of tears, holes, and/or other defects. Damaged screens shall be repaired, replaced, or completely removed from public view.
- (e) Burglar bars shall comply with requirements of the building code and other codes or ordinances of the city. Burglar bars on windows of bedrooms of residential structures shall be constructed and mounted in such a way so as to be operable and openable from the interior of the residence.
- (f) Garage doors shall be capable of being opened and closed reasonably plumb, properly attached, and the exterior surface maintained weatherproof as required to prevent deterioration. All garage door parts and equipment including, but not limited to, door openers and operators, tracks, sensors, wall buttons/switches, lights, release ropes and any other parts shall remain operable and in safe condition at all times.

Sec. 56-131. - Cellars, Basements and Crawlspaces

Cellars, basements and crawl spaces of every structure and building shall be maintained reasonably free from dampness.

Sec. 56-132. - Sanitation

- (a) The interior of every structure, building, and dwelling unit shall be maintained in a clean and sanitary condition, free from excessive or unnecessary accumulations of trash and debris.
- (b) Trash and debris shall not be allowed to accumulate on any property or be stored in the public halls or stairways of any building.

Sec. 56-133. - Pest Control.

Every owner of a structure or premises shall keep such structure or premises free of insect, rodents, vermin, and other pests. Where evidence of a pest(s) is found, such pests shall be promptly exterminated by processes which will not be injurious to human health. After extermination, proper precautions shall be taken to rodent and insect harborage and prevent re-infestation.

Sec. 56-133. - Plumbing

- (a) Every structure and unit shall be provided with a functional water closet, sink, lavatory and bathtub or shower. Commercial structures are exempt from the bathtub or shower requirement.
- (b) All plumbing fixtures and equipment shall be in good, safe, operable condition free of leaks, clogs, missing or broken parts, and shall be securely anchored or fastened, including, but not limited to, pipes, faucets, shower heads, drains, sprayers, and hoses.
- (c) Plumbing fixtures and equipment shall be connected to the sanitary sewer, or to a private sewage system permitted by the codes and ordinances of the city if the sanitary sewer is not available.
- (d) All plumbing fixtures in residential dwelling units shall be connected to an approved water supply and each sink, lavatory and either a bathtub or shower shall be provided with hot and cold running water, except where deemed by the enforcement authority as not necessary for safety and sanitation.
- (e) Exterior plumbing fixtures and equipment such as spigots shall remain in good condition free of drips and leaks.
- (f) Interior sprinkler systems and other fire suppression devices must remain functional and properly installed at all times. Sprinkler systems shall not drip, leak, or show any forms of deterioration.

Sec. 56-135. - Gas and Electricity

- (a) All interior and exterior gas and electrical equipment including, but not limited to, wiring, piping, valves, switches, and shutoffs shall be maintained in a safe and operable condition.
- (b) All interior and exterior appliances, accessories, machinery, equipment, connections, sockets, and facilities shall be maintained in safe and operable condition at all times, free of broken or missing parts, leaks, or missing covers, caps or protective attachments. Accessories shall include, but not be limited to, fans, lights and fixtures, chandeliers and similar objects.
- (c) All interior or exterior exposed wires must be capped with UL listed caps or wire connectors.

Sec. 56-136. - Heating and Cooling

- (a) The owner or manager of every residential structure and/or unit shall provide air heating, cooling, and/or conditioning equipment to said structure and/or unit. The owner or manager shall maintain such equipment in good, operational, and safe condition at all times.
- (b) Every residential structure and unit shall be provided with heating equipment capable of maintaining all habitable rooms at a temperature of least 70 degrees Fahrenheit.
- (c) Every residential structure and unit shall be provided with cooling and/or air conditioning equipment capable of maintaining all habitable rooms at a temperature that is at least 15 degrees cooler than the outside temperature, but in no event higher than 85 degrees Fahrenheit.
- (d) All air ducts must be maintained in good, secure, safe condition free of clogs or excess debris. Air filters that contain excessive amounts of dirt, dust, or other debris must be replaced.

Sec. 56-137. - Building Numbers

- (a) The owner of each building in the city shall place and maintain on the building an official building address number in a conspicuous place that can be clearly seen from a public street or, if present, the fire lane. The Community Services Department shall designate the official number which is to be placed on each building. Structures designated as accessory buildings by the enforcement authority shall be exempt from this section.
- (b) Complexes of any kind with multiple structures must have an official number assigned to each building. The official number must be prominently posted on the building so that it is visible from a public street and/or fire lane.

- (c) Each separate unit, lease space, suite, apartment, office or living area within a building must also display a number. The owner or owner's representative of the complex shall submit a numbering system to the Community Services Department for approval. The number shall be posted in a conspicuous place at each outside entrance to the unit, lease space, office, suite, apartment or living area.
- (d) All numbers placed pursuant to this section must be at least three inches (3") in height and of a color that contrasts with its background.
- (e) The owners of existing buildings/complexes which contain separate units, lease spaces, offices, suites, apartments or living areas need not submit a numbering system to Community Services for approval when it has been determined by the building official or his designated representative that the numbering system in the existing building complies with the requirements of section 56-137(c).
- (f) Building number requirements as set forth in this section shall apply to all new and pre-existing structures, buildings, units, lease spaces, suites, apartments, offices, and living areas.

Sec. 56-138. - Smoke and Carbon Monoxide Detectors

- (a) Smoke detectors and carbon monoxide detectors shall be installed to the specifications required by the current building code.
- (b) All detectors must be maintained in connected, working condition at all times. Detectors that have been removed from their mounts must be reconnected and mounted properly. Dead, weak or missing batteries must be replaced.
- (c) Detectors whose alarms are interconnected using wiring or a wireless connection(s) must remain functional and interconnected at all times.

Sec. 56-139: Means of Egress

A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public right-of-way. Means of egress shall comply with all other applicable codes including, but not limited to, the Fire Code and Building Code as adopted by the City.

- (a) The width of aisles required by applicable codes shall remain unobstructed at all times.
- (b) All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to the applicable codes or is allowed by the building official or fire official.
- (c) Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction, and the following:

- (1) Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools; and
- (2) Bars, grilles, grates or similar devices are allowed to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the code that was in effect at the time of construction 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.

ARTICLE XII. - VACANT BUILDINGS

Sec. 56-200. - Securing Vacant Structures

- (a) No owner or person having charge of any unoccupied building or structure within the city shall leave said building or structure unsecured so that unauthorized persons may enter said building or structure.
- (b) An unsecured building or structure shall constitute prima facie evidence of a public nuisance posing an immediate danger to the building or structure and adjoining buildings or structures, and the enforcement authority shall immediately notify and instruct the owner or person in charge of said building or structure to secure the same, and if said building or structure is not secured within seventy-two (72) hours after the date of issuance of notice, the enforcement authority is authorized to secure the building or structure at the expense of the owner or person in charge of said building or structure, and the expense of the work required to secure such building or structure are to be charged against the owner of the property as provided by state law.

Sec. 56-201. - Registration Required

Pursuant to this section, buildings deemed to be vacant shall maintain a valid vacant building registration with the city and shall be maintained in accordance with the codes and ordinances of the city.

Sec. 56-202. - Registration Applicability

The registration requirements of section 56-201 through section 56-206 shall be applicable to each owner of a building that has been presumed vacant. A building shall be presumed vacant if:

- (a) All lawful residential, commercial recreational, charitable, or construction activity at the building have ceased or reasonably appears to have ceased for more than 150 days; or
- (b) The building contains more than three units, 75 percent or more of which have not been used lawfully, or reasonably appear not to have been used lawfully, for more than 150 days.

Sec. 56-203. - Registration

- (a) The owner of any vacant building shall obtain and maintain a current and valid registration for each vacant building.
- (b) The city, an independent school district, the United States of America, the State of Texas, or any political subdivision, department, or agency of any of the foregoing are exempt from the provisions of this section.
- (c) The owner shall complete the application for registration and pay the required fees as set forth in appendix A of this Code.
- (d) The enforcement authority shall issue the vacant building registration when he determines:
 - (1) The owner has submitted the completed form;
 - (2) All required fees have been paid; and
 - (3) The building has been inspected in conformance with section 56-204.
- (e) If the enforcement authority determines that all of the requirements of this section have not been met, the enforcement authority shall deny the registration and deliver written notice of denial to the owner including the basis for denial.
- (f) The registration required by this section shall expire on the earlier of:
 - (1) One year after the date of issuance;
 - (2) Upon demolition of the building;
 - (3) When ownership of the building changes; or
 - (4) When the building becomes legally occupied pursuant to a valid certificate of occupancy.
- (g) A registration of a vacant building issued pursuant to this section is not transferable.
- (h) The owner shall place a sign made of durable, weather-resistant material on or near the front door of the building which contains in clearly legible print:
 - (1) The name and 24-hour contact phone number of the person that is authorized by the owner to make decisions regarding the day-to-day supervision, management and maintenance of the building and premises;

- (2) The words “THIS PROPERTY IS MANAGED BY...” and “TO REPORT PROBLEMS OR CONCERNS CALL...”, followed by the name of the property’s manager or owner and contact phone number, respectively; and
- (3) Such other information which will identify the property to the owner’s agent.

Sec. 56-204. - Inspections

Prior to the initial issuance and each renewal of the registration by the enforcement authority, the owner shall allow the enforcement authority to perform an inspection of the building and property. The enforcement authority shall provide a report to the owner denoting any issues found to be in non-compliance with any provisions of applicable codes adopted by the city. The enforcement authority shall determine what issues found during the inspection need immediate attention and issues that may be corrected prior to occupancy of the building.

Sec. 56-205. - Registration Revocation

- (a) The enforcement authority may revoke the vacant building registration if:
 - (1) The owner fails to comply with any of the provisions of any city ordinance, state law, or federal law applicable to vacant buildings or properties, or
 - (2) The owner intentionally makes false statement regarding a material matter on the registration form or in a hearing concerning the property.
- (b) Prior to revoking the registration, the enforcement authority shall deliver written notice of the possible revocation, the basis for the revocation, and a statement that the owner has ten days after delivery to comply with the notice to prevent revocation.
- (c) Upon revocation of the registration, the building official shall send written notice of revocation to the owner of the property, which shall include a summary of the reasons for the revocation.
- (d) The enforcement authority may reinstate a registration one time during the registration period if the basis of the revocation is remedied within 30 days of the revocation and a fee equal to 50 percent of the registration fee is paid.

Sec. 56-206. - Maintenance Bond

- (a) The enforcement authority may require the owner of vacant property to post a cash bond, letter of credit or escrow deposit in the amount of \$2,500.00 to secure future compliance when a vacant commercial and residential building has been the subject of action by the city to abate any violation city ordinance within the 12 months preceding the date of the initial or renewal registration.

- (b) The owner shall post the bond or other security within 30 days after the issuance of notice from the enforcement authority that such bond is required. In the event the amount of the bond or other security is reduced or depleted for the purpose of bringing the property into compliance with applicable city code violations after the bond or other security has been posted with the city, the owner shall, within 15 days after the notice from the city, provide such additional sums to the bond or other security so as to maintain the amount at the minimum level of \$2,500.00.
- (c) Any funds obtained by the city under a bond, letter of credit, or escrow account posted under this section shall be used only for the purpose of bringing the property into compliance with applicable city codes, and shall not be part of the city's general fund.
- (d) The person who posted the bond or other security shall be entitled to the cancellation of the bond, letter of credit or a refund of the actual amounts then held for the property in the escrow account, as the case may be, if:
 - (1) The owner of a property has remedied all violations noted by the building official for a period of 12 months following the posting of the bond or other security; or
 - (2) The property is sold or occupied following the posting of the bond or other security.

ARTICLE XIII. - VIEW OBSTRUCTIONS

Sec. 56-300. - Declared a Public Nuisance and Prohibited

- (a) It shall be considered a public nuisance and prohibited for any person owning or occupying any property within the city to place, install, or maintain any view obstruction(s) that creates a hazard or potential hazard is prohibited. All view obstructions, regardless of their location, must be relocated or completely removed so as to eliminate the hazard.
- (b) Any hazardous view obstruction located on public property may be removed by the enforcement authority without notice to the obstruction's owner.
- (c) Any hazardous view obstruction located on private property may be removed by the enforcement authority. If such an obstruction(s) or portion thereof is removed, prior notice shall be required in accordance with article III of this Chapter. The city also shall have the ability to recuperate the cost of the obstruction removal as stated in Article III.

ARTICLE XIV. - DANGEROUS BUILDINGS

Sec. 56-401. - Purpose and Scope of Article

- (a) It is the purpose of the provisions of this article to provide a just, equitable and practicable method, to be cumulative with and in addition to, any other remedy provided by the building code, or otherwise available at law, whereby buildings or structures, which from

any cause endanger the life, limb, health, morals, property, safety or welfare of the general public or their occupants, may be required to be repaired, vacated or demolished.

- (b) The provisions of this article shall apply to all dangerous buildings or structures which are now in existence or which may hereafter be constructed in this city.
- (c) All buildings or structures within the scope of this article and all construction or work for which a permit is required shall be subject to inspection by the enforcement authority(ies) in accordance with and in the manner provided by this article and the building code.

Sec. 56-402. - Alterations, Additions and Repairs.

All buildings or structures which are required to be repaired under the provisions of this article shall be subject to the provisions of the building code.

Sec. 56-403. - Violation of Article

It is unlawful for any person, whether as owner, lessee, sublessee, or occupant, to erect, construct, enlarge, alter, repair, move, improve, remove, demolish, equip, use, occupy or maintain any building or premises, or cause or permit such work to be done, contrary to or in violation of any of the provisions of this article, or any order issued by the building official under this article.

Sec. 56-404. – Penalty for Violation of Article

Any person violating any of the provisions of this article shall be subject to a fine, upon conviction in the municipal court in accordance with Section 56-2, and each and every day that the prohibited condition remains and restoration, if required, not accomplished, it shall constitute a separate offense. These fines shall be in addition to and accumulative of the provisions for the abatement of the nuisance by tearing down and removal and restoration, if required by this article, as well as all other costs provided for by this article.

Sec. 56-405. - Administration, Enforcement and Inspection

- (a) *Authority.* The enforcement authority and/or the building official is hereby authorized to enforce the provisions of this article.
- (b) *Inspecting officers.* The city's health officer(s), code enforcement officer(s), building inspector(s), fire marshal and the building official are hereby authorized to make such inspections and take such actions as may be required to enforce the provisions of this article.
- (c) *Right of entry.* Whenever necessary to make an inspection to enforce any of the provisions of this article, or whenever the building official or his authorized representative has reasonable cause to believe that there exists in any building or upon any premises, any condition which makes such building or premises dangerous as defined

by this article, the building official or his authorized representative may enter such building or premises at all reasonable times to inspect the building or premises or perform any duty imposed upon the building official by this article; provided, however, that if such building or premises is occupied, he shall first present credentials and demand entry, and if such building or premises is unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and demand entry. If such entry is refused, the building official or his authorized representative shall have recourse to every remedy provided by law to secure entry. The term "authorized representative" shall include the officers named in subsection (b) of this section and their authorized inspection personnel. No owner or occupant or any other person having charge, care or control of any building or premises shall fail or neglect, after proper demand is made as provided in this subsection, to promptly permit entry therein by the building official or his authorized representative for the purpose of inspection and examination pursuant to this article. Any person violating this subsection shall be guilty of a misdemeanor.

Sec. 56-405. - Abatement

All buildings or portions of buildings which are determined after inspection by the building official to be dangerous are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedures specified in this article.

Sec. 56-407. - Hearing of Appeals

Requests for final interpretation of the provisions of this article and appeals for relief from the requirements and provisions of this article shall be heard by the dangerous building board of appeals.

Sec. 56-408. - Enforcement Procedures; Notice and Order; Service

- (a) *Commencement of proceedings.* Whenever the building official has inspected or caused to be inspected any building or structure, and has found and determined that such building or structure is a dangerous building or structure, he shall commence proceedings to cause the repair, vacation or demolition of the building or structure.
- (b) *Notice and order.* The building official shall issue a notice and order directed to the record owner of the building or structure. The notice and order shall set a public hearing before the dangerous building board of appeals for a determination as to whether the building complies with this article's standards and shall contain the following:
 - (1) The street address and a legal description sufficient for identification of the premises upon which the building or structure is located.
 - (2) A statement that the building official has found the building or structure to be dangerous with a brief and concise description of the conditions found to render the building or structure dangerous under the provisions of this article.

- (3) A statement of the action required to be taken as determined by the building official. If the building official has determined that the building or structure must be repaired, the order shall require that all required permits be secured therefor and the work physically commenced within such time, not to exceed 30 days from the date of order, and completed within such time as the building official shall determine is reasonable under all of the circumstances. If the building official has determined that the building or structure must be vacated, the order shall require that the building or structure shall be vacated within a certain time from the date of order as determined by the building official to be reasonable. If the building official has determined that the building or structure must be demolished, the order shall require that the building be vacated within such time as the building official shall determine is reasonable (not to exceed 30 days from the date of the order); that all required permits be secured therefor within the 30 days from the date of the order; and that the demolition be completed within such time as the building official shall determine is reasonable.
 - (4) Statements advising that if any required repair or demolition work is not commenced within the time specified, the building official will order the building vacated and posted to prevent further occupancy until the work is completed, and may proceed to cause the work to be done and charge the costs thereof against the property or its owner.
- (c) *Service of notice and order.* The notice of public hearing and order, and any amended or supplemental notice and order, shall be served upon the record owner, and posted on the property.
- (d) *Method of service.* Service of the notice and order shall be made upon all persons entitled thereto either personally or by mailing a copy of such notice and order by certified mail, postage prepaid, return receipt requested, to each such person at his address as it appears on the last equalized assessment roll of the city or as known to the building official. If no address of any such person so appears or is known to the building official, then a copy of the notice and order shall be so mailed, addressed to such person, at the address of the building involved in the proceedings. The failure of any such person to receive such notice shall not affect the validity of any proceedings taken under this section. Service by certified mail in the manner provided in this section shall be effective on the date of mailing.
- (e) *Proof of service.* Proof of service of the notice and order shall be certified to at the time of service by a written declaration under penalty of perjury executed by the person effecting service, declaring the time, date and manner in which service was made. The declaration, together with any receipt card returned in acknowledgement of receipt by certified mail, shall be affixed to the copy of the notice and order retained by the building official.

Sec. 56-409. - Standards to be Followed in Ordering Repair, Vacation or Demolition.

The following standards shall be followed by the building official in ordering the repair, vacation or demolition of any dangerous building or structure:

- (1) Any building declared a dangerous building under this article shall either be repaired in accordance with the current building code or shall be demolished at the option of the building owner.
- (2) If the building or structure is in such condition as to make it immediately dangerous to the life, limb, property or safety of the public or its occupants, it shall be ordered to be vacated.

Sec. 56-410. - Notice to Vacate

- (a) *Posting.* Every notice to vacate shall, in addition to being served as provided in section 56-407, be posted at or upon each exit of the building, and shall be in substantially the following form:

DO NOT ENTER
UNSAFE TO OCCUPY

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

Building Official
City of Farmers Branch

- (b) *Compliance.* Whenever such notice is posted, the building official shall include a notification in the notice and order issued by him under section 56-407(b), reciting the emergency and specifying the conditions which necessitate the posting. No person shall remain in or enter any building which has been so posted, except that entry may be made to repair, demolish or remove such building under permit. No person shall remove or deface any such notice after it is posted until the required repairs, demolition or removal have been completed and a certificate of occupancy issued pursuant to the provisions of the building code. Any person violating this subsection shall be guilty of a misdemeanor.

Sec. 56-411. - Enforcement of the Order of the Building Official or the Dangerous Building Board of Appeals

- (a) *Generally.* After any order of the building official or the dangerous building board of appeals made pursuant to this article shall have become final, no person to whom any such order is directed shall fail, neglect or refuse to obey any such order. Any such person who fails to comply with any such order is guilty of a misdemeanor.
- (b) *Failure to obey order.* If, after any order of the building official and dangerous building board of appeals made pursuant to this article has become final, the person to whom such order is directed shall fail, neglect or refuse to obey such order, the building official may cause such person to be prosecuted under the provisions of this article or institute any appropriate action to abate such building as a public nuisance.

(c) *Failure to commence work.* Whenever the required repair or demolition is not commenced within 30 days after any final notice and order issued under this article becomes effective:

- (1) The building official shall cause the building described in such notice and order to be vacated by posting at each entrance thereto a notice reading:

**DANGEROUS BUILDING
DO NOT OCCUPY**

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

Building Official
City of Farmers Branch

- (2) No person shall occupy any building which has been posted as specified in this section. No person shall remove or deface any such notice so posted until the repairs, demolition or removal ordered by the building official have been completed and a certificate of occupancy issued pursuant to the provisions of the building code.
- (3) The building official may, in addition to any other remedy provided in this section, cause the building to be repaired to the extent necessary to correct the conditions which render the building dangerous as set forth in the notice and order; or, if the notice and order required demolition, to cause the building to be demolished and the materials, rubble and debris therefrom removed and the lot cleaned. Any such repair or demolition work shall be accomplished, and the costs shall be paid and recovered in the manner provided for in section 56-413.

Sec. 56-412. - Extension of Time to Perform Work

Upon receipt of an application from the person required to conform to the order and an agreement by such person that he will comply with the order if allowed additional time, the building official may, in his discretion, grant an extension of time, not to exceed an additional 30 days, within which to complete such repair, rehabilitation or demolition, if the building official determines that such an extension of time will not create or perpetuate a situation imminently dangerous to life or property. The building official's authority to extend time is limited to the physical repair, rehabilitation or demolition of the premises and will not in any way affect or extend the time to appeal his notice and order.

Sec. 56-413. - Interference with Repair or Demolition Work

No person shall obstruct, impede or interfere with any officer, employee, contractor or authorized representative of the city; or with any person who owns or holds any estate or interest in any building which has been ordered repaired, vacated or demolished under the provisions of this article; or with any person to whom such building has been lawfully sold pursuant to the provisions of this article, whenever such officer, employee, contractor or authorized

representative of the city, person having an interest or estate in such building or structure, or purchaser is engaged in the work of repairing, vacating and repairing, or demolishing any such building, pursuant to the provisions of this article; or in performing any necessary act preliminary to or incidental to such work or authorized or directed pursuant to this article.

Sec. 56-414. - Abatement; Recovery of Costs; Lien

All costs for the demolition and removal and/or restoring of such dangerous building or structures, including costs for mailing of a notice and/or publication, filing of a statement in the Official Public Records of Dallas County, bid procedures costs and/or interest shall be levied, assessed and collected against such property upon which such building or structure is located. If there are any obstructions or other difficulties encountered in demolition and removal and/or restoring, if required by this article, of such building or structure, such additional costs shall be levied, assessed and collected against such property and/or shall also become a personal obligation to the owner of such property upon which such building or structure is located. The costs provided in this section shall be levied, assessed and collected by the city. If any owner of such property shall fail to pay the costs so assessed within 30 days after being notified of such costs, the city shall file in the Official Public Records of Dallas County, a statement signed by the mayor of such costs. The city shall have a privileged lien on the premises and/or the personal obligation of the owner of such property, second only to tax liens and liens for street improvements to receive the costs so made and ten percent interest on the amount from the date the payment is due. For any such costs and interest, suit may be instituted and foreclosure had in the name of the city. The statement so made by the mayor, or a certified copy of the statement, shall be prima facie proof of the costs expended in such work or improvements.

Sec. 56-415. - Waiver of Costs or Assessments; Appeals

The owner of such property may appeal to the city council for a waiver of all or part of the cost incurred by the city in the demolition and removal or restoration of a dangerous building or structure. The city council may waive any or all costs when sufficient evidence is submitted by an owner showing that payment of such costs would create a hardship. All appeals to the city council for waiver of costs or assessments shall be made in writing on forms provided by the building official, and the hearing shall be held only after publication of the hearing in the official newspaper of the city. The publication shall appear a minimum of ten days prior to the hearing.

Sec. 56-416. - Appeals to City Council from Decisions by Board of Appeals; Hearing

- (a) The owner of such property or the city administration may appeal any decision or order of the dangerous building board of appeals to the city council by filing at the office of the city secretary, within five days of such decision or order, a written appeal to the city council on a form to be supplied by the city secretary.
- (b) As soon as practicable after receiving the written appeal, the city secretary shall fix a date, time and place for the hearing of the appeal by the city council. Written notice of such date, time and place of the hearing shall be given to each appellant by the city secretary, either by causing a copy of such notice to be delivered to the appellant

personally or by mailing a copy of the notice, postage prepaid, addressed to the appellant at his address shown on the written appeal.

- (c) Failure of any person to file an appeal in accordance with the provisions of subsection (a) of this section shall constitute a waiver of his right to a hearing by the city council and adjudication of the decision or order of the dangerous building board of appeals.
- (d) Except for vacation orders made pursuant to section 56-408, enforcement of any notice and order of the building official issued under this article shall be stayed during the pendency of an appeal therefrom which is properly and timely filed.

Sec. 56-417. - Structural Characteristics Deemed Dangerous

For the purpose of this article, any building or structure which has any or all of the conditions or defects described in this section shall be deemed to be a dangerous building, provided that such conditions or defects exist to the extent that the life, health, property or safety of the public or its occupants are endangered:

- (1) Any door, aisle, passageway, stairway, or other means of exit that is not of sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire or panic.
- (2) The stress in any materials, member, or portion of such materials, due to all dead and live loads, that is more than 1½ times the working stresses allowed in the building code for new buildings of similar structure, purpose, or location.
- (3) Any portion of a building or structure that has been damaged by fire, earthquake, wind, flood or by any other cause to such an extent that the structural strength or stability of such building part is materially less than it was before such catastrophe and is less than the minimum requirements of the building code for new buildings of similar structure, purpose or location.
- (4) Any portion or member or appurtenance of a building or structure that is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.
- (5) Any portion of a building, or any member, appurtenance or ornamentation on the exterior of a building or structure, that is not of sufficient strength or stability; or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one-half of that specified in the building code for new buildings of similar structure, purpose or location, without exceeding the working stresses permitted in the building code for such buildings.
- (6) Any portion of a building or structure that has wracked, warped, buckled, or settled to such an extent that walls or other structural portions have materially less

resistance to winds or earthquakes than is required in the case of similar new construction.

- (7) The building or structure, or any portion of such building or structure, because of dilapidation, deterioration or decay; faulty construction; the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; the deterioration, decay or inadequacy of its foundation; or any other cause, that is likely to partially or completely collapse.
- (8) The building or structure, or any portion of such building or structure, is manifestly unsafe for the purpose for which it is being used.
- (9) The exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumbline passing through the center of gravity does not fall inside the middle one-third of the base.
- (10) The building or structure, exclusive of the foundation, shows 33 percent or more damage or deterioration of its supporting members, or 50 percent damage or deterioration of its non-supporting members.
- (11) The building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become an attractive nuisance to children; a harbor for vagrants, criminals or immoral persons; or as to enable persons to resort thereto for the purpose of committing unlawful or immoral acts.
- (12) Any building or structure that has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this city, as specified in the building code, or of any law or ordinance of this state or city relating to the condition, location or structure of buildings.
- (13) Any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, that has in any non-supporting part, member or portion, less than 50 percent, or in any supporting part, member or portion less than 66 percent of the strength, fire-resisting qualities or characteristics or weather resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height and occupancy in the same location.
- (14) A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities or otherwise, is determined to be unsanitary, unfit for human habitation, or in such a condition that is likely to cause sickness or disease.
- (15) Any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive

construction, faulty electric wiring, gas connections or heating apparatus or other cause, is determined by the building official or fire marshal to be a fire hazard.

- (16) Any building or structure that is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence.
- (17) Any portion of a building or structure that remains on a site after the demolition or destruction of the building or structure, or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.
- (18) Any vacant building that is unlocked or open at its doors or windows.

ARTICLE XV. - ON-DEMAND STORAGE CONTAINERS

Sec. 56-450. - Scope of Article

The provisions of this article shall apply to all on-demand storage containers currently located throughout the city as well as containers placed in the city hereafter.

Sec. 56-451. - Declared a Public Nuisance and Prohibited

It shall be unlawful and considered a public nuisance for any on-demand storage container to be used, stored, located or maintained in any manner contrary to the following:

- (a) An on-demand storage container permit shall be required before any person or entity places, or arranges the placement, of an on-demand storage container on any property. A permit authorizes the placement of a single container.
- (b) Every portable storage container must have a valid on-demand storage container permit affixed to it for the duration of its placement.
- (c) A portable storage container(s), or portion thereof, shall not be placed, stored, located or maintained on or in:
 - 1. Any easements or public rights-of-way including but not limited to sidewalks, driveway aprons and approaches, or alleys;
 - 2. Any unimproved surface;
 - 3. A fire lane;
 - 4. Any location that would hinder or slow the ingress or egress to or from any building;
 - 5. Any location that prevents the safe driving or maneuvering of city vehicles;

6. Any location that creates a hazardous or potentially hazardous view obstruction; or

7. Public view for all multi-family properties and apartment complexes with more than 4 individual dwelling units.

- (b) It shall be unlawful for any person or entity to use an on-demand storage container as a long-term or permanent storage building. This provision shall apply to all on-demand storage container within the city including those placed, located, or installed before the passage of this article.

Sec. 56-452. - Permits for On-Demand Storage Containers

An on-demand storage container permit shall be required before any person or entity locates or places, or arranges the placement, of an on-demand storage container on any property. Permit restrictions for on-demand storage containers are as follows:

- (a) Single-Family and Duplex Properties:

- (1) Duration: 30 Calendar Days
- (2) Frequency: Maximum of three (3) permits issued per calendar year per dwelling
- (3) Quantity: Maximum of two (2) containers on any premises at the same time;
- (4) Fee: See Appendix A

- (b) Multi-Family Properties and Apartment Complexes:

- (1) Duration: 7 Calendar Days
- (2) Frequency: No maximum number of permits issued per calendar year
- (3) Quantity: No maximum number of containers on any premises at the same time
- (4) Fee: See Appendix A

- (c) All Other Properties Types:

- (1) Duration: 180 Calendar Days
- (2) Frequency: Maximum of one (1) permit issued per calendar year per tenant
- (3) Fee: See Appendix A

Sec. 56-453. - Permit Exemption

An on-demand storage container does not require a permit if it remains on a property with an approved commercial or industrial use for less than 48 consecutive hours.

Sec. 56-454. - Permit Expiration

Upon the expiration of an on-demand storage container permit, the container must be removed from the property.