

Chapter 18 BUILDINGS AND BUILDING REGULATIONS

**Chapter 18 BUILDINGS AND BUILDING REGULATIONS** [\[1\]](#)

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FOOTNOTE(S):

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**Cross reference**— Fire prevention and protection, ch. 46; floods, ch. 50; health and sanitation, ch. 54; signs, ch. 78; solid waste, ch. 82; streets, sidewalks and other public places, ch. 86; numbering of buildings, § 86-131 et seq.; utilities, ch. 98; subdivisions, app. B; zoning, app. C. [\(Back\)](#)

**State Law reference**— Trench excavation safety, V.T.C.A., Health and Safety Code § 756.201 et seq.; fire escapes, V.T.C.A., Health and Safety Code § 791.001 et seq.; Manufactured Housing Standards Act, Vernon's Ann. Civ. St. art. 5221f; industrialized housing and buildings, Vernon's Ann. Civ. St. art. 5221f-1; Plumbing License Law, Vernon's Ann. Civ. St. art. 6243-101; Residential Service Company Act, Vernon's Ann. Civ. St. art. 6573b; establishment of building lines, V.T.C.A., Local Government Code § 213.001 et seq.; municipal regulation of structures, V.T.C.A., Local Government Code § 214.001 et seq. [\(Back\)](#)

**ARTICLE I. IN GENERAL**

[Sec. 18-1. Inspection of improvements; correction of errors or encroachments.](#)

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[Secs. 18-4—18-35. Reserved.](#)

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**Sec. 18-1. Inspection of improvements; correction of errors or encroachments.**

The city engineer, or an official designated by the city council, may inspect all improvements and correct any errors made with reference to construction or unauthorized construction encroaching upon streets or alleys.

(Code 1978, § 6-4)

**Sec. 18-2. Permit required.**

No building, or part of any building shall be constructed, repaired, remodeled, or altered and no swimming pool or lawn sprinkler system shall be constructed or installed without first obtaining a permit from the city building official.

(Ord. No. 2001-2-2, 2-13-01)

**Sec. 18-3. Construction and demolition fees required.**

All permits shall be issued by the city building official and the fees for issuing the permits shall be as follows:

Minimum residential permit fee .....\$25.00

Minimum commercial permit fee .....50.00

New residential, commercial or industrial construction (per square foot of floor space) .....0.15

Repairs, remodel, alterations and accessory buildings (per \$1,000.00 of construction cost) .....6.00

Repair, recover, or reroof existing buildings .....25.00 plus \$6.00 per \$1,000.00 of construction cost

Swimming pool permit .....25.00 plus \$6.00 per \$1,000.00 of construction cost

Lawn sprinkler permit .....25.00

Each additional inspection after initial inspection .....25.00

(Ord. No. 2001-2-2, 2-13-01; Ord. No. 2005-4-4, 4-19-05)

**Secs. 18-4—18-35. Reserved.**

**ARTICLE II. BUILDING CODE**

[Sec. 18-36. Code adopted.](#)

[Sec. 18-37. Reserved.](#)

[Sec. 18-38. Conflicts with building code.](#)

[Sec. 18-39. Violations and penalties.](#)

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[Secs. 18-40—18-70. Reserved.](#)

**Sec. 18-36. Code adopted.**

There is adopted as the building code of the city the current and latest edition of the International Building Code (IBC) and the International Residential Code (IRC) a true copy of which is on file with the city secretary.

(Code 1978, § 6-1; Ord. No. 2005-4-5, 4-19-05)

**Sec. 18-37. Reserved.**

**Editor's note**— Ord. No. 2013-06-04, § 1, adopted July 2, 2013, repealed former § 18-37 in its entirety which pertained to dangerous buildings and derived from the Code of 1978, § 6-3.

**Sec. 18-38. Conflicts with building code.**

In case of any conflict with this article and the Standard Building Code, this article shall control.

**Sec. 18-39. Violations and penalties.**

Any person, either by himself or agent, and any firm, corporation or other entity who violates any of the provisions of this article shall be deemed guilty of a class C misdemeanor and, upon conviction of any violation, shall be fined in any sum not to exceed \$2000.00; and each day during which such violation continues shall constitute a separate and distinct offense. In any case of a violation of any of the terms or provisions of this article by any corporation, the officers and agents actively in charge of the business by such corporation shall be subject to the penalty herein provided. A culpable mental state is not required for a violation of this chapter, and need not be proved. Any offense defined herein which has been defined by laws of the state as an offense and for which penalty has been prescribed shall be punished as provided in state law, and nothing herein shall be held as fixing any penalty contrary to a penalty provided by the laws of the state.

(Ord. No. 2010-10-02, 10-19-10; Ord. No. 2013-06-04, § 3, 7-2-2013)

**Secs. 18-40—18-70. Reserved.**

**ARTICLE III. PLUMBING CODE** <sup>[2]</sup>

[Sec. 18-71. Standards.](#)

[Sec. 18-72. Inspections.](#)

[Sec. 18-73. Violations and penalties.](#)

[Secs. 18-74—18-105. Reserved.](#)

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**Sec. 18-71. Standards.**

- (a) Adopted. The Uniform Plumbing Code, and its appendices are hereby adopted and incorporated for all purposes as the official plumbing code of the city. Two copies of the code adopted shall be on file, one in the plumbing inspector's office and one in the city secretary's office.
- (b) Prevailing ordinance. Any and all sections of this article, as herein provided, are in addition to the Uniform Plumbing Code.

(Code 1978, § 20-1; Ord. No. 99-6-5, § I, 6-22-99; Ord. No. 2005-4-6, 4-19-05; Ord. No. 2010-10-02, 10-19-10)

**Sec. 18-72. Inspections.**

- (a) Backflow prevention.
  - (1) Customer service inspection. A customer service inspection certification shall be completed prior to providing continuous water service to a new connection, or any existing connections when the city has reason to believe that a cross-connection or other unacceptable plumbing practices exist, or after any material improvements, corrections, or addition to a private plumbing facility. The existence of a serious threat to the integrity of the public water supply shall be considered sufficient grounds for immediate termination of water service.
  - (2) Backflow prevention assembly inspection.
    - a. All backflow prevention assemblies shall be tested upon installation by a recognized backflow prevention assembly tester and certified to be operating within specification. Backflow prevention assemblies which are installed to provide protection against health hazards must also be tested and certified to be operating within specification at least annually by a recognized backflow prevention device tester.
    - b. It shall be the duty of the customer at any premises where backflow prevention assemblies are installed to have a certified inspection and operational tests conducted annually. In those instances where the city deems the hazard to be deleterious to human health, the city will conduct the inspections and tests shall be at the expense of the customer or customer representative and shall be performed by a certified backflow technician.
    - c. Assemblies shall be repaired, overhauled, or replaced at the expense of the customer whenever said assemblies are found to be defective. Records of such test, repairs, and overhaul shall be kept and submitted to the city within five days of the test, repairs, or overhaul of each backflow prevention assembly.
    - d. No device or assembly shall be removed from use, relocated, or other device or assembly substituted without the approval of the city. Whenever the existing assembly is moved from a present location requires more than minimum maintenance, or when the city finds that the maintenance constitutes a hazard to health, the unit shall be replaced by a backflow prevention assembly with requirements of this section and the Southern Building Code.
    - e. A test report must be completed by the recognized backflow prevention assembly tester for each assembly tested. The signed and dated original must be submitted to the city building and zoning regulation department within five days of the test.
    - f. A recognized backflow prevention assembly tester must have completed a Texas Commission on Environmental Quality (TCEQ) approved course on cross-connection control and backflow prevention and pass an examination administered by the TNROC or its designated agent.

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(b) New construction and remodeling.

(1) Permit required.

- a. Minimum permit fee: \$25.00 plus \$7.00 for each plumbing device required to be inspected. Plumbing devices will include toilets, tubs, lavatories, sinks, urinals, showers, water heaters, water lines, sewer lines, floor drains, washing machine connections, drink fountains, grease traps, dental chairs, dish washers, glass washers, laundry trays, garbage disposals and such other devices as are intended to transport water or waste.
- b. Inspection of lawn sprinkler system will be included in the \$25.00 minimum permit fee.
- c. For each follow up inspection and subsequent inspection there will be an additional charge of \$25.00.
- d. For inspections done on weekends, holidays and before or after normal business hours an additional fee will be charged to reflect additional expense incurred by the city but in no case will such special inspections be charged a fee or less than \$55.00.

(Ord. No. 99-6-5, § II, 6-22-99; Ord. No. 2005-4-7, 4-19-05)

**Sec. 18-73. Violations and penalties.**

- (a) Any persons, either by himself or agent, and any firm, corporation or other entity who violates any of the provisions of this article shall be deemed guilty of a CLASS C misdemeanor and, upon conviction of any violation, shall be fined in any sum not to exceed \$500.00; and each day during which such violation continues shall constitute a separate and distinct offense. In any case of a violation of any of the terms or provisions of this article by any corporation, the officers and agents actively in charge of the business by such corporation shall be subject to the penalty herein provided. A culpable mental state is not required for a violation of this chapter, and need not be proved. Any offense defined herein which has been defined by laws of the state as an offense and for which penalty has been prescribed shall be punished as provided in state law, and nothing herein shall be held as fixing any penalty contrary to a penalty provided by the laws of the state.

(Ord. No. 99-6-5, § III, 6-22-99; Ord. No. 2010-10-02, 10-19-10)

**Secs. 18-74—18-105. Reserved.**

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FOOTNOTE(S):

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**Editor's note**—Ord. No. 99-6-5, adopted June 22, 1999, repealed provisions of the Code formerly set out as art. III, § 18-71 of this chapter, which pertained to the plumbing code and derived from Code 1978, § 20-1, and enacted new provisions to the Code which have been included herein as §§ 18-71—18-73 at the editor's discretion.[\(Back\)](#)

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Cross reference— Utilities, ch. 98. [\(Back\)](#)

**ARTICLE IV. GAS CODE** <sup>[3]</sup>

[Sec. 18-106. Code adopted.](#)

[Sec. 18-107. Fees.](#)

[Sec. 18-108. Violations and penalties.](#)

[Secs. 18-109—18-140. Reserved.](#)

**Sec. 18-106. Code adopted.**

There is hereby adopted as the gas code of the city the current and most recently adopted edition of the Uniform Plumbing Code, a true copy of which is on file with the city secretary.

(Code 1978, § 13-1; Ord. No. 99-4-3, § 1, 4-27-99; Ord. No. 2005-4-9, 4-19-05)

**Sec. 18-107. Fees.**

(a) A permit will be required for any new construction or modification to existing structure that involves the installation of gas lines or gas appliances. Gas appliances shall include water heaters, space heaters, gas fireplaces, gas cooking ranges, gas engines, gas hot air furnaces, boilers, heating units, floor furnaces, special piping and any other fixture powered with gas.

(b) Permit fees for installation of gas lines or gas appliances shall be as follows:

Minimum fee for residential permit: \$25.00 plus \$7.00 for each gas appliance or outlet inspected as required by the Uniform Plumbing Code.

Minimum fee for commercial permit: Three percent of construction cost or \$25.00 whichever is more plus \$7.00 for each gas appliance or outlet inspected as required by the Uniform Plumbing Code.

Subsequent inspections after the first inspection: \$25.00 each inspection.

(Ord. No. 2005-4-9, 4-19-05)

**Sec. 18-108. Violations and penalties.**

Any persons, either by himself or agent, and any firm, corporation or other entity who violates any of the provisions of this article shall be deemed guilty of a class C misdemeanor and, upon conviction of any violation, shall be fined in any sum not to exceed \$500.00; and each day during which such violation continues shall constitute a separate and distinct offense. In any case of a violation of any of the terms or provisions of this article by any corporation, the officers and agents actively in charge of the business by such corporation shall be subject to the penalty herein provided. A culpable mental state is not required for a violation of this chapter, and need not be proved. Any offense defined herein which has been defined by laws of the state as an offense and for which penalty has been prescribed shall be punished as provided in state law, and nothing herein shall be held as fixing any penalty contrary to a penalty provided by the laws of the state.

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(Ord. No. 2010-10-02, 10-19-10)

**Secs. 18-109—18-140. Reserved.**

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FOOTNOTE(S):

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--- (3) ---

Cross reference— Utilities, ch. 98. [\(Back\)](#)

**ARTICLE V. HOUSING CODE** <sup>[4]</sup>

[Sec. 18-141. Code adopted.](#)

[Sec. 18-142. Code amended.](#)

[Secs. 18-143—18-175. Reserved.](#)

**Sec. 18-141. Code adopted.**

The Standard Housing Code, being the current and most recently adopted edition and the whole thereof, save and except such portions as may be amended, are adopted and incorporated as fully as if set forth at length in this section, and the provisions shall be controlling in the use, maintenance and occupancy of all dwellings, dwelling units and/or structures within the area of jurisdiction of the city, a true copy of which is on file with the city secretary.

(Code 1978, § 15-1)

**Sec. 18-142. Code amended.**

The housing code adopted by section 18-141 is amended in the following respects:

Section 108 is amended to read as follows:

SECTION 108. VIOLATIONS AND PENALTIES

Any person, firm, corporation or agent, who shall violate a provision of this code, or fail to comply with this code, or with any of the requirements of this code, or who shall erect, construct, alter, demolish or move any structure, or has erected, constructed, altered, repaired, moved or demolished a building or structure in violation of this code shall be guilty of a class C misdemeanor. A culpable mental state is not required for a violation of this chapter, and need not be proved. Each person shall be deemed guilty of a separate offense for each and every day or portion of a day during which any violation of any of the provisions of this code is committed or continued; and upon

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conviction of any such violation, such person shall be punished by a fine of not more than \$500.00 for each violation.

(Code 1978, § 15-2; Ord. No. 2010-10-02, 10-19-10)

**Secs. 18-143—18-175. Reserved.**

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FOOTNOTE(S):

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**Cross reference**— Fair housing, § 58-51 et seq.[\(Back\)](#)

**ARTICLE VI. MOVING OF BUILDINGS** <sup>5</sup>

DIVISION 1. - GENERALLY

DIVISION 2. - PERMIT

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FOOTNOTE(S):

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**Cross reference**— Streets, sidewalks and other public places, ch. 86.[\(Back\)](#)

***DIVISION 1. GENERALLY***

[Sec. 18-176. Public safety requirements.](#)

[Sec. 18-177. Improvements by owner required.](#)

[Sec. 18-178. City representative required.](#)

[Secs. 18-179—18-200. Reserved.](#)

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**Sec. 18-176. Public safety requirements.**

- (a) Lights required. Every building which occupies any portion of public property shall have sufficient lights continuously burning between sunset and sunrise for the protection of the public.
- (b) Number and location of lights. There shall be a minimum of five red lights placed on each street side of the building. Such red lights shall be attached to the building in a fashion as to indicate extreme width, height and size.
- (c) Flares required. In addition to the red lights on the building, there shall be placed flares at regular intervals for a distance of 200 feet up the street on each side of the building.
- (d) Flaggers required. When more than 50 percent of the street, measured between curbs, is occupied at night by a building, or when in the opinion of the building official, flaggers are necessary to divert or caution traffic, the owner or person moving such building shall employ at the owner's or person's expense, two flaggers, one at each street intersection beyond the building. Such flaggers shall remain at the intersections, diverting or cautioning traffic, from sunset to sunrise. Red lights shall be employed in flagging traffic at night.

(Code 1978, § 6-26)

**Sec. 18-177. Improvements by owner required.**

The owner of any house, building or structure, proposed to be moved, shall make all necessary improvements required in order for the house, building or structure to comply with the requirements of the building code within 90 days from the date of the issuance of the moving permit. Extensions of such time, as deemed reasonable, may be granted by the building official upon a showing of delay caused by matters beyond the control of the owner or house mover. The application for the moving permit shall be accompanied by an application for a building permit, accompanied by complete plans and specifications showing the changes or conditions of the house, building or structure as the house is proposed to be when moving, and all contemplated improvements, and signed by the owner or the owner's agent.

(Code 1978, § 6-27)

**Sec. 18-178. City representative required.**

Any person desiring to move a building shall move the building along routes as may be designated in the permit and at the times specified in the permit and only when accompanied by a representative of the city. For each and every day, or portion of a day, that a representative of the city is engaged in accompanying any building being moved within the corporate limits of the city, the person moving the building shall pay to the city the sum of \$10.00 in addition to any other fees or charges provided for in this division.

(Code 1978, § 6-28)

**Secs. 18-179—18-200. Reserved.**

***DIVISION 2. PERMIT***

[Sec. 18-201. Permit required.](#)

[Sec. 18-202. Written application.](#)

[Sec. 18-203. Building official shall reject when injurious.](#)

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[Sec. 18-204. Bond required.](#)

[Sec. 18-205. Notices to be given by building official.](#)

[Sec. 18-206. Fees required.](#)

[Sec. 18-207. Penalty.](#)

[Secs. 18-208—18-230. Reserved.](#)

**Sec. 18-201. Permit required.**

No building, part of any building or mobile home shall be moved through or across any sidewalk, street, alley or highway within the city limits without first obtaining a permit from the city building official. For the purpose of this article, the word "building," when used in this article shall also include manufactured homes.

(Code 1978, § 6-21)

**Sec. 18-202. Written application.**

Any person desiring to move a building shall first file with the building official a written application setting forth the following information:

- (1) Type and kind of building to be moved.
- (2) The extreme dimensions of the length, height and width of the building.
- (3) Present location and proposed new location by lot, block, subdivision and street numbers of the building.
- (4) The approximate time the building will be upon the streets, and the contemplated route that will be taken from the present location to the new location.

(Code 1978, § 6-22)

**Sec. 18-203. Building official shall reject when injurious.**

- (a) If, in the opinion of the building official, the moving of any building will cause serious injury to persons, property, streets or other public improvements, or the building to be moved has deteriorated more than 50 percent of its original value by fire or other element, or the moving of the building will violate any of the requirements of this Code or of the zoning regulations, the permit shall not be issued and the building shall not be moved over the streets.
- (b) Any building being moved, for which a permit was granted, shall not be allowed to remain in or on the streets of the city for more than 48 hours.

(Code 1978, § 6-23)

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**Sec. 18-204. Bond required.**

The building official, as a condition precedent to the issuance of a moving permit, shall require a bond to be executed by persons desiring such removal permit, with corporate surety to the building official's satisfaction. Such bond shall be made payable to the city and for such amount as the building official prescribes. It shall indemnify the city against any damage caused by the moving of such building to streets, curbs, sidewalks, shade trees, highways and any other property which may be affected by the moving of a building. The surety bond shall be conditioned upon and liable for strict compliance with the terms of the permit, as to route to be taken and limit of time in which to effect such removal, to repair or compensate for the repair and to pay the city as liquidated damages an amount not exceeding \$50.00 to be prescribed by the building official for each and every day's delay in completing the removal, or in repairing any damage to property or public improvement, or in clearing all public streets, alleys or highways of all debris occasioned by the removal.

(Code 1978, § 6-24)

**Sec. 18-205. Notices to be given by building official.**

Upon the issuance of the moving permit, the building official shall cause notice to be given to the chief of the fire department, telephone, light and TV cable companies or others whose property may be affected by such removal. The building official shall set forth in all notices the route that will be taken, time started and approximate time of completion of the removal.

(Code 1978, § 6-25; Ord. No. 2005-4-10, 4-19-05)

**Sec. 18-206. Fees required.**

All permits shall be issued by the city, and the fees for issuing the permits shall be as follows:

Minimum permit fee: \$25.00 plus \$0.05 per square foot of the building to be moved.

(Code 1978, § 6-29; Ord. No. 2001-2-2, 2-13-01; Ord. No. 2005-4-11, 4-19-05)

**Sec. 18-207. Penalty.**

Any corporation, firm, their agent or any person who shall move any building within the city limits, without making application and securing a permit as provided by this article, shall be deemed guilty of a class C misdemeanor. Each day that work shall proceed on such building shall be deemed a separate offense.

(Code 1978, § 6-30)

**Secs. 18-208—18-230. Reserved.**

**ARTICLE VII. OUTDOOR LIGHTING** <sup>(6)</sup>

[Sec. 18-231. Title, purpose and scope.](#)

[Sec. 18-232. Definitions.](#)

[Sec. 18-233. Existing outdoor light fixtures.](#)

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[Sec. 18-234. New light fixtures installed after the adoption of this article, including replacements for existing fixtures.](#)

[Sec. 18-235. Maximum maintained levels of illuminance required or permitted at specific facilities.](#)

[Sec. 18-236. Large outdoor lighting projects.](#)

[Sec. 18-237. Exemptions, amendments, and variances.](#)

[Sec. 18-238. Notification.](#)

[Sec. 18-239. Sign illumination.](#)

[Sec. 18-240. Exhibits.](#)

[Secs. 18-241—18-250. Reserved.](#)

**Sec. 18-231. Title, purpose and scope.**

- (a) This article shall be known and cited as the "Outdoor Lighting Ordinance."
- (b) The purpose of this article is:
  - (1) To provide safer, more efficient and attractive outdoor lighting;
  - (2) To conserve energy;
  - (3) To make our community a better place to live and work and a more inviting place to visit; and
  - (4) To preserve the darkness and clarity of the night sky, mindful of the needs of McDonald Observatory.
- (c) This article shall apply within the city, hereinafter referred to as city, and within the surrounding areas where the city asserts powers of extraterritorial jurisdiction.

(Ord. No. 2010-06-01, (exh. A), 9-7-10)

**Sec. 18-232. Definitions.**

- (a) The following definitions are hereby adopted for the purposes of this article:

Area lighting means light fixtures located on public or private property that are designed to light spaces including but not limited to parks, parking lots, and sales lots.

Axis of illumination means the midline of the beam emitted by a light fixture.

Beam of a light fixture means the spatial distribution of the emitted light.

Candela (cd) means the unit of measurement of the intensity of a point source of light (approximately equal to one candlepower).

Existing light fixtures means those outdoor light fixtures already installed at the time this article is adopted.

Foot candle (fc) means the illuminance measured one foot from a one candela source.

Floodlight means a light fixture having a wide beam.

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Full cutoff means a shielded light fixture that emits no light above a horizontal plane touching the lowest part of the fixture.

Glare means visual discomfort or impairment caused by a bright source of light in a direction near one's line of sight.

Horizontal and vertical foot candles means the illuminance measured by a light meter in those positions (illuminance may also be measured in other specified positions or directions).

Illuminance means the intensity of light in a specified direction measured at a specific point.

Lamp or bulb means a source of light.

Light fixture means the assembly that holds or contains a lamp or bulb.

Light pollution means the sky glow caused by scattered light emitted upward from unshielded or poorly aimed light fixtures.

Light trespass means unwanted light falling on public or private property from an external location.

Lumen means the unit of luminous flux, the total amount of light falling uniformly on or passing through an area of one square foot, each point of which is one foot from a one candela source, yielding an illuminance of one foot candle at that distance (the output of lamps and bulbs is customarily measured in lumens, a common 100 watt incandescent light bulb, for example, having an output less than 1,800 lumens).

Private lighting means outdoor light fixtures located on property owned or controlled by individual persons, including but not limited to families, partnerships, corporations, and other entities engaged in the conduct of business or other non-governmental activities.

Public lighting means outdoor light fixtures located on property owned, leased, or controlled by the city or other governmental entity or entities, including but not limited to streets, highways, alleys, easements, parking lots, parks, playing fields, schools, institutions of higher learning, and meeting places, and all entities completely or partly funded by grants obtained by the city or its agents from federal, state or private sources.

Sag-lens or drop-lens means a clear or prismatic refracting lens that extends below the lowest opaque portion of a light fixture.

Searchlight means a light fixture having a narrow beam intended to be seen in the sky.

Spotlight means a light fixture having a narrow beam.

Wallpack means a floodlight mounted on the wall of a building or other structure.

(Ord. No. 2010-06-01, (exh. A), 9-7-10)

**Sec. 18-233. Existing outdoor light fixtures.**

(a) To reduce glare, safety hazards for drivers and pedestrians, light trespass, and light pollution, all existing spotlights, floodlights, and wallpacks will be adjusted in accordance with the following provisions, excepting the lights at existing sports facilities used temporarily during scheduled sporting or related events.

(1) For spotlights and floodlights mounted overhead on poles and used for area lighting, the axis of illumination will be adjusted to an angle not more than 20 degrees from the vertical line between the fixture and the ground (see Exhibits 1 and 2 of section 18-240).

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- (2) For spotlights and floodlights mounted at or near ground level and used to light a building, billboard, or other structure, the axis of illumination will be adjusted to minimize the amount of light escaping above, below, and to the sides of the illuminated object.
  - (3) Wallpacks will be shielded or replaced with full cut off wallpacks.
- (b) It will be the responsibility of the city to publish this article in the newspaper of record and to disseminate the ordinance [this article] by other appropriate means; to make it's best efforts, when possible, to identify those spotlights, floodlights, and wallpacks requiring adjustment; and, as time permits, to inform their owners of these provisions, including owners' right to apply for Dark Sky Fund assistance.
- (1) Any required adjustments should be completed within six months from the date of the adoption of the lighting ordinance or as soon as possible. Any owner who fails to comply with these provisions may be issued a warning notice. Any owner who further fails to comply after 30 days from the issuance of such warning notice may be subject to a fine of \$25.00 for each day of noncompliance, unless the city council grants a waiver or variance.

It is not the intent of this article to require an additional investment in order to comply with these provisions. Persons needing assistance to purchase light fixtures to comply with this article may apply for assistance from the Dark Sky Fund.

- (c) All existing exterior lighting shall comply, if possible, with this lighting ordinance [this article] on or before January 1, 2015. All new construction shall comply after the adoption of this article.
- (d) An owner of a grandfathered luminaire may replace or modify the luminaire so that it conforms to this article if requested by a designated city official. However, the replacement or modification of the luminaire must be provided at no cost to the owner including materials and labor. For example, a grandfathered mercury-vapor outdoor light may be retrofitted with a light shield to make it fully shielded.

(Ord. No. 2010-06-01, (exh. A), 9-7-10)

**Sec. 18-234. New light fixtures installed after the adoption of this article, including replacements for existing fixtures.**

- (a) Lighting at public and private outdoor sports facilities, including but not limited to playing fields, arenas, tracks, and swimming pools, will be shielded as well as is practicable to reduce glare, safety hazards, light trespass, and light pollution; will provide levels of illuminance consistent with nationally recognized Illuminating Engineering Society of North America (IESNA) standards; and will be operated on a schedule that coincides with scheduled events. This article does not prohibit existing public facility use.
- (b) No lighting of towers and associated facilities is allowed, except by permit, except for flagpoles and except as required by the Federal Aviation Administration or other federal or state agency. In coordination with the applicable federal or state agency, the applicant shall determine the maximum height of the tower that would not require lighting. If a proposed tower would require lighting, the applicant shall demonstrate that a tower height that requires lighting is necessary. Such justification shall include documentation showing:
  - (1) Coverage limitations;
  - (2) Type of system (e.g. cellular, radio, television);
  - (3) Technical and engineering details of the lighting to be installed; and
  - (4) Requirements of federal, state, and local agencies.

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If a tower height that requires lighting is justified, the applicant shall demonstrate how the lighting will be shielded from the ground. Shielding of tower lighting onto nearby properties shall be installed as part of construction of the tower. If lighting is justified, slowly blinking red lights must be used at night. White strobe lights at night are prohibited.

- (c) All outdoor lighting fixtures shall be full cutoff fixtures (see Exhibit 3 of section 18-240).
  - (1) New streetlights shall be full cutoff fixtures of approved historical design, utilizing a minimum output consistent with the safety of drivers and pedestrians.
  - (2) Sag-lens or drop lens fixtures are prohibited.
  - (3) Streetlights and private lighting shall be allowed to shine on adjacent property in the absence of a complaint of light trespass by an owner or occupant.
  - (4) Light trespass is defined as 0.2 fc measured five feet above the ground five feet inside the property line with the detector aimed at the source. Upon receiving a complaint of light trespass from an owner or occupant, the city will evaluate the complaint. Where light trespass is found to occur, the city will take appropriate steps to eliminate or minimize the unwanted light emanating from a light on city property, or from private lighting. If a violation is found to occur the offender may switch to a lower wattage bulb or convert to FCO fixtures to become compliant.
- (d) In the interest of conserving energy and protecting the environment, mercury vapor fixtures are prohibited.
- (e) Each flag shall be lighted by one spotlight emitting no more than 1,800 lumens.

(Ord. No. 2010-06-01, (exh. A), 9-7-10)

**Sec. 18-235. Maximum maintained levels of illuminance required or permitted at specific facilities.**

- (a) Maximum, average, and minimum levels of illuminance (maintained) for different facilities are listed below in horizontal foot candles. Unless otherwise specified, minimum levels shall be the lowest consistent with safety and security.
  - (1) Parking lots and parking areas: average 2.0 fc; minimum 0.2fc.
  - (2) Entry areas near buildings: maximum 5.0 fc.
  - (3) Service stations and other fueling facilities: maximum 10 fc in the area surrounding pump islands; parking areas and entry areas shall be lighted as required in subsections (a)(1) and (a)(2) of this section; drop-lens fixtures are prohibited, whether mounted under canopies or on poles.
  - (4) Sales lots where merchandise, including automobiles, is displayed at night: maximum 15 fc.
- (b) For locations and facilities not specified herein, the city council may set acceptable levels of illuminance upon request based on guideline established by the IESNA.
- (c) The use of searchlights is prohibited for advertising, attracting attention to any event, and for any other use except for emergency purposes.

(Ord. No. 2010-06-01, (exh. A), 9-7-10)

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**Sec. 18-236. Large outdoor lighting projects.**

- (a) Any outdoor lighting project that will produce a luminous power of 100,000 lumens or more in the aggregate shall file a lighting plan with the city. A lighting plan shall be filed at the same time as any other plans required by the city and shall specify the following:
  - (1) Number and types of light fixtures to be used,
  - (2) Their output in lumens; and
  - (3) Photometric data from the manufacturer(s) showing the spatial distribution of the light output from the proposed fixtures, both on the ground and as a function of angle from the vertical (nadir).
- (b) The lighting plan shall be reviewed by the city building official, taking into account factors, including but not limited to, levels of illuminance, luminance, glare, safety hazards, light trespass, and light pollution. The building official may seek input from community members knowledgeable about outdoor lighting during the review process. The building official shall approve or reject the plan within 30 days of submission, returning it to the applicant with an explanation. The applicant shall not move forward with the outdoor lighting project until the lighting plan is approved.

(Ord. No. 2010-06-01, (exh. A), 9-7-10)

**Sec. 18-237. Exemptions, amendments, and variances.**

- (a) This article shall not apply to the following:
  - (1) Decorative holiday lighting from November 15 through the next January 15;
  - (2) Lighting required by the law to be installed on surface vehicles and aircraft;
  - (3) Airport lighting required by law;
  - (4) Temporary emergency lighting;
  - (5) Temporary lighting other than security lighting at construction projects; and
  - (6) Governmental facilities where compelling needs for safety and security are demonstrated, or government sports facilities.
- (b) This article may be amended from time to time as local conditions change, and as changes occur in the recommendations of nationally recognized organizations such as the Illuminating Engineering Society of North America and the International Dark-Sky Association, if the council wishes to do so.
- (c) Nothing in this article shall be construed as limiting the right of any person or entity to pursue legal action against any other person or entity under any applicable law, including the doctrine of light trespass.
- (d) The city council may grant variances in the application of the provisions of this article.

(Ord. No. 2010-06-01, (exh. A), 9-7-10)

**Cross reference**— Streets, sidewalks, and other public places, ch. 86.

**Sec. 18-238. Notification.**

All building permit applicants will be notified of the city lighting ordinance [this article].

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(Ord. No. 2010-06-01, (exh. A), 9-7-10)

**Sec. 18-239. Sign illumination.**

- (a) All permanent signs may be non-illuminated, illuminated by internal, internal indirect (halo), or lit by external indirect illumination, unless otherwise specified. All illuminated signs shall be extinguished at 11:00 p.m. or when the use or activity closes, whichever is later.
- (b) Internal illumination. Outdoor, internally illuminated signs, including but not limited to awning/canopy signs, cabinet signs (whether freestanding or building mounted), changeable copy panels or service island signs, shall be constructed with an opaque background and translucent letters and symbols, or with a colored background and lighter letters and symbols. Where white or other night bright colors are part of a logo, such colors are permitted in the logo only, provided that such logo shall represent not more than 50 percent of the total sign area permitted. Colors considered to be "night bright", as used in this provision, are defined with reference to the color wheel below. Existing signs may be grandfathered in, or not subject to change as determined by the city council. If existing signs are damaged more than 50 percent, they will need to comply with the standards in this article.



Color Wheel "A" Sign Background - Color Wheel "B" Logo Color

(Ord. No. 2010-06-01, (exh. A), 9-7-10)

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Sec. 18-240. Exhibits.

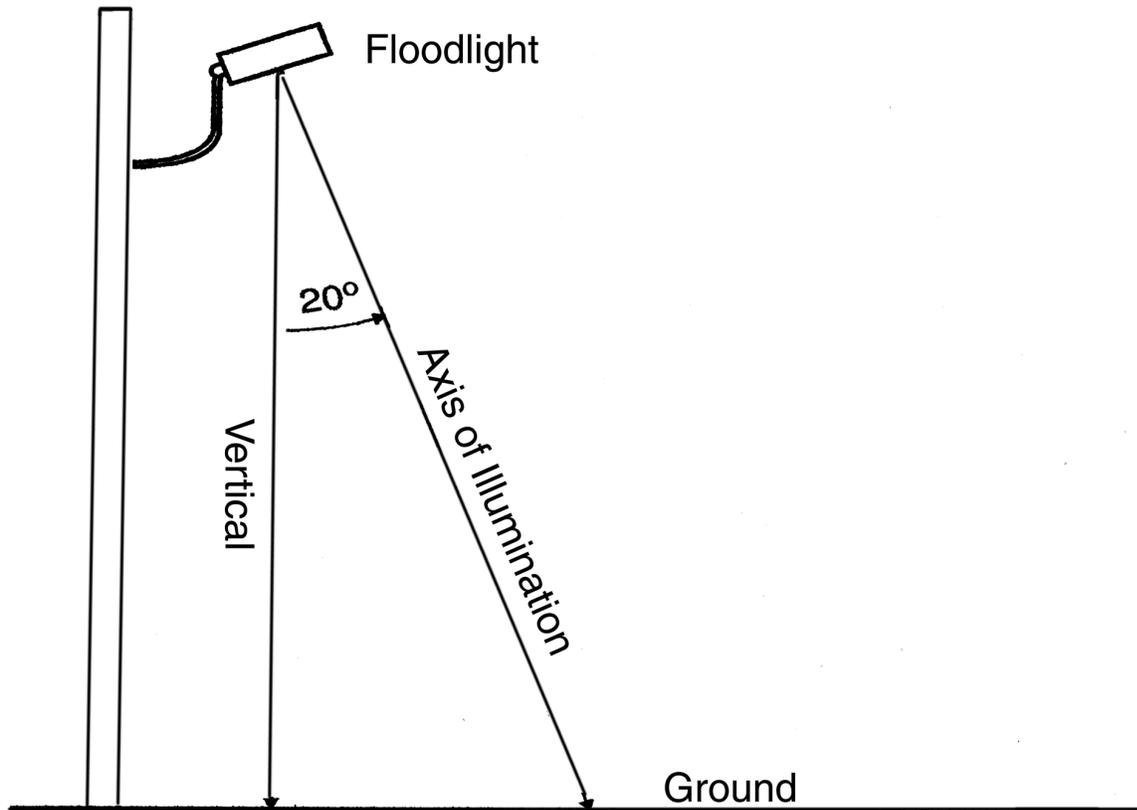


Exhibit 1. See [subsection 18-233(a)(1) of this article]: For spotlights and floodlights mounted overhead on poles and used for area lighting the axis of illumination shall be adjusted to an angle not more than 20 degrees from the vertical line between the fixture and the ground.

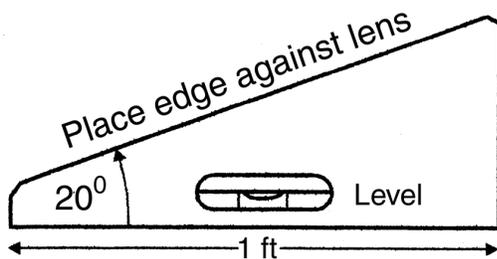


Exhibit 2. A tool for aiming lights as in Exhibit 1, above. Place the upper edge of the tool against the lens, and adjust the fixture so the bubble shows level.

Exhibit 3. Unacceptable Fixtures and Acceptable Fixtures

AN ORDINANCE TO IMPROVE OUTDOOR LIGHTING

City of Alpine, Texas

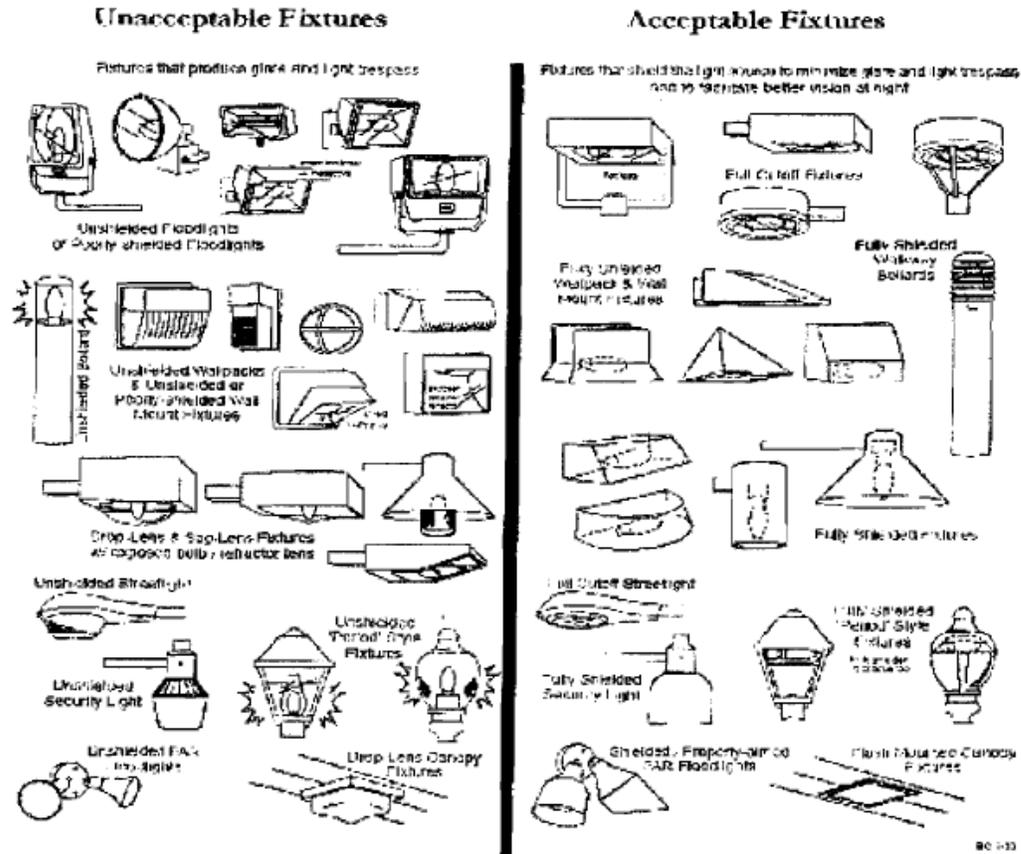
Proposed changes to the City of Alpine lighting ordinance adopted in 2000 are designed to benefit residents and businesses in Alpine by constituting better nighttime visibility, public safety, energy efficiency, and preservation of the natural night environment. Please refer to [this article] for the

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complete Outdoor Lighting Ordinance. To reduce the economic impact to the community a Dark Sky Fund that is funded by private and public donations has been created.

The goal is not to turn off lights at night but direct it to where it is wanted and prevent it from being wasted into the night sky.

\*Note: Recommended illumination levels established by Illuminating Engineering Society of North America shall be observed. When taking out an electrical permit, provide an isofootcandle plot and fixture 'cut sheet' for proposed lighting along with permit application.



(Ord. No. 2010-06-01, (exh. A), 9-7-10)

Secs. 18-241—18-250. Reserved.

FOOTNOTE(S):

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**Editor's note**—Ord. No. 2010-06-01, adopted Sept. 7, 2010, deleted the former Art. VII, §§ 18-231—18-237, and enacted a new Art. VII as set out herein. The former Art. VII pertained to outdoor lighting and derived from Ord. No. 2000-4-2, §§ 1—7, adopted 5-23-00. ([Back](#))

**ARTICLE VIII. ELECTRICAL CODE**

[Sec. 18-251. Standards.](#)

[Sec. 18-252. Permitting.](#)

[Sec. 18-253. Violations and penalties.](#)

[Secs. 18-254—18-259. Reserved.](#)

**Sec. 18-251. Standards.**

- (a) Adopted. The National Electrical Code and its appendices are hereby adopted and incorporated for all purposes as the official electric code of the city. Two copies of the code adopted shall be on file, one in the electrical inspector's office and one in the city secretary's office.
- (b) Prevailing ordinance. Any and all sections of this article, as herein provided, are in addition to the National Electrical Code.
- (c) Definitions. The following words, terms and phrases, when used within this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Direct supervision: Generally means to be physically present, or within an immediate distance, such as on the same floor, and available to respond to the needs of something or someone.

Electrical apprentice: An individual, licensed as an apprentice who works under the on-site supervision of a master electrician, journeyman electrician, or residential wireman, on behalf of an electrical contractor or employing governmental entity performing "Electrical Work" as defined by Texas Occupations Code, §1305.002(11).

Electrical contractor: A person, or entity, licensed as an electrical contractor, that is in the business of performing "Electrical Contracting" as defined by Texas Occupations Code, §1305.002(5).

General supervision: Exercise of oversight by a master electrician on behalf of an electrical contractor, or electrical sign contractor, or by a master sign electrician on behalf of an electrical sign contractor of performance by all classes of electrical licensees of electrical work bearing responsibility for the work's compliance with applicable codes under Texas Occupations Code, Chapter 1305.

Journeyman electrician: An individual, licensed as a journeyman electrician, who works under the general supervision of a master electrician, on behalf of an electrical contractor, or employing governmental entity, while performing "Electrical Work" as defined by Texas Occupations Code, § 1305.002(11).

Master electrician: An individual, licensed as a master electrician, who on behalf of an electrical contractor, electrical sign contractor, or employing governmental entity, performs "Electrical Work" as defined by Texas Occupations Code, § 1305.002(11).

On-site supervision: Exercise of supervision of electrical work or electrical sign work by a licensed individual other than an electrical apprentice. Direct supervision of an electrical apprentice is

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required; supervising licensee is responsible for review and inspection of the electrical apprentice's work to ensure compliance with any applicable codes or standards.

Residential wireman: An individual, licensed as a residential wireman, who works under the general supervision of a master electrician, on behalf of an electrical contractor, or employing governmental entity, while performing electrical work that is limited to electrical installations in single family and multifamily dwellings not exceeding four stories, as defined by Texas Occupations Code, § 1305.002(13).

(Ord. No. 2011-01-02, (exh. A), 2-1-11; Ord. No. 2014-11-01, (exh. A), 11-18-2014)

**Sec. 18-252. Permitting.**

(a) New construction and remodeling.

(1) Permit required.

- a. No person, firm, or corporation shall install, maintain, alter, expand or repair electrical equipment without being the holder of a proper license issued by the State of Texas in accordance with V.T.C.A. Occupations Code, tit. 8, ch. 1305. No person shall engage in electrical contracting or hold themselves out to be able to engage in electrical contracting without being the holder of an electrical contractor's license or the registered employer of a full time employee who is a master electrician. All electrical work shall be performed under the control, supervision, direction and responsibility of a master electrician. Commercial installations require a licensed journeyman electrician under the general supervision of a master electrician. Residential installations require a licensed residential wireman or greater under the general supervision of a master electrician. No person shall employ or cause any person who does not hold the appropriate license to do any work for which this code or the electrical code requires a license.
- b. The permit fee for an electrical permit shall be separate from the fees for a building permit. The permit fee for new electrical installations, additions, and remodeling of existing buildings shall be based on the full ampere capacity of the main service. In the event of more than one main service, the fee shall be based on the combined total ampere capacity of the main service. If construction changes require a change in the ampere capacity of the main service, an additional charge or credit will be made based on the ampere capacity as determined by the electrical inspector.

In situations where the main service is deliberately oversized for future expansion, the fee shall be based on the ampere capacity of the main fuse, provided that the main fuse capacity is at least 200 amperes less than the ampere capacity of the main service.

- c. New construction, additions, and remodeling. On additions to existing buildings, the fee shall be based on the increase in the ampere capacity of the main service. If the addition to the building does not require an increase in the ampere capacity of the main service, the fee shall be based on subsection (d) below.
- d. Electrical permit and inspection fee schedule.
  1. New construction and additions to panel service:
    - i. Residential minimum fee .....\$30.00  
Commercial minimum fee .....50.00
    - ii. Fee for construction taps .....30.00
    - iii. All 120-volt through 480-volt single-or three-phase services, per ampere .....00.30

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2. Alterations:
  - i. Alteration of residential service entrance .....30.00
  - ii. Alteration of nonresidential service entrance .....40.00
3. Equipment additions:
  - i. Gasoline pump and dispensers, generators and wind generators, transformers, signs, sign transformers, electrical device or opening; each .....10.00
  - ii. Electrical passenger or freight elevator or dumbwaiter installation, each .....30.00

(Ord. No. 2011-01-02, (exh. A), 2-1-11; Ord. No. 2014-11-01, exh. A, 11-18-2014)

**Sec. 18-253. Violations and penalties.**

Any persons, either by himself or agent, and any firm, corporation or other entity who violates any of the provisions of this article shall be deemed guilty of a class C misdemeanor and, upon conviction of any violation, shall be fined in any sum not to exceed \$500.00; and each day during which such violation continues shall constitute a separate and distinct offense. In any case of a violation of any of the terms or provisions of this article by any corporation, the officers and agents actively in charge of the business by such corporation shall be subject to the penalty herein provided. A culpable mental state is not required for a violation of this chapter, and need not be proved. Any offense defined herein which has been defined by laws of the state as an offense and for which penalty has been prescribed shall be punished as provided in state law, and nothing herein shall be held as fixing any penalty contrary to a penalty provided by the laws of the state.

(Ord. No. 2011-01-02, (exh. A), 2-1-11)

**Secs. 18-254—18-259. Reserved.**

**ARTICLE IX. PROPERTY MAINTENANCE CODE** [\[7\]](#)

[Sec. 18-260. Code adopted.](#)

[Secs. 18-261—18-280. Reserved.](#)

**Sec. 18-260. Code adopted.**

The most current International Property Maintenance Code all its appendices are hereby adopted as the property maintenance code of the city regulating and governing the conditions and maintenance of all property, including existing structures and premises, to ensure that structures are safe, sanitary and fit for human occupancy and use, and also for the corrections or demolition of such structures in the city of alpine, texas. Exceptions to the International Property Maintenance Code are stated as follows:

- (a) Fees are not adopted and are replaced with the following:
  - (1) Fees. There shall be no fee charged for an inspection. If a violation is noted requiring a re-inspection to determine if the violation is abated, a re-inspection fee of \$35.00 shall be paid for each violation of the re-inspection by the owner or agent for the owner of the property.

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- (b) Section 111. Means of Appeal. Referencing Board of Appeals shall be interpreted as Board of Adjustments.
- (c) The dates in Section 602/3. Heat Supply shall be from November 1 to April 1.
- (d) Sections 604.2. Service. Is amended by replacing the words "ICC Electrical Code" with the words "National Electrical Code adopted by the City."

(Ord. No. 2012-10-02, § 1, 11-8-2012)

**Secs. 18-261—18-280. Reserved.**

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FOOTNOTE(S):

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**Editor's note**—Article numbering and the section catchlines used in this article have been amended by the editor to conform to the format used in this chapter. [\(Back\)](#)

**ARTICLE X. DANGEROUS BUILDINGS** <sup>(8)</sup>

[Sec. 18-281. Definitions.](#)

[Sec. 18-282. General information.](#)

[Sec. 18-283. Abatement of dangerous buildings.](#)

[Sec. 18-284. Conditions requiring abatement.](#)

[Sec. 18-285. Inspection and notice of required abatement](#)

[Sec. 18-286. Hearing.](#)

[Sec. 18-287. Orders of the court](#)

[Sec. 18-288. Permits.](#)

[Sec. 18-289. Appeals.](#)

[Sec. 18-290. Expense of abatement.](#)

[Sec. 18-291. Seizure and sale of property to recover expenses.](#)

**Sec. 18-281. Definitions.**

The words and phrases contained herein shall have the following meaning ascribed to them unless the context states otherwise:

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**Abatement.** Repairing, removing or demolishing a structure or building so as to bring it into compliance with the minimum standards as set forth in this article.

**Accessory structure.** A building or structure incidental to the dwelling unit and located on the same property.

**Appeal court.** The Municipal Court of the City of Alpine, Texas, sitting as a Civil Court.

**Building.** Any structure built for the support, shelter and enclosure of persons, animals, goods or movable property of any kind. Any roof-covered structure shall be considered a building. Also see "structure."

**Building codes.** The most recent version of the codes adopted by the City of Alpine, including the International Property Maintenance Code, the International Building Code, International Residential Code, the Uniform Plumbing Code, and the National Electric Code.

**Dangerous building.** Any building or structure that does not comply with the minimum standards.

**Minimum standards.** The minimum standards for continued use and occupancy of a building or structure as set forth in section 18-284 herein.

**Inspector.** The individual designated by the city manager to carry out the duties of this article.

**Owner of record.** Any person, agent, firm, corporation or governmental agency shown to be the owner or owners of a structure in:

- (1) The real property, assumed name, or appraisal district records of Brewster County;
- (2) The tax and utility records of the City of Alpine; or
- (3) The records of the secretary of State of Texas.

**Public nuisance.**

- (1) Whatever is dangerous to human life or health; whatever renders the ground, water, air or food hazardous to human life, or health, or that is offensive to the senses; or that is detrimental to the public health; or
- (2) Any structure that creates a hazard to health, safety, comfort or welfare.

**Structure.** A combination of materials held or put together in a specific way to form a construction for use, occupancy or ornamentation, whether installed on, above, or below the surface of land or water. Structure includes buildings as defined herein.

(Ord. No. 2013-06-04, § 1, 7-2-2013)

**Sec. 18-282. General information.**

- (a) **Notices mailed.** All notices required to be mailed under this article, shall be mailed by certified mail, return receipt requested. When a notice is mailed in accordance with this section and the United States Postal Service returns the notice as "refused" or "unclaimed," the validity of the notice is not affected, and the notice is considered delivered.
- (b) **Notices posted.** All notices required to be posted shall be attached to the structure as close to the front door as practicable. If there is no front door, notice shall be attached to the structure in a noticeable place.
- (c) **Change of owner.** If a building or structure has been designated as a dangerous building, it is the owner's responsibility to furnish a purchaser, transferee, grantee, mortgagee or lessee a true and correct copy of the notice of dangerous building and to provide the Inspector written notification of the intent to enter into such transaction, including the name and address of the purchaser,

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transferee, grantee, mortgagee or lessee. A purchaser shall be bound by the notices and orders issued pursuant to this article. It is the purchaser's responsibility to provide a copy to the inspector of the document changing ownership which has been recorded in the Official Public Records of Brewster County.

(Ord. No. 2013-06-04, § 1, 7-2-2013)

**Sec. 18-283. Abatement of dangerous buildings.**

- (a) It shall be unlawful for any owner, occupant, or other person in control of a structure to allow that structure to be in a condition that does not conform to the minimum standards.
- (b) Any structure that does not conform to the minimum standards is hereby declared to be a public nuisance and shall be abated by vacation, relocation of occupants, repair, demolition, or removal as necessary upon the issuance of an order to abate issued by the board in accordance with the procedures specified in this article.

(Ord. No. 2013-06-04, § 1, 7-2-2013)

**Sec. 18-284. Conditions requiring abatement.**

- (a) Regardless of its date of construction, a structure is considered not to meet the minimum standards of the city and shall not continue to be used or occupied if the following conditions are present and constitute a danger to persons or property:
  - (1) Unoccupied structures.
    - a. Any structure or any part thereof constructed or maintained in violation of any provision of this Code, or any law of the county, state or federal government which makes the structure unsafe;
    - b. Any structure with roof, ceiling, floors, walls, sills, windows, foundation or any combination thereof, rotted or decayed, and falling apart;
    - c. Any structure with shingles or roofing material not in place, or is not free from leaks and sags;
    - d. Any structure that is uninhabitable due to obsolescence and deterioration caused by neglect, vandalism, fire damage, old age, or the elements;
    - e. Any structure that is in danger of falling and injuring persons or property;
    - f. Any structure that is a fire menace because it is in a dilapidated condition, or that is likely to become a fire menace or be set on fire; or contains a fire load with the potential to cause a fire;
    - g. Any structure that has been damaged by fire, water, earthquake, wind, hail, rain, vandalism, or other cause to such an extent that the roof, windows or doors or portions of the structure that protect the interior from the weather, no longer reasonably protect from the weather;
    - h. Any structure that is open and accessible so as to become a harbor for insects, rodents, vermin, uninvited persons or transients; or a place for potential illegal activity;
    - i. Any structure that is in unsanitary condition and likely to create disease because of the presence of insects, rodents or vermin;

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- j. Any structure that is damp and in unsanitary condition and is likely to create disease and sickness;
  - k. Any structure that has holes, cracks or other defects in it;
  - l. Any structure that does not have railings for stairs, steps, balconies, porches;
  - m. Any structure that is not weathertight and waterproof, including but not limited to, roofs, walls, windows, doors and flooring;
  - n. Any structure that does not have a moisture resistant finish or material for the flooring or subflooring of each bathroom, shower room and toilet room;
  - o. Any structure with floors that are missing, buckled, warped, worn, loose, or unlevel;
  - p. Any structure with an electric system that is a hazard due to inadequate maintenance, dilapidation, fire hazard, disaster, damage or abandonment or not safely capable of carrying a load imposed by normal use of appliances and fixtures;
  - q. Any structure where the deterioration, decay or inadequacy of its floor joists, floors, subfloors, or foundation is likely to cause the structure to partially or completely collapse; or
  - r. Any structure not in compliance with the adopted codes of the City of Alpine, specifically including the International Property Maintenance Code, that otherwise fails to meet the requirements of this chapter.
- (2) Occupied structures. In addition to the conditions for unoccupied structures:
- a. Any structure that does not have in operating condition a connection to discharge sewage from the structure or land into a public sewer system or septic system;
  - b. Any structure that does not have the minimum required fixtures as required in the International Property Maintenance Code and the UPC Building Codes; all of which shall be in operating condition and connected to both hot and cold water sources;
  - c. Any structure that does not have electrical service meeting required codes as described by the International Property Maintenance Code or the National Electric Code; or
  - d. Any structure that does not meet the standards established for an occupied structure as established by the adopted building codes of the city.
- (b) Any structure that is not occupied by its owners, lessees or other invitees, has been left unsecured from unauthorized entry to the extent that it may be entered by vagrants, transients or other uninvited persons as a place of harborage or may be entered and utilized by children as a play area, regardless of its structural condition.
- (c) Any structure that is boarded up, fenced or secured if:
- (1) The structure constitutes a danger to the public even though secured from entry; or
  - (2) The means used to secure the structure are inadequate to prevent unauthorized entry or use of the structure.

(Ord. No. 2013-06-04, § 1, 7-2-2013)

**Sec. 18-285. Inspection and notice of required abatement**

- (a) Inspection. The inspector shall inspect any structure that he has probable cause to believe does not meet the minimum standards. If the structure is not open and accessible, the Inspector may obtain permission from the owner or a person in control of the premises, or may apply for an administrative

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search warrant pursuant to Texas Code of Criminal Procedure Section 18.05 unless an exception to the warrant requirement exists.

- (b) Determination. The inspector shall use section 18-284 of this article to determine compliance or noncompliance.
- (c) Notice.
  - (1) After a determination that a structure requires abatement, an initial notice shall be provided to the owner as on file at the Brewster County Appraisal District.
  - (2) The initial notice shall contain the following:
    - a. The nature of the violation(s) of the minimum standards; and
    - b. That the structure is dangerous and that the owner must vacate and/or repair, remove, or demolish the structure for the good of the public health, safety and welfare.
  - (3) A notice shall be posted on the dangerous building as follows:

"THIS STRUCTURE IS DANGEROUS ACCORDING TO THE MINIMUM STANDARDS SET FORTH IN THE CITY OF ALPINE CODE OF ORDINANCES, CHAPTER 18, SECTION 18-284 AND THE OWNER MUST REPAIR, REMOVE, OR DEMOLISH IT. CONTACT \_\_\_\_\_ AT \_\_\_\_\_ FOR FURTHER INFORMATION. THIS NOTICE SHALL REMAIN ON THIS STRUCTURE UNTIL IT IS REPAIRED, REMOVED FROM THE CITY OF ALPINE CITY LIMITS, OR DEMOLISHED."
- (d) The owner or the owner's designated representative has 15 days from the date of the notice to contact the inspector regarding their intent to repair, remove or demolish the dangerous building.

(Ord. No. 2013-06-04, § 1, 7-2-2013)

**Sec. 18-286. Hearing.**

A public hearing shall be held so that the court may determine whether the structure complies with the minimum standards set forth in this article.

- (a) Notice of hearing.
  - (1) The inspector shall make a diligent effort to discover the identity and address of the owner(s) of record and any lienholders or mortgagees of the structure and the underlying property.
  - (2) The inspector shall notify each owner, lienholder, or mortgagee by mail.
  - (3) The inspector shall notify any unknown interested parties by posting a copy of the notice on each structure.
  - (4) The inspector shall file a notice of hearing in the official public records of real property in Brewster County.
- (b) Contents of notice of hearing. The notice of hearing shall contain the following information:
  - (1) The owner, lienholder, mortgagee or unknown interested parties have the burden of proof and will be required to submit at the hearing proof of the scope of any work that may be required to make the structure comply with the ordinance and the amount of time it will take to reasonably perform the work.
  - (2) The name and address of the owner of record.
  - (3) A legal description of the property.

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- (4) A general description of the structures not meeting the minimum standards.
- (5) A description of the proceeding.

(Ord. No. 2013-06-04, § 1, 7-2-2013)

**Sec. 18-287. Orders of the court**

- (a) The court may issue one of the following orders:
  - (1) Order to secure or vacate the structure and relocate the occupants.
  - (2) Order to repair, remove or demolish.
  - (3) Order to remove or demolish.
  - (4) Order to release.
- (b) If the structure is occupied and the court issues an order pursuant to subsection (a)(1), the structure shall be vacated and the occupants relocated.
- (c) Orders of the court issued pursuant to subsections (a)(2) and (a)(3) shall allow 60 days for the ordered action to be completed.
- (d) If a residential structure is removed or demolished pursuant to this article, any and all accessory structures located on the same property shall be removed or demolished, regardless of structural condition.
- (e) The inspector shall promptly mail a copy of any order issued pursuant to subsection (a) of this section, to the owner of record, any lienholder or mortgagee along with a notice containing the following:
  - (1) An identification of the structure and the property on which it is located;
  - (2) A description of the violation(s) of the minimum standards;
  - (3) A statement that the municipality will secure, vacate, repair, remove or demolish the structure if the ordered action is not taken within sixty (60) days.
- (f) Sixty days after an order to repair, remove or demolish has been issued, the Inspector has the authority to request the utilities be disconnected at the structure in order to prepare for demolition.
- (g) Once an order to remove or demolish has been issued by the court, the inspector has the authority to request the utilities be disconnected at the structure in order to prepare for demolition.
- (h) Within ten days following the date that an order is issued, the inspector shall:
  - (1) File a copy of the order in the office of the city secretary of the City of Alpine; and
  - (2) Publish in a newspaper of general circulation in the city a notice containing the following:
    - a. The street address or legal description of the property;
    - b. The date the hearing was held;
    - c. A brief statement indicating the results of the order; and
    - d. Instructions stating where a complete copy of the order may be obtained.

(Ord. No. 2013-06-04, § 1, 7-2-2013)

Chapter 18 BUILDINGS AND BUILDING REGULATIONS

**Sec. 18-288. Permits.**

- (a) Any permits issued for work on a structure on which the court has issued an order shall expire on the deadline established by the order.
- (b) Applicants for a permit to make repairs on a structure on which the court has issued an order shall meet with the appropriate inspecting official from the city's code enforcement department and the building official prior to the granting of a permit. The meeting will be to ensure the applicant understands (i) the scope of work required to be completed to comply with the minimum standards, (ii) that such repairs shall be completed by the deadline established by the order and (iii) that if all repairs are not completed by the deadline established by the order, the structure will be demolished. A permit will not be issued unless the applicants comply with this meeting requirement.
- (c) No permits will be issued after the deadline established by the order.

(Ord. No. 2013-06-04, § 1, 7-2-2013)

**Sec. 18-289. Appeals.**

Any owner, lienholder or mortgagee of record of property jointly or severally aggrieved by an order of the court under this article may file in district court a verified petition setting forth that the decision is illegal, in whole or in part, and specifying the grounds of the illegality. The petition must be filed by an owner, lienholder, or mortgagee within 30 calendar days after the date a copy of the court's order is mailed to them in accordance with this article.

(Ord. No. 2013-06-04, § 1, 7-2-2013)

**Sec. 18-290. Expense of abatement.**

- (a) If an owner or other interested party does not secure, vacate, repair, remove, or demolish a structure within 60 days, the inspector may take the ordered action at the city's expense.
- (b) Calculation of costs.
  - (1) Costs include all expenses incurred as a result of the enforcement of the order.
  - (2) The general administrative expenses of inspecting structures, locating owners, conducting hearings, and issuing notices and orders, together with all associated administrative functions, require a reasonable minimum charge of \$500.00 per property. The building official shall maintain a log of all expenses incurred during this process. If this total is greater than \$500.00, the cost shall be the greater amount.
- (c) Lien. Any expenses incurred by the city pursuant to subsection (a) of this section will be assessed against the property on which the structure stands or stood. The city will have a privileged lien upon filing same in the Official Public Records of Brewster County subordinate only to tax liens against the property unless it is a homestead as protected by the Texas Constitution. The lien will be extinguished if the property owner or other interested party reimburses the city for all expenses and penalties.

(Ord. No. 2013-06-04, § 1, 7-2-2013)

Chapter 18 BUILDINGS AND BUILDING REGULATIONS

**Sec. 18-291. Seizure and sale of property to recover expenses.**

The city may foreclose a lien on property pursuant to Texas Local Government Code § 214.004:

- (1) In a proceeding relating to the property brought under Subchapter E, Chapter 33, Tax Code; or
- (2) In a judicial proceeding, if:
  - a. A building or other structure on the property has been demolished;
  - b. A lien for the cost of the demolition of the structure or other structure on the property has been created and that cost has not been paid more than 180 days after the date the lien was filed; and
  - c. Ad valorem taxes are delinquent on all or part of the property.

(Ord. No. 2013-06-04, § 1, 7-2-2013)

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FOOTNOTE(S):

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**Editor's note**—Ord. No. 2013-06-04, § 1, adopted July 2, 2013, added provisions numbered as Art. 18.37, §§ 18-371—18-3711. In order to conform to the format used in this Code the editor has renumbered the provisions added by this ordinance as herein set out.[\(Back\)](#)