

ORDINANCE NO. 20100408-052

AN ORDINANCE REPEALING AND REPLACING ARTICLE 9 OF CITY CODE CHAPTER 25-12 TO ADOPT THE 2009 INTERNATIONAL PROPERTY MAINTENANCE CODE AND LOCAL AMENDMENTS; REPEALING ARTICLE 10 OF CITY CODE CHAPTER 25-12 RELATING TO DANGEROUS BUILDINGS; AND AMENDING CITY CODE SECTIONS 2-1-122, AND 6-1-22 TO CORRECT CODE CITATIONS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. City Code Chapter 25-12 is amended to repeal Article 9 (*Uniform Housing Code*) and replace it with a new Article 9 to read as follows:

ARTICLE 9. PROPERTY MAINTENANCE CODE.

§ 25-12-211 PROPERTY MAINTENANCE CODE.

- (A) The International Property Maintenance Code, 2009 Edition, published by the International Code Council ("2009 International Property Maintenance Code") is adopted and incorporated by reference into this section with the deletions in Subsection (B) and amendments in Section 25-12-213 (Local Amendments to the International Property Maintenance Code).
- (B) The following provisions of the 2009 International Property Maintenance Code are deleted. A subsection contained within a deleted section or subsection is not deleted, unless specifically listed below.

Section 101.1	Section 101.3	Section 102.3
Section 103.1	Section 103.2	Section 103.3
Section 103.4	Section 103.5	Section 104.2
Section 104.5	Section 106.2	Section 106.3
Section 107.1	Section 107.2	Section 107.3
Section 107.5	Section 107.6	Section 108.1
Section 108.2	Section 108.3	Section 108.4
Section 108.4.1	Section 108.5	Section 109.1
Section 109.2	Section 109.3	Section 109.4
Section 109.5	Section 109.6	Section 110.1
Section 110.4	Section 111.1	Section 111.2

Section 111.2.1	Section 111.2.2	Section 111.2.3
Section 111.2.4	Section 111.2.5	Section 111.3
Section 111.4	Section 111.4.1	Section 111.5
Section 111.6	Section 111.6.1	Section 111.6.2
Section 111.7	Section 111.8	Section 112.4
Section 201.3	Section 304.3	Section 304.14
Section 305.1.1	Section 401.3	Section 404.4
Section 404.4.1	Section 502.5	Section 505.1
Section 505.4	Section 506.3	Section 602.2
Section 602.3	Section 602.4	Section 604.2
Section 604.3.1.1	Section 604.3.2.1	Section 605.3
Section 606	Section 702.1	Section 702.2
Section 702.3	Section 704.1	Section 704.2
Section 704.3		

- (C) The city clerk shall retain a copy of the 2009 International Property Maintenance Code with the official ordinances of the City of Austin.

§ 25-12-212 CITATIONS TO THE 2009 INTERNATIONAL PROPERTY MAINTENANCE CODE.

In the City Code, “Property Maintenance Code” means the 2009 International Property Maintenance Code adopted by Section 25-12-211 (*Property Maintenance Code*), as amended by Section 25-12-213 (*Local Amendments to the International Property Maintenance Code*). In this article, “this code” means the Property Maintenance Code.

§ 25-12-213 LOCAL AMENDMENTS TO THE INTERNATIONAL PROPERTY MAINTENANCE CODE.

The following provisions are local amendments to the 2009 International Property Maintenance Code. Each provision of this section is a substitute for any identically numbered provision of the International Property Maintenance Code deleted by Section 25-12-211(B) (*International Property Maintenance Code*) or is an addition to the Property Maintenance Code.

101.1 Title. These regulations shall be known as the Property Maintenance Code of City of Austin, hereinafter referred to as the “Property Maintenance Code” or “this code.”

101.3 Intent. This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.

102.3 Application of other codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the technical codes adopted by the City of Austin in Chapter 25-12.

103.1 General. The City Manager shall designate the department or departments charged with enforcement of this code.

103.2 Designation. The City Manager shall designate a code official.

103.3 Deputies. The code official shall have the authority to designate one or more deputy code official(s) to assist with enforcement of this code. Such employees shall have powers and duties as delegated by the code official.

104.2 Inspections. The code official shall make all of the required inspections, or shall consider reports of inspection by approved agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The code official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the designated authority.

106.2 Notice of violation. The code official shall serve a notice of violation or order in accordance with applicable requirements of state law and City Code regarding such notice or order.

106.3 Prosecution of violation. Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed guilty of a misdemeanor or civil infraction, and the violation shall be a strict liability offense whenever charged by a fine of \$500.00 or less. If the notice of violation is not complied with, the code official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

107.1 Notice to person responsible. Whenever the code official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given and served in compliance with applicable state law and City Code.

107.5 Penalties. Penalties for noncompliance with orders and notices shall be as set forth in this code, City Code, and applicable state law.

107.6 Transfer of ownership. Except as otherwise provided by applicable law, it shall be unlawful for the owner or any other person in control of any property, dwelling unit, or structure that is the subject of a compliance order or as to which a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such property, dwelling unit, or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner or any other person in control of the unit or structure shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

108.1 General. When a structure, property, or equipment is found by the code official to be unsafe, or when a structure or property is found unfit for human occupancy, or is found unlawful, such structure, property, or equipment shall be subject to the provisions of this code.

108.5 Prohibited occupancy. Any occupied structure so placarded by the code official shall be vacated as ordered by the code official. Any person who shall occupy a placarded premises or shall operate placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy a placarded premises or operate placarded equipment shall be liable for the penalties provided by this code.

109.1 Imminent danger. When, in the opinion of the code official, there is imminent danger of failure or collapse of a building or structure which endangers life or property, or when any structure or part of a structure has fallen and life or property is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the code official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The code official shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Code Official." It shall be unlawful for any person to enter such structure except as authorized for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

109.2 Temporary safeguards. Notwithstanding other provisions of this code, whenever, in the opinion of the code official, there is imminent danger to persons or property due to an unsafe condition, the code official shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the code official deems necessary to meet such emergency.

110.1 General. The code official shall order the owner of any premises upon which is located any structure, which in the code official's judgment after review is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or where there has been a cessation of normal construction of any structure for a period of more than two years, the code official shall order the owner to demolish and remove such structure.

110.4 Salvage materials. When any structure has been ordered demolished and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials at the highest price obtainable.

112.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is authorized by the City to perform solely to remove a violation or unsafe condition, shall be liable to a fine of not less than \$200 or more than \$500 per violation.

201.3 Terms defined in other codes. Where terms are not defined in this code and are defined in the Building Code, the Residential Code, the Plumbing Code, the Mechanical Code, City of Austin Land Development Code, the Energy Conservation Code, the Fire Code, the Solar Code or the Electrical Code, such terms shall have the meanings ascribed to them as stated in those codes.

202.1 Supplemental and replacement definitions. The definitions in this subsection apply throughout this code and supplement the definitions in Section 202 (*General Definitions*) of the 2009 International Fire Code, as published, unless the term is defined in both places, in which case the definition in this subsection replaces and supersedes the definition in Section 202 of the 2009 International Property Maintenance Code.

BOARDING HOUSE. A building, other than a hotel, where lodging with meals for more than six (6) unrelated persons is provided for compensation.

ROOMING HOUSE. A building, other than a hotel, where lodging without meals for more than six (6) unrelated persons is provided for compensation.

305.1.1 Unsafe conditions. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the Building Code as required for existing buildings:

1. Nominal strength of any structural member is exceeded by nominal loads, the load effects, or the required strength;
2. Anchorage of the floor or roof to walls or columns, and of walls and columns to foundations, is not capable of resisting all nominal loads or load effects;

3. Structures or components thereof have reached their limit state;
4. Structural members are incapable of supporting nominal loads and load effects;
5. Stairs, landings, balconies and all similar walking surfaces, including guards and handrails, are not structurally sound, not properly anchored or are anchored with connections not capable of supporting all nominal loads and resisting all load effects; or
6. Foundation systems are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly anchored, or are not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

1. When repaired otherwise by an approved method.
2. Demolition of unsafe conditions shall be permitted when approved by the code official.

307.2 Guard Spacing. Guard intermediates shall be constructed in accordance with the building code in effect at the time of construction. For buildings constructed during a time where no building code provision related to guards was adopted, the following exception shall apply:

Exception: Existing intermediate guards with a maximum spacing which does not allow the passage of a 9" (228 mm) sphere (or smaller), shall be allowed to remain, provided such guards are maintained in good condition. Where guards are missing or where spacing exceeds 9" maximum, guards shall be installed in accordance with currently adopted building code requirements.

401.3 Alternative devices. In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the Building Code shall be permitted.

404.4 Bedroom and living room requirements. Every dwelling unit shall contain at least one bedroom and one living room and every bedroom and living room shall comply with the requirements of Sections 404.4.1 through 404.4.5.

Exception: This does not include Efficiency Units under Section 404.6.

404.4.1 Room area. With the exception of qualifying Efficiency Units, every living room shall contain at least 120 square feet (11.2 m²) and every bedroom or other habitable room shall contain at least 70 square feet (6.5 m²) of usable floor area. Where more than two persons occupy a room used for sleeping purposes, the required floor area shall be increased at the rate of 50 square feet (4.65 m²) for each occupant in excess of two. One child per room not more than 24 months in age will be exempt from these calculations.

505.1 General requirements for water systems. Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the Plumbing Code.

505.4 Water heating facilities. Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 110°F (43°C). A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless installed in a sealed enclosure so that adequate combustion air is provided and will not be taken from the living space. Direct vent water heaters are not required to be installed within an enclosure. An approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

602.2 Residential occupancies. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.

602.3 Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms.

602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat to maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

604.2 Service. The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with NFPA 70. Dwelling units shall be served by a three-wire, 120/240 volt, single-phase electrical service having a rating of not less than 100 amperes.

604.3.1.1 Electrical equipment. Electrical distribution equipment, motor circuits, power equipment, transformers, wire, cable, flexible cords, wiring devices, ground fault circuit interrupters, surge protectors, molded case circuit breakers, low-voltage fuses, luminaires, ballasts, motors and electronic control, signaling and communication equipment that have

been exposed to water shall be replaced in accordance with the provisions of the Building Code.

Exception: The following equipment shall be allowed to be repaired where an inspection report from the equipment manufacturer or approved manufacturer's representative indicates that the equipment has not sustained damage that requires replacement:

1. Enclosed switches, rated 600 volts or less;
2. Busway, rated 600 volts or less;
3. Panelboards, rated 600 volts or less;
4. Switchboards, rated 600 volts or less;
5. Fire pump controllers, rated 600 volts or less;
6. Manual and magnetic motor controllers;
7. Motor control centers;
8. Alternating current high-voltage circuit breakers;
9. Low-voltage power circuit breakers;
10. Protective relays, meters and current trans-formers;
11. Low- and medium-voltage switchgear;
12. Liquid-filled transformers;
13. Cast-resin transformers;
14. Wire or cable that is suitable for wet locations and whose ends have not been exposed to water;
15. Wire or cable, not containing fillers, that is suitable for wet locations and whose ends have not been exposed to water;
16. Luminaires that are listed as submersible;
17. Motors;
18. Electronic control, signaling and communication equipment.

604.3.2.1 Electrical equipment. Electrical switches, receptacles and fixtures, including furnace, water heating, security system and power distribution circuits, that have been exposed to fire, shall be replaced in accordance with the provisions of the Building Code.

Exception: Electrical switches, receptacles and fixtures that shall be allowed to be repaired where an inspection report from the equipment manufacturer or approved

manufacturer's representative indicates that the equipment has not sustained damage that requires replacement.

605.3 Luminaires. Every public hall, interior and exterior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain at least one electric luminaire.

702.1 General requirements for 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 way. Means of egress shall comply with the Fire Code.

702.2 Aisles. The required width of aisles in accordance with the Fire Code shall be unobstructed.

702.3 Locked doors. 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 that permitted by the Building Code.

702.5 Additional emergency escape opening requirements. One and two family dwellings shall have at least one emergency escape or rescue window in each sleeping room. An emergency escape or rescue window required in a sleeping room under this Code complies with this Code if the window satisfies one of the following or if the owner complies with the alternate methods of compliance set forth in Section 702.5.1 below:

1. The dimensions required by the codes under which the building was constructed; or
2. Where no code was in effect at the time of construction, escape windows shall have a minimum net clear openable area of not less than five square feet with no dimension less than 18 inches horizontal, 22 inches vertical and a sill height not greater than 48 inches above the floor.

702.5.1 Alternate Methods of Compliance.

1. The owner of an existing residentially occupied building that has one or more sleeping rooms that lack a window with the dimensions required by Section 702.4 of this Code may install hard-wired smoke detectors with battery back up capability that are served with primary power from the building wiring. The installation of smoke alarms shall be dual chamber hardwired interconnected smoke alarms installed inside and outside of the sleeping room. The interconnection can be wired interconnections or wireless.
2. The owner of an existing building that has one or more sleeping rooms in which the height of the sill for the window required by this chapter exceeds the maximum permissible distance from the floor may construct a permanently attached stairway complying with the currently adopted

building code from the floor to the window sill to reduce the sill height to 48 inches.

704.1 General requirements for fire protection systems. All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the Fire Code.

704.2 Smoke alarms. Single- or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and in dwellings not regulated in Group R occupancies, regardless of occupant load at all of the following locations:

1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.
2. In each room used for sleeping purposes.
3. In each story within a dwelling unit, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.
4. Single- or multiple-station smoke alarms shall be installed and maintained in other groups in accordance with the Fire Code.

704.3 Power source. In Group R occupancies and in dwellings not regulated as Group R occupancies, single-station smoke alarms shall receive their primary power from the building wiring provided that such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for overcurrent protection.

Exceptions:

1. Smoke alarms are permitted to be solely battery operated in existing buildings in areas or locations within such buildings where smoke alarms were not required to be powered by the building wiring under the code in effect at the time of construction and either 1) there is no construction taking place, or 2) any construction, alterations, or repairs in progress do not result in the removal of interior walls or ceiling finishes exposing the structure.
2. Smoke alarms are permitted to be solely battery operated in buildings that are not served from a commercial power source.

CHAPTER 9 BUILDING AND STANDARDS COMMISSION

901 GENERAL

The Building and Standards Commission shall have the powers and duties under this Code, City Code § 2-1-122 (*Building and Standards Commission*), and applicable state law. The Commission shall hear evidence from each party present concerning the matters brought before the Commission and shall issue orders regarding the matters, as appropriate. Orders regarding removal or relocation of occupants, or repair, securing, or demolition of buildings shall identify the time period in which work must begin and the time period by which work must be completed.

901.1 Powers and Duties. The Building and Standards Commission shall hear and decide cases concerning alleged violations of the City's housing and building regulations, including regulations that establish minimum standards for the registration, licensure, inspection, use, occupancy, and maintenance of buildings and structures. The Commission may order or initiate any action, remedy, response, security, or penalty within its authority under applicable state law or City Code, including:

1. order the repair, within a fixed period, of buildings found to be in violation of an ordinance;
2. declare a building substandard or dangerous in accordance with the powers granted under state law and the city's ordinances;
3. order, in an appropriate case, action as necessary to abate, repair, remedy, alleviate, or accomplish:
 - vacation of a building, structure, or property;
 - relocation of occupants;
 - removal of persons or property;
 - entry on private property; and
 - demolition or removal of any substandard building, condition, or structure on private property.
4. order or direct any peace officer of the state, including a sheriff or constable or the Austin Chief of Police, to enforce and carry out the lawful orders or directives of the Commission;
5. determine the amount and duration of the civil penalty allowed under state law;
6. hear and decide appeals which may be taken to the Commission; and
7. consider and recommend amendments to the City's housing and building regulations or ordinances.

901.2 Rules. The Commission shall adopt rules for its own procedure. The rules must establish procedures to provide opportunity for presentation of evidence and testimony in its hearings by persons who are alleged to have violated ordinances.

901.3 Meetings. Meetings of the Commission are held at the call of the Chairperson and at other times as the Commission may determine. The Chairperson, or the Acting Chairperson in the absence of the Chairperson, may administer oaths and compel the attendance of witnesses. Four members constitute a quorum and the concurring vote of four members is necessary to take any action under this chapter. The Commission shall render all decisions and findings in writing to the appellant in accordance with the applicable requirements of state law and City Code.

901.4 Records. The Commission shall keep records of its hearing, decisions and other official actions, which shall be filed in the office of the code official. The code official shall keep the minutes of the Commission meetings, showing the vote of each Commission member on each question submitted to the Commission, or the fact that a member is absent or fails to vote.

901.5 Notice. Notice and any required recordation of all Commission hearings, orders, or actions shall be posted, filed, served, accomplished or disseminated in accordance with the applicable provisions of state law and City Code.

901.5 Orders. An order issued by the Commission under this section is final unless appealed in accordance with Chapter 54 of the Texas Local Government Code.

902 FAILURE TO COMPLY WITH A COMMISSION ORDER IS AN OFFENSE

902.1 Criminal Offense and Penalty. A person commits an offense if the person fails to comply with a final order issued by the Building and Standards Commission under this chapter. Each day that a person fails to comply with a final order is a separate occurrence. An offense under this section is a class C misdemeanor. The maximum penalty shall be \$500 per offense, per occurrence. Proof of a culpable mental state is not required for conviction of an offense under this chapter.

902.2 Civil Offense and Penalty. A person must comply with a final order issued by the Building and Standards Commission. A person who fails to comply with the Commission's final order commits a civil offense punishable by a maximum fine of \$1,000 a day for each day that the person fails to comply with the order as provided by Chapter 54 of the Texas Local Government Code. Criminal conviction under 902.1 does not preclude assessment or enforcement of applicable civil penalty for violation of a Commission Order.

902.2.1 Satisfaction of Civil Penalty.

1. This section applies to a civil penalty assessed under Section 902.2 of this Code for violations relating to a:

- 1.1 structure that is designated as an historic landmark or located in a designated historic district; or
 - 1.2 single-family residential structure.
2. The code official shall accept as full payment of the civil penalty an amount equal to the assessed penalty minus the cost to complete repairs required by the Building and Standards Commission order establishing the penalty if:
 - 2.1 all repairs required by the Building and Standards Commission order establishing the penalty have been completed;
 - 2.2 the code official has determined that all repairs comply with City regulations; and
 - 2.3 a lawsuit based on the Building and Standards Commission order assessing the penalty has not been initiated by the City.
3. The person subject to the civil penalty must provide evidence to the code official of the cost of repairs required by a Building and Standards Commission order.
4. The code official shall determine whether the costs provided under Subsection (C) of this section are associated with a repair ordered by the Building and Standards Commission. The determination by the code official under this subsection may not be appealed.

903 DEFINITION OF NUISANCE

Each of the following is declared to be a nuisance for purposes of this code:

1. Any public nuisance known at common law or in equity jurisprudence.
2. Any attractive nuisance which may prove detrimental to children whether in a building, on the premises of a building, or on an unoccupied lot. This includes any abandoned wells, shafts, basements, or excavations; abandoned refrigerators and motor vehicles; or any structurally unsound fences or structures; or any lumber, trash, fences, debris or vegetation which may prove a hazard for inquisitive minors.
3. Whatever is dangerous to human health or is detrimental to health, as determined by the health officer.
4. Uncleanliness, as determined by the health officer.
5. Whatever renders air, food or drink unwholesome or detrimental to the health of human beings, as determined by the health officer.
6. Occupancy or use of the residential part of a mixed occupancy building if the non-residential part of the building is classified for use as a high hazard

occupancy, or if the non-residential use is obnoxious or offensive to residential occupancy or use.

7. A utility room not maintained free of flammable liquids, oil and grease, and other similar materials.
8. Yards, courts, and vacant lots not maintained clean and free of holes, excavations, dead trees and tree limbs, sharp protrusions, and other objects, conditions and hazards that are reasonably capable of causing injury to a person.
9. Failure to maintain a manufactured residential building, mobile home, or tourist court in accordance with the provisions of this code, the manufacturer specifications under which the structure was constructed, or the Land Development Code.

904 ACTION BY COUNCIL

904.1 General.

904.1.1 Commencement of Proceedings. Whenever the code official has inspected or caused to be inspected any building, structure, or property and has found that the building, structure or property is substandard or dangerous, the code official shall begin proceedings to cause the repair, rehabilitation, vacation, demolition, removal, boarding or fencing or other means of closure of the building, structure, or property.

904.1.2 Notice. The code official shall issue a written notice directed to the record owner of the building, structure or property. The notice shall:

1. identify the building, structure, property by street address, or provide a description sufficient for identification of the property or the location of the building or structure;
2. state that the code official has found the building, structure, or property to be substandard or dangerous, with a summary description of the applicable provisions of this Code and the alleged violations;
3. specify the corrective measures required to bring the building, structure, or property into compliance with applicable provisions of this Code;
4. provide a time period for compliance;
5. include a description of the applicable appeal procedures; and
6. include a provision in Spanish stating that a Spanish translation will be provided on request if the recipient is not able to read the notice in English.

904.1.3 Service of Notice. Notice as required shall be served in compliance with applicable provisions of state law and City Code. Failure of the code official to serve any

person required to be served does not invalidate any proceedings as to any other person properly served or relieve that person from any duty or obligation imposed by this Code.

904.1.4 Service of Notice. Required notice shall be served in accordance with applicable provisions of state law and City Code.

904.1.5 Method of Service. Required notices shall be served via any method or combination of methods permitted in accordance with applicable requirements of state law and City Code. The code official may also provide a copy of any notice sent to a property owner to the manager of the property. On receipt of a copy of the notice under this section, a property manager shall notify the owner of the specifics of the notice within 10 days and shall make every reasonable effort to have the owner correct the violation.

905. Appeal. A person affected by a notice may appeal the violation findings contained in the notice to the Building and Standards Commission by filing a written appeal with the code official. The appeal must be filed not later than 20 days after the date the notice is mailed by the City of Austin. A request for additional time to comply with the notice due to financial inability or other extenuating circumstance is not a proper basis for appeal, but can be presented to the Commission upon hearing. An appeal must contain a brief statement identifying the notice or action being appealed, setting forth any facts supporting the appeal, describing the relief sought, and presenting the reasons why the appealed notice or action should be reversed, modified or otherwise set aside. Filing an appeal stays further City action under the notice being appealed unless otherwise provided in this code or, in the opinion of the code official, a delay would present an immediate danger or unreasonable risk to any person or property.

906 REPAIR, BOARDING, FENCING, VACATION AND DEMOLITION

The following standards shall be followed by the code official (and by the Building and Standards Commission if an appeal is taken) in recommending or ordering the repair, vacation, or demolition of any substandard or dangerous building, structure, or property:

1. Any building or structure declared a substandard or dangerous building under this Code shall be made to comply with one of the following:
 - 1.1 The building(s) or structure(s) shall be repaired in accordance with applicable Codes related to the type of substandard or dangerous conditions requiring repair; or
 - 1.2 The building or structure shall be demolished; or
2. If the building or structure is in a 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.

3. If the owner or other affected person does not comply with the recommendation of the code official within the identified time period, the code official may serve notice to the person(s) to appear before the Building and Standards Commission to show cause why the building, structure, or property should not be ordered repaired, boarded, fenced, vacated, or demolished.

907 UTILITY TERMINATION

907.1 Utility Termination Authorized. The code official may initiate a request or order for utility termination to a structure or property as provided for under the applicable provisions of state law and City Code. The City shall comply with applicable provisions of state law and City Code regarding notice and appeal of utility termination.

908 NOTICE TO VACATE

908.1 Posting. In addition to any other requirements of this Code as applicable, a notice to vacate issued pursuant to the Code shall be posted at or on each exit of the building or structure. The notice shall be in substantially the following form:

DO NOT ENTER

UNSAFE TO OCCUPY

IT IS UNLAWFUL TO OCCUPY THIS BUILDING
OR TO REMOVE OR DEFACE THIS NOTICE.

CODE OFFICIAL
CITY OF AUSTIN

908.2 Compliance. The code official shall reference the notice to vacate in the violation letter issued under Section 401.2 of this Code and shall identify the conditions that necessitate the evacuation of the building, structure, or property. No person may remain in or enter any building or structure that is posted with or subject to a notice to vacate unless an active permit from the building official to repair, demolish, or remove a building or structure at the location is posted there and the person is present only to perform work authorized by such permit. No person may remove or deface the notice to vacate after it is posted by the code official until the required repair, demolition, or removal is completed and a certificate of occupancy is issued for the building or structure under the Building Code. No person may induce, allow, or authorize another person to occupy a building or structure subject to a notice to vacate until after the required repair is completed and a certificate of occupancy for the building or structure is issued by the building official or the notice is removed by the code official. That the posted notice to vacate was defaced or removed by another person acting unlawfully or by an act of nature is not a defense to prosecution for committing, allowing, or facilitating entry or occupancy of a building or structure subject to a notice to vacate.

908.3 Appeal of Notice to Vacate. A determination by the code official under this section may be appealed as provided in this Code for other code official notices, except that the filing of an appeal shall not stay vacation of the building or structure. A determination by the Building and Standards Commission under this section may be appealed as provided for by state law.

909. Offenses - Criminal.

1. A person commits an offense under this section if the person does the following:
 - 1.1 remains in or enters any building or structure that is posted with a notice to vacate;
 - 1.2 removes or defaces a notice to vacate that is posted until after the required repair, demolition, or removal of the building or structure is lawfully completed and a certificate of occupancy is issued under the Building Code; or
 - 1.3 leases or otherwise induces occupancy of a building or structure after a notice to vacate is issued and posted until after the required repair, demolition, or removal is lawfully completed and a certificate of occupancy is issued by the building official.
2. It is not a defense to prosecution under this section that a notice to vacate has been removed from the premises.
3. It is an affirmative defense to prosecution under this section if a person enters into a building or structure for which a notice to vacate has been issued and posted to repair, demolish, or remove the building or structure under a valid permit issued by the building official.
4. An offense under this section is a class C misdemeanor, punishable by a fine not to exceed \$500 per offense, per occurrence, unless proof of a culpable mental state is pled and proven.
5. Each day a person commits an offense or remains in violation of a provision of this section is a separate occurrence.
6. Proof of a culpable mental state is not required for conviction of an offense under this section. If proof of a culpable mental state is established, an offense under this section is eligible for imposition of a fine not to exceed \$2,000 for each offense.

910. Offenses - Civil.

1. A person may not do the following:

- 1.1 remain in or enter any building or structure that is posted with a notice to vacate;
 - 1.2 remove or deface a notice to vacate that is posted until after the required repair, demolition, or removal of the structure is completed and a certificate of occupancy is issued under the Building Code; or
 - 1.3 lease or otherwise induce the occupancy of a building or structure after a notice to vacate is issued and posted until after the required repair, demolition, or removal is completed and a certificate of occupancy is issued by the building official.
2. Under Chapter 54 of the Texas Local Government Code, a person who commits any of the acts prohibited in subsection 1 of this section commits a civil offense punishable by a fine not to exceed \$1,000 a day per violation, per occurrence.
3. Criminal conviction under Section 909 does not preclude enforcement under this section or other provisions of applicable state law and City Code.

911 EMERGENCY POWERS

911.1 Emergency Closure. The code official may secure a building or structure before a public hearing is held by the Building and Standards Commission if the code official determines that the building or structure meets one of the following criteria:

1. violates this Code and is unoccupied; or
2. is occupied only by persons who do not have a lawful right of possession to the building or structure.

911.2 Notice.

1. Not later than the 10th day after the date the building or structure is secured, the code official shall give notice of the closure to the owner by one of the following methods:
 - 1.1 personal service to the owner; or
 - 1.2 notice by certified mail, return receipt requested, to the owner at the owner's last known address; or
 - 1.3 if personal service cannot be obtained and the owner's post office address is unknown, either by publication at least twice within a 10 day period in a newspaper of general circulation in the county in which the building or structure is located or by posting the notice on or near the front door of the building or structure.
2. The notice must contain the following:

- 2.1 an identification, which is not required to be a legal description, of the building or structure and the property on which it is located;
- 2.2 a description of the violations of the Code that are identified at the building or structure;
- 2.3 a statement that the code official has secured the building or structure; and
- 2.4 an explanation of the owner's right to request a hearing about any matter relating to the securing of the building or structure by the code official.

911.3 Appeal of Emergency Closure. The owner of a building or structure may appeal an emergency closure under this section to the Building and Standards Commission. A written appeal must be filed not later than 30 days after the date the code official secured the building or structure. A hearing on the appeal will be scheduled on the Commission's next available agenda date following receipt of the appeal and must be heard at the next available agenda date at which a quorum of the Commission is present, unless the appellant otherwise requests or agrees in writing.

911.4. Costs. The City may assess costs incurred for emergency closures under this section against the owner of the affected property and may secure those costs with a lien against the affected property in the manner authorized by state law.

912 LEGAL ACTION

The code official may enforce the provisions of this Code by pursuing all civil and criminal actions, and civil and injunctive remedies available to a city under state law, or by any other remedy or combination of remedies available at law or equity, including, in any court action, the collection of attorney's fees and costs, and maximum interest on liens and judgments as allowed by law. All remedies authorized under this code are cumulative of all others unless otherwise expressly provided. The filing of a criminal action shall not preclude the pursuit of a civil or administrative action for violation of this Code, nor shall the filing of a civil action preclude the pursuit of any other action or remedy, whether administrative or criminal.

CHAPTER 10 RESTRICTION ON TRANSFER AND LEASE OF PROPERTY

1000 TRANSFER OF PROPERTY

1000.1 Execution of Order Not Affected by Transfer. When an order has been filed in the deed records, execution of the order is not affected by sale or other transfer of the property. A person acquiring an interest in property after an order has been recorded is subject to the requirements of the order. The provisions of this subsection shall be included as part of each order.

1000.2 Transfer of Property. An owner of a building, structure, or property who has been served with a notice, order, [or other notification] under this Code may not sell, transfer, grant, mortgage, or otherwise dispose of the building, structure, or property until the owner has:

1. furnished to the purchaser, transferee, grantee, mortgagee, or lessee a true copy of the notice, order [or other notification]; and
2. simultaneously provided adequate notice to the code official of the owner's intent to enter into a transaction affecting the building, structure, [or property,] including the name and address of the proposed buyer, transferee, grantee, mortgagee, or lessee.

1000.3 Responsibility of Purchaser. A purchaser of a property on which a notice, order, or other notification has been issued under this Code and recorded in the real property records of the county in which the property is located is bound by the terms of the notice, order, or other notification.

CHAPTER 11 RESTRICTION ON TRANSFER AND LEASE OF PROPERTY

1100 LEASING OF SUBSTANDARD OR DANGEROUS PREMISES IS AN OFFENSE

1100.1 Criminal Offense and Penalty.

1. A person commits an offense if, prior to the time that the owner receives notice from the code official that required corrections have been made, the person does the following:
 - 1.1 leases or causes to be leased a building or structure or portion of a building or structure that is vacant at the time that the owner receives notice from the code official that the building or structure is substandard or dangerous; or
 - 1.2 leases or causes to be leased a building or structure or portion of a building or structure that becomes vacant after the owner receives notice from the code official that the building or is substandard or dangerous.
2. Each day that a person commits an offense or remains in violation of this section is a separate occurrence. An offense under this section is a class C misdemeanor, punishable by a fine not to exceed \$500 per offense, per occurrence unless proof of a culpable mental state is pled and proven. If proof of a culpable mental state is established, an offense under this section is punishable by a fine not to exceed \$2,000 per occurrence.

1101.2. Civil Offense and Penalty.

1. A person may not, prior to the time that the owner receives notice from the code official that all required corrections have been made, lease or cause to be leased a building or structure or portion of a building or structure that is vacant at the time that the owner receives notice from the code official that the building or structure is substandard or dangerous; or
2. A person may not, prior to the time that the owner receives notice from the code official that all required corrections have been made, lease or cause to be leased a building or structure or portion of a building or structure that becomes vacant after the owner receives notice from the code official that the building or structure is substandard or dangerous.
3. Under Chapter 54 of the Texas Local Government Code, a person who commits any of the acts prohibited in this Section 1101.2 commits a civil offense punishable by a fine not to exceed \$1,000 a day per violation, per occurrence.
4. Criminal conviction under Section 1100.1 of this Code does not preclude enforcement under this section or other applicable law.

CHAPTER 12 LANDLORD/TENANT RELATIONSHIPS

1201 RESPONSIBILITY OF LANDLORD

The owner of a building, structure, or property remains responsible for compliance with this Code notwithstanding any rental or other agreement purporting to give tenants or other third parties certain duties or responsibilities with respect to the building, structure, or property.

1202 RETALIATION AGAINST TENANT IS AN OFFENSE

A property owner, owner's agent, management company, or other person responsible for managing a property commits an offense if the property owner, owner's agent, management company, or other person responsible for managing a property raises a tenant's rent, diminishes services to the tenant, or attempts eviction for reasons other than nonpayment of rent or other good cause for six months after a complaint is filed by the tenant with the code official complaining of violations of this Code or for six months after completion of repairs required by a notice or order issued under this Code, whichever time period is longer.

An offense under this section is a class C misdemeanor, punishable by a fine not to exceed \$500 per offense, per occurrence unless proof of a culpable mental state is pled and proven. If proof of a culpable mental state is established, an offense under this section is punishable by a fine not to exceed \$2,000 per occurrence.

The following actions are not a violation of this section:

1. an increase in rent under an escalation clause for utilities, taxes, or insurance in a written rental agreement;
2. an increase in rent or reduction in services against the complaining tenant which are a part of a pattern of rental increases or service reductions uniformly applied for an entire multifamily dwelling project of four or more units; and
3. an increase in rent that is reasonably related to repairs or improvements actually made by the landlord after a complaint has been filed and which do not cause the total rent to exceed fair market value of the premises. However, no rental increase may be made until the structure is in full compliance with any notice or order issued under this Code.

CHAPTER 13 HOTEL, BOARDING HOUSE, ROOMING HOUSE, AND BED AND BREAKFAST ESTABLISHMENT REGULATIONS

1301 DEFINITIONS

The following words and terms shall, for the purposes of this chapter, have the meanings shown herein.

BED AND BREAKFAST. The use of an owner-occupied single-family residential structure to provide rooms for temporary lodging for overnight guests in return for compensation.

BOARDING HOUSE. A building other than a hotel, where lodging and meals are provided for more than six unrelated persons in return for compensation. When used in this chapter, the term Boarding House includes a transient boarding house.

HOTEL/MOTEL. A building or a part of a building, in which there are guest rooms, rooming units, or apartments which may be rented on a daily basis and are used primarily for transient occupancy, and for which desk service is provided. In addition, one or more of the following services may be provided: maid, telephone, bellboy, or furnishing of linen. When used in this chapter, the term hotel includes a motel.

ROOMING HOUSE. A building, other than a hotel, where for lodging for more than six unrelated persons is provided without meals in return for compensation.

1302 INSPECTIONS

The code official shall make inspections to determine the condition of boarding houses, hotels, rooming houses, and bed and breakfast establishments located within the City, to ensure compliance with this chapter and other applicable laws. For the purpose of making inspections, the code official or the code official's representative may enter, examine, and survey, at all reasonable times, all buildings, dwelling units, guest rooms,

and premises on presentation of the proper credentials. The owner or operator of a boarding house, hotel, rooming house, or bed and breakfast establishment, or the person in charge, shall give the code official free access to the building, dwelling unit, guest room and its premises, at all reasonable times, for the purpose of inspection, examination, and survey.

1303 LICENSES AND PERMITS REQUIRED

No person may operate a boarding house, hotel, rooming house, or bed and breakfast establishment unless a license for the operation, in the name of the operator and for the specific dwelling used, has been issued by the code official and is currently valid and in good standing. Unless specifically exempted by the provisions of Chapter 10-3 (*Food and Food Handlers*) of the City Code, each boarding house and bed and breakfast establishment is required to have a permit as a food service establishment issued by the Health Authority.

1304 LEASING OR RENTING ROOMS IN AN UNLICENSED HOTEL, BOARDING HOUSE, ROOMING HOUSE OR BED AND BREAKFAST ESTABLISHMENT IS AN OFFENSE

An owner, manager, or person in control of a hotel, boarding house, rooming house, or bed and breakfast establishment commits an offense if the owner or person leases, rents or otherwise induces occupancy of a room in a hotel, boarding house, rooming house, or bed and breakfast establishment which does not have a valid license issued and displayed as required by this chapter.

Each day that an owner, manager, or person in control of the property leases, rents or otherwise induces occupancy of a room in a hotel, boarding house, rooming house, or bed and breakfast establishment which does not have a valid license issued and displayed as required by this chapter is a separate occurrence. An offense under this section is a class C misdemeanor, punishable by a fine not to exceed \$500 per offense, per occurrence, unless proof of a culpable mental state is proven. If proof of a culpable mental state is demonstrated, an offense under this section is punishable by a fine not to exceed \$2000 per occurrence.

1305 APPLICATION

An application for a license required by this chapter must be in writing and submitted to the code official.

1306 FEE

Each application for a rooming house, hotel, boarding house, or bed and breakfast establishment license must be accompanied by the payment of a fee in an amount established by separate ordinance, to be pro-rated on a quarterly basis.

1307 ISSUANCE

A boarding house, hotel, rooming house, or bed and breakfast establishment license shall be issued by the code official after the code official determines that the owner or operator has complied with all applicable ordinances and rules. A license shall not be issued by the code official for any applicant or location in the absence of proof of the applicant or location's substantial compliance with all applicable local hotel occupancy tax rules and regulations.

1308 LICENSE SUSPENSION

Whenever the code official finds on inspection of the physical premises or review of applicable records of any boarding house, hotel, rooming house, or bed and breakfast establishment that conditions or practices exist that violate any provision of the International Property Maintenance Code, City Code, or any rule or regulation adopted under this code, the code official shall give written notice to the owner of the property and the operator of the boarding house, hotel, rooming house, or bed and breakfast establishment that unless the violations are corrected by an identified deadline, the boarding house, hotel, rooming house, or bed and breakfast establishment license shall be suspended. At the end of the time provided for correction of the violation(s), the code official shall re-inspect the location or records of the boarding house, hotel, rooming house, or bed and breakfast establishment and, if the conditions or practices have not been corrected, shall suspend the license and give written notice to the licensee that the license has been suspended. On receipt of notice of suspension, the licensee shall immediately stop operation of the boarding house, hotel or, rooming house, or bed and breakfast establishment, and no person may occupy for sleeping or living purposes any rooming unit therein. The notice required by this subsection shall be served in accordance with the notice provisions of applicable law.

1309 APPEAL FROM LICENSE SUSPENSION OR DENIAL

The following actions of the code official may be appealed to the Building and Standards Commission as provided in this Code:

1. the denial of an application for a license to operate a boarding house, hotel, rooming house, or bed and breakfast establishment;
2. the suspension of a license to operate a boarding house, hotel, rooming house, or bed and breakfast establishment;
3. the issuance of a notice that a license to operate a boarding house, hotel, rooming house, or bed and breakfast establishment will be suspended unless existing conditions or practices are corrected.

An appeal filed under this section must be filed with the code official no later than the 20th day following the date on which the license was denied or suspended, or notice of violation was received. The appeal must be set for hearing before the Commission on the

next available agenda date following receipt of the appeal and must be heard following setting on the scheduled agenda if a quorum is present at the hearing, unless the appellant requests a later date and waives the scheduled hearing.

1310. EXPIRATION

Each boarding house, hotel, rooming house, and bed and breakfast establishment license expires at the end of the calendar year for which it is issued, unless suspended or revoked as provided in this chapter.

1311. TRANSFER AND NOTICE ON SALE OF PREMISES

A license issued under this chapter is not transferable. Every person holding a license shall give written notice to the code official no later than 10 days before the conveyance, transfer, or any other disposition of the ownership of, interest in, or control of any boarding house, hotel, rooming house, or bed and breakfast establishment. The notice must include the name and address of the person succeeding to the ownership or control of the boarding house, hotel or, rooming house, or bed and breakfast establishment.

1312 DISPLAY

The license required by this chapter must be displayed at all times in a conspicuous place designated by the code official within each boarding house, hotel, rooming house, or bed and breakfast establishment.

CHAPTER 14 INTERFERENCE WITH REPAIR OR DEMOLITION WORK PROHIBITED

1401 GENERAL

No person shall obstruct, impede, or interfere with work performed by any of the following individuals for purposes of boarding, securing, repairing, vacating or demolishing a building, structure, or property under the provisions of this Code, or in performing a necessary act preliminary or incidental to work authorized under this Code:

1. an officer;
2. an employee;
3. a contractor;
4. an authorized representative of the City;
5. a person who owns or holds an estate or interest in a building, structure, or property; or
6. a person to whom such a building has been lawfully sold under this Code.

CHAPTER 15 PERFORMANCE OF CLOSURE AND CLEANING

1501 GENERAL PROCEDURE

1501.1 Closure and Cleaning Authorized. In addition to any other remedy provided in this section, and on the failure of the owner to comply with a notice and order of closure and cleaning, the code official may cause the closure of a building and the cleaning of the premises and the lot. The expense of closing and cleaning the building shall be paid and recovered as provided by this Code and other applicable law.

1501.2 Personalty on the Premises. Removal of personalty from a structure ordered vacated or demolished shall be accomplished by the property owner. Personalty remaining on the property at the time of demolition by the city or city officer, employee, contractor, or authorized representative is considered abandoned, and may be removed by the city in the same manner as other rubbish or debris.

1501.3 Costs. The cost incurred by the city or city officer, employee, contractor, or authorized representative in closing or cleaning a building pursuant to action of the code official or Building and Standards Commission shall be paid from demolition funds budgeted by the city council, unless otherwise provided for or directed by Commission order or applicable law. The expense incurred by the City under this section may be recorded as a lien against the real property on which the building is located, with interest on the unpaid balance to accrue at the maximum rate established by law.

1502 GENERAL

Demolition, boarding, fencing, securing, vacation or relocation of occupants or other closure of a building or structure may be accomplished by an owner or by the code official, unless otherwise provided for or directed by Commission order or applicable law. The City may assess costs incurred for demolition, boarding, fencing, securing, vacation or relocation of occupants or other closure. The expense incurred by the City under this section may be recorded as a lien against the real property on which the building or structure is located, with interest on the unpaid balance to accrue at the maximum rate allowed by law, unless otherwise provided for by applicable law.

PART 2. City Code Chapter 25-12 is amended to repeal Article 10 (*Dangerous Buildings Code*).

PART 3. Subsections (A) and (E) of City Code Section 2-1-122 (*Building and Standards Commission*) are amended to read:

- (A) The Building and Standards Commission is established to hear cases concerning alleged violations of the City's regulations relating to property maintenance, housing, and dangerous buildings [~~regulations~~].
- (E) The Building and Standards Commission shall have the powers and duties granted by, and comply with the procedures of, [~~established by~~] Texas Local

Government Code Chapter 54, Subchapter C (*Quasi-Judicial Enforcement Of Health And Safety Ordinances*), Texas Local Government Code Chapter 214 (*Municipal Regulation of Housing and Other Structures*), Subchapter A (*Dangerous Structures*), and City Code Chapter 25-12, Article 9 (*International Property Maintenance Code*) [~~(Uniform Housing Code)~~], and ~~Chapter 25-12, Article 10 (*Dangerous Buildings Code*)~~].

PART 4. City Code Section 6-1-22 (*Reclaiming Refrigerant from a Building Cooling System*) is amended to read:

§ 6-1-22 RECLAIMING REFRIGERANT FROM A BUILDING COOLING SYSTEM.

The city manager shall reclaim refrigerant from a cooling system in a building that is:

- (1) acquired by the City and scheduled for demolition; or
- (2) scheduled for demolition under Chapter [Section] 25-12[-23+], Article 9 (*International Property Maintenance Code*) [~~(*Dangerous Buildings Code*)~~].

PART 5. This ordinance takes effect on January 1, 2011.

PASSED AND APPROVED

_____, April 8, 2010 §
 §
 § Lee Leffingwell
 Lee Leffingwell
 Mayor

APPROVED: David Allan Smith
 David Allan Smith
 City Attorney

ATTEST: Shirley A. Gentry
 Shirley A. Gentry
 City Clerk