ORDINANCE NO. _____

AN ORDINANCE AMENDING ARTICLE 9 OF CITY CODE CHAPTER 25-12 (*TECHNICAL CODES*) TO ADD A NEW LOCAL AMENDMENT TO THE 2024 INTERNATIONAL PROPERTY MAINTENANCE CODE TO ESTABLISH A PROCESS FOR EMERGENCY DEMOLITION.

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

PART 1. Findings.

The City Council finds that:

(1) Structures or portions of a structure that contain structural defects or conditions that pose an imminent threat or danger to life and safety are public nuisances.

(2) Abatement of these structures or portions of a structure is necessary to preserve and protect life and safety.

(3) The City may take action to abate a public nuisance where necessary to preserve and protect life and safety.

PART 2. City Code Article 9, Section 25-12-213 (*Local Amendments to the International Property Maintenance Code*) is amended to add Chapter 12 (*Emergency Demolition*) as follows:

CHAPTER 12 EMERGENCY DEMOLITION

SECTION 1201 GENERAL.

1201.1 Purpose. The purpose of this chapter is to establish an expedited process that enables the building official to take emergency action to demolish and remove a structure or portion of a structure determined to constitute an imminent threat or danger to life and safety.

1201.2 Administration. Except as provided in Subsection 1201.2.2, the building official, or authorized designee, implements, administers, and enforces this chapter.

1201.2.1 Authority of Building Official. The building official may take emergency action to demolish and remove a structure or portion of a structure when the building official finds that a structural defect or condition exists that constitutes an imminent threat or danger to life and safety.

1201.2.2 Initiation by Fire Code Official. If a structure is affected by a fire, the fire code official has the authority to initiate emergency action through the building official.

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1201.3 Supplemental Definitions. The definitions in this subsection apply throughout this code and supplement the definitions in Section 202 (*General Definitions*) in the 2024 International Property Maintenance Code.

ABANDONED STRUCTURE. A structure that the owner voluntarily surrenders, relinquishes, or disclaims.

IMMINENT THREAT OR DANGER. A condition that could cause serious or life-threatening injury or death at any time.

VACANT STRUCTURE. A structure is vacant if all lawful residential, commercial, recreational, charitable, or construction activity at the building has ceased, or reasonably appears to have ceased, for more than 150 consecutive days.

1201.4 Applicability. This chapter applies only to abandoned structures, vacant structures, or structures that contain structural defects or conditions arising from, but not limited to, fire, water damage, or some other sudden act or occurrence that threatens the integrity of the structure.

SECTION 1202 EMERGENCY DEMOLITION PROCESS.

1202.1 Placarding. After the building official determines that an imminent threat or danger to life and safety exists, but before the building official initiates the emergency demolition process, the building official must provide notice by affixing a placard to the property in a conspicuous place in substantially the following form:

DO NOT ENTER

UNSAFE TO OCCUPY

IT IS UNLAWFUL TO REMOVE OR DAMAGE THIS NOTICE.

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1202.2 Escalation for Further Internal Review. The building official is required to establish a procedure to escalate a case for further internal review after the building official confirms that the observed structural defects or conditions meet the criteria for escalated review by affixing a placard to the property in accordance with 1202.1.

1202.3 Emergency Declaration Affidavit and Order.

1. If the building official determines that structural defects or conditions exist that present an imminent threat or danger to life and safety, the building official is

authorized to declare an emergency and order the immediate demolition of the structure. Except as otherwise provided, the building official's declaration and order is effective when the building official signs an Emergency Declaration Affidavit and Order.

2. If the structure is fire-damaged, the declaration and order are not effective unless the fire code official also signs the Emergency Declaration Affidavit and Order.

3. Once the building official and fire code official, if applicable, have signed the Emergency Declaration Affidavit and Order, the director is authorized to approve and sign the Emergency Declaration Affidavit and Order.

4. Once the director approves and signs the Emergency Declaration Affidavit and Order, the building official shall post a copy of the executed affidavit and order on the property. A copy of the executed affidavit and order shall remain posted onsite until the demolition is complete.

1202.4 Commencement of Emergency Demolition. The emergency demolition shall commence no later than 96 hours after the building official, fire code official, if applicable, and director have signed the affidavit and order.

1202.4.1 Consent or Warrant. The building official will attempt to obtain the consent of property owner to perform an emergency demolition. A property owner may refuse consent. If consent is refused, the building official must seek an administrative search warrant authorized by Texas Code of Criminal Procedure Chapter 18 *(Search Warrants*) and City Code Section 2-10-1 (*Municipal Court Jurisdiction and Authority*).

1202.4.2 Providing and Posting Copy of Warrant. If the building official obtains an administrative search warrant pursuant to 1202.4.1, the building official shall provide a copy of the warrant to the property owner and post a copy of the warrant on the property. A copy of the warrant shall remain posted onsite until the demolition is complete.

SECTION 1203 POST-DEMOLITION

1203.1 Filing Copy of Affidavit and Order. Following the completion of the demolition, the building official shall file a copy of the executed Emergency Declaration Affidavit and Order in the real property records of the county where the property is located.

1203.2 Copy of Affidavit and Order to Owner. Following the completion of the demolition, the building official shall mail a copy of the executed Emergency Declaration Affidavit and Order to the property owner, any lienholders, and any mortgagees using certified mail, return receipt requested.

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1203.3 Cost Recovery. The City will not seek to recover its expenses incurred by performing an emergency demolition for purposes of protecting and preserving life and safety.

PART 3. City Council waives the requirements in City Code Section 25-1-501 (*Initiation of an Amendment*) regarding initiating an amendment to City Code Title 25 (*Land Development*) amendments.

PART 4. City Council waives the requirements in City Code Section 25-1-502 (*Amendment; Review*) for commission review of an amendment to City Code Title 25 (*Land Development*).

PART 5. This ordinance takes effect on January 4, 2026.

PASSED AND APPROVED

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_____, 2026 § _____
Kirk Watson
Mayor

APPROVED: _____ **ATTEST:** _____
Deborah Thomas
City Attorney

Erika Brady
City Clerk

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