

ORDINANCE NO. 147-09

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING CHAPTER 2 "ADMINISTRATION"; ARTICLE VII. "BUILDING AND STANDARDS COMMISSION, SECTION 2-104. 'FUNCTIONS.' OF THE CODE OF ORDINANCES OF THE CITY OF TEXARKANA, TEXAS IN ITS ENTIRETY; PROVIDING FOR A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, currently Chapter 2 "ADMINISTRATION" Article VII. "BUILDING AND STANDARDS COMMISSION, Section 2-104. 'Functions.' of the Code of Ordinances of the City of Texarkana, Texas, has been reviewed by City Staff and they have recommended the adoption of revisions corresponding with current State law and regulations; and

WHEREAS, the City Council of the City of Texarkana, Texas recommends the proposed amendment to the Code of Ordinances for the health and safety of its citizens;

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS:

SECTION 1: That Chapter 2 "ADMINISTRATION" Article VII. "BUILDING AND STANDARDS COMMISSION, Section 2-104. 'Functions.' of the Code of Ordinances of the City of Texarkana, Texas, be and is hereby amended in its entirety to read as shown in Exhibit "A", attached hereto and incorporated herein.

SECTION 2: That in case a section, clause, sentence or part of this Ordinance shall be deemed or adjudged by a Court of competent jurisdiction to be invalid, then such invalidity shall not affect, impair or invalidate the remainder of this Ordinance.

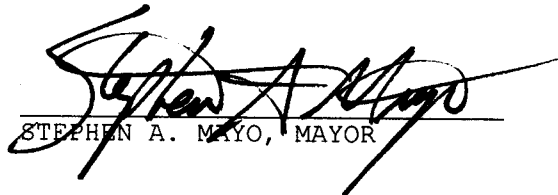
SECTION 3: That all ordinances or parts of ordinances in conflict herewith are specifically repealed to the extent of such conflict.

SECTION 4: That this Ordinance shall be in full force and effect after its passage and approval.

PASSED AND APPROVED in Regular Council Session on this the 26<sup>th</sup> day of October, 2009.

ATTEST:

  
KERRY MEREDITH, CITY SECRETARY

  
STEPHEN A. MAYO, MAYOR

## **ARTICLE VII. "BUILDING AND STANDARDS COMMISSION"**

### **SECTION 2-104. Authorized Actions of the Commission**

Following due process, required notice, and a public hearing, the Commission may undertake any of the following actions, or a combination of such actions:

- (1) Declare a building or structure unsafe or substandard in accordance with the standards set out in this article.
- (2) Order the repair of a building within a fixed period, not to exceed 30 calendar days.
- (3) Order the demolition or removal of buildings or structures found to be in violation of this article.
- (4) Order property to be appropriately maintained and cleared of all refuse, vegetation, or other matter that creates breeding and living places for insects and rodents.
- (5) Order, in an appropriate case, the immediate vacation of persons or the immediate removal of property found on private property, enter on private property to secure the vacation or removal if it is determined that conditions exist on the property that constitute a violation of a City Ordinance.
- (6) Issue orders or directives to any peace officer of the state, including a sheriff or constable or the chief of police of the City, to enforce and carry out the lawful orders or directives of the Commission.
- (7) The Commission shall determine the amount of the civil penalty to be assessed per day, not to exceed \$1,000 per day for each day that the building, structure, or property is in violation of a City Ordinance or \$5,000 per day for violations related to point source effluent limitations or the discharge of a pollutant.