



**CITY OF HUTTO, TEXAS
BUILDING AND STANDARDS COMMISSION
REGULAR MEETING
OCTOBER 17, 2018 AT 7:00 PM
CITY HALL "A" CONFERENCE ROOM
401 W. FRONT STREET**

BUILDING AND STANDARDS COMMISSION

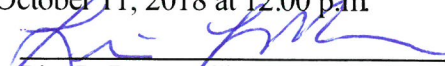
Hope Brown, Chair
Troy McMillin, Vice Chair
Tom Brown
Olinda Ramirez
Rick Hudson

AGENDA

1. **CALL THE MEETING TO ORDER-7:00 PM**
2. **ROLL CALL**
3. **PUBLIC COMMENT**
 - 3A. Remarks from visitors. *(Three minute time limit)*
4. **AGENDA ITEMS**
 - 4A. Consideration of a public hearing to inquire into the circumstances of and possible action to determine the property owner's intent and assess, increase or decrease civil penalties or order other abatement methods including, without limitation, demolition of structures that have been deemed unsafe by the City's Building Official. The properties to be discussed are as follows:
 1. 101 S FM 1660, Hutto, TX 78634
 2. 205 E Austin Street, Hutto, TX 78634
 3. 208 S Brushy Street, Hutto, TX, 78634
 4. 209 S Brushy Street, Hutto, TX, 78634
5. **ADJOURNMENT**

CERTIFICATION

I certify that this notice of the October 17, 2018 Building and Standards Commission meeting was posted on the City Hall bulletin board of the City of Hutto on October 11, 2018 at 12:00 p.m.



Lisa L. Brown, City Secretary

The City of Hutto is committed to comply with the American with Disabilities Act. The Hutto City Conference Room is wheelchair accessible. Request for reasonable special communications or accommodations must be made 48 hours prior to the meeting. Please contact the City Secretary at (512)759-4033 or lisa.brown@huttotx.gov for assistance.

The City of Hutto is committed to comply with the American with Disabilities Act. The Hutto City Conference Room is wheelchair accessible. Request for reasonable special communications or accommodations must be made 48 hours prior to the meeting. Please contact the City Secretary at (512)759-4033 or lisa.brown@huttotx.gov for assistance.

**CITY OF HUTTO
BUILDING AND STANDARDS COMMISSION AGENDA**

AGENDA ITEM NO.:

AGENDA DATE: October 17, 2018

PRESENTED BY:

ITEM:

Consideration of a public hearing to inquire into the circumstances of and possible action to determine the property owner's intent and assess, increase or decrease civil penalties or order other abatement methods including, without limitation, demolition of structures that have been deemed unsafe by the City's Building Official. The properties to be discussed are as follows:

1. 101 S FM 1660, Hutto, TX 78634
2. 205 E Austin Street, Hutto, TX 78634
3. 208 S Brushy Street, Hutto, TX, 78634
4. 209 S Brushy Street, Hutto, TX, 78634

STRATEGIC GUIDE POLICY:

ITEM BACKGROUND:

The City of Hutto defines an unsafe building as:

Unsafe building. Any structure or building located within the incorporated limits of the city which has any of the following defects shall be deemed a substandard or unsafe building or structure and constitute a hazard to health, safety and welfare of the citizens:

- (1) In such a state or condition of repair or disrepair that all or any of the following conditions exist:
- (A) Walls or other vertical structural members list, lean, or buckle;
 - (B) Damage or deterioration exists to the extent that the building is unsafe;
 - (C) Loads on floors or roofs are improperly distributed or the floors or roofs are of insufficient strength to be reasonably safe for the purposes used;
 - (D) Damage by fire, wind, or other cause has rendered the building or structure dangerous to life, safety, morals, or the general health and welfare of the occupants or the people of the city;
 - (E) The building or structure is so dilapidated, substandard, decayed, unsafe, unsanitary or otherwise lacking in the amenities essential to decent living or use that the same is unfit for human habitation or occupancy, or is likely to cause sickness, disease or injury or otherwise to constitute a

detriment to the health, morals, safety or general welfare of those persons assembled, working or living therein or is a hazard to the public health, safety and welfare.

(F) Light, air, and sanitation facilities are inadequate to protect the health, morals, safety or general welfare of persons who assemble, work or live therein;

(G) Stairways, fire escapes, and other facilities of egress in case of fire or panic are inadequate;

(H) Part or appendages of the building or structure are so attached that they are likely to fall and injure persons or property; or

(I) The building or structure does not meet the minimum housing standards as set forth herein.

(2) Dilapidated, substandard, or unfit for human habitation and a hazard to the public health, safety and welfare of the city's residents;

(3) Regardless of its structural condition, the building is unoccupied by its owners, lessees, or other invitees and is unsecured from unauthorized entry to the extent that it could be entered or used by vagrants or other uninvited persons as a place of harborage or could be entered or used by children; or

(4) Boarded up, fenced or otherwise secured in any manner if:

(A) The building constitutes a danger to the public even though secured from entry; or

(B) The means used to secure the building are inadequate to prevent unauthorized entry or use of the building to the extent it could be entered or used by vagrants or other uninvited persons as a place of harborage or could be entered or used by children;

(C) Defined as a dangerous or unsafe building by the Standard Unsafe Building Abatement Code, published by the Southern Building Code Congress International, Incorporated.

The four buildings included with this item have been inspected and photographed by Bryan, Surgi, Chief Building Official, and Irasema Dimas, Senior Code Enforcement Office on September 6, 2018. None of the buildings are occupied at this time and property owners consented to entry and inspection. The notices sent to each property owner, photos of each building, and the applicable codes are included as attachments in this packet.

BUDGETARY AND FINANCIAL SUMMARY:

Not applicable.

RELATED ADVISORY BOARD RECOMMENDATIONS:

CITY ATTORNEY REVIEW:

Not applicable.

STAFF RECOMMENDATION:

Staff recommends the Building and Standards Commission review and make a finding on each of the attached buildings.

SUPPORTING MATERIAL:

1. [205 E. Austin Letter](#)
2. [209 S. Brushy St. Letter](#)
3. [208 S. Brushy St Letter](#)
4. [101 FM 1660 S Letter](#)
5. [Manufactured Building Language from UDC](#)
6. [Unsafe Structures Code Language](#)
7. [PHOTOS](#)



City of Hutto

210 US 79 East #103, Hutto, Texas 78634
512-759-4043
Codeenforcement@huttotx.gov

Case Number: **BLD-0007-2018**

**Violation
Notice**

Case Type: **Building**

Date Case Established: **06/21/2018**

Compliance Deadline: **07/25/2018**

Owner: THOMAS RITA ET AL

Mailing Address

THOMAS RITA ET AL
2101 WINDSONG
ROUND ROCK, TX 78664

Notice of Violation for the following location:

Address

Parcel

205 E AUSTIN AVE HUTTO CITY OF, BLOCK N, LOT 2, ACRES .44
HUTTO, TX 78634

R021494

This letter is to inform you that the above referenced property was inspected and shows the following violation(s):



City of Hutto
 210 US 79 East #103, Hutto, Texas 78634
 512-759-4043
 Codeenforcement@huttotx.gov

<h1>Violation Notice</h1>	Case Number: BLD-0007-2018
	Case Type: Building
	Date Case Established: 06/21/2018
Compliance Deadline: 07/25/2018	

Violation: 6.03.002 - Unsafe Building - Any structure or building located within the incorporated limits of the city which has any of the following defects shall be deemed a substandard or unsafe building or structure and constitute a hazard to health, safety and welfare of the citizens:

- a) In such a state or condition of repair or disrepair that all or any of the following conditions exists:
 - 1) Walls or other vertical structural members list, lean, or buckle;
 - 2) Damage or deterioration exists to the extend that the building is unsafe;
 - 3) Loads on floors or roofs are improperly distributed or the floors or roofs are insufficient strength to be reasonably safe for the purposes used;
 - 4) Damage by fire, wind, or other cause has rendered the building or structure dangerous to life, safety, morals, or the general health and welfare of the occupants or the people of the city;
 - 5) The building or structure is so dilapidated, substandard, decayed, unsafe, unsanitary or otherwise lacking in the amenities essential to decent living or use that the same is unfit for human habitation or occupancy, or is likely to cause sickness, disease or injury or otherwise to constitute a detriment to the health, morals, safety or general welfare of those persons assembled, working or living therein or is a hazard to the public health, safety and welfare.
 - 6) Light, air and sanitation facilities are inadequate to protect the health, morals, safety or general welfare of persons who assemble, work or live therein;
 - 7) Stairways, fire escapes, and other facilities of egress in case of fire or panic are inadequate;
 - 8) Part or appendages of the building or structure are so attached that they are likely to fall and injure persons or property; or
 - 9) The building or structure does not meet the minimum housing standards as set forth herein.
- b) Dilapidated, substandard, or unfit for human habitation and a hazard to the public health, safety and welfare of the city's residents;
- c) Regardless of its structural condition, the building is unoccupied by its owners, lessees, or other invitees and is unsecured from unauthorized entry to the extent that it could be entered or used by vagrants or other uninvited persons as a place of harborage or could be entered or used by children; or
- d) Boarded up, fence or otherwise secured in any manner if:
 - 1) The building constitutes a danger to the public even though secured from entry; or
 - 2) The means used to secure the building are inadequate to prevent unauthorized entry or use of the building to the extent it could be entered or used by vagrants or other uninvited persons as a place of harborage or could be entered or used by children;
 - 3) Defined as a dangerous or unsafe building by the Standard Unsafe Building Abatement Code, published by the Southern Building Code Congress International, Incorporated.

Sec. 6.03.003

- (a) It shall be unlawful for any person to maintain or permit the exiting of any substandard or unsafe building in the city; and it shall be unlawful for any person to permit the same to remain in such condition.
- (b) All substandard or unsafe buildings are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with procedures provided by this article.

Corrective Action: UNSAFE MOBILE NEEDS TO BE REMOVED FROM PROPERTY

Compliance Date: 07/25/2018

This letter serves as notice for you to abate the violation. Any delay in maintaining the property may result in a formal complaint being filed against you in the Municipal Court of Hutto, Texas. You may be required to appear in the Municipal Court to respond to these charges. This notification in no way releases you from the requirement to comply with all City codes and/or ordinances. Each day that the property remains in violation constitutes as a separate offense. Section 6.03.008 requires that the City issue one written notice annually.

If the violation has been corrected prior to receipt of the notice, I would like to thank you for your assistance in this matter. However if you believe you have received this notice in error and your property is not in violation, you have the right to an appeal per Chapter 3, section 315.002 of the City Ordinance. Please contact me at your earliest convenience if you have any questions or concerns.

Sincerely,

Irasema Dimas



City of Hutto

210 US 79 East #103, Hutto, Texas 78634
512-759-4043
Codeenforcement@huttotx.gov

Violation Notice	Case Number: BLD-0014-2018
	Case Type: Building
	Date Case Established: 08/23/2018
Compliance Deadline: 09/23/2018	

Owner: ARMANDO ALVAREZ

Mailing Address

ARMANDO ALVAREZ
900 BROKEN FEATHER TRL 372
PFLUGERVILLE, TX 78660

Notice of Violation for the following location:

Address

Parcel

209 S BRUSHY ST S3146 - Barrington Addition, BLOCK O, Lot 1, PT 3, ACRES 0.339 HUTTO, 78634	R021487
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This letter is to inform you that the above referenced property was inspected and shows the following violation(s):



City of Hutto
 210 US 79 East #103, Hutto, Texas 78634
 512-759-4043
 Codeenforcement@huttotx.gov

<h1>Violation Notice</h1>	Case Number: BLD-0014-2018
	Case Type: Building
	Date Case Established: 08/23/2018
Compliance Deadline: 09/23/2018	

Violation: 6.03.002 - Unsafe Building - Any structure or building located within the incorporated limits of the city which has any of the following defects shall be deemed a substandard or unsafe building or structure and constitute a hazard to health, safety and welfare of the citizens:

- a) In such a state or condition of repair or disrepair that all or any of the following conditions exists:
 - 1) Walls or other vertical structural members list, lean, or buckle;
 - 2) Damage or deterioration exists to the extend that the building is unsafe;
 - 3) Loads on floors or roofs are improperly distributed or the floors or roofs are insufficient strength to be reasonably safe for the purposes used;
 - 4) Damage by fire, wind, or other cause has rendered the building or structure dangerous to life, safety, morals, or the general health and welfare of the occupants or the people of the city;
 - 5) The building or structure is so dilapidated, substandard, decayed, unsafe, unsanitary or otherwise lacking in the amenities essential to decent living or use that the same is unfit for human habitation or occupancy, or is likely to cause sickness, disease or injury or otherwise to constitute a detriment to the health, morals, safety or general welfare of those persons assembled, working or living therein or is a hazard to the public health, safety and welfare.
 - 6) Light, air and sanitation facilities are inadequate to protect the health, morals, safety or general welfare of persons who assemble, work or live therein;
 - 7) Stairways, fire escapes, and other facilities of egress in case of fire or panic are inadequate;
 - 8) Part or appendages of the building or structure are so attached that they are likely to fall and injure persons or property; or
 - 9) The building or structure does not meet the minimum housing standards as set forth herein.
 - b) Dilapidated, substandard, or unfit for human habitation and a hazard to the public health, safety and welfare of the city's residents;
 - c) Regardless of its structural condition, the building is unoccupied by its owners, lessees, or other invitees and is unsecured from unauthorized entry to the extent that it could be entered or used by vagrants or other uninvited persons as a place of harborage or could be entered or used by children; or
 - d) Boarded up, fence or otherwise secured in any manner if:
 - 1) The building constitutes a danger to the public even though secured from entry; or
 - 2) The means used to secure the building are inadequate to prevent unauthorized entry or use of the building to the extent it could be entered or used by vagrants or other uninvited persons as a place of harborage or could be entered or used by children;
 - 3) Defined as a dangerous or unsafe building by the Standard Unsafe Building Abatement Code, published by the Southern Building Code Congress International, Incorporated.
- Sec. 6.03.003
- (a) It shall be unlawful for any person to maintain or permit the exiting of any substandard or unsafe building in the city; and it shall be unlawful for any person to permit the same to remain in such condition.
 - (b) All substandard or unsafe buildings are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with procedures provided by this article.

Corrective Action: UNSAFE BUILDING

Compliance Date: 09/23/2018

This letter serves as notice for you to abate the violation. Any delay in maintaining the property may result in a formal complaint being filed against you in the Municipal Court of Hutto, Texas. You may be required to appear in the Municipal Court to respond to these charges. This notification in no way releases you from the requirement to comply with all City codes and/or ordinances. Each day that the property remains in violation constitutes as a separate offense. Section 6.03.008 requires that the City issue one written notice annually.

If the violation has been corrected prior to receipt of the notice, I would like to thank you for your assistance in this matter. However if you believe you have received this notice in error and your property is not in violation, you have the right to an appeal per Chapter 3, section 315.002 of the City Ordinance. Please contact me at your earliest convenience if you have any questions or concerns.

Sincerely,

Irasema Dimas



City of Hutto

210 US 79 East #103, Hutto, Texas 78634
512-759-4043
Codeenforcement@huttotx.gov

Case Number: BLD-0008-2018	
Violation Notice	Case Type: Building
	Date Case Established: 06/26/2018
	Compliance Deadline: 07/26/2018

Owner: Thomas Rita

Mailing Address

Thomas Rita
2101 WINDSONG
ROUND ROCK, TX 78664

Notice of Violation for the following location:

Address

Parcel

208 S BRUSHY ST S3742 - Harris Addition, BLOCK 1, Lot 7-8, ACRES
0.48, [MH R021509]
HUTTO, 78634

R021508

This letter is to inform you that the above referenced property was inspected and shows the following violation(s):



City of Hutto
 210 US 79 East #103, Hutto, Texas 78634
 512-759-4043
 Codeenforcement@huttotx.gov

<h1>Violation Notice</h1>	Case Number: BLD-0008-2018
	Case Type: Building
	Date Case Established: 06/26/2018
Compliance Deadline: 07/26/2018	

Violation: 6.03.002 - Unsafe Building - Any structure or building located within the incorporated limits of the city which has any of the following defects shall be deemed a substandard or unsafe building or structure and constitute a hazard to health, safety and welfare of the citizens:

- a) In such a state or condition of repair or disrepair that all or any of the following conditions exists:
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 - 4) Damage by fire, wind, or other cause has rendered the building or structure dangerous to life, safety, morals, or the general health and welfare of the occupants or the people of the city;
 - 5) The building or structure is so dilapidated, substandard, decayed, unsafe, unsanitary or otherwise lacking in the amenities essential to decent living or use that the same is unfit for human habitation or occupancy, or is likely to cause sickness, disease or injury or otherwise to constitute a detriment to the health, morals, safety or general welfare of those persons assembled, working or living therein or is a hazard to the public health, safety and welfare.
 - 6) Light, air and sanitation facilities are inadequate to protect the health, morals, safety or general welfare of persons who assemble, work or live therein;
 - 7) Stairways, fire escapes, and other facilities of egress in case of fire or panic are inadequate;
 - 8) Part or appendages of the building or structure are so attached that they are likely to fall and injure persons or property; or
 - 9) The building or structure does not meet the minimum housing standards as set forth herein.
 - b) Dilapidated, substandard, or unfit for human habitation and a hazard to the public health, safety and welfare of the city's residents;
 - c) Regardless of its structural condition, the building is unoccupied by its owners, lessees, or other invitees and is unsecured from unauthorized entry to the extent that it could be entered or used by vagrants or other uninvited persons as a place of harborage or could be entered or used by children; or
 - d) Boarded up, fence or otherwise secured in any manner if:
 - 1) The building constitutes a danger to the public even though secured from entry; or
 - 2) The means used to secure the building are inadequate to prevent unauthorized entry or use of the building to the extent it could be entered or used by vagrants or other uninvited persons as a place of harborage or could be entered or used by children;
 - 3) Defined as a dangerous or unsafe building by the Standard Unsafe Building Abatement Code, published by the Southern Building Code Congress International, Incorporated.
- Sec. 6.03.003
- (a) It shall be unlawful for any person to maintain or permit the exiting of any substandard or unsafe building in the city; and it shall be unlawful for any person to permit the same to remain in such condition.
 - (b) All substandard or unsafe buildings are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with procedures provided by this article.

Corrective Action: ABANDONED MOBILE HOME

Compliance Date: 07/26/2018

This letter serves as notice for you to abate the violation. Any delay in maintaining the property may result in a formal complaint being filed against you in the Municipal Court of Hutto, Texas. You may be required to appear in the Municipal Court to respond to these charges. This notification in no way releases you from the requirement to comply with all City codes and/or ordinances. Each day that the property remains in violation constitutes as a separate offense. Section 6.03.008 requires that the City issue one written notice annually.

If the violation has been corrected prior to receipt of the notice, I would like to thank you for your assistance in this matter. However if you believe you have received this notice in error and your property is not in violation, you have the right to an appeal per Chapter 3, section 315.002 of the City Ordinance. Please contact me at your earliest convenience if you have any questions or concerns.

Sincerely,

Irasema Dimas



City of Hutto
210 US 79 East #103, Hutto, Texas 78634
512-759-4043
Codeenforcement@huttotx.gov

Violation Notice	Case Number: BLD-0012-2018
	Case Type: Building
	Date Case Established: 08/15/2018
Compliance Deadline: 09/17/2018	

Owner: 133 W FRONT LLC

Mailing Address

133 W FRONT LLC
5902 MOUNTAIN VILLA DR
AUSTIN, TX 78731

Notice of Violation for the following location:

Address

Parcel

101 S FM 1660 S4086 - Megee 1st Addition, BLOCK 7 E&CTR/PT,
ACRES 1.72, (DEL19 TO S11703)
HUTTO, 78634

R021555

This letter is to inform you that the above referenced property was inspected and shows the following violation(s):



City of Hutto
 210 US 79 East #103, Hutto, Texas 78634
 512-759-4043
 Codeenforcement@huttotx.gov

<h1>Violation Notice</h1>	Case Number: BLD-0012-2018
	Case Type: Building
	Date Case Established: 08/15/2018
Compliance Deadline: 09/17/2018	

Violation: 6.03.002 - Unsafe Building - Any structure or building located within the incorporated limits of the city which has any of the following defects shall be deemed a substandard or unsafe building or structure and constitute a hazard to health, safety and welfare of the citizens:

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 - 7) Stairways, fire escapes, and other facilities of egress in case of fire or panic are inadequate;
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 - 9) The building or structure does not meet the minimum housing standards as set forth herein.
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 - d) Boarded up, fence or otherwise secured in any manner if:
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- (a) It shall be unlawful for any person to maintain or permit the exiting of any substandard or unsafe building in the city; and it shall be unlawful for any person to permit the same to remain in such condition.
 - (b) All substandard or unsafe buildings are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with procedures provided by this article.

Corrective Action: UNSAFE BUILDING

Compliance Date: 09/17/2018

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Sincerely,

Irasema Dimas

10.406.5 Manufactured housing design

10.406.5.1 Intent

Manufactured home design that is aesthetically and spatially similar to site built houses will ensure their compatibility with the existing built environment, and meet the city's goals of providing affordable housing

10.406.5.2 Design standards

Manufactured housing must meet the following minimum standards.

- Minimum living area is 600 sq. ft. No outside horizontal dimension must be less than 14 ft., except extensions comprising no more than 50% of the total enclosed floor area.
- Exterior siding material, excluding skirting, must be nonmetallic.
- Houses must be skirted in 90 days of installation. **Skirting must be metal**, masonry, pressure-treated wood, or other non-degradable material that is compatible with the design and exterior materials of the primary structure.
- **Houses must be tied down securely in conformance** to applicable regulations before occupancy.
- Houses must be of adequate quality and safe design, as certified by a label stating the unit is constructed in conformance to the federal Manufactured home Construction and Safety Standards in effect on the date of manufacture, or other applicable standards required by state and federal law. Manufactured houses without certification, but meeting all other standards, may be accepted as safe and quality construction provided:
 - o Electrical material, devices, appliances and equipment are in safe condition.
 - o Mechanical systems including space and water heating are in safe condition.
 - o Plumbing, gas piping, and wastewater systems are in safe condition.
- Houses must be in sound structural condition. Structures that show evidence of fire damage are not acceptable.
- **Manufactured houses must be installed by a party licensed by the State of Texas in conformance to state law, or the frame must be supported by and tied to a foundation system capable of safely supporting loads imposed as determined by the character of the soil. Minimum acceptable foundation design must be a series of 8 in. grout-filled concrete block piers spaced no more than 8 ft. on center, and bearing on 1 ft. x 1 ft. solid concrete footings. A tie-down and anchoring system separate and apart from the foundation must be provided as recommended by the manufacturer, if different from the foundation ties.**
- **Axle and hitch assemblies must be removed on placement on the foundation.**
- Electrical power supply must be from a meter installation on the building, or from a permanently installed meter.
- Garage and carport additions must cover a paved parking area, be connected to the street with a paved driveway, meet setback standards, and have roof and siding material compatible with the primary structure.
- Patio and porch covers are permitted if they cover an improved patio or porch deck, and meet setback standards.
- Living area additions must meet the minimum building setback standards, have roof and siding material that is compatible with the host structure, and meet setback standards.
- **The house must be sited on level ground. All walls and floors must be level.**

Unsafe building. Any structure or building located within the incorporated limits of the city which has any of the following defects shall be deemed a substandard or unsafe building or structure and constitute a hazard to health, safety and welfare of the citizens:

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 - (F) Light, air, and sanitation facilities are inadequate to protect the health, morals, safety or general welfare of persons who assemble, work or live therein;
 - (G) Stairways, fire escapes, and other facilities of egress in case of fire or panic are inadequate;
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 - (I) The building or structure does not meet the minimum housing standards as set forth herein.
- (2) Dilapidated, substandard, or unfit for human habitation and a hazard to the public health, safety and welfare of the city's residents;
- (3) Regardless of its structural condition, the building is unoccupied by its owners, lessees, or other invitees and is unsecured from unauthorized entry to the extent that it could be entered or used by vagrants or other uninvited persons as a place of harborage or could be entered or used by children; or
- (4) Boarded up, fenced or otherwise secured in any manner if:
 - (A) The building constitutes a danger to the public even though secured from entry; or

(B) The means used to secure the building are inadequate to prevent unauthorized entry or use of the building to the extent it could be entered or used by vagrants or other uninvited persons as a place of harborage or could be entered or used by children;

(C) Defined as a dangerous or unsafe building by the Standard Unsafe Building Abatement Code, published by the Southern Building Code Congress International, Incorporated.

  **Sec. 6.03.003 Unsafe buildings declared a nuisance**

(a) It shall be unlawful for any person to maintain or permit the existence of any substandard or unsafe building in the city; and it shall be unlawful for any person to permit the same to remain in such condition.

(b) All substandard or unsafe buildings are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with procedures provided in this article.

(c) The building official, as defined herein, shall enforce the provisions of this article.

  **Sec. 6.03.004 Administrative organization**

(a) Restrictions on employees. An officer or employee connected with the department shall not have a financial interest in the furnishing of labor, material or appliances for the construction, alteration, demolition, repair or maintenance of a building, or in the making of plans or of specifications therefor, unless he is the owner of such building. Such officer or employee shall not engage in any work which is inconsistent with his or her duties or with the interests of the department.

(b) Records. The building official shall keep, or cause to be kept, a record of the business of the department. The records of the department shall be open to public inspection.

  **Sec. 6.03.005 Powers and duties of building official**

The building official shall inspect, or cause to be inspected, every building, or portion thereof, reported to be unsafe. If such building, or any portion thereof, is determined to be unsafe, the building official shall give the responsible parties notice in accordance with the requirements set forth in [sections 6.03.006](#) and [6.03.007](#) of this article. The building official shall further:

(1) Inspect or cause to be inspected, when necessary, any building or structure within the incorporated limits of the city, including public buildings, schools, halls, churches, theaters, hotels, tenements, or apartments, multifamily residences, single-family residences, garages, warehouses, and other commercial and industrial structures of any nature whatsoever for the purpose of determining whether any conditions exist which render such places a “dangerous building” or “substandard or unsafe building” as defined herein. Notwithstanding the foregoing, the building official must obtain a search warrant prior to performing an inspection on private property without the property owner's permission.

(2) Inspect the exterior of any building, wall, or structure about which complaints have been filed by any person to the effect that a building, wall, or structure is or may be existing in violation of this

article. Notwithstanding the foregoing, the building official must obtain a search warrant prior to performing an inspection on private property without the property owner's permission.

(3) Report to the building and standards commission any noncompliance with the minimum standards set forth in this article. The city building official shall obtain from the building and standards commission a hearing date for a public hearing in front of the building and standards commission on any structure believed to be a dangerous building or substandard or unsafe building and shall provide the building and standards commission with copies of the written notice to persons with interests in the property as provided for in [section 6.03.006](#) hereof.

(4) Appear at all hearings conducted by the building and standards commission and testify as to the condition of dangerous buildings, substandard or unsafe buildings within the city.

(5) Place a notice on all dangerous buildings reading as follows: "This building has been found to be a dangerous building by the City of Hutto Building Official. This notice is to remain on this building until it is repaired, vacated, or demolished in accordance with the notice which has been given to the owner(s), occupant(s) and person(s) with interests in the property as shown by the records of the City Secretary and the Tax Appraisal District. It is unlawful to remove this notice until such notice is complied with as determined by the Building Official."

(6) Perform the other requirements with respect to notification of public hearings as are set forth more specifically in this article.

(7) Liability. Any officer or employee or member of the building and standards commission or city council charged with the enforcement of this article, acting for the applicable governing body in the discharge of duties, shall not thereby render himself or herself liable personally, and he/she is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of duties. Any suit brought against any officer or employee because of such act performed in the enforcement of any provision of this article shall be defended by the legal department of the applicable governing body until the final termination of the proceedings.

  **Sec. 6.03.006 Notice to repair required**

(a) Should the building official determine that any building or structure within the incorporated limits of the city is a dangerous building or unsafe building he/she shall cause written notification to be sent, by certified mail, to the owner and all other persons having an interest in the building after a diligent effort to discover each owner, mortgagee, and lienholder. Such notice shall contain:

- (1) A description of the building or structure deemed unsafe and its location.
- (2) A statement of the particulars which make the building or structure a dangerous building.
- (3) Notice of the date and time of a public hearing before the building and standards commission to determine whether the building complies with the standards set out in this article.
- (4) A statement that the owner, lienholder, mortgagee, or persons with a legal interest in the building will be required to submit at the hearing period proof of the scope of any work that may be required to comply with this article and the amount of time it will take to reasonably perform the work.

Such notice shall be served upon the responsible parties as set out in this article.

(b) The requirements to make a diligent effort, to use its best efforts, or to make a reasonable effort to determine the identity and the address of an owner, a lienholder, or a mortgagee, are satisfied if the municipality searches the following records:

- (1) County real property records of the county in which the building is located;
- (2) Appraisal district records of the appraisal district in which the building is located;
- (3) Records of the secretary of state;
- (4) Assumed name records of the county in which the building is located;
- (5) Tax records of the city; and
- (6) Utility records of the city.

  **Sec. 6.03.007 Sufficiency of notice**

A notice to repair and a notice of a public hearing pursuant to this article shall be deemed properly served upon the responsible parties if a copy thereof is:

- (1) Served upon him/her personally;
- (2) Sent by registered/certified mail, return receipt requested, to the last known address of such persons as shown on the records of the city;
- (3) Published at least twice within a 10-day period in a newspaper of general circulation, in the county in which the building is located if personal service cannot be obtained and the owner's post office address is unknown; or
- (4) Posted on or near the front door of the building if personal service cannot be obtained and the owner's post office address is unknown.

  **Sec. 6.03.008 Duties of the building and standards commission**

The building and standards commission shall:

- (1) Schedule and hold a hearing and hear testimony from the building official, the owner and other persons having an interest in the dangerous building, and any person desiring to present factual evidence relevant to the unsafe building. Such testimony shall relate to the determination of the question of whether the building or structure in question is a dangerous building and the scope of any work that may be required to comply with this article and the amount of time it will take to reasonably perform the work. The owner or a person having an interest in the dangerous building shall have the burden of proof to demonstrate the scope of any work that may be required to comply with this article and the time it will take to reasonably perform the work.

(2) Upon conclusion of the hearing, the building and standards commission shall determine whether the building or structure in question is a dangerous building. Upon a determination that the building or structure in question constitutes a dangerous building, the building and standards commission shall issue an order:

- (A) Containing an identification of the building and the property on which it is located;
- (B) Making written findings of the violations of the minimum standards that are present at the building;
- (C) Requiring the owner and persons having an interest in the building to repair, vacate, or demolish the building within thirty (30) days from the issuance of such order, unless the owner or a person with an interest in the building establishes at the hearing that the work cannot reasonably be performed within thirty (30) days, in which instance the building and standards commission shall specify a reasonable time for the completion of the work; and
- (D) Containing a statement that the city will vacate, secure, remove, or demolish the dangerous building and relocate the occupants of the building if the ordered action is not taken within the time specified by the building and standards commission.

(3) If repair or demolition is ordered, the building and standards commission shall send a copy of the order by certified mail to the owner and all persons having an interest in the property, including all identifiable mortgagees and lienholders within a reasonable period of time after the hearing. Within ten (10) days after the date that the order is issued, the city shall:

- (A) File a copy of the order in the office of the municipal secretary; and
- (B) Publish in a newspaper of general circulation in the municipality in which the building is located a notice containing:
 - (i) The street address or legal description of the property;
 - (ii) The date of the hearing;
 - (iii) A brief statement indicating the results of the order (may be a copy of the order); and
 - (iv) If not provided in the notice, instructions stating where a complete copy of the order may be obtained.

(4) If the building and standards commission allows the owner or a person with an interest in the dangerous building more than thirty (30) days to repair, remove, or demolish the building, the building and standards commission in its written order shall establish specific time schedules for the commencement and performance of the work and shall require the owner or another person having an interest in the legal title to the property to secure the property in a reasonable manner from the unauthorized entry while the work is being performed. The securing of the property shall be in a manner found to be acceptable by the city building official.

(5) The building and standards commission may not allow the owner or person with an interest in the dangerous building more than ninety (90) days to repair, remove or demolish the building or fully perform all work required to comply with the written order unless the owner or person:

(A) Submits a detailed plan and time schedule for the work at the hearing; and

(B) Establishes at the hearing that the work cannot reasonably be completed within ninety (90) days because of the scope and complexity of the work.

(6) If the building and standards commission allows the owner or person with an interest in the dangerous building more than ninety (90) days to complete any part of the work required to repair, remove, or demolish the building, the building and standards commission shall require the owner or person with an interest in the dangerous building to regularly submit progress reports to the building and standards commission to demonstrate that the owner or person with an interest in the dangerous building has complied with the time schedules established for commencement and performance of the work. The written order may require that the owner or person with an interest in the building appear before the city building official to demonstrate compliance with the time schedules.

(7) In the event the owner or a person with an interest in a dangerous building fails to comply with the order within the time specified therein, the city may cause any occupants of the dangerous building to be relocated, and may cause the dangerous building to be secured, removed, or demolished at the city's expense. The city may assess the expenses on, and impose a lien against, unless it is a homestead as protected by the Texas Constitution, the property on which the dangerous building was located. The lien is extinguished if the property owner or a person having an interest in the building reimburses the city for its expenses. The lien arises and attaches to the property at the time the notice of the lien is recorded and indexed in the office of the county clerk. The notice of lien must contain the name and address of the owner of the dangerous building if that information can be determined by a diligent effort, a legal description of the real property on which the building was located, the amount of expenses incurred by the city, and the balance due. Such lien is a privileged lien subordinate only to tax liens and all previously recorded bona fide mortgage liens attached to real property.

(8) In addition to the authority set forth in subsection (6) above, after the expiration of the time allotted in the order for the repair, removal, or demolition of a dangerous building, the city may repair the building at its expense and assess the expenses on the land on which the building stands or to which it is attached. The repairs contemplated by this section may only be accomplished to the extent necessary to bring the building into compliance with the minimum standards established by this article, and to the extent such repairs do not exceed minimum housing standards. The city shall follow the procedures set forth in subsection (7) above for filing a lien on the property on which the building is located.

205 E. Austin Ave.

Hutto City of, Block N, Lot 2, Acres .44

Owner: Rita Thomas ET AL

Water Acct: Water account has been inactive longer than 2006

Beige with Brown trim mobile home

No skirting

No porch landing

Not Leveled

Insulation is falling from the floor

Flat Tires

Sitting on Blocks

Not tied down securely



208 S. Brushy

Hutto City of, Block N, Lot 2, Acres .44

Owner: Rita Thomas ET AL

Water Acct: 2 different buildings at location so water account is still active

Light Blue with White trim mobile home

No skirting

No porch landing

Not Leveled

Insulation is falling from the floor

Not tied down securely



101 S. FM 1660

Megee 1st Addition, Block 7 (E/PT), Acres .48

Owner: 133 W. Front LLC

Water Acct: Water account has been inactive longer than 2006

2 Aluminum Buildings

Unsecured

Broken wooden studs

Buildings are collapsing

Exposed insulation on both buildings

Broken windows

Roof is caving in



209 S. Brushy St.

S3146-Barrington Addition, Block O, Lot 1, PT 3,
Acres 0.339

Owner: Armando Leon Alvarez

Water Acct: 2006

White House with blue trim

Holes on Roof

Broken windows

House is secured

Walls are collapsing

