

ORDINANCE NO. 2026-1

AN ORDINANCE OF THE TOWN OF BAYVIEW, TEXAS, AMENDING ITS CODE OF ORDINANCES BY PROVIDING FOR THE ESTABLISHMENT OF REGULATIONS AND ADMINISTRATIVE PROCEDURES FOR THE GOVERNANCE AND REMEDIATION OF SUBSTANDARD STRUCTURES, PURSUANT TO CHAPTER 214, SUBCHAPTER A, TEXAS LOCAL GOVERNMENT CODE; PROVIDING FOR DEFINITIONS, NOTICE, HEARINGS, REMEDIES, ASSESSMENT OF COSTS, LIENS, AND APPEALS; REPEALING CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Bayview, Texas, as a Type B General Law municipality in the State of Texas, is empowered by Chapter 51 of the Texas Local Government Code to adopt ordinances which are for the good government, peace, or order of the municipality, and which are necessary or proper for carrying out powers granted by law to the municipality; and

WHEREAS, the Town of Bayview is further authorized by Texas Local Government Code Chapter 214 to adopt ordinances which provide for the administration, management, oversight, repair, securing, and demolition of dilapidated and substandard buildings and structures constituting hazards to the public health, safety, and welfare; and

WHEREAS, the Board of Aldermen of the Town of Bayview finds that the existence of dilapidated and substandard buildings and structures within the Town creates a public nuisance, contributes to the decline of property values, discourages investment, undermines the orderly growth and development of the Town, attracts illegal dumping, promotes vermin infestation, and pose risks of collapse and fire, thereby endangering the public and otherwise negatively impacting the Town; and

WHEREAS, the Board of Aldermen further finds that the prompt identification and remediation of substandard structures is necessary to help prevent such impacts and protect the public health, safety, and welfare; and

WHEREAS, the Board of Aldermen therefore finds that it is necessary and proper to adopt an ordinance, pursuant to Texas Local Government Code Chapter 214, enabling the Town to identify, abate, secure, repair, or demolish buildings and structures located within the Town which are dilapidated, substandard, or unfit for human habitation, and which constitute a danger to the public health, safety, and welfare;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF BAYVIEW, TEXAS, THAT:

Section 1. Findings of Fact.

The foregoing recitals are found to be true and correct legislative and factual findings of the Board of Aldermen and are hereby approved and incorporated in the body of this Ordinance.

Section 2. Amendment to Code of Ordinances.

The Town of Bayview Code of Ordinances is hereby amended as set forth in the attached Exhibit A.

Section 3. Repealer.

This Ordinance shall be cumulative of all provisions of ordinances of the Town except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances, in which event the more stringent, lawful provisions of such ordinances are hereby adopted.

Section 4. Severability.

It is hereby declared to be the intention of the Board of Aldermen that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance, since the same would have been enacted by the Board of Aldermen without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

Section 5. Compliance with Open Meetings Act.

It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Texas Open Meetings Act, Chapter 551, Texas Local Government Code, as amended.

Section 6. Effective Date.

This Ordinance shall be in full force and effect after its final passage and approval by the Board of Aldermen of the Town of Bayview, Texas.

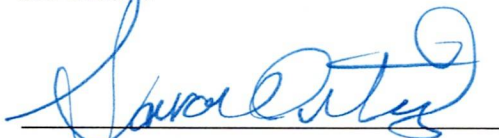
APPROVED, PASSED and ADOPTED by the Board of Aldermen of the Town of Bayview, Texas, on the 15th day of January, 2026.

APPROVED:



Gary E. Paris, Mayor

ATTEST:



Sara Ortiz, Town Secretary

March 19, 2026

Chapter 1 – Remediation of Substandard Structures

Section 1-1. - Definitions. As used in this Chapter, the following terms shall have the meanings given below; terms not described herein shall be construed as in ordinary, common usage:

Alterations means any change, addition, or modification in construction; any change in the structural members of a Building, such as walls or partitions, columns, beams or girders; and may be referred to as "altered" or "reconstructed."

Approved means having the approval of the Building Inspector as the result of an investigation and tests that the Building Inspector conducted or by reason of accepted principles or tests by national authorities, technical, or scientific organizations; or having the approval of the appropriate enforcement official of the Town as being represented by the applicant in compliance with the standards and requirements of this code or ordinance of the Town that applies specifically to the item in question; or other customary approvals reserved to the Town by state law or Town ordinance.

Blighted Area means an area that, because of deteriorating buildings, structures, or other improvements; defective or inadequate streets, street layout, or accessibility; unsanitary conditions; or other hazardous conditions, adversely affects the public health, safety, morals, or welfare of the municipality and its residents, substantially retards the provision of a sound and healthful housing environment, or results in an economic or social liability to the municipality.

Board of Aldermen means the governing body of the Town of Bayview.

Building means any structure, either temporary or permanent, having a roof or other covering, that is designed or used for the shelter or support of any occupancy.

Building and Standards Commission means the Building and Standards Commission of the Town of Bayview, which is tasked with administering, implementing, and enforcing the provisions of this Chapter.

Building Official shall refer to the individual designated to issue permits and inspect Buildings or construction including permits and inspections related to the enforcement of this chapter.

Building Inspector means the Building Official or other individual who is charged with the administration and enforcement of this Chapter, or any duly authorized representative.

Commercial Building means any Building or structure that is used or designed to be used, in whole or in part, for retail or wholesale business, industrial, manufacturing, storage, religious, educational, amusement, entertainment, health, professional, scientific, office, or other business purposes; a type of nonresidential Building.

Commission means the Building and Standards Commission of the Town of Bayview.

Construction means any clearing of land, excavation, or other action that would adversely affect the natural environment of the site. This definition does not include uses in securing survey or geological data such as necessary borings to ascertain subsurface conditions.

Dilapidated means a condition of a Building or structure which, through neglect or damage, renders it lacking necessary repairs or otherwise renders it in a state of decay or partial or total ruin to such an

extent that said Building or structure is a hazard to the health, safety or welfare of its occupants or the general public.

Dwelling means the entirety or any portion of any Building that is not an "apartment house," or "lodging house," and that contains one or more "Dwelling Units" or "guest rooms" that are used, intended, or designed to be built, used, rented, leased, let, or hired out to be occupied, or which are occupied for living purposes.

Dwelling Unit means a single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation.

Erected means built, constructed, altered, reconstructed, poured, laid, moved upon, excavated, site cleared, land filled, or any physical operations on the premises that are required for construction.

Nuisance means any one or more of the following conditions:

- 1) Any condition of real property, Building or other structure that may present a health or safety hazard and fails to meet the minimum standards set forth in the International Codes or other Codes as adopted by the Town and any local amendments made thereto, subject to Section 1-2(2), *infra*.
- 2) A condition of a structure which is imminently dangerous to human life or detrimental to health or property.
- 3) Inadequate or unsanitary sewerage or plumbing facilities, which are detrimental to public health and safety.
- 4) The inability of a Building to obtain or maintain a certificate of occupancy due to its dilapidated status.

Occupant means any person who occupies a Building, structure or property.

Occupy means when an individual with a legal right to habitually live in a Building or structure as a place of abode or for the conduct of commercial business.

Permit means a written document or certification issued by the Building Official permitting the specific construction, alteration, or extension requiring a permit under the provisions of this chapter, the technical codes and regulations stated herein.

Person shall mean and include an individual human, partnership, co-partnership firm, company, limited liability partnership or other partnership or other such company, joint venture, joint stock company, trust, estate, governmental entity, association or corporation or any other legal entity, or their legal representatives, agents or assigns.

Repair means the reconstruction, renovation, or renewal of any part of an existing Building for the purpose of its maintenance. This term shall not apply to any change or construction, alteration, or additions to a Building other than for the purpose of reconstruction, renovation, or renewal.

Responsible parties or responsible party means the owner or occupant, including the person in custody of the Building, property or structure and any mortgagee or lien holder.

Shall is a mandatory term.

Substandard structure means any structure or Building located within the incorporated limits of the Town that fails to comply with the codes and ordinances currently adopted by the Town of Bayview

general requirements for exterior structures, interior structures, or component as defined below and by 1-1(B)(2) of this Chapter, rendering it dangerous, unsafe, or unfit for human habitation or causing it to be in a state of disrepair or dilapidation so as to constitute a blighted area or property.

Town means the Town of Bayview.

Section 1-2. - Substandard Structures.

- 1) The requirements established, currently adopted, and locally amended building codes and ordinances by the Town of Bayview, are hereby declared to the minimum standards for all Buildings located within the corporate limits of the Town, and are incorporated herein by reference, as may be amended, as though restated here in their entirety.
- 2) Buildings or structures legally constructed prior to the adoption of the codes listed under Section 1-2(1) shall not be required to comply retroactively with such codes; nor shall routine maintenance, minor repairs, or ordinary upkeep trigger such compliance. Compliance is required, however, for major repair, alterations, additions, changes in occupancy or use, or conditions that present an imminent hazard to life, health, or safety.
- 3) A Building or structure shall be deemed a Substandard Structure if:
 - a. Said Building or structure fails to comply with any one or more of the requirements established by the adopted Codes or other Codes cited above by Section 1-1(B)(1) and any local amendments made thereto;
 - b. Said Building or structure fails to meet the requirements for and does not currently hold a certificate of occupancy, and is:
 - i. Boarded up; fenced, or otherwise secured in any manner if the Building or structure constitutes a danger to the public even though secured from entry; or
 - ii. Remains a new but incomplete or unfinished construction for which active construction has ceased for a continuous period exceeding 180 days following the expiration of a Building permit issued by the Town, and as evidenced by the absence of demonstrable on-site progress or the failure to advance to the next inspection stage, and such that the structure remains incomplete, or presents a nuisance or unsafe condition detrimental to public health and safety.

Section 1-3. - Public Nuisance declared.

- 1) A Building or structure found to be a Substandard Structure under the terms of this Chapter is hereby declared to be a public Nuisance and is unlawful.
- 2) It shall be the responsibility of the owner(s) or occupants of Substandard Structure to abate public Nuisances associated with said Building by means of repair, rehabilitation, demolition, or removal in accordance with the procedures provided in this chapter.

Section 1-4. - Duties of the Building Inspector.

- 1) The Building Inspector is authorized to inspect, or cause to be inspected, every structure or Building, or portion thereof, reported to be a Substandard Structure. If such Building, or any portion thereof, is determined to be unsafe, the Code Official shall provide the Board of Aldermen with notice and a report regarding structures for which proceedings under this article are recommended. The City Council shall review the report of the Code Official regarding the structure and may authorize the scheduling of a hearing before the Building Standards

Commission. Upon authorization by the Town Board of Aldermen, the Building Inspector shall give the responsible parties notice in accordance with the requirements set forth in this article. If the Building Inspector is denied permission to inspect any Building or portion thereof reported to be unsafe, the Building Inspector may request the Board of Aldermen to employ or seek any legal assistance, including warrants, necessary to secure the ability to inspect for compliance with this chapter. The Building Inspector shall further:

- a. Inspect or cause to be inspected, when necessary, any Building or structure within the incorporated limits of the Town, 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 Substandard Structure as defined herein.
- b. Inspect 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.
- c. Report to the Board of Aldermen any noncompliance with the minimum standards set forth in this article where it will be determined what if any action will be taken. If the Board of Aldermen decide that referral to the Building and Standards Commission is the next step, The Mayor shall obtain from the secretary of the Commission a hearing date at the earliest opportunity possible for a public hearing by the Commission on any Building or structure believed to be a substandard structure and shall provide the Commission with copies of the written notice to persons with interests in the property.
- d. Appear at all hearings conducted by the Commission and testify as to the conditions of substandard structures within the Town.
- e. Place a notice on any substandard structure found to be out of compliance with the general requirements of the Town ordinances or Codes.
- f. Make a diligent effort to identify each owner, mortgagee or lienholder, and their respective addresses, by searching the following: the real property records of the county; the tax appraisal district records; the records of the secretary of state; the assumed name records of the county; the tax records of Cameron County; and utility records of record.
- g. Perform the other requirements with respect to notification of public hearings as are set forth more specifically in this article.

Section 1-5. - Notice to comply.

- 1) Should the Town Board of Aldermen find that any Building or structure within the incorporated limits of the Town is likely to constitute a Substandard Structure, the Building Inspector shall cause written notification to be sent, by certified mail, to each owner, mortgagee, and lienholder identified through a diligent effort to discover such owner, mortgagee, and lienholder. Such notice shall:
 - a. Contain a description of the Substandard Structure and its location;
 - b. Contain a statement of the specific conditions which make the Building or structure a Substandard Structure;

- c. Include 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;
 - d. Include a statement that the owner, lienholder, or mortgagee will be required to submit at the hearing, 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; and
 - e. Be served upon the responsible parties as set out in this article.
- 2) *Sufficiency of notice.* Notwithstanding any other term or provision of this article or the code, notice given pursuant to this article shall be sufficient and deemed properly served upon the responsible parties if a copy thereof is:
- a. Served upon them personally; or
 - b. Sent by registered or certified mail, return receipt requested, to the last known address of such person as shown on the records of the Town and the tax appraisal district; and posted in a conspicuous place in or about the Building affected by the notice.
- 3) *Compliance with notice.* The parties responsible for the Substandard Structure shall have until the date and time of the hearing as described by Section 1-5(1)(d) from the date of service of the notice to bring the Substandard Structure into compliance with the provisions of this Chapter.
- 4) *Further occupancy prohibited.* After a Building is determined to be a Substandard Structure by the Building and Standards Commission, the Building Inspector shall affix a placard on or near the front door of said Building. The placard shall note the date of posting, provide the name and signature of the Town official who determined the Building to be a Substandard Structure, provide an identification, that is not required to be a legal description, of the Building and the property on which it is located, and shall state the following:
- THIS BUILDING HAS BEEN FOUND TO BE A SUBSTANDARD STRUCTURE UNDER THE TERMS OF THE (INSERT NAME OF CODE) CODE. OCCUPANCY OR USE OF THIS BUILDING BY ANY PERSON OR FOR ANY PURPOSE IS HEREBY PROHIBITED UNTIL SUCH TIME AS THE PREMISES HAVE BEEN BROUGHT INTO COMPLIANCE WITH THE APPLICABLE PROVISIONS OF THE (INSERT NAME OF CODE) CODE AND THIS PLACARD REMOVED BY THE BUILDING INSPECTOR. REMOVAL OF THIS PLACARD BY ANY PERSON OTHER THAN THE UNDERSIGNED OFFICIAL OF THE TOWN OR DULY APPOINTED ALTERNATE SHALL BE UNLAWFUL.
- 5) *Refused or unclaimed mail.* All mailed notices shall be deemed sufficient and delivered if returned "refused" or "unclaimed."
- 6) Notices sent pursuant to this article shall be sent to the address of the owner, lienholder, or mortgagee in the Building as determined by a reasonable search of records to include:
- a. County real property records;
 - b. Appraisal district records;
 - c. Records of the Secretary of State, if the property owner or lienholder is a corporation, partnership, or other business association; and
 - d. Assumed name records.

7) *Additional authority to secure Substandard Structure.*

- a. In addition to the powers prescribed by this Chapter, the Town may secure a Substandard Structure the municipality determines violates the standards as set out by this Chapter, provides an imminent threat of harm or danger to the public, and is unoccupied or is occupied only by persons who do not have a right of possession to the Structure.
- b. Before the 11th day after the date the Structure is secured, the municipality shall give notice to the owner by:
 - i. Personally serving the owner with written notice;
 - ii. Depositing the notice in the United States mail addressed to the owner at the owner's post office address;
 - iii. Publishing the notice 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
 - iv. Posting the notice on or near the front door of the Structure if personal service cannot be obtained and the owner's post office address is unknown.
- c. The notice must contain:
 - i. An identification, which is not required to be a legal description, of the Structure and the property on which it is located;
 - ii. A description of the violation of the municipal standards that is present at the Structure;
 - iii. A statement that the municipality will secure or has secured, as the case may be, the Structure; and
 - iv. An explanation of the owner's entitlement to request a hearing about any matter relating to the municipality's securing of the Structure. The explanation must notify the owner that the owner must file with the Town a written request for such hearing within 30 days of the Town securing the Structure.
 - v. A hearing requested pursuant to this section shall be undertaken by the Building and Standards Commission no later than 20 days after the date the request is filed.
- d. The Town has the same authority to assess expenses under this section as it has to assess expenses under Section 1-6. A lien is created under this section in the same manner that a lien is created under Section 1-6 and is subject to the same conditions as a lien created under that section.

Sec. 1-6. – Building and Standards Commission.

- 1) The Building and Standards Commission shall be the body to conduct public hearings and to hear and decide appeals of orders, decisions or determinations made by the Building Inspector or Building official, upon authorization by the Town Board of Aldermen, and relative to the application and interpretation of this article. Appeals of Commission decisions shall be processed in accordance with the provisions established by this article.

- 2) The Building and Standards Commission shall schedule and hold a public hearing and hear testimony from the Building Inspector, and the owner, mortgagee, or lienholder of the Substandard Structure. Such testimony shall relate to the determination of the question of whether the Building or structure in question is a Substandard Structure 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, mortgagee, and/or lienholder 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.
- 3) Upon conclusion of the hearing, the Building and Standards Commission shall determine by majority vote of its Commission membership whether the Building or structure in question is a substandard structure. Upon a determination that the Building or structure in question constitutes substandard and out of conformance with the requirements of this Chapter, 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, mortgagee, or lienholder to repair, vacate, or demolish the Building within 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 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 Town will vacate, secure, repair or demolish the Substandard Structure and relocate the occupants of the structure if the ordered action is not taken within the time specified by the Commission.
- 4) The Building Inspector or Town secretary shall deliver a copy of said order by hand delivery or certified mail to the owner and all persons having an interest in the property, as such persons appear in the official records described herein, including all identifiable mortgagees and lienholders, as soon as is practicable after the hearing, which order shall include an identification and address of the Building and the property on which it is located; a description of the violation(s) of this article that are found to be present at the Building; and a statement that the municipality will vacate, secure, remove, repair, or demolish the Building and cause the occupants of the Building to be removed if the ordered action is not taken within the agreed-upon reasonable time.
- 5) If the Building and Standards Commission allows the owner, mortgagee, or lienholder of the Substandard Structure more than 30 days to repair, remove, or demolish the Building, the Commission in its written order shall establish specific time schedules for the commencement and performance of the work and shall require the owner or person to secure the property in a reasonable manner from unauthorized entry while the work is being performed. The securing of the property shall be in a manner found to be acceptable by the Building Inspector.
- 6) The Building and Standards Commission shall not allow the owner, mortgagee, or lienholder of the Substandard Structure more than 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 90 days because of the scope and complexity of the work.

- 7) If the value of a property subject to a Building and Standards Commission order exceeds \$100,000.00, the Commission, at its election, may require the owner, lienholder, or mortgagee to post a cash or surety bond in an amount adequate to cover the cost of repairing, removing, or demolishing a Building. In lieu of a bond, the Commission may require the owner, lienholder, or mortgagee to provide a letter of credit from a financial institution or a guaranty from a third party approved by the Town. If required by the Commission, the bond must be posted, or the letter of credit or third party guaranty provided not later than the 30th day after the date the Commission issues its order.
- 8) If the Building and Standards Commission allows the owner, mortgagee, or lienholder of the Substandard Structure more than 90 days to complete any part of the work required to repair, remove, or demolish the Building, the Commission shall require them to regularly submit progress reports to the Commission to demonstrate that the owner or person has complied with the time schedules established for commencement and performance of the work. The written order may require that they appear before the Building Inspector to demonstrate compliance with the time schedules.
- 9) *Appeals.* In the event the owner fails to appeal an order issued by the Building and Standards Commission under this article within 30 days of the date said order was personally delivered to them, mailed to them by first class mail with certified return receipt requested, or delivered to them by United States Postal Service using signature confirmation service, the order shall become final and unappealable. In the event an owner fails to comply with the order within the time frame specified therein, following the expiration of 30 days from the date the order was personally delivered to them, mailed to them by first class mail with certified return receipt requested, or delivered to them by United States Postal Service using signature confirmation service, the Town will be authorized to take action to abate the public nuisance and affix a lien against the property.
- 10) After the public hearing, if a Building is found in violation of the minimum requirements of this article, the Building and Standards Commission may order that the occupants be relocated within a reasonable time.
- 11) In addition to the authority granted to the Building and Standards Commission under this chapter, the Town may also pursue any and all other remedies provided by state law including filing suit in the appropriate court of competent jurisdiction to enforce this article.
- 12) If the Building is not vacated, secured, repaired, removed, or demolished, or the occupants are not relocated within the allotted time, the Town may vacate, secure, remove, repair or demolish the Building or cause the occupants to be removed at its own expense after the timeframe for appealing the Commission's order pursuant to subsection (9) has expired.
- 13) If the Town incurs expenses as a result of enforcing the provisions of this article, said expenses may be assessed against the property in the form of a lien unless it is a homestead as protected by the Texas Constitution. The lien is extinguished if the property owner or another person having an interest in the legal title to the property reimburses the Town for the expenses. The lien arises and attaches to the property at the time of the notice of the lien is recorded and indexed in the office of the county clerk. The notice must contain the name and address of the owner if that information can be determined by a reasonable effort, a legal description of the real property on which the Building was located, the amount of expenses incurred by the Town, and the balance due. A lien filed in accordance with the terms of this article is a privileged lien subordinate only to tax liens and all previously recorded bona fide mortgage liens attached to the real property to which the Town's lien attaches.
- 14) *Notice.* 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 ten days after the hearing. Within ten days after the date that the order is issued, the Town shall:

- a. File a copy of the order in the office of the municipal secretary or clerk; 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.
- 15) If repair or demolition is ordered and notice of public hearing was not filed in the official public records of real property of the county, the Town may file and record a copy of the order in such records of the county.
- 16) Secure property. If the Building and Standards Commission allows the owner of the Substandard Structure more than 30 days to repair, remove, or demolish the Building, the Commission in its written order shall establish specific time schedules for the commencement and performance of the work and shall require the owner or person to secure the property in a reasonable manner from unauthorized entry while the work is being performed. The securing of the property shall be in a manner found to be acceptable by the Building Inspector.
- 17) Assessment of expenses and penalties. In addition to the authority granted under Chapter 214 of the Texas Local Government Code and this Chapter, the Town may:
- a. Order the repair of the Building at the Town's expense and assess the expenses on the land on which the Building stands or to which it is attached, or
 - b. Assess a civil penalty in an amount up to \$1,000.00 per day against the responsible party for failure to repair, remove, or demolish the Building.
- 18) The Town, at its election, may use Town resources or contract with appropriate service providers to demolish a Building that is subject to a Building and Standards Commission demolition order. Should the Town choose to retain an outside demolition contractor, the Building Inspector shall invite at least two or more Building contractors to make estimates pertaining to the needed repair, removal or demolition of a Building. The Building Inspector shall cause to be made an assessment of expenses or civil penalty based on such estimates. The Building Inspector shall endeavor to minimize the expenses of any Building repairs, removal or demolitions order pursuant to this subchapter.
- 19) The Town may repair a Building subject to a Building and Standards Commission order only to the extent necessary to bring the Building into compliance with the general requirements of the International Property Maintenance Code and only if the Building is a residential Building with ten or fewer dwelling units. The repairs may not improve the Building to the extent that the Building exceeds minimum standards prescribed by the code.
- 20) The Town's lien to secure the payment of a civil penalty or the costs of repairs, removal, or demolition is inferior to any previously recorded bona fide mortgage lien attached to the real

property to which the Town's lien attaches if the mortgage lien was filed for record in the office of the county clerk before the date the civil penalty is assessed or the repair, removal, or demolition is begun by the Town. The Town's lien is superior to all other previously recorded judgment liens.

- 21) Any civil penalty or other assessment imposed under this section accrues interest at the rate of ten percent (10%) a year from the date of assessment until paid in full.
- 22) A lien acquired under this section by the Town for repair expenses may not be foreclosed if the property on which the repairs were made is occupied as a residential homestead.