

Chapter 17 PROPERTY MAINTENANCE¹

ARTICLE I. IN GENERAL

Sec. 17-2. Definitions.

Appraised value means the value given the structure by the applicable county's tax assessor's office.

Building means any structure of any kind or any part thereof, including a wall, slab, porch, foundation, the collapsed remains of a structure, or any other portion of a building, wall, or fence that was erected for the support, shelter or enclosure of persons, animals, chattel or property of any kind., including manufactured homes, designed, used, or intended to be used for, or to support the human use or occupancy of land.

Building official or their designee means the official charged with the administration and enforcement of this chapter.

Code enforcement officer means an officer employed by the city who engages in code enforcement to prevent detect, investigate, and enforce violations of laws regulating public nuisance, health, safety and welfare as specifically delegated by the city..

Code official means the Building Official of the City of Denton or his/her designee charged with the administration and enforcement of this chapter. Code official does not include code enforcement officer.

Commission means the Health and Building Standards Commission of the City of Denton.

Dangerous structure means one found to be dangerous to the life, limb, health, property, safety, or welfare of the general public or the occupants of the building or structure by not providing the minimum safeguards to protect or warn occupants in the event of fire, or because such building or structure contains unsafe equipment, is in an unsafe or uninhabitable condition, or is so damaged, decayed, dilapidated, structurally unsafe, faultily constructed, or has an unstable foundation such that partial or complete collapse is possible, as defined in section 17-182.

Demolish means to tear down, destroy, dismantle, or otherwise abolish the existence of a building or structure in a lawful manner and to remove all remaining pieces, parts, rubbish, and traces of the building or structure.

Diligent effort means best or reasonable effort to determine the identity and address of an Owner or Notice Party including a search of the following records:

(1) County real property records of the county in which the building or structure is located.

(2) Appraisal district records of the appraisal district in which the building or structure is located.

(3) Records of the secretary of state.

(4) Assumed name records of the county in which the building or structure is located; and

(5) City utility and tax records.

Minimum housing standards means those standards found in the Denton Code of Ordinances Chapter 17, Article XIII, Division 2 Minimum Standards.

Notice Party(ties) means the Owner, lien holder, tenant, mortgage, or other party or entity with an interest in the property being noticed.

Owner means any person or entity shown as the property owner on the latest property tax assessment rolls or any person having any legal or equitable interest in the property, including any agent who is responsible for managing, leasing or operating the property and including any tenant.

Securing means measures that assist in making the property inaccessible to unauthorized persons, including but not limited to the repairing of fences and walls, erecting fences or walls, chaining/pad locking of gates, the repair of door, window, or other openings.

Structure means that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built or composed of parts joined together in some definite manner, or any part thereof, including a wall, slab, portion, foundation, or the collapsed remains of a structure.

Vacant means a property which is lacking habitual presence of human beings who have a legal right to be on the property, or at which substantially all lawful business operations or residential occupancy has ceased.

Sec. 17-3. Enforcement.

- (a) Code Enforcement Officers of the City of Denton are hereby authorized and directed to enforce any violations of the Code of Ordinances as directed by the city manager. including, but not limited to the following provisions in this chapter: Sections 17-21, 17-34, 17-35, 17-37, 17-40, 17-41, 17-42, 17-50, 17-60, 17-61, 17-62, 17-70, 17-80, 17-90, 17-100, 17-101, 17-112, 17-121, 17-122, 17-124, 17-144, and chapter 17, article XIII, divisions 2 and 3, and chapter 24, articles I and II, and sections 18-197 and 18-198. Code enforcement officers shall also have the authority to interpret these provisions and apply such interpretations to these provisions in the interest of public safety, health, and general welfare. Code enforcement officers shall not have the authority to waive structural, fire or sound engineering requirements relative to public safety. Code enforcement officers shall not have the authority to inspect properties for compliance with Denton Development Code rules and regulations or chapter 28 of the Code of Ordinances for the City of Denton.
- (b) Code enforcement officers shall make, or cause to be made all of the inspections required to enforce the provisions in section 17-3(a) of the Code of Ordinances, as directed by the city manager pursuant to Chapter 19, Article IV, Inspections and Abatement Warrants. Whenever necessary to make an inspection to enforce any of these provisions or whenever the code enforcement officer has reasonable cause to believe that there exists in any structure or upon any premises any condition or violation which makes such structure or premises unsafe by virtue of violations of these provisions, the code enforcement officer, as authorized by law, may enter such structure or premises at all reasonable times to inspect the same or to perform any duty imposed upon the code enforcement officer under this section. If such structure or premises is occupied, he/she shall first present proper credentials and request entry, and if such structure is unoccupied, he/she shall first make a reasonable effort to locate the owner or other persons having care or control of the structure or premises and request entry. If such entry is refused or if the code enforcement officer is otherwise unable to obtain the owner's consent to enter, the code enforcement officer shall have recourse to every remedy provided by law to secure entry.
- (c) Any person violating any provision of Articles I through XII of the Denton Property Maintenance Code shall, upon conviction, be fined a sum not to exceed five hundred dollars (\$500.00). If any person has been convicted or received a deferred adjudication for two (2) or more violations of this chapter and at least two (2) of the violations have different offense dates and occurred on the same property, the person shall be considered a chronic offender upon the third conviction on the same property within twenty-four (24)

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months of the first violation. Any person violating any provision of Articles I through XII of the Denton Property Maintenance Code as a chronic offender shall, upon conviction, be fined a sum not less than three hundred dollars (\$300.00) and not to exceed five hundred dollars (\$500.00).

Any person violating any provision of Article XIII of the Denton Property Maintenance Code shall, upon conviction, be fined a sum not to exceed two thousand dollars (\$2,000.00). If any person has been convicted or received a deferred adjudication for two (2) or more violations of this chapter and at least two (2) of the violations have different offense dates and occurred on the same property, the person shall be considered a chronic offender upon the third conviction on the same property within twenty-four (24) months of the first violation. Any person violating any provision of Article XIII of the Denton Property Maintenance Code as a chronic offender shall, upon conviction, be fined a sum not less than five hundred dollars (\$500.00) and not to exceed two thousand dollars (\$2,000.00).

Civil fines for health and safety violations of this chapter shall not exceed the maximum penalty generally authorized by V.T.C.A. Local Government Code § 54.017, as amended, or specifically authorized by any other statutory provision that may apply to such violations, whichever is greater. This chapter is cumulative of all other civil remedies provided by state law, including: money damages; injunction and other extraordinary relief; recovery of costs, expenses, and attorney fees; and such other remedies and mechanisms of enforcement that may be available or applicable to violations of the provisions herein.

ARTICLE II. NOISE AND ODORS

Sec. 17-21. Odors.

- (a) ~~It shall be unlawful for any person to create or cause any unreasonably noxious, unpleasant or strong odor which causes material distress, discomfort or injury to persons of ordinary sensibilities in the immediate vicinity thereof.~~
- (b) ~~It shall be unlawful for any person to create or cause any odor, stench or smell of such character, strength or continued duration as to substantially interfere with the comfortable enjoyment of private homes by persons of ordinary sensibilities.~~
- (c) ~~The following acts or conditions, among others, are declared to be odor nuisances in violation of this chapter, but such enumeration shall not be deemed to be exclusive:~~
 - (1) ~~Offensive odors from cow lots, hog pens, fowl coops and other similar places where animals are kept or fed which disturb the comfort and repose of persons of ordinary sensibilities;~~
 - (2) ~~Offensive odors from privies and other similar places;~~
 - (3) ~~Offensive odors from the use or possession of chemicals or from industrial processes or activities which disturb the comfort and repose of persons of ordinary sensibilities;~~
 - (4) ~~Offensive odors from smoke from the burning of trash, rubbish, rubber, chemicals or other things or substances; or~~
 - (5) ~~Offensive odors from stagnant pools allowed to remain on any premises or from rotting garbage, refuse, offal or dead animals on any premises.~~

~~(Ord. No. 2010-132, § 1, 5-11-10)~~

Secs. 17-2~~12~~—17-29. Reserved.

ARTICLE IV. GRASS, WEEDS AND OTHER VEGETATION

Sec. 17-40. Grass or weeds in excess of twelve (12) inches in height declared a nuisance and prohibited.

~~(k) Discarding of yard waste into the public street or right of way is prohibited.~~

ARTICLE VIII. FENCES

Sec. 17-80. Maintenance of perimeter fences.

~~(c) Perimeter fences shall not lean at an angle from the vertical plane any greater than five (5) degrees.~~

~~(cd)~~ Perimeter fence repairs shall be made using the same material, or a very similar material with comparable composition, color, size, shape, and quality of the original fence to which the repair is being made.

~~(de)~~ If fifty (50) percent or more of the length of one (1) side of a perimeter fence that is made of nonpermitted material(s) is broken, damaged, removed, or missing parts, the entire length of said side of the fence shall be replaced in accordance with the requirements of the Denton Development Code.

However, it is a defense to prosecution if the perimeter fence to be replaced is barbed wire, razor wire, or electrified wire, if the fence is associated with a legally permitted agricultural or industrial use.

However, it is a defense to prosecution if the perimeter fence to be replaced is of chain link construction.

~~(ef)~~ All areas between the fence or wall and the back of the curb, the edge of the street, or any adjacent property shall be maintained in a manner that is clear of trash and debris and high grass and weeds at all times.

~~(fg)~~ It is a defense to prosecution under subsection (a), if an owner completely removes a fence which was in disrepair, provided that the owner is not required to keep a fence pursuant to any other law or regulation.

~~(gh)~~ All nonperimeter fences that can be viewed from a public right-of-way and whose ownership has been clearly determined must comply with the provisions as outlined for perimeter fences in subsections (a) through (g) above.

DIVISION 3. DANGEROUS STRUCTURES

Sec. 17-180. Purpose.

~~This article is adopted so that the city council may promote public health, safety, and general welfare within the city through the proper securing of vacant structures and the regulation of dangerous structures. By requiring the securing of vacant structures and the repair, removal, and/or demolition of dangerous structures, the city council seeks to protect property values and prevent bodily injury, death, and property damage within the city limits.~~

Sec. 17-181. Securing vacant structures.

(a) Owners shall have the responsibility for maintaining all vacant structures, including dwellings units, dwellings, principal buildings, pools or spas, and accessory buildings in a locked or closed condition so that they cannot be entered without an unlawful break-in. If a structure is vacant, the Building Official may, to assure compliance with this section, order an owner to board additional areas of the structure.

(1) If a structure is vacant, boarding of a structure shall be required for all doors and windows on ground level and those doors and windows accessible to grade by stairs or permanently fixed ladders or within ten feet of grade.

(2) The owner of a structure boarded under this section shall be required, upon notification, to provide entry to the structure to the Building Official, for inspection purposes, or at any time when the structure has been unlawfully entered.

(3) The owner of a structure boarded under this section shall notify the Building Official in writing no later than ten days after the sale of the structure or the unboarding of the property.

(b) In all cases where a building or structure constitutes a nuisance to the general public because it is vacant and open to unauthorized entry, the Building Official may notify the Owner to secure the building or structure within 72 hours. In the event the owner fails to secure the building or structure in that time, the Building Official is authorized to secure the building or structure at the expense of the Owner or person in charge of said building or structure, the cost of expense of the work required to secure such building or structure to be charged against the owner of the property as provided by state law.

(c) Alternatives to boarding. The Building Official may determine if a method such as fencing is better suited to properly secure the structure.

Sec. 17-182. Application of standards.

The Commission is authorized to find that a structure is a dangerous structure if:

(1) The building or structure was constructed or maintained in violation of any provision of the city's building codes, fire code or any other applicable ordinance or law of the city, county, state, or federal government.

(2) Any wall or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle one-third of its base.

(3) The foundation or the vertical or horizontal supporting members are so damaged or deteriorated as to create a hazard or safety concern.

(4) The nonsupporting coverings of walls, ceilings, roofs, or floors are so damaged or deteriorated as to create a hazard or safety concern.

(5) The structure has improperly distributed loads upon the structural members, or they have insufficient strength to be reasonably safe for the purpose used.

(6) The structure or any part thereof has been damaged by fire, water, earthquake, wind, tornado, vandalism, or other causes to such an extent that it has become dangerous to the public health, safety and welfare.

(7) A portion of a building or structure remains on a site when construction or demolition work is abandoned.

(8) A door, aisle, passageway, stairway, fire escape or other means of egress is not of sufficient width or size, or is damaged, dilapidated, obstructed or otherwise unusable, or so arranged so as not to provide safe and adequate means of egress in case of emergency or need.

(9) The structure, because of its condition, is unsafe, unsanitary, or dangerous to the health, safety or general welfare of the city's citizens including but not limited to all conditions conducive to the harboring of rats or mice or other disease carrying animals or insects reasonably known to spread disease.

(10) The structure has been found to contain visually apparent mold growth of greater than 100 square feet in the dwelling unit and will require demolition if the remediation of such mold growth would exceed 50 percent of the value of the structure.

(11) Whenever the building or structure has been so damaged by fire, wind, tornado, earthquake, or flood, or has become so dilapidated or deteriorated as to become:

a. An attractive nuisance to children.

b. A harbor for unauthorized occupants, criminals, or trespassers; or as to

c. Enable persons to resort thereto for the purpose of committing unlawful acts.

(12) A portion of the building or member or appurtenance thereof (e.g., porch, chimney, signs) is likely to fall, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.

(13) The building or structure has any portion, member or appurtenance, ornamentation on the exterior thereof which is not of sufficient strength or stability, or is not so anchored, attached or fastened in place to be capable of safely resisting wind pressure, snow, ice, or other loads.

(14) The electrical system, plumbing system, or mechanical system is totally or partially damaged, destroyed, removed, or otherwise made inoperable, unsafe, hazardous, or unsanitary.

(15) The building or structure, because of obsolescence, dilapidated condition, deterioration or damage, is detrimental to the sale, loan or taxable values of surrounding properties or which renders such surrounding properties uninsurable or which constitutes a blighting influence upon the neighborhood or which constitutes an eyesore so as to deprive owners or occupants of neighboring property of the beneficial use and enjoyment of their premises or which presents an appearance which is offensive to persons of ordinary sensibilities.

(16) The building or structure has been determined to be vacant, using the following factors: the percentage of overall square footage of any building on the property or floor to the occupied space, the condition and value of any items in the property and the presence of rental or for sale signs on the property; provided that multi-family residential property containing three or more dwelling units shall be considered vacant when the majority of all of the dwelling units become unoccupied and a majority remain unoccupied. A property shall not be considered vacant which is being currently marketed by a licensed real estate professional hired by the former or current occupant of the property (currently marketed shall mean that the structure is listed on the multiple listing service, the structure is available to prospective buyers for viewing, and a reasonable asking price has been disclosed. The Building Official may use the assessed market value of the property as last determined by the tax assessor to determine if the asking price disclosed by the owner is reasonable), and to which the water service has not been shut off.

Sec. 17-183. Inspections.

An inspection shall be made of any building or structure located within the city which is suspected of being in violation of this article. The city's Building Official is hereby authorized to conduct inspections of buildings or structures suspected of being in violation of this article and take such actions as may be required to enforce the provisions of this article. If the city's Building Official, believe that a structure is dangerous, as described and defined herein below, they shall provide the notice and schedule a hearing before the Commission, as described herein.

Sec. 17-184. Notice of violation.

(a) Whenever the Building Official believes that a structure violates this article, a public hearing by the Commission shall be provided to determine whether the building or structure should be declared a dangerous building or structure.

(b) A notice of the violation shall be sent to the Notice Parties. Such notice shall be in writing and shall be served by personal delivery or by certified mail, return receipt requested. Notice to the occupant of the property does not require the occupant's name.

(c) The city shall make a Diligent Effort to discover each mortgagee and lien holder before issuing notice of the hearing.

(d) Notice shall be served to all unknown owners, lien holders, or mortgagees, by posting a copy of the notice on the front door of each affected structural improvement situated on the property and as close to the front door as practicable.

(e) If the owner's current address is different than the structure to be reviewed by the Commission, notice shall be served to the owner's current address. Service of this notice may be accomplished by personal delivery or by certified mail, return receipt requested.

(f) The notice of violation shall be filed in the official public records of real property in the county in which the property is located.

(g) The notice shall contain:

(1) The name and address of the owner of the property.

(2) The names of all persons to whom notice is being served.

(3) The street address and legal description of the premises.

(4) The date of inspection.

(5) The nature of the violation.

(6) The date, time, and location of the hearing; and

(7) A statement that the owner, lien holder, or mortgagee will be required to submit at the public hearing proof of the scope of any work that may be required to comply with the city's building ordinances and fire code and the time it will take to reasonably perform the work.

(h) After all attempts to notify owners, lien holders and mortgagees under this article have been made and documented, any refusal to accept or claim hand-delivered, mailed, or posted notice will not affect the validity of the notice.

Sec. 17-185. Emergencies.

(a) Emergency defined.

For the purpose of this article, an emergency is hereby defined as any case where it reasonably appears there is immediate danger to the health, life, safety or welfare of any person because of a dangerous condition which exists in violation of this article.

(b) Authority.

In any emergency case, the Building Official shall have the power to take emergency measures to abate or to correct such dangerous condition. The emergency power herein granted shall include power to cause the immediate vacation of any building or structures and the summary correction of any emergency condition which exists in violation of this article, including but not limited to demolition of dangerous building or structures. Emergency demolition shall be reserved for dangerous conditions which, in the Building Official's determination, cannot be abated or corrected in any other manner.

(c) Emergency order not appealable.

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No appeal to the Commission shall lie from an emergency order, and such order shall not be reviewed or stayed other than by the district court of the county in which the premises or structure is located on which the emergency condition exists.

(d) Costs of abatement.

The costs of emergency abatement shall be recovered as provided in section 17-192 Assessment of lien of this article for the recovery of costs.

Sec. 17-186. Hearing.

(a) To determine if a structure is dangerous, there shall be a public hearing scheduled with the Commission. The date of the hearing shall not be less than ten days after notice is made, as described in section 17-186.

(b) If at the public hearing evidence is provided that a dangerous structure exists, the city shall require the owner, lien holder, or mortgagee of the building or structure to repair, remove, or demolish the building within 30 days, unless it is proven at the hearing that the work cannot reasonably be done in 30 days.

(c) If the Commission allows more than 30 days for the building or structure to be repaired, removed, or demolished, the Commission shall establish specific time schedules for the work to be commenced and finished and shall require the owner, lien holder, or mortgagee to secure the property in a reasonable manner from unauthorized entry while the work is being performed, as determined by the Building Official.

(d) The Commission shall not allow the owner, lien holder or mortgagee more than 90 days to repair, remove, or demolish the building or structure unless a detailed plan and time scheduled for the work are submitted at the hearing and it is proven at the hearing that the work cannot reasonably be completed within 90 days. Additionally, the owner, lien holder, or mortgagee must submit work progress reports every 30 days to demonstrate compliance with the time schedule established.

(e) In any case where the Commission finds that 50 percent or more of the value of the building or structure is damaged or deteriorated, a building or structure may be demolished or removed, and in all cases where a building or structure cannot be repaired so that it will no longer exist in violation of the provisions of this article, it shall be demolished or removed.

Sec. 17-187 Contents of Order.

(1) The Commission shall issue an order containing its findings. Such orders shall contain the following:

_____ (a) A statement whether the Commission affirms or denies the enforcing official's recommendation to deem the structure dangerous.

_____ (b) A statement regarding whether the order is to repair, remove, or demolish the structure.

_____ (c) A statement regarding the time allowed to complete the required work.

(d) Include a statement of the city's right to file a lien.

(e) Include statements advising that if any required repair or demolition work is not commenced within the time specified, the Building Official may order the building or structure vacated and placarded to prevent further occupancy until the work is completed.

It shall be unlawful for any person to enter any structure marked by such placard, except for persons authorized by the owner to enter for the purpose of securing the structure or making the required repairs therein under permit, and inspectors of the City of Denton. Such placard shall remain on the structure until it is repaired or demolished, or until removed by the Building Official or in the event an appeal results in the Commission declaring the property is no longer a dangerous structure or public nuisance.

Sec. 17-188. Appeal.

In accordance with V.T.C.A., Local Government Code sec. 214.0012, the owner, lien holder, or mortgagee shall have the right to appeal the decision made at the hearing to a district court. A notice of appeal must be filed with the district court within 30 calendar days from the date the order is mailed to the owner, lien holder or mortgagee, as provided herein. The petitioner shall provide the city with evidence that an appeal has been made to district court within 30 days by sending a copy of the notice of appeal to the City Attorney's attention at 215 E. McKinney Street, Suite 100, Denton TX.

Sec. 17-189. Notice of repair, removal, or demolition.

(a) If the building or structure is ordered to be repaired, removed, or demolished, the city shall promptly mail a copy of the order by certified mail, return receipt requested, to the owner of the building or structure and to any lien holder or mortgagee of the building or structure.

(b) Within ten days after the date that the order is issued, the city shall:

- (1) File a copy of the order in the office of the city secretary; and
- (2) Publish a notice in a newspaper where the building or structure is located stating:
 - a. The street address or legal description of the property;
 - b. The date of the hearing;
 - c. A brief statement indicating the results of the order; and
 - d. Instructions as to where a complete copy of the order may be obtained.

(c) If demolition or removal of the building or structure is ordered, demolition or removal shall not occur until the municipal court judge has issued a seizure and demolition warrant supported by a probable cause affidavit stating that:

- (1) The city has complied with the procedures set forth in this article;
- (2) Demolition has been ordered by the city; and
- (3) The time for appeal of the order to district court has expired and no appeal has been taken or, in the alternative, the order was appealed to district court but the appeal has been finally resolved in a manner that does not prevent the city from proceeding with removal or demolition.

Sec. 17-190. Post Determination Actions.

Whenever it is discovered upon reinspection that the owner, mortgagee or lien holder has failed to either repair, remove, or demolish the building or structure within the allotted time, the city, or its authorized agent may:

(a) Cause to be posted at each entrance to such building or structure a placard including, but not limited to, the following language:

"Do Not Enter, Unsafe to Occupy. It shall be unlawful for any person to enter such structure except for persons authorized by the owner to enter for the purpose of securing the structure, making the required repairs therein under permit and under inspection by inspectors of the City of Denton. This notice shall remain on this building or structure until it is repaired or demolished."

(b) Initiate termination of utility service by sending written notice to the Owner(s), tenants, and occupants of the scheduled termination date.

Sec. 17-191. Dangerous declaration.

If the Commission finds that a structure qualifies as a dangerous structure, as defined and described herein, such structure shall automatically be deemed to be a danger to the public health and welfare, a public nuisance, and in violation of this article. Compliance is required with any orders issued by the Commission relating to the repair, removal, or demolition of the dangerous structure.

Sec. 17-192 Demolition, removal, and repair expenses.

(a) Whenever it is discovered upon reinspection that the owner, mortgagee, or lien holder has failed to either repair, remove, or demolish the building or structure within the allotted time, the city, or its authorized agent may repair, remove, or demolish said building or structure or cause the same to be done and charge the expenses incurred to the landowner. The landowner will have 30 days to reimburse the city from the completion date of such work to abate the violation(s) at the property.

(b) In the event the Owner fails or refuses to pay such expenses charged to the Owner, within 30 days after the abatement work is completed, a lien may be obtained. The lien and other expenses incurred by the City of Denton may be filed against the property. Expenses will include, but not be limited to, an administrative fee, fees to file lien, fees to release lien, postage fees, courier fees, legal fees, and any other fees charged to the City of Denton.

(c) If the demolition work is done at the expense of the city, the city shall have the right to sell the salvage and any valuable materials at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, to the person who is entitled thereto. If such a surplus does not remain to be turned over, the report shall so state.

(d) For the purposes of this section, any repair, alteration or improvement made to a building or structure by the city will only be to the extent necessary to bring the building or structure into compliance with the city's minimum building and fire code standards and only if the building is a residential building with ten or fewer dwelling units; provided however, the city may elect to obtain a judicial determination by a decree of a court of competent jurisdiction of the existence, in fact, of a public nuisance in cases contemplated by this article. Such judicial determination may include any available remedy for the abatement of such a nuisance.

Sec. 17-193. Assessment of lien.

(a)

When the city incurs expenses to repair, remove, or demolish a building or structure under this article, the city places a lien against the property on which the building or structure is located, unless it is a homestead as protected by the Texas Constitution. The lien arises and attaches to the property when the notice of the lien is recorded and indexed with the county clerk of Denton County, Texas. The notice shall contain:

- (1) The name and address of the owner if that information can be determined with a reasonable effort.
- (2) A legal description of the property on which the building or structure was located.
- (3) The amount of expense incurred by the city.
- (4) The balance due; and
- (5) The date on which said work was done or improvements made.

(b) The city shall have a privileged lien on such lot, lots, or other premises or real estate upon which said building or structure was located, to secure the expenditure so made, which said liens shall be second only to tax liens and liens for street improvements; and said amount shall bear ten percent interest from the date such statement was filed. It is further provided that for any such expenditure and interest, as

aforsaid, suit may be instituted and recovered, and foreclosure of said lien may be made in the name of the city; and the statement of expenses so made, as aforesaid, or a certified copy thereof, shall be prima facie proof of the amount expended for such work or expense.

(c) The lien is extinguished if the property owner or another person having an interest in the legal title to the property reimburses the city for the expenses.

~~Sec. 17-180. Securing vacant structures.~~

~~No owner or person having charge of any unoccupied building or structure within the city shall leave said building or structure unlocked, unboarded or otherwise unsecured so that unauthorized persons may enter said building or structure. An unsecured building or structure shall constitute prima facie evidence of a condition of immediate danger to the building or structure and adjoining buildings or structures, and the code official shall immediately notify the owner of said unsecured building or structure to secure the same, and if said building or structure is not secured within seventy-two (72) hours after the date of issuance of notice to the owner or person in charge of the building or structure, the code official is authorized to secure the building or structure at the expense of the owner or person in charge of said building or structure, the cost of expense of the work required to secure such building or structure to be charged against the owner of the property as provided by state law.~~

~~(Ord. No. 2010-132, § 1, 5-11-10)~~

~~Sec. 17-181. Conditions or defects constituting dangerous structure.~~

~~(a) For the purpose of this chapter, any building or structure which has any or all of the conditions or defects hereinafter described shall be deemed to be a dangerous building or structure and a public nuisance, provided that such conditions or defects exist to the extent that the life, health, property or safety of the public or its occupants are endangered, as defined by this chapter or state law.~~

~~(1) Whenever any door, aisle, passageway, stairway or other means of exit is not of sufficient width or size, as defined in section 17-173, or is not so arranged as to provide safe and adequate means of exit in case of fire or panic.~~

~~(2) Whenever the walking surface of any aisle, passageway, stairway or other means of exit is so warped, worn, loose, torn or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic.~~

~~(3) Whenever any portion thereof has been damaged by fire, earthquake, wind, flood or by any other cause, to such an extent that the structural strength or stability thereof is materially less than before such catastrophe and is less than the minimum requirements of the building code for buildings of similar structure, purpose or location.~~

~~(4) Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.~~

~~(5) Whenever any portion of a building or structure, or any member, appurtenance or ornamentation of the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one-half (1/2) of that specified in the building code for such buildings or structures.~~

~~(6) Whenever any portion thereof has wracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar construction.~~

~~(7) Whenever the building or structure, or any portion thereof is likely to partially or completely collapse because of:~~

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- ~~(i) Dilapidation, deterioration or decay;~~
 - ~~(ii) Faulty construction;~~
 - ~~(iii) The removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building or structure;~~
 - ~~(iv) The deterioration, decay or inadequacy of its foundation; or~~
 - ~~(v) Any other cause.~~
- ~~(8) Whenever, for any reason, the building or structure, or any portion thereof, is unsafe for the purpose for which it is being used.~~
- ~~(9) Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become:~~
- ~~(i) An attractive nuisance to children;~~
 - ~~(ii) A harbor for vagrants, criminals; or~~
 - ~~(iii) Enables persons to resort thereto for the purpose of committing unlawful acts.~~
- ~~(10) Whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this jurisdiction, as specified in the Code, or of any law or ordinance of this state or jurisdiction relating to the condition, location or structure of buildings.~~
- ~~(11) Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by the code official to be unsanitary, unfit for human occupancy or in such a condition that is likely to cause sickness or disease.~~
- ~~(12) Whenever any building or structure, because of dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire resistive construction, faulty electrical wiring, gas connections or heating apparatus, or other cause, is determined by the code official to be a fire hazard.~~
- ~~(13) Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence.~~
- ~~(14) Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six (6) months so as to constitute such building or structure or portion thereof an attractive nuisance or hazard to the public.~~
- ~~(15) Whenever any building or structure that is boarded up, fenced or otherwise secured in any manner may, nevertheless, be deemed to be a dangerous building or structure under the foregoing criteria:~~
- ~~(i) The building or structure constitutes a danger to the public, even though secured from entry; or~~
 - ~~(ii) It is found that the means utilized to secure the building or structure are not adequate to prevent unauthorized entry of the building or structure in contravention of subsection (a)(10) above.~~
- ~~(16) Any building or portion thereof, or the premises on which the same is located, in which there exists any condition or defect prohibited by, or inferior to the minimum standards defined in division 2, to an extent that endangers the life, limb, health, property, safety or welfare of the public or the occupants thereof.~~

~~(Ord. No. 2010-132, § 1, 5-11-10)~~

~~Sec. 17-182. Alterations, additions and repairs.~~

~~All buildings or structures that are required to be repaired under the provisions of this chapter shall be subject to those provisions of chapters 28 and 29 which are in effect at the time of the repairs.~~

~~(Ord. No. 2010-132, § 1, 5-11-10)~~

~~Sec. 17-183. Notices and orders of code official.~~

~~(a) — *Notice to property owner.* Whenever the code official determines that there has been a violation of this division or has grounds to believe that a violation has occurred, notice shall be given to the property owner in the manner prescribed in section 17-144(f) and (g) for the violation. The notice and order shall:~~

~~(1) — Inform the property owner of the right to appeal, specifically:~~

~~(i) — That any person having recorded title or legal interest in the building or structure may appeal from the notice and order or any action of the code official to the health and building standards commission, provided the appeal is made in writing as provided in this chapter and filed with the building official within thirty (30) days from the date of service of such notice and order; and~~

~~(ii) — That failure to appeal will constitute a waiver of all rights to an administrative hearing and termination of the matter.~~

~~(2) — Include a statement of the city's right to file a lien.~~

~~(3) — Include statements advising that if any required repair or demolition work, is not commenced within the time specified, the building official may order the building vacated and posted to prevent further occupancy until the work is completed.~~

~~(b) — *Placarding of structures.* Upon any vacant structure being deemed dangerous by the code official, the code official shall cause to be posted at each entrance to such structure a placard including, but not limited to, the following language:~~

~~"Do Not Enter, Unsafe to Occupy. It shall be unlawful for any person to enter such structure except for persons authorized by the owner to enter for the purpose of securing the structure, making the required repairs therein under permit and under inspection by inspectors of the City of Denton. This notice shall remain on this building until it is repaired or demolished."~~

~~It shall be unlawful for any person to enter any structure marked by such placard, except for persons authorized by the owner to enter for the purpose of securing the structure or making the required repairs therein under permit, and inspectors of the City of Denton. Such placard shall remain on the structure until it is repaired or demolished, or until removed by the building official.~~

~~(Ord. No. 2010-132, § 1, 5-11-10)~~

~~Sec. 17-184. Recordation of notice and order by the building official.~~

~~If compliance with a notice and order described by section 17-183 is not secured within the time specified therein, and no appeal has been properly and timely filed, the building official may file in the deed records of the office of the county clerk a certificate describing the property, and certifying that the building or structure has been determined to be a dangerous building or structure by the building official and that the owner has been so notified. Whenever the corrections ordered shall thereafter be completed or the building or structure demolished so that it no longer exists, the building official shall file a new certificate with the county clerk certifying that the~~

building or structure has been demolished or that all required corrections have been made so that the building or structure is no longer dangerous, whichever is appropriate.

(Ord. No. 2010-132, § 1, 5-11-10; Ord. No. 2012-254, § 1, 10-2-12)

Sec. 17-185. Emergency measures authorized by the building official.

- (a) ~~Temporary safeguards.~~ Notwithstanding other provisions of this division, whenever, in the opinion of the building official, there is imminent danger due to an unsafe condition, the building 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 building official deems necessary to meet such emergency.
- (b) ~~Closing streets.~~ When necessary for public safety, the building official shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures and prohibit the same from being utilized.
- (c) ~~Emergency repairs.~~ For the purposes of this section, the building official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.
- (d) ~~Costs of emergency repairs.~~ Costs incurred in the performance of emergency work may be paid by the city. The city attorney may institute appropriate action against the owner of the premises for the recovery of such costs.
- (e) ~~Hearing.~~ Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the health and building standards commission, be afforded a hearing as described in this chapter.

(Ord. No. 2010-132, § 1, 5-11-10)

Sec. 17-186. Termination of utility services.

- (a) ~~The building official may initiate termination of utility services, or place a hold on reconnecting or reinstating utility services that have been terminated to a dwelling unit that is substandard, dangerous, or unfit for human occupancy by certifying in writing that the dwelling unit is substandard, dangerous, unfit for human occupancy, or that the electrical system constitutes a hazard to the occupants.~~
- (b) ~~Upon initiating a utility termination or hold, the building official shall promptly notify the owner by written notice. The owner may appeal the decision of the building official to the health and building standards commission by serving the building official with a written notice within five (5) days from the date the notice was issued.~~

(Ord. No. 2010-132, § 1, 5-11-10)

Sec. 17-187. Appeals from orders of building official.

- (a) ~~Form of appeal.~~ Any person entitled to service of a notice issued pursuant to section 17-183 may appeal from any notice and order or any action of the code official under this division by filing at the office of the building official a written appeal and filing fee as determined by the city council and on file in the office of the city secretary. The appeal shall contain the following:
 - (1) ~~A heading in the words: "Before the Health and Building Standards Commission of the City of Denton, Texas";~~

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- ~~(2) A caption reading: "Appeal of _____," giving the names of all appellants participating in the appeal;~~
 - ~~(3) A brief statement setting forth the legal interest of each of the appellants in the building or the land involved in the notice and order;~~
 - ~~(4) A brief statement in ordinary and concise language of the specific order or action protested, together with any material facts claimed to support the contentions of the appellant;~~
 - ~~(5) A brief statement in ordinary and concise language of the relief sought and the reasons why it is claimed the protested order or action should be reversed, modified or otherwise set aside;~~
 - ~~(6) The signatures of all parties named as appellants and their official mailing addresses; and~~
 - ~~(7) The verification, by declaration under penalty of perjury, of at least one (1) appellant as to the truth of the matters stated in the appeal.~~

~~The appeal shall be filed within thirty (30) days from the date of the service of such order or action of the code official; provided, however, that if the building or structure is in such condition as to make it immediately dangerous to the life, limb, property or safety of the public or adjacent property and is ordered vacated and is posted in accordance with section 17-183(b), such appeal shall be filed within ten (10) days from the date of the service of the notice and order of the code official.~~

~~(b) *Processing of appeal.* Upon receipt of any appeal filed pursuant to this article and receipt of the filing fee, the building official shall present the appeal at the next available regular or special meeting of the health and building standards commission.~~

~~(c) *Scheduling and noticing appeal for hearing.* As soon as practicable after receiving the written appeal, the health and building standards commission shall fix a date, time and place for the hearing of the appeal by the commission. Such date shall be not less than ten (10) days, or more than sixty (60) days, from the date the appeal was filed with the building official. Written notice of the time and place of the hearing shall be given at least ten (10) days prior to the date of the hearing to each appellant either by causing a copy of such notice to be delivered to the appellant personally or by mailing a copy thereof, postage prepaid, addressed to the appellant at his address shown on the appeal.~~

~~(Ord. No. 2010-132, § 1, 5-11-10; Ord. No. 2012-254, § 1, 10-2-12)~~

Sec. 17-188. Scope of hearing on appeal.

~~Only those matters or issues specifically raised by the appellant shall be considered in the hearing of the appeal as provided in this division.~~

~~(Ord. No. 2010-132, § 1, 5-11-10)~~

Sec. 17-189. Staying of order under appeal.

~~Except for vacation orders made pursuant to section 17-190(a)(3), enforcement of any notice and order of the code official issued under this division shall be stayed during the pendency of an appeal therefrom which is properly and timely filed.~~

~~(Ord. No. 2010-132, § 1, 5-11-10; Ord. No. 2012-254, § 1, 10-2-12)~~

Sec. 17-190. Order to repair, vacate, remove or demolish.

The following standards shall be followed by the building official or by the health and building standards commission regarding any order to repair, vacate, remove or demolish substandard or dangerous buildings or structures:

- (a) When, in the opinion of the building official;
 - (1) There is imminent danger of failure or collapse of a building or structure which endangers life;
 - (2) When any structure or part of a structure has fallen and life is endangered by the occupation of the structure; or
 - (3) 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 building official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith.
- (b) If the building official has determined that the building or structure constitutes an immediate danger and must be vacated, the order shall require that the building or structure to be vacated before a date certain, as determined by the building official to be reasonable, but not to exceed ten (10) days.
- (c) If the building or structure is in a dangerous condition, but does not present an immediate threat to the life, limb, property or safety of the public or its occupants, the deadline to vacate may be extended to not less than sixty (60) days from the date of the order.
- (d) Any building or structure declared substandard or dangerous under this division shall be repaired or demolished in accordance with the current building code or current code applicable to the type of substandard condition(s) requiring the repair, or demolition, as follows:
 - (1) If in the opinion of the building official, the repair is not feasible, the health and building standards commission may issue an order to demolish and remove such structure; or
 - (2) If such structure is capable of being made safe by repairs, then the building official or the health and building standards commission may issue an order to repair and make safe and sanitary, provided that the owner agrees to the following conditions, which will also be listed in the order:
 - (i) He or she exclusively assumes all risk, expense and responsibility for ensuring that all legal requirements and standards are fully and strictly satisfied within the strict time constraints of the order, regardless of whether such standards are required under Denton's Code or any other law.
 - (ii) Neither the city, nor its staff, assume any responsibility for identifying these standards, nor for guiding the owner towards a timely, successful or feasible repair.
 - (iii) Neither the city, nor its staff, warrant, assure, represent or recommend that timely, compliant, affordable, complete, or satisfactory repairs are feasible, or even possible, whether under ideal circumstances or in the face of hidden, unforeseen or unforeseeable circumstances.
 - (3) Any building permit for repairs is strictly conditioned:
 - (i) Upon the limitations set forth in the order;
 - (ii) Upon application of Denton's current code standards to any repair;

~~(iii) Upon the owner's expressed assumption of his or her exclusive responsibility for strict, timely and complete compliance with these restrictions; and~~

~~(iv) Upon the owner's understanding and acceptance that the order could be strictly applied to authorize demolition of the structure if repairs are not timely and completely completed; regardless of any cause, condition or circumstance, even if unforeseen or unforeseeable; regardless of any other statement or representation made by the city, or its staff; regardless of time, money or effort already invested into the repairs upon expiration of the time allocated for repairs; and regardless of the amount of progress made toward completion upon expiration of the time allocated for repairs under the order.~~

~~(4) If an order has been issued to allow repairs, the owner still retains the option to demolish or remove the structure for which the order has been issued.~~

~~(5) Upon any structure deemed substandard and/or dangerous by the building official, the building official shall cause to be posted at each entrance to such structure, a placard including, but not limited to, the following language:~~

~~"Do Not Enter, Unsafe to Occupy. It shall be unlawful for any person to enter such structure except for persons authorized by the owner to enter for the purpose of securing the structure, making the required repairs therein under permit and under inspection by inspectors of the City of Denton. This notice shall remain on this building until it is repaired or demolished."~~

~~It shall be unlawful for any person to enter any structure marked by such a placard, except for persons authorized by the owner to enter for the purpose of securing the structure or making the required repairs therein under permit, and inspectors of the City of Denton. Such placard shall remain on the structure until it is repaired or demolished, or until removed by the building official.~~

~~(Ord. No. 2010-132, § 1, 5-11-10)~~

Sec. 17-191. Public hearing required for order of demolition.

~~(a) *Hearing required.* In cases where the building official has determined that a building or structure should be demolished, a public hearing before the health and building standards commission shall be held, regardless of whether or not an appeal from such determination has been filed by any person.~~

~~(b) *Diligent effort must be made to locate the owner, lien holder, or a mortgagee on the property.* Diligent effort is met if the city follows the procedures of V.T.C.A., Local Government Code §§ 54.035 or 214.001, as amended.~~

~~(c) *Notice of hearing.* Notice of the hearing shall be given as in cases where an appeal has been filed. In addition, the secretary of the commission shall cause a notice to be published in the official newspaper of city at least ten (10) days prior to the scheduled hearing date. The published notice shall be directed to any person having any interest in the property, stating the names of such persons, if known. The notice shall include the following:~~

~~(1) The street address and a legal description sufficient for identification of the premises upon which the structure is located;~~

~~(2) A statement that the code official has found the building or structure located thereon to be dangerous and constitutes a hazard to the health, safety and welfare of the citizens; and~~

~~(3) A statement that a public hearing will be held before the health and building standards commission on a date and time and at a place therein specified to determine whether the building or structure should be demolished in accordance with the notice and order of the code official.~~

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- ~~(d) — *Nuisance determination required to demolish.* A notice and order to demolish a building or structure shall be issued only in those cases where the commission after the hearing has determined that the building or structure is dilapidated, substandard, dangerous, or unfit for human occupancy, does not meet minimum standards, and that the building or structure constitutes a nuisance, in so far as it is a hazard to the health, safety and welfare of the public and the occupants.~~
- ~~(e) — *Notice of demolition.* Notice of demolition shall be by the following methods within ten (10) days after the date that the order of the commission is issued:~~
- ~~(1) — *Notice by mail.* Whenever the commission has determined that a building should be demolished, the commission's notice and order shall be sent to all record owners, interested parties of record or other persons known to have an interest in the property informing such persons of the commission's determination and that, pursuant to the determination, the building will be demolished. The notice shall state that the costs of demolition shall be assessed against the property. All notices shall be sent by registered or certified mail, return receipt requested.~~
- ~~(2) — *Notice by publication.* In addition to the notice provided for in subsection (e)(1) of this section, the code official shall cause to be published in the official newspaper of the city, a notice of the commission's determination. The notice shall contain:~~
- ~~(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;~~
- ~~(iv) — Instructions stating where a complete copy of the order may be obtained; and~~
- ~~(v) — A statement that the building or structure on the premises will be demolished and that the cost of demolition will be assessed against the property.~~
- ~~(3) — A copy of the order shall be filed with the office of the city secretary.~~
- ~~(4) — A copy of the order shall be filed with the county clerk.~~
- ~~(5) — Appeals from nuisance determinations of health and building standards commission.~~
- ~~a. — Any person entitled to service of a notice issued pursuant to section 17-183 may appeal a determination of nuisance associated with an order to demolish issued by the health and building standards commission under this division, by filing a verified petition in the municipal court, alleging that the decision is illegal or unconstitutional, in whole or in part, and specifying the grounds of the alleged illegality or unconstitutionality.~~
- ~~b. — The petition must be filed by an owner, lienholder, or mortgagee within thirty (30) calendar days after the respective dates a copy of the final decision of the health and building standards commission is personally delivered to them, mailed to them by first class mail with certified return receipt requested, or delivered to them by the United States Postal Service using signature confirmation service, or such decision shall become final as to each of them upon the expiration of each such thirty calendar day period.~~
- ~~c. — Appeal hearings in the municipal court shall be a de novo determination of any applicable legal or constitutional impediments to demolition clearly raised and identified in writing by the owner, lienholder or mortgagee as a legal basis for appeal, but shall not embrace other matters of fact, such as feasibility or cost of repair. The court may reverse or affirm the health and building standards commission's determination of nuisance, or may otherwise remand back to the health and building standards commission any demolition order found to be unconstitutional or legally deficient, either in the finding that the building or structure constitutes such an immediate~~

danger to public health and safety as to constitute a nuisance, or because the order otherwise fails to satisfy any required legal standard imposed by state or federal law to allow demolition.

(Ord. No. 2010-132, § 1, 5-11-10; Ord. No 2012-254, § 1, 10-2-12)

~~Sec. 17-192. Compliance.~~

(a) ~~General.~~ After any order of the building official or the health and building standards commission made pursuant to this division shall have become final, no person to whom any such order is directed shall fail, neglect or refuse to obey any such order. Any such person who fails to comply with any such order is subject to all penalties of law and this chapter.

(b) ~~Failure to obey order.~~ If after any order of the building official or health and building standards commission made pursuant to this division has become final, the person to whom such order is directed shall fail, neglect or refuse to obey such order, the building official may (i) cause such person to be prosecuted under this section; and/or (ii) institute any appropriate action to abate such building or structure as a public nuisance.

(Ord. No. 2010-132, § 1, 5-11-10)

~~Sec. 17-193. Performance of demolition.~~

~~When any demolition is to be done pursuant to this division, the code official shall cause the work to be done by city personnel or by private contractor under the supervision of the code official. All contracts for demolition work shall be entered into pursuant to procedures specified by ordinance or state law.~~

(Ord. No. 2010-132, § 1, 5-11-10)

~~Sec. 17-194. 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 any valuable materials at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, to the person who is entitled thereto. If such a surplus does not remain to be turned over, the report shall so state.~~

(Ord. No. 2010-132, § 1, 5-11-10)

~~Sec. 17-195. Recovery of remedial costs.~~

~~The code official shall send an invoice to the owner of the premises requesting payment of the securing or demolition costs within thirty (30) days of the date of the invoice. Any such assessment remaining unpaid after thirty (30) days from the date the invoice was sent to the owner of the premises shall become delinquent and shall bear interest at ten (10) percent per annum. The amount of the assessment shall be subject to the same procedure and sale in case of delinquency as provided by the laws of the state for real property taxes. The code official shall keep an itemized account of the expense incurred by the city in the securing or demolition of any building or structure done pursuant to this division, and the entire costs of securing or demolition, less any salvage value recovered, shall be levied, assessed and collected by the office of the code official. Upon completion of the securing or demolition, a privileged lien, second only to tax liens and liens for street improvements, may be filed and perfected against the property on which the demolition occurred. The cost levied against the property may include an administrative fee as established by the city council and filed in the office of the city secretary.~~

(Ord. No. 2010-132, § 1, 5-11-10)

State law reference(s) — V.T.C.A. Local Government Code § 214.001(n).

Sec. 17-196. Penalty provision.

Any person violating any provision of Articles I through XII of the Denton Property Maintenance Code shall, upon conviction, be fined a sum not to exceed five hundred dollars (\$500.00). If any person has been convicted or received a deferred adjudication for two (2) or more violations of this chapter and at least two (2) of the violations have different offense dates and occurred on the same property, the person shall be considered a chronic offender upon the third conviction on the same property within twenty-four (24) months of the first violation. Any person violating any provision of Articles I through XII of the Denton Property Maintenance Code as a chronic offender shall, upon conviction, be fined a sum not less than three hundred dollars (\$300.00) and not to exceed five hundred dollars (\$500.00).

Any person violating any provision of Article XIII of the Denton Property Maintenance Code shall, upon conviction, be fined a sum not to exceed two thousand dollars (\$2,000.00). If any person has been convicted or received a deferred adjudication for two (2) or more violations of this chapter and at least two (2) of the violations have different offense dates and occurred on the same property, the person shall be considered a chronic offender upon the third conviction on the same property within twenty-four (24) months of the first violation. Any person violating any provision of Article XIII of the Denton Property Maintenance Code as a chronic offender shall, upon conviction, be fined a sum not less than five hundred dollars (\$500.00) and not to exceed two thousand dollars (\$2,000.00).

Civil fines for health and safety violations of this chapter shall not exceed the maximum penalty generally authorized by V.T.C.A. Local Government Code § 54.017, as amended, or specifically authorized by any other statutory provision that may apply to such violations, whichever is greater. This chapter is cumulative of all other civil remedies provided by state law, including: money damages; injunction and other extraordinary relief; recovery of costs, expenses, and attorney fees; and such other remedies and mechanisms of enforcement that may be available or applicable to violations of the provisions herein.

(Ord. No. 2010-132, § 1, 5-11-10)