



# City of Denton

City Hall  
215 E. McKinney St.  
Denton, Texas 76201  
[www.cityofdenton.com](http://www.cityofdenton.com)

## Meeting Agenda

### Health & Building Standards Commission

---

Thursday, July 11, 2024

3:00 PM

Development Service Center

---

After determining that a quorum is present, the Health and Building Standards Commission of the City of Denton, Texas will convene in a Regular Meeting on Thursday, July 11, 2024 at 3:00 p.m. in Training Rooms 1 and 2 at the Development Service Center, 401 N. Elm Street, Denton, Texas at which the following items will be considered:

#### 1. PLEDGE OF ALLEGIANCE

- A. U.S. Flag
- B. Texas Flag

“Honor the Texas Flag – I pledge allegiance to thee, Texas, one state under God, one and indivisible.”

#### 2. ITEMS FOR CONSIDERATION

- A. [HBS24-006](#) Elect a Chair and Vice-Chair to the Health and Building Standards Commission.

Attachments: [Exhibit 1 - Agenda Information Sheet](#)

- B. [HBS24-007](#) Consider approval of the June 13, 2024 minutes.

Attachments: [June 13, 2024 Minutes](#)

- C. [HBS24-008](#) Receive a report, hold discussion, and give staff recommendation on proposed updates to Chapter 17 of the City of Denton Code of Ordinances.

Attachments: [Exhibit 1 - Agenda Information Sheet](#)  
[Exhibit 2 - DPMC Chapter 17 Presentation July](#)  
[Exhibit 3 - DPMC Ch 17 - Condensed Redline HABSCo July](#)  
[Exhibit 4 - DPMC Ch 17 - Redline HABSCo July](#)

#### 3. CONCLUDING ITEMS

- A. Under Section 551.042 of the Texas Open Meetings Act, respond to inquiries from the Health and Building Standards Commission or the public with specific factual information or recitation of policy, or accept a proposal to place the matter on the agenda for an upcoming meeting AND Under Section 551.0415 of the Texas Open Meetings Act, provide reports about items of community interest regarding which no action will be taken, to include: expressions of thanks, congratulations, or condolence; information regarding holiday schedules; an honorary or salutary recognition of a public official, public employee, or other citizen; a reminder about an upcoming event organized or sponsored by the governing body; information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the municipality; or an announcement involving an imminent threat to the public health and safety of people in the municipality that has arisen after the posting of the agenda.

NOTE: The Health and Building Standards Commission reserves the right to adjourn into a Closed Meeting on any item on its Open Meeting agenda consistent with Chapter 551 of the Texas Government Code, as amended, or as otherwise allowed by law.

CERTIFICATE

I certify that the above notice of meeting was posted on the official website (<https://tx-denton.civicplus.com/242/Public-Meetings-Agendas>) and bulletin board at City Hall, 215 E. McKinney Street, Denton, Texas, on July 3, 2024, in advance of the 72-hour posting deadline, as applicable, and in accordance with Chapter 551 of the Texas Government Code.

---

OFFICE OF THE CITY SECRETARY

NOTE: THE CITY OF DENTON'S DESIGNATED PUBLIC MEETING FACILITIES ARE ACCESSIBLE IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT. THE CITY WILL PROVIDE ACCOMMODATION, SUCH AS SIGN LANGUAGE INTERPRETERS FOR THE HEARING IMPAIRED, IF REQUESTED AT LEAST 48 HOURS IN ADVANCE OF THE SCHEDULED MEETING. PLEASE CALL THE CITY SECRETARY'S OFFICE AT 940-349-8309 OR USE TELECOMMUNICATIONS DEVICES FOR THE DEAF (TDD) BY CALLING 1-800-RELAY-TX SO THAT REASONABLE ACCOMMODATION CAN BE ARRANGED.



# City of Denton

City Hall  
215 E. McKinney St.  
Denton, Texas 76201  
[www.cityofdenton.com](http://www.cityofdenton.com)

## Legislation Text

---

**File #:** HBS24-006, **Version:** 1

---

### **AGENDA CAPTION**

Elect a Chair and Vice-Chair to the Health and Building Standards Commission.



# City of Denton

City Hall  
215 E. McKinney Street  
Denton, Texas  
[www.cityofdenton.com](http://www.cityofdenton.com)

## AGENDA INFORMATION SHEET

**DEPARTMENT:** Development Services

**ACM:** Cassandra Ogden

**DATE:** July 11, 2024

### **SUBJECT**

Elect a Chair and Vice-Chair to the Health and Building Standards Commission.

### **BACKGROUND**

The Health and Building Standards Commission elects a chairperson and vice-chairperson from its members annually.

Per the Boards, Commissions, and Council Committees Handbook:

### **Election of Officers**

Procedures for the election of officers for appointed boards are established to ensure consistency with the City Council's goals and policies in making board appointments. Except where otherwise provided by state law, federal law, City Charter, or City ordinances or resolutions, election of officers for City of Denton council-appointed boards will be as follows:

- The chair and vice-chair will be elected by voting board members.
- Election of officers shall be annually and occur in January or February. For those boards not meeting regularly, the election shall be held during the first board meeting of the calendar year. If, for any reason, the chair or vice-chair vacates their seat, a special election shall be held to fill the unexpired term. A temporary chair may be selected by the board pursuant to Roberts Rules of Order.
- The staff liaison, designated by the City Manager, shall serve as the official secretary to the board or commission to ensure records are maintained in accordance with requirements of the City Secretary's office.
- The City Council shall reserve the right, as deemed necessary in individual instances, to appoint the chair and vice-chair for any special issue or temporary advisory committees. If the City Council chooses not to make the appointment for chair and vice-chair, then the procedure outlined in this policy will apply.

### **EXHIBITS**

1. Agenda Information Sheet

Respectfully submitted:  
Emily Loiselle  
Deputy Building Official

Prepared by:  
Cathy Welborn  
Administrative Assistant III



# City of Denton

City Hall  
215 E. McKinney St.  
Denton, Texas 76201  
[www.cityofdenton.com](http://www.cityofdenton.com)

## Legislation Text

---

**File #:** HBS24-007, **Version:** 1

---

### **AGENDA CAPTION**

Consider approval of the June 13, 2024 minutes.

MINUTES  
HEALTH AND BUILDING STANDARDS COMMISSION  
June 13, 2024

After determining that a quorum was present, the Health and Building Standards Commission of the City of Denton, Texas convened in a Regular Meeting on Thursday, June 13, 2024, at 3:00 p.m. in Training Rooms 1 and 2 at the Development Service Center, 401 N Elm Street, Denton, Texas at which the following items were considered:

PRESENT: Vice-Chair Nicholas Stevens, and Commissioners Zachary Cathcart, Sebastian Delgadillo, Joshua Ingram, and David Mollen

Absent: Chair Michael Sweigart and Commissioner Greg Coward

REGULAR MEETING

Vice-Chair Stevens opened the meeting at 3:00 p.m.

1. PLEDGE OF ALLEGIANCE

- A. U.S. Flag
- B. Texas Flag

2. ITEMS FOR CONSIDERATION

A. HBS24-0005 Consider approval of the December 14, 2023, minutes.

Commissioner Mollen motioned to approve the December 14, 2023, meeting minutes. Motion seconded by Commissioner Cathcart. Motion carried.

AYES (5): Vice-Chair Stevens and Commissioners Cathcart, Delgadillo, Ingram and Mollen

NAYS (0): None.

ABSENT (2): Chair Sweigart and Commissioner Coward

B. HBS24-004 Receive a report, hold discussion, and give staff direction on proposed updates to Chapter 17 of the City of Denton Code of Ordinances revision plan.

The item was presented and discussion followed.

City staff provided an overview of the public outreach and proposed changes.

Discussion continued between staff and the commission.

Vice-Chair Stevens motioned to have a future discussion regarding heating and cooling requirements. Motion seconded by Commissioner Ingram. Motion carried.

AYES (5): Vice-Chair Stevens and Commissioners Cathcart, Delgadillo, Ingram and Mollen

NAYS (0): None.

ABSENT (2): Chair Sweigart and Commissioner Coward

### 3. CONCLUDING ITEMS

Commissioner Cathcart moved to adjourn the meeting. Motion seconded by Commissioner Ingram  
Motion carried.

AYES (5): Vice-Chair Stevens and Commissioners Cathcart, Delgadillo, Ingram and Mollen

NAYS (0): None.

ABSENT (2): Chair Sweigart and Commissioner Coward

The meeting was adjourned at 4:02 p.m.

X \_\_\_\_\_  
Michael Sweigart Date  
Chair of Health and Building Standards Commission

X \_\_\_\_\_  
Cathy Welborn Date  
Administrative Assistant III



# City of Denton

City Hall  
215 E. McKinney St.  
Denton, Texas 76201  
[www.cityofdenton.com](http://www.cityofdenton.com)

## Legislation Text

---

**File #:** HBS24-008, **Version:** 1

---

### **AGENDA CAPTION**

Receive a report, hold discussion, and give staff recommendation on proposed updates to Chapter 17 of the City of Denton Code of Ordinances.



# City of Denton

City Hall  
215 E. McKinney Street  
Denton, Texas  
[www.cityofdenton.com](http://www.cityofdenton.com)

## AGENDA INFORMATION SHEET

**DEPARTMENT:** Community Services

**CM/DCM/ACM:** Christine Taylor, Assistant City Manager

**DATE:** July 11, 2024

### **SUBJECT**

Receive a report, hold discussion, and give staff recommendation on proposed updates to Chapter 17 of the City of Denton Code of Ordinances.

### **STRATEGIC ALIGNMENT**

This action supports Key Focus Area: Support Healthy and Safe Communities.

### **BACKGROUND**

Revisions to Denton's Property Maintenance Code, [Chapter 17 \(linked\)](#), are proposed to provide clarity and ensure that the needs of the community are being met. Community Improvement Services have reviewed each section of the current ordinance and compared it to the International Property Maintenance Code 2021, Texas State Statutes, and Other Local Cities, and received feedback to draft proposed revisions. Staff have engaged the community for feedback on these updates through continued public meetings, City website, social media, fliers, and targeted emails to housing associates in our community.

The Denton Property Maintenance Code has not been updated in over seven (7) years. The proposed changes outlined below are designed to improve clarity and align ordinance with current standards and other ordinances.

Proposed changes:

- Revisions to the Dangerous Building Ordinance to be more transparent and concise.
- Removal of Section 17-21 Odor in its entirety as we have ordinance in other areas of code that supersede this and are less subjective.
- Addition of (k) to Section 17-40 Vegetation.
- Section 17-80 Maintenance of Perimeter Fences: Removal of five-degree lean.
- Section 17-2 New definitions and revised definitions.

On July 11, 2024, staff will provide a high-level overview of the proposed updates for review and receive direction from HABSCo before proceeding to council in August.

### **PRIOR ACTION/REVIEW (Council, Boards, Commissions)**

June 8, 2023: HABSCo review and discussion.

July 13, 2023: HABSCo review and discussion.

August 10, 2023: HABSCo review and discussion.

November 9, 2023 HABSCo review and discussion.

June 13, 2024 – HABSCo review and discussion.

### **ESTIMATED SCHEDULE OF PROJECT**

- July 11, 2024 – Propose Update to HABSCo
- August 20, 2024 – Propose Update at Council Meeting
- September 2024 – Present final DPMC Chapter 17 updates to council for approval.
- October-November 2024 – Educate Public on Updates
- December 2024 – Full Update Implementation

### **EXHIBITS**

1. Agenda Information Sheet
2. DPMC Chapter 17 HABSCo Presentation July
3. DPMC Ch 17 – Condensed Redline HABSCo July
4. DPMC Ch 17 – Redline HABSCo July

Respectfully submitted:  
Danielle Shaw  
Director of Community Services

Prepared by:  
Joshua Ellison  
Neighborhood Services Manager



# Denton Property Maintenance Code: Proposed Changes

DATE: July 11, 2024

ID#HBS24-008

COMMUNITY IMPROVEMENT SERVICES



COMMUNITY SERVICES

# DPMC REVISION OBJECTIVE

- To enhance and update Denton's Property Maintenance Code ([Chapter 17](#)), ensuring it meets the community's needs and aligns with current standards.
- Community Improvement Services has analyzed the existing ordinance in comparison with the International Property Maintenance Code 2021, relevant Texas State Statutes, and norms from other local cities. This comprehensive review, bolstered by community feedback, serves as the basis for the proposed revisions.

# PROPOSED REVISIONS

- Sections suggested for **deletion**.
  - 17-21. – Odors.
- Sections with **minor/administrative changes**.
  - 17-2. – Definitions.
  - 17-3. – Enforcement.
  - 17-40. – Vegetation.
  - 17-80. – Maintenance of Perimeter Fences.
- Sections with **substantial revisions**
  - 17-181. – Dangerous Buildings.

# DELETIONS

## ▪ **Sec. 17-21. – Odor.**

- **WHAT:** Removal of Sec. 17-21. – Odor.
- **WHY:**
  - Sec. 17-21. - Odor is subjective which does not align with the objective standards typically upheld in property maintenance codes; and
  - Existing odor regulations are already comprehensively covered under other codes, including the Fire Code, Police Code, Animal Services Code; and
  - Sec.17-50. - Trash and Debris. and Sec.17-70. - Stagnant Water. address what Sec.17-21. - Odor aims to regulate, but in a more precise and less subjective manner.

# MINOR/ADMINISTRATIVE CHANGES

## ▪ Sec. 17-2. – Definitions.

Modify:	Add:	Delete:
Building official	Appraised value	Code official
Code enforcement officer	Demolish	
Building	Diligent effort	
Structure	Diligent effort	
	Minimum housing standards	
	Notice Party(ties)	
	Owner	
	Vacant	

# MINOR/ADMINISTRATIVE CHANGES

- **Sec. 17-3. – Enforcement. (a)**

- **WHAT:** The revised text removes the detailed list of specific sections and provisions, instead granting Code Enforcement Officers the broader authority to enforce "any violations of the Code of Ordinances" as directed by the city manager.
- **WHY:** This broadens CIS enforcement scope without listing specific sections, thereby streamlining the text and potentially simplifying the enforcement process.

# MINOR/ADMINISTRATIVE CHANGES

- **Sec. 17-3. – Enforcement. (b)**

- **WHAT:** The revised text simplifies these procedures by directly referencing the overarching guidelines set by the city manager and connecting the actions of code enforcement officers to a broader regulatory framework in Chapter 19, Article IV.
- **WHY:** These changes aim to make the enforcement provisions more concise and integrated with the city's broader regulatory framework, enhancing the overall efficiency and clarity of the code.

# MINOR/ADMINISTRATIVE CHANGES

## ▪ **Sec. 17-3. – Enforcement. (c)**

- **WHAT:** Sec. 17-196. currently outlines the penalty provisions. The proposed change is to relocate Sec. 17-196. to Section 17-3. (c)

- **WHY:**

- Enhance clarity and ensure uniform application of penalties across Chapter 17.
- This move clarifies that the penalty provisions apply comprehensively to all sections of Chapter 17, ensuring consistency in enforcement and interpretation.

# MINOR/ADMINISTRATIVE CHANGES

- **Sec. 17-3. – Enforcement. (d)**

- **WHAT:** Adds: (d) This Declaration of Nuisance and all terms of this Article shall be applicable to and enforceable both within the city limits and for a distance of five thousand feet (5,000) beyond the city limits as allowed by state law.
- **WHY:** Adding to codify existing allowable state law Texas Local Government Code Chapter 217 (Sec. 217.042. Nuisance.) into our local ordinance providing the City the authority to enforce all ordinances necessary to prevent and summarily abate and remove a nuisance.

# MINOR/ADMINISTRATIVE CHANGES

- **Sec. 17-40. – Vegetation. (k)**

- **WHAT:** Adds (k) discarding of yard waste into the public street or right of way is prohibited.
- **WHY:** This nuisance action currently is considered littering enforced by the Police Department. Discharging yard waste into the street is a public nuisance that is not a direct threat to life safety. As such this targeted addition to Sec. 17-40. will provide CIS authority to educate the public and ensure compliance when yard waste is discarded in public streets.

# MINOR/ADMINISTRATIVE CHANGES

- **Sec. 17-80. – Maintenance of Perimeter Fences.**
  - **WHAT:** Remove 5-degree lien
  - **WHY:** This is subjective which does not align with the objective standards typically upheld in property maintenance codes.

# SUBSTANTIAL REVISIONS

- **Sec. 17-181. – ~~Conditions or defects constituting dangerous structure.~~ Dangerous Building Ordinance.**
  - **WHAT:**
    - This ordinance identifies and addresses structures deemed dangerous to ensure public safety and compliance with the City of Denton's building standards.
    - Enhances procedures:
      - **Identification:** Properties suspected of being dangerous will be evaluated by the Health & Building Safety Commission (HABSCo).
      - **Notification:** The City of Denton Code Official will notify property owners of the identified violations, providing clear instructions and a reasonable timeframe for remediation.
      - **Resolution:** If violations are not remedied, HABSCo may vote to declare the property as Dangerous and Unsafe.
      - **Last Resort:** Demolition will be considered only after all feasible corrective measures have been exhausted.
  - **WHY:** These updates aim to enhance clarity and enforceability of the code, ensuring all stakeholders understand their responsibilities and the processes involved in maintaining building safety.

# PROPOSED REVISION TIMELINE

- **July 11, 2024** – Present final draft to HABSCo for approval and to authorize recommendations to City Council.
- **August 20, 2024** – Public Hearing for proposed Ch. 17 updates at City Council Meeting.
- **September 17, 2024** – Present final DPMC Chapter 17 updates to City Council for approval.
- **October-November 2024** – Educate Public on Ch. 17 updates.
- **December 15, 2024** – Implementation Date

# PROVIDE FEEDBACK

- Email [cis@cityofdenton.com](mailto:cis@cityofdenton.com),
- Online form at QR code or <https://www.cityofdenton.com/173/Code-Enforcement-Property-Maintenance>



## Chapter 17 PROPERTY MAINTENANCE<sup>1</sup>

### 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 Pary(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)

Subpart A - CODE OF ORDINANCES  
Chapter 17 - PROPERTY MAINTENANCE  
ARTICLE II. NOISE AND ODORS

---

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.**

Created: 2024-05-13 12:42:51 [EST]

(Supp. No. 34)

---

(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.

-

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:~~

- 
- ~~(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 reinstituting 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";~~

- 
- ~~(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.~~~~

- 
- ~~(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)

## Chapter 17 PROPERTY MAINTENANCE<sup>1</sup>

### ARTICLE I. IN GENERAL

#### Sec. 17-1. Purpose and intent.

- (a) The regulations within this chapter shall be known as the Denton Property Maintenance Code ("DPMC"). The provisions of the DPMC shall apply to all existing structures and premises within Denton's city limits.
- (b) The purpose of the DPMC is to establish the minimum maintenance and sanitary standards for all premises and existing structures, so as to protect against blight, neighborhood decline, and depreciation of property. It is also the intent of the DPMC to ensure the health, safety and general welfare of the citizens of the City of Denton.
- (c) Existing structures and premises that do not comply with these provisions shall be altered or repaired to meet the minimum requirements of this chapter. All repairs, new additions, or alterations of existing structures that require a building permit shall comply with the adopted edition of the International Building Code currently in effect at the time of the repair, new addition, or alteration.<sup>2</sup>
- (d) The other codes listed in sections 17-1 through 17-197 and referenced elsewhere in this Code shall be considered part of the requirements of this Code to the prescribed extent of each such reference.
  - (1) The International Fire Code is published by the International Code Council, Inc., Country Club Hills, Illinois.\*
  - (2) The International Building Code is published by the International Code Council, Inc., County Club Hills, Illinois.\*
  - (3) The International Mechanical Code is published by the International Code Council, Inc., County Club Hills, Illinois.\*
  - (4) The International Plumbing Code is published by the International Code Council, Inc., County Club Hills, Illinois.\*
  - (5) The International Residential Code is published by the International Code Council, Inc., County Club Hills, Illinois.\*
  - (6) The International Fuel Gas Code is published by the International Code Council, Inc., County Club Hills, Illinois.\*
  - (7) The National Electric Code is published by the National Fire Protection Association, Inc., Quincy, Massachusetts.\*

---

<sup>1</sup>Editor's note(s)—Ord. No. 2010-132, § 1, adopted May 11, 2010, repealed the former Ch. 17, §§ 17-1—17-122, and enacted a new Ch. 17 as set out herein. The former Ch. 17 pertained to similar subject matter and derived from Ord. No. 2009-062, § 1, 3-3-09.

<sup>2</sup>**Reference Note**—Land use and development regulations are governed by Chapter 35 of this Code (the "Denton Development Code" or "DDC")

- 
- (8) The Denton Development Code is published by the City of Denton, Denton, Texas.
  - (9) The Transportation Criteria Manual is published by the City of Denton, Denton, Texas.
  - (10) The Tree Protection Standards Manual is published by the City of Denton, Denton, Texas.

These referenced codes and manuals are made available for viewing at City Hall West, in city libraries, in the city secretary's office and can be purchased through their noted publishers.

\* These referenced code books include City of Denton amendments. Texts of these amendments are available online on the City of Denton website and at City Hall West.

(Ord. No. 2010-132, § 1, 5-11-10)

## Sec. 17-2. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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

*Approved* means approved by the City of Denton Code Official.

*Approved sound-level meter* means an instrument sensitive to sound pressure fluctuations that provides a digital decibel reading indicating the level of sound based on a reference of zero db (0.0002 Micro Bar). The instrument must also be capable of taking measurements on the A-weighted scale and on a slow response.

*A-weighted sound pressure level* means the sound pressure level as measured on an approved sound-level meter using the A-weighting scale.

*Basement* means a building story partially or completely underground. A basement shall be counted as a story in computing building height where any portion of a basement has more than one-half (½) of its height above grade.

*Bathroom* means any room containing plumbing fixtures and an installed bathtub, shower, or toilet.

*Bedroom* means any room other than a living room, family room, dining room, kitchen, bathroom, closet, or utility room, den, study, etc., and is used predominately as a sleeping room.

*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 code* means the International Building Code as adopted and amended by the city.

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

*Carrion* means the dead, putrefying flesh of any animal, fowl, or fish.

*Clearly audible* means a volume of character of any sound or portion of a sound, such that any quality, nature, attribute, or information content of the sound is perceptible and identifiable to any person of normal hearing ability, including, but not limited to, understandable spoken words, comprehension of whether a voice is raised or normal, bass reverberations, or comprehensible musical rhythms.

*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.

*Daytime* means from 7:00 a.m. to 10:00 p.m.

*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.

*Duplex dwelling* means a detached residential structure containing two (2) dwelling units, designed for occupancy by not more than two (2) families living independently of each other.

*Dwelling unit* means an independently accessible and defined component of a residential structure, providing complete independent living facilities for one (1) or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

*Efficiency dwelling unit* means a dwelling unit containing only one (1) habitable room and meeting the requirements of section 17-159(j) of this chapter.

*Established perimeter* means the permanent or temporary fencing in place for an event, or the natural boundaries of a specific location or address.

*Exterior structure* means the outside portion of any building or structure.

*Extermination* means the control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; by poison spraying, fumigating, trapping or by any other legally approved pest elimination methods.

*Family* means two (2) or more persons occupying a single dwelling unit where all members are related by blood, marriage, adoption, or legal guardianship of minors. The term "family" does not include any organization or institutional group that receives federal or state funding for the care of the individual.

*Filth* means any matter in a putrescent state.

*Garbage* means any kitchen refuse, foodstuffs, or related materials, including all putrescible waste.

*Glazing* means the portion of a window unit or door that is made of glass and sits or is made to be set in frames.

---

*Graffiti* means any unauthorized form of painting, scratching, writing, or inscription including, but not limited to, initials, slogans, symbols or drawings, regardless of the content or nature of the material that has been applied, to any wall, building, fence, window, sign or other structure or surface, which is visible from: Any public property, any right-of-way or the private property of another person. "Graffiti" does not include advertising placed on property with the owner's permission, in compliance with applicable city ordinances, state or federal law.

*Guard* means a building component or a system of building components located at or near the open sides of elevated walking surfaces, that minimizes the possibility of a fall from the walking surface to a lower level.

*Habitable space* means space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

*Hot water* means water supplied to plumbing fixtures at a temperature of not less than 110° F (49° C) measured at the faucet outlet.

*Imminent danger* means a condition which could cause serious or life-threatening injury or death at any time.

*Improved parking surface* means a parking area constructed in compliance with the Denton Development Code and the Transportation Criteria Manual (Parking Lot Design-Materials and Pavements Section).

*Infestation* means the presence of insects, rats, vermin, or other pests, within or contiguous to, a structure or premises.

*Inoperable motor vehicle* means a motor vehicle that is not in operating condition because it is wrecked, dismantled, partially dismantled, dilapidated, or has one (1) or more flat tires.

*Inoperable vehicle* means a vehicle without a motor, including but not limited to trailers, campers, camper shells, and wheeled towing frames, that is not in operating condition because it is wrecked, dismantled, partially dismantled, dilapidated, or has one (1) or more flat tires.

*Junk* means worn out, worthless, or discarded material, objects, or items.

*Junked vehicle* means a vehicle that is self-propelled and:

- (1) Does not have lawfully attached to it:
  - a. An unexpired license plate; and
  - b. A valid motor vehicle inspection certificate; and
- (2) Is:
  - a. Wrecked, dismantled or partially dismantled, or discarded; or
  - b. Inoperable and has remained inoperable for more than:
    1. Seventy-two (72) consecutive hours, if the vehicle is on public property; or
    2. Thirty (30) consecutive days, if the vehicle is on private property.

*Labeled* means devices, equipment, appliances, or materials, to which has been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items, and by whose label the manufacturer attests to compliance with applicable nationally recognized standards.

*Let for occupancy or let* means to permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premises or structure pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement or contract.

---

*Manufactured home* means a structure constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one (1) or more sections, which, in the traveling mode, is eight (8) feet or more in width, or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems. The term does not include a recreational vehicle as that term is defined by 24 C.F.R. Section 3282.8(g).

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

*Mobile home* means a structure that was constructed before June 15, 1976, transportable in one or more sections which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or when erected on site, is three hundred twenty (320) or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems.

*Motor vehicle* means a self-propelled vehicle or a vehicle that is propelled by electric power from overhead trolley wires. The term does not include an electric bicycle or an electric personal assistive mobility device (meaning a two (2) non-tandem wheeled device designed for transporting one (1) person that is: (1) self-balancing; and (2) propelled by an electric propulsion system with an average power of seven hundred fifty (750) watts or one (1) horsepower.)

*Multi-family dwelling* means a structure or portion designed for three (3) or more dwelling units or for occupancy by members of a fraternity or sorority, or by three (3) or more boarders.

*Nighttime* means from 10:00 p.m. to 7:00 a.m.

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

*Nuisance* means whatsoever is dangerous or detrimental to human life or health; whatsoever renders the ground, the water, the air, or the food hazardous or injurious to human life or health; whatsoever is offensive to the senses; or whatsoever is detrimental to the public health or welfare, including but not limited to:

- (1) Whatsoever is identified as a public nuisance by common law or in equity jurisprudence;
- (2) Whatsoever attracts and may prove detrimental to children whether in a building, on the premises of a building, or on an unoccupied lot. This includes, but is not limited to, any abandoned wells, shafts, basements, excavations or structures; abandoned refrigerators and motor vehicles; any structurally unsound fences or structures; or any lumber, trash, fences, debris or vegetation that may prove a hazard for inquisitive minors;
- (3) Abandoned structures or facilities such as basin chambers, pools or tanks located indoors or outdoors containing artificial bodies of water intended to be used for swimming, diving, or recreational bathing, including spas or hot tubs, which become unfit to be used for the purpose intended;
- (4) Exceeding the number of persons allowed to live in a single-family dwelling in accordance with the definition of overcrowding as defined herein;
- (5) Structures with insufficient ventilation or illumination;
- (6) Structures with inadequate or unsanitary sewage or plumbing facilities;
- (7) Whatsoever renders ground, air, food or water unwholesome or detrimental to the health of human beings; and
- (8) Whatsoever is offensive to the physical senses.

---

*Occupancy* has the meaning as stated in the International Building Code.

*Occupant* means any individual living or sleeping in a building, or having possession of a space within a building.

*Openable area* means that part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.

*Operator* means any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

*Outdoor music festival* means any form of musical entertainment provided by live performances if:

- (1) More than two hundred (200) persons are in attendance at any one (1) performance; or
- (2) The event requires paid admission;
- (3) Any of the performers or performance are not within a permanent, enclosed structure; and
- (4) Any of the performance involves the use of amplified sound.

*Outside display* means the display, outside of a structure, of objects, items, products, or other merchandise that is intended and available for immediate sale, rental, or special order.

*Outside storage* means the storage, collection, or safekeeping of any goods, materials, products, appliances, equipment, or containers that are not enclosed by a structure with walls on all four (4) sides and a roof. Outside storage does not include moveable toys such as tricycles or pedal cars.

*Overcrowding* means the number of persons in excess of the number allowed to live in a single dwelling unit, including family and unrelated individuals. No single dwelling unit shall have more than four (4) unrelated individuals residing therein, nor shall any family, as herein defined, have more than four (4) unrelated individuals residing with such family.

*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.

*Parent* means a person who is a natural parent or adoptive parent of a minor. As used herein, "parent" shall also include a court-appointed guardian or other person twenty-one (21) years of age or older, authorized by the parent, by a court order, or by the court appointed guardian to have the care and custody of the minor.

*Perimeter fence* means an enclosure used as a boundary or means of providing protection, confinement, or privacy and is located along the limits of the developed area and is adjacent to an alley, utility easement, or right-of-way.

*Person* means an individual, firm, partnership, proprietorship, association, corporation, estate, receiver, syndicate, branch of government, social or fraternal organization, or any other group or combination acting as a legal entity, and including any trustee, assignee, executor, or other representative.

*Premises* means a lot, plot or parcel of land, easement or public way, including any structures thereon.

*Property* means all privately owned, occupied or unoccupied land, structure, facility, or premises, including vacant land, and/or a structure designed or used for residential, commercial, business, industrial or religious purposes. The term "property" shall also include, but not be limited to, a yard, ground, wall, driveway, fence, porch, steps or other structure appurtenant to the property.

*Public way* means any street, alley or similar parcel of land which is deeded, dedicated or otherwise permanently appropriated to the public for public use, primarily for transportation purposes.

---

*Refuse* means a heterogeneous accumulation of worn-out, used, broken, rejected or worthless materials including, but not limited to, garbage, paper or litter, and other decayable or nondecayable matter.

*Rental unit* means a single-family dwelling unit, duplex dwelling unit, a townhome dwelling unit, or a multi-family dwelling unit or portion thereof that is rented, let, leased, or offered for rent as a residence.

*Rooming house* means a building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

*Rooming unit* means any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

*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.

*Single-family dwelling* means an attached or detached residential unit other than a manufactured home, hotel or motel.

*Sound amplifying equipment* means any machine or device for the sound amplification of the human voice, music, musical equipment, or any other sound. "Sound amplifying equipment" shall not include warning devices on authorized emergency vehicles or horns or other warning devices on any vehicles used only for traffic safety purposes.

*Street* means the width between the boundary lines of a publicly or privately maintained way, any part of which is open to the public for vehicular travel.

*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.~~any building or structure which is built for the support, shelter, or enclosure or partial enclosure of persons, animals, chattels or moveable property of any kind.~~

*Structure, accessory* means any structure on the same lot with, and is incidental and subordinate to, the principal structure. Flatwork, in-ground swimming pools and fences or walls used as fences are excluded.

*Substandard* means any structure or portion thereof, including any dwelling unit, guestroom or suite of rooms, or the premises on which the same is located, that does not meet the minimum standards as defined in this chapter.

*Temporary carport or auto shade cover* means a structure that is not permanently secured below grade or which has a nonrigid top material used for the purpose of providing shade, shelter, and/or weather protection for automobiles, trucks, recreational vehicles, boats, and similar vehicles.

*Tenant* means a person, corporation, partnership or group occupying a building or portion thereof as a unit under an arrangement of rent.

*Toilet room or water closet* means a room containing a commode, water closet, or urinal but not a bathtub or shower.

*Townhome (single-family attached dwelling)* means single-family dwelling that is a part of a single structure containing at least three (3) but not more than eight (8) such dwellings, and each dwelling:

- (1) Is one (1) or more stories in height;
- (2) Has an outside individual front and rear entrance on the ground floor;
- (3) Is separated from the other dwellings in the structure by fire-rated common walls;
- (4) Has an individual meter for each utility;

- 
- (5) Has access to a public street or alley;
  - (6) Has frontage on a public street;
  - (7) Occupies its own individual lot.

*Trash and debris* means all manner of refuse including, but not limited to junk, carrion, filth, garbage, impure or unwholesome matter, grass and weed clippings, paper trash, useless fragments of building material, rubble, useless household items, items of salvage such as scrap metal and wood, old barrels, old tires, objects that hold water for an extended time, tree and brush trimmings, and other miscellaneous wastes or rejected matter.

*Truck-tractor* means a motor-driven vehicle designed and used primarily for drawing another vehicle and not constructed to carry a load other than a part of the weight of the vehicle and load to be drawn.

*Unfit for human occupancy* means a structure which is: unsafe, dangerous, or unlawful because of the state of disrepair or poor maintenance; unsanitary; vermin or rat infested; contains filth and contamination; lacks ventilation, illumination, sanitation, heating facilities, or other essential equipment required by this chapter; or which, because of the location of the building or structure, constitutes a hazard to the occupants of the building or structure or to the public health or welfare.

*Unsecured structure* means any structure that is vacant and open. A structure is open if any door, window or other opening is not securely closed to prevent unauthorized entry.

*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.

*Vehicle* means a device in or by which a person or personal property is or may be transported or drawn on a public highway, or on any waterway, and shall include all motor vehicles, trailers, campers, camper shells, wheeled towing frames, recreational vehicles, truck-tractors, travel trailers, self-propelled farm equipment, motor-boats or boat trailers. For the purposes of this chapter, "vehicles" shall not include nonmotorized bicycles, skateboards, roller skates, or any other nonmotorized toy vehicle.

*Vegetation* means any plant life, including, but not limited to, shrubs, trees (including saplings), brush, bushes, wildflowers, cultivated flowers, native or ornamental grasses, grass (lawn), weeds, ground cover, annuals, perennials, or vines.

*Ventilation* means the natural or mechanical process of circulating outdoor air (including heated or chilled air) into or out of a structure.

*Vibration (bass reverberation)* means a temporal and spatial oscillation of displacement, velocity, or acceleration in a solid material created by the use or operation of a stationary loudspeaker, amplifier, musical instrument, or any other sound amplifying equipment, as well as any ground or structure-borne vibrational motion that is perceptible by sensation by touch, visual observation of moving objects, or means other than through the sense of hearing.

*Workmanlike* means skillful, masterly, careful, thorough, adept and proficient manual, industrial or artisan work executed to be generally plumb, level, square, in line, undamaged and without marring adjacent work.

(Ord. No. 2010-132, § 1, 5-11-10; Ord. No. 2011-132, § 1, 8-16-11; Ord. No. 2017-146, § 4a., b., 5-9-17)

### **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) 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. 2017-146, § 4i., 5-9-17; Ord. No. 2018-1531, § 2, 11-6-18)

## **Secs. 17-4—17-19. Reserved.**

## **ARTICLE II. NOISE AND ODORS**

### **Sec. 17-20. Noise.**

- (a) *Declaration of intent.* It is hereby declared to be the policy of the city to minimize the exposure of citizens to the potential physiological and psychological harm of excessive noise and to protect, promote, and preserve the public health, comfort, convenience, safety, and welfare. It is the express intent of the city council to control the level of noise in a manner that promotes commerce; protects the sleep and repose of citizens; promotes the use, value, and enjoyment of property; and preserves the quality of the environment.
- (b) *Sound measurement criteria.* For purposes of this chapter, sound measurements will be made using the A-weighting scale on an approved sound-level meter, based on the reference sound pressure (0 dba). Measurement times will be no less than two (2) minutes in length, and violations will be determined based on the highest registered reading in that measurement period. All measurement levels will be inclusive of any ambient noise that exists at the time of the measurement.
- (c) *General noise violations.*
  - (1) It shall be unlawful for a person to make or cause any unreasonably loud or disturbing noise, which causes material distress, discomfort or injury to persons of ordinary sensibilities in the immediate vicinity thereof.
  - (2) It shall be unlawful for any person to make or cause any noise of such character, intensity and continued duration as to substantially interfere with the comfortable enjoyment of private homes by persons of ordinary sensibilities.
  - (3) The following acts, among others, are declared to be noise nuisances in violation of this chapter, but such enumeration shall not be deemed to be exclusive:
    - a. The playing of any phonograph, television, radio, or any musical instrument in such manner or with such volume, so as to be clearly audible to a person in a residence the person playing the instrument does not have the right to occupy; and
      - 1. During the daytime, measure more than sixty-five (65) dba on the A-weighting scale on an approved sound-level meter at more than fifty (50) feet from the source; or
      - 2. During the nighttime, measure more than sixty-five (65) dba on the A-weighting scale on an approved sound-level meter at more than fifty (50) feet from the source; or
      - 3. During the daytime, in a multi-family dwelling, measure more than fifty (50) dba on the A-weighting scale on an approved sound-level meter in any adjacent unit; or
      - 4. During the nighttime, in a multi-family dwelling, be clearly audible within any unit that is not the source of the sound.
    - b. The use of any stationary loudspeaker, amplifier, musical instrument, or sound amplifying equipment in such a manner or with such volume so as to be clearly audible to a person in a residence the person using the instrument does not have the right to occupy; and
      - 1. During the daytime, be of such intensity and volume so as to measure more than sixty-five (65) dba on the A-weighting scale on a sound-level measuring device at more than fifty (50) feet from the source; or

- 
2. During the nighttime, be of such intensity and volume so as to measure more than sixty-five (65) dba on the A-weighting scale on a sound-level measuring device at more than fifty (50) feet from the source; or
  3. During the daytime, in a multi-family dwelling, measure more than fifty (50) dba on the A-weighting scale on an approved sound-level meter in any adjacent unit; or
  4. During the nighttime, in a multi-family dwelling, be clearly audible within any unit that is not the source of the sound; or
  5. At any time on Sunday.

Provided, however, that the city council may make exceptions upon application for sound levels or hours of operation when the public interest will be served thereby.

- c. The creation of vibration or bass reverberations at any time that is perceptible inside a complaining person's residence, through the sense of touch, or through visual observation of moving objects, or through the sense of hearing.
  - d. The use of any radio, stereo, amplifier, sound amplifying equipment, or other musical device installed or contained in a motor vehicle at a volume such that it is clearly audible to any person from more than thirty-five (35) feet from the vehicle.
  - e. The blowing of any steam whistle attached to any stationary boiler or the blowing of any other loud or far-reaching steam whistle within the city limits, except to give notice of the time to begin or stop work or as a warning of danger;
  - f. The erection, excavation, demolition, alteration, or repair work on any building at anytime other than between the hours of 6:00 a.m. and 8:30 p.m. Monday through Friday from June 1 to September 30; between 7:00 a.m. and 8:30 p.m. Monday through Friday from October 1 to May 31; between 8:00 a.m. and 8:30 p.m. on Saturday; and between 1:00 p.m. and 8:30 p.m. on Sunday; provided, however, that the city council may issue special permits for such work at other hours in case of urgent necessity and in the interest of public safety and convenience;
  - g. The creation of any loud and excessive noise in connection with the loading or unloading of any vehicle or the opening or destruction of bales, boxes, crates or containers;
  - h. The use of any drum, loudspeaker, or other instrument or device for the purpose of attracting attention by the creation of noises to any performance, show, theater, motion picture house, sale of merchandise, or display which causes crowds or people to block or congregate upon the sidewalks or streets near or adjacent thereto.
- (d) *Outdoor music festivals.* At any outdoor music festival, it shall be unlawful for any person or group sponsoring the event to make, cause, allow, or permit any noise that:
- (1) Exceeds seventy (70) dba on an approved sound-level meter when measured at the established perimeter of the event.
  - (2) Provided, the city council may make exceptions upon application for sound levels or hours of operation when the public interest will be served thereby.
- (e) Prosecution for an offense under this section does not prevent the use of other enforcement remedies or procedures applicable to the person charged with or the conduct involved in the offense.

(Ord. No. 2010-132, § 1, 5-11-10)

---

### **~~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. 17-21~~2~~—17-29. Reserved.**

## **ARTICLE III. INOPERABLE AND JUNKED VEHICLES**

### **Sec. 17-30. Authority to take possession of abandoned motor vehicles.**

- (a) As authorized by law, the police department may take into custody an abandoned motor vehicle found on public or private property.
- (b) The police department may employ its own personnel, equipment and facilities or hire persons, equipment and facilities to remove, preserve and store an abandoned motor vehicle it takes into custody.

(Ord. No. 2010-132, § 1, 5-11-10)

### **Sec. 17-31. Notification of owner and lienholders of abandoned vehicle.**

- (a) When an abandoned motor vehicle is taken into custody, the police department shall notify not later than the tenth day after taking the motor vehicle into custody, by certified mail, the last known registered owner of the motor vehicle and all lienholders of record pursuant to the Certificate of Title Act, V.T.C.A. Transportation Code ch. 501 or V.T.C.A. Parks and Wildlife Code § 31.001 et seq., that the vehicle has been taken into custody. The notice shall describe the year, make, model and vehicle identification number of the abandoned motor vehicle, set forth the location of the facility where the motor vehicle is being held, inform the owner and any lienholders of their right to reclaim the motor vehicle not later than the twentieth day

---

after the date of the notice, upon payment of all towing, preservation and storage charges resulting from placing the vehicle in custody, or garage keeper's charges if notice is under V.T.C.A. Transportation Code § 683.032. The notice shall also state that the failure of the owner or lienholders to exercise their right to reclaim the vehicle within the time provided constitutes a waiver by the owner and lienholders of all right, title and interest in the vehicle and their consent to the sale of the abandoned motor vehicle at a public auction.

- (b) If the identity of the last registered owner cannot be determined, if the registration contains no address for the owner or if it is impossible to determine with reasonable certainty the identity and addresses of all lienholders, notice by one (1) publication in the official newspaper of the city is sufficient notice under this article. The notice by publication may contain multiple listings of abandoned vehicles, shall be published within the time requirements prescribed for notice by certified mail and shall have the same contents required for a notice by certified mail in this section.
- (c) The consequences and effect of failure to reclaim an abandoned motor vehicle are as set forth in a valid notice given under this section.
- (d) The police department or an agent of the police department who takes custody of an abandoned motor vehicle is entitled to reasonable storage fees for:
  - (1) A period of not more than ten (10) days beginning on the day the police department takes custody and continuing through the day the department mails notice as provided by this section; and
  - (2) A period beginning on the day after the day the police department mails notice and continuing through the day any accrued charges are paid and the vehicle is removed.

(Ord. No. 2010-132, § 1, 5-11-10)

### **Sec. 17-32. Auction of abandoned motor vehicles.**

If an abandoned motor vehicle has not been reclaimed as provided by section 17-31, the police department shall sell the vehicle at a public auction. Proper notice of the public auction shall be given, and in the case of a garage keeper's lien, the garagekeeper shall be notified of the time and place of the auction. The purchaser of the motor vehicle takes title to the motor vehicle free and clear of all liens and claims of ownership, shall receive a sales receipt from the police department and is entitled to register the purchased vehicle and receive a certificate of title. From the proceeds of the sale of an abandoned motor vehicle, the city shall reimburse itself for the expenses of the auction; the costs of towing, preserving and storing the vehicle that resulted from placing the abandoned motor vehicle in custody; and all notice and publication costs incurred under section 17-31. Any remainder from the proceeds of a sale shall be held for the owner of the vehicle or entitled lienholder for ninety (90) days and then shall be deposited in a special fund that shall remain available for the payment of auction, towing, preserving, storage and all notice and publication costs that result from placing another abandoned vehicle in custody, if the proceeds from a sale of another abandoned motor vehicle are insufficient to meet these expenses and costs.

(Ord. No. 2010-132, § 1, 5-11-10)

### **Sec. 17-33. Disposal of abandoned vehicle by demolition.**

- (a) If an abandoned motor vehicle is not reclaimed in accordance with section 17-31, the Texas Department of Transportation, on notification of that fact by the applicant, shall issue the applicant a certificate of authority to sell the motor vehicle to a demolisher for demolition, wrecking or dismantling. A demolisher shall accept the certificate in lieu of the certificate of title to the motor vehicle.

- 
- (b) The Texas Department of Transportation may issue the applicant a certificate of authority to dispose of the motor vehicle to a demolisher without following the notification procedures of section 17-31 if the motor vehicle is more than eight (8) years old and has no engine or is otherwise totally inoperable.
  - (c) A person in possession of an abandoned vehicle that was authorized to be towed in by the police department and that is more than eight (8) years old and has no engine or is otherwise totally inoperable may, on affidavit of that fact and approval of the police department, apply to the Texas Department of Transportation for a certificate of authority to dispose of the vehicle to a demolisher for demolition, wrecking or dismantling only.

(Ord. No. 2010-132, § 1, 5-11-10)

**Sec. 17-34. Inoperable vehicles, inoperable motor vehicles, junked vehicles declared public nuisance; maintaining public nuisance prohibited.**

- (a) An inoperable vehicle, inoperable motor vehicle, or junked vehicle that is visible from any right-of-way or adjacent property and/or is detrimental to the safety and welfare of the general public, tends to reduce the value of private property, invites vandalism, creates a fire hazard, is an attractive nuisance creating a hazard to the health and safety of minors, or produces urban blight adverse to the maintenance and continuing development of the city, is declared to be a public nuisance.
- (b) It shall be unlawful for any person, owner, agent, occupant or anyone having supervision or control of any real property within the city to maintain a public nuisance as determined under this section.
- (c) It shall be unlawful for any person, owner, agent, occupant or anyone having supervision or control of any real property within the city to have more than one (1) inoperable vehicle, inoperable motor vehicle, or junked vehicle upon their property. This subsection shall not apply to auto sales lots, vehicle repair businesses, and salvage yards as long as all inoperable and junked vehicles on these properties shall be kept in compliance with subsections (d), (e), (f), and (g).
- (d) Any inoperable vehicle, inoperable motor vehicle, or junked vehicle shall be screened from any right-of-way or adjacent property by means of a solid opaque fence or shall be enclosed within a building. In no case shall any cover placed over an inoperable vehicle, inoperable motor vehicle, or junked vehicle constitute adequate screening.
- (e) Vehicle repair businesses may have up to five (5) inoperable vehicles, inoperable motor vehicles, or junked vehicles legally parked on the business property which are not screened from public view regardless of whether the vehicles are currently registered and inspected, provided that the vehicles are not wrecked, dismantled, partially dismantled, dilapidated, have broken window glass, or have one (1) or more flat tires.
- (f) Auto sales lots are exempt from subsection (d) when operating in compliance with all state laws and any other city ordinances regulating auto sales, and which are not displaying vehicles that are wrecked, dismantled, partially dismantled, dilapidated, have broken window glass, or have one (1) or more flat tires.
- (g) Vehicle repair businesses may not maintain inoperable or junked vehicles on their property in excess of one hundred twenty (120) consecutive days. The vehicles on the property must be on the property for the purpose of repair. Additionally, a current, valid work order must be maintained for every vehicle. A current, valid work order is a work order that is one hundred twenty (120) days old or less.
- (h) It shall be presumed that a vehicle that is not demonstrated to be operable upon request of the designated city official is an inoperable vehicle.
- (i) An inoperable motor vehicle that remains inoperable for more than thirty (30) consecutive days becomes a junked vehicle.

---

Created: 2024-05-13 12:42:51 [EST]

(Supp. No. 34)

- 
- (j) At no time shall a tarp or any cover not designed to cover a motor vehicle or vehicle be used as a cover for an operable motor vehicle or operable vehicle.

(Ord. No. 2010-132, § 1, 5-11-10)

### **Sec. 17-35. Procedures for abating nuisance; exception.**

- (a) The city may abate and remove a junked vehicle or a part of a junked vehicle as a public nuisance from private property, public property or public rights-of-way as provided in this section.
- (b) For such nuisance on private property, the city shall give not less than ten (10) days' notice stating the nature of the public nuisance on private property, that it must be removed and abated within ten (10) days and that a request for a hearing must be made before expiration of the ten-day period. The notice shall be mailed, by certified mail with a five-day return requested, to the last known registered owner of the junked motor vehicle, any lienholder of record and the owner or occupant of the private premises on which the public nuisance exists. If any notice is returned undelivered by the United States Postal Service, official action to abate the nuisance shall be continued to a date not less than 10 days after the date of the return.
- (c) For such nuisance on public property, the city shall give not less than ten (10) days' notice, stating the nature of the public nuisance on public property or on a public right-of-way, that the nuisance must be removed and abated within ten (10) days. The notice shall be mailed, by certified mail with a five-day return requested, to the last known registered owner of the junked motor vehicle, any lienholder of record and the owner or occupant of the public premises or to the owner or occupant of the premises adjacent to the public right-of-way on which the public nuisance exists. If the notice is returned undelivered by the United States Postal Service, official action to abate the nuisance shall be continued to a date not less than ten (10) days after the date of the return.
- (d) A public hearing shall be held before the removal of the vehicle or vehicle part as a public nuisance. The hearing shall be held before the municipal court. An order requiring the removal of a vehicle or vehicle part must include a description of the vehicle and the correct identification number and license number of the vehicle if the information is available at the site.
- (e) Notice shall be given to the Texas Department of Transportation not later than the fifth day after the date of removal. The notice shall identify the vehicle or vehicle part. The department shall immediately cancel the certificate of title to the vehicle pursuant to the Certificate of Title Act, V.T.C.A. Transportation Code ch. 501.
- (f) The procedures in this section shall not apply to a vehicle or vehicle part that is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property, a vehicle or vehicle part that is stored or parked in a lawful manner on private property in connection with the business of a licensed vehicle dealer or junkyard or an unlicensed, operable or inoperable antique or special interest vehicle stored by a collector on the collector's property, if the vehicle and the outdoor storage area are maintained in a manner so that they do not constitute a health hazard and are screened from ordinary public view by means of a fence, rapidly growing trees, shrubbery or other appropriate means.

(Ord. No. 2010-132, § 1, 5-11-10; Ord. No. 2011-132, § 1, 8-16-11)

### **Sec. 17-36. Disposal of junked vehicles.**

A junked vehicle or vehicle part may be disposed of by removal to a scrapyard, demolisher or any suitable site operated by the city for processing as scrap or salvage. The process of disposal must comply with the provisions of section 17-33. The city may transfer the vehicle or vehicle parts to a disposal site if the disposal is only as scrap or salvage.

---

(Ord. No. 2010-132, § 1, 5-11-10)

**Sec. 17-37. Enforcement.**

The code enforcement officer may enter private property as authorized by law for the purposes specified in the procedures to examine a vehicle or vehicle part, obtain information as to the identity of the vehicle and remove or cause the removal of a vehicle or vehicle part that constitutes a nuisance: 1) with consent of the owner or person in control of the property; 2) with a valid warrant issued by a magistrate; or 3) when the private property is open to the public.

(Ord. No. 2010-132, § 1, 5-11-10; Ord. No. 2017-146, § 4c., 5-9-17)

**Secs. 17-38, 17-39. 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.**

- (a) It shall be unlawful for any person owning, claiming, occupying or having supervision or control of any real property, occupied or unoccupied, within the corporate limits of the city to fail to remove or mow any weeds or grass growing in excess of twelve (12) inches in height on said real property, including easements and rights-of-way. It is a violation of this section if the tall grass and weeds are visible from a right-of-way or an adjacent property.

It shall be a defense to prosecution that the real property is owned by the State of Texas.

- (b) It shall be unlawful for any person owning, claiming, occupying, or having supervision or control of any real property, occupied or unoccupied, within the corporate limits of the city to fail to remove or mow wildflowers after such time as seeds have matured following the final blooming of the majority of the plants, or native grasses after such time as the majority of a species have gone dormant.
- (c) It shall be unlawful for any owner or occupant of any property within the city to fail to remove vegetation growing within one (1) foot of the street or alley adjacent to that private property.

However, it shall be a defense to prosecution if the vegetation does not encroach upon a lane of traffic or obstruct the view of any operators of motor vehicles on any streets, driveways or alleys.

- (d) It shall be unlawful for any owner or occupant of any property within the city to fail to remove limbs existing lower than thirteen and one-half (13.5) vertical feet above a street, seven (7) feet above a sidewalk, or twelve (12) feet above an alley.

However, it shall be a defense to prosecution under this subsection if the trees do not obstruct the safe passage of vehicles, including fire and emergency vehicles, sanitation vehicles, recreation vehicles, or buses.

- (e) It shall be unlawful for any owner or occupant of any property within the city to fail to remove any vegetation growing or encroaching upon the surface of any portion of an improved right-of-way, or any dirt that has encroached upon a sidewalk.
- (f) It shall be unlawful for any person owning, claiming, occupying or having supervision or control of any real property, occupied or unoccupied, within the corporate limits of the city to fail to remove any weeds or grass

---

growing in excess of twelve (12) inches in height on said real property, within one hundred (100) feet of any structure on parcels of land of five (5) or more acres.

- (g) The provisions of this section shall not apply to any area greater than one hundred (100) feet from any open street or thoroughfare, as measured from the right-of-way line of such street or thoroughfare, and greater than one hundred (100) feet from any adjacent property under different ownership and on which any building is located or on which any improvement exists, as measured from the property line for lots, tracts, or parcels of land of five (5) or more acres.
- (h) Hay grown for the purpose of cultivation which is a part of a predominantly homogeneous plant population must be mowed if within twenty (20) feet of an adjacent property under different ownership on which any building or improvement exists. It will be an affirmative defense to this subsection if no citizen complaint has been filed with the city.
- (i) Property designated as an Environmentally Sensitive Area ("ESA") per Subchapter 17 of the Denton Development Code and/or required by an ordinance to be maintained in a natural state are exempt from these provisions.
- (j) Property included as part of a conservation easement shall be exempt from these provisions.

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

(Ord. No. 2010-132, § 1, 5-11-10; Ord. No. 2011-132, § 1, 8-16-11)

#### **Sec. 17-41. Abatement of dangerous grass or weeds in excess of forty-eight (48) inches.**

- (a) The city, as authorized by law, may go upon property and do or cause to be done the work necessary to obtain compliance with this article without notice when:
  - (1) Grass or weeds have grown higher than forty-eight (48) inches; and
  - (2) Are an immediate danger to the health, life, or safety of any person.
- (b) No later than the tenth day after the date the city causes the work to be done under this section, the city shall give notice to the property owner in the manner required by article XI of this chapter.
- (c) The notice shall contain:
  - (1) An identification, which is not required to be a legal description, of the property;
  - (2) A description of the violations of the article that occurred on the property;
  - (3) A statement that the city abated the weeds;
  - (4) An itemized statement of the charges incurred by the city in doing or in having such work done as necessary to bring the real property into compliance with this article; and
- (d) The city may assess expenses and create liens under this section as it assesses expenses and creates liens as provided in article XI.
- (e) Routine abatement of grass or weeds not meeting the standards of this section shall follow the procedures of article XI.

(Ord. No. 2010-132, § 1, 5-11-10)

---

**Sec. 17-42. Maintenance of irrigation.**

It shall be unlawful for any owner or occupant of any property within the city to knowingly make, cause, or permit a use of water contrary to the land and landscape irrigation and water waste ordinance, as amended.

(Ord. No. 2017-146, § 4g., 5-9-17; Ord. No. 2018-1531, § 3, 11-6-18)

Ord. No. 2017-146, § 4g., adopted May 9, 2017, amended § 17-42 in its entirety to read as herein set out. Former § 17-42, pertained to tree preservation and maintenance; landscape maintenance. See Code comparative Table for complete derivation.

**Secs. 17-43—17-49. Reserved.*****ARTICLE V. TRASH AND DEBRIS*****Sec. 17-50. Trash and debris declared a nuisance and prohibited.**

- (a) It is unlawful and declared a nuisance for any person owning, claiming, occupying or having supervision or control of any real property, occupied or unoccupied, within the corporate limits of the city, to fail to remove any refuse, trash, debris, filth, carrion, junk, or garbage from any such real property, including easements and rights-of-way. It is a violation of this section if the refuse, trash, debris, filth, carrion, junk, or garbage is visible from a right-of-way or an adjacent property.
- (b) It is unlawful to maintain premises in a manner that creates unsanitary conditions that are likely to attract or harbor mosquitoes, rodents, vermin, or disease-carrying pests.

(Ord. No. 2010-132, § 1, 5-11-10)

**Secs. 17-51—17-59. Reserved.*****ARTICLE VI. OUTSIDE STORAGE AND OUTSIDE DISPLAY*****Sec. 17-60. Outside storage.**

- (1) In addition to complying with EPA regulations, the International Fire Code, and all other applicable rules and regulations, outside storage shall comply with the following:
  - (a) Shall not be located in any portion of the front yard, and shall be screened from public view at all times. Screening shall be of natural vegetation, masonry, wood, metal, vinyl, PVC, or composite fence materials only, and shall be maintained in a state of good repair at all times. At no time shall a tarp of any kind be used for screening. Play structures such as swing sets, jungle gyms and erected play areas, associated with a residential use, shall be exempt from the screening requirements.
  - (b) Properties zoned IC-E or IC-G, and all industrial uses that are legally permitted are exempted from the requirements of paragraph (a) of this section, provided that no items are stored in any part of a fire lane, required parking space, maneuvering lane, public right-of-way, or visibility triangle.
- (2) It is an affirmative defense to prosecution that the following items are maintained in good repair, are for residential use, and are not a nuisance to the public:

- 
- (a) Storage, collection, or safekeeping in a carport of:
    - i. Building materials that are temporarily stored in a workmanlike manner as part of, and in conjunction with, an active building permit;
    - ii. Motorized lawn equipment;
    - iii. Storage containers, if stored and maintained in an orderly manner against a permanent wall; or
    - iv. Household and yard tools, and household cleaning implements, if stored and maintained in an orderly manner against a permanent wall, using pegboards, shelves, hooks, storage containers, or tool chests.
  - (b) A washer or dryer which is connected and regularly used where the only washer or dryer connection is located under a carport or breezeway.
  - (c) Furniture designed for outdoor use.
  - (d) Firewood stored and maintained in an orderly manner.
  - (e) Smokers, barbeque grills, lawn maintenance equipment, and appliances designed for outdoor use, if in current use.
- (3) It is an affirmative defense to prosecution that the following items are maintained in good repair and are not a nuisance to the public:
- (a) Play structures such as swing sets, jungle gyms and erected play areas or houses built and maintained as part of a playground located at a church, school, or state-regulated commercial daycare.
- (Ord. No. 2010-132, § 1, 5-11-10; Ord. No. 2011-132, § 1, 8-16-11)

### **Sec. 17-61. Outside display.**

Outside displays shall comply with the following criteria:

- (a) Shall be arranged in an orderly manner and is part of the merchandise of an authorized retail business that is located in zoning districts that allow retail sale.
  - (b) Shall not be displayed in a manner that creates an unsafe condition or obscures any sight visibility line or sight visibility triangles.
  - (c) Shall not be located on any public property; within an easement; within a designated fire lane; within any required parking spaces; or located so as to obstruct safe vehicular or pedestrian passage, ingress, or egress.
  - (d) Shall be maintained so as to not become a nuisance to the public or any adjoining property.
- (Ord. No. 2010-132, § 1, 5-11-10)

### **Sec. 17-62. Solid waste container maintenance.**

The code enforcement officer shall enforce chapter 24, articles I and II, of the Code of Ordinances of the City of Denton, as amended.

(Ord. No. 2010-132, § 1, 5-11-10; Ord. No. 2017-146, § 4h., 5-9-17; Ord. No. 2018-1531, § 4, 11-6-18)

### **Secs. 17-63—17-69. Reserved.**

## ***ARTICLE VII. ENVIRONMENTAL NUISANCES***

### **Sec. 17-70. Stagnant water.**

- (a) It shall be unlawful and considered a public nuisance for any person owning, leasing or occupying real property, within the limits of the City of Denton, to fail to remove the accumulation or ponding of standing, stagnant, or nonmaintained water thereon or permit the same to remain, which may harbor or be a breeding ground for mosquitoes, flies, or other pests, or which may cause a foul odor, or adversely impact the public health and safety by any means. Accumulations or ponding of water shall not exceed a forty-eight-hour period under normal rainfall conditions as described by the U.S. Department of Commerce, National Oceanic and Atmospheric Administration National Weather Service (NOAA).
- (b) A finding by a code enforcement officer or health inspector of the City of Denton shall constitute prima-facie evidence that standing, stagnant, or nonmaintained water is conducive to the breeding or harboring of mosquitoes or other insects. Potential tools to make this finding may include measures of water turbidity, the presence of excessive organic matter in the water, the presence of foul odors, visually apparent algal growth, or the presence of mosquitoes, flies, or other pests. The presence of mosquito larva is not required for standing, stagnant, or nonmaintained water to be classified as a public nuisance.
- (c) It shall be unlawful for any person, owner, agent, occupant or anyone having supervision or control of any real property within the city to maintain a public nuisance as determined under this section.
- (d) It shall be the duty of said persons to abate nuisances described in this article by:
  - (1) Draining, filling or re-grading any lots, ground, or yards which have standing or stagnant water thereon; or
  - (2) Treating the area with material, either natural or manmade that will eliminate any offensive odor and render the area harmless to the public health and eliminate the potential breeding ground for mosquitoes, flies, or other pests.
- (e) It shall be the duty of said persons to maintain items that are capable of collecting water, including but not limited to birdbaths, fountains, reflecting pools or ponds, private or semi-private swimming pools or other items so that they cannot harbor or be a breeding ground for mosquitoes, flies, or other pests or which may adversely impact the public health and safety or create an odor nuisance.

(Ord. No. 2010-132, § 1, 5-11-10)

### **Secs. 17-71—17-79. Reserved.**

## ***ARTICLE VIII. FENCES***

### **Sec. 17-80. Maintenance of perimeter fences.**

- (a) An owner shall maintain all perimeter fences in sound structural condition.
- (b) All perimeter fences, including those existing prior to the adoption of this chapter, shall be maintained at all times in a state of good repair with no broken, loose, damaged, removed or missing parts, and in safe and

---

secure condition with all braces, bolts, nails, supporting frame and fastenings free from deterioration, termite infestation, rot, rust or loosening, and able to withstand the wind pressure for which they were designed.

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

(~~c~~d) 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.

(~~d~~e) 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.

(~~e~~f) 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.

(~~f~~g) 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.

(~~g~~h) 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.

(Ord. No. 2010-132, § 1, 5-11-10)

### **Sec. 17-81. Applicability of other laws regarding fences.**

Nothing in this article shall limit any other requirements regarding fencing, including but not limited to requirements established by the following:

- (a) Homeowner's associations;
- (b) The Denton Development Code;
- (c) Regulations relating to businesses where alcohol is sold;
- (d) Regulations regarding swimming pool fences;
- (e) Zoning requirements; and
- (f) Any other applicable local, state, or federal law regarding fencing requirements.

(Ord. No. 2010-132, § 1, 5-11-10)

### **Secs. 17-82—17-89. Reserved.**

## ***ARTICLE IX. TEMPORARY CARPORTS OR AUTO SHADE COVERS***

---

**Sec. 17-90. Temporary carports and/or auto shade covers prohibited.**

The use of temporary carports and/or auto shade covers are expressly forbidden in both residential and commercial districts in the city with exceptions for licensed car dealerships, car washes, and auto detailers whose structures are in compliance with other city ordinances and laws.

(Ord. No. 2010-132, § 1, 5-11-10)

**Secs. 17-91—17-99. Reserved.****ARTICLE X. CERTAIN PARKING REGULATIONS****Sec. 17-100. Vehicles for sale.**

- (a) No vehicle for sale may be parked or stored on any right-of-way or easement except those lawfully parked upon a city street.
- (b) No vehicle for sale may be parked or stored within two hundred (200) feet of the right-of-way or easement on vacant lots or on commercial properties that do not have a certificate of occupancy to operate as a new or used car dealership.

(Ord. No. 2010-132, § 1, 5-11-10)

**Sec. 17-101. Parking nuisances.**

- (a) *Parking regulations.* It is a nuisance and shall be deemed illegal for any person to park in violation of the following provisions:
  - (1) It shall be unlawful for a person to park or store or allow another to park or store a vehicle in the front, side, or rear yard of any property upon any surface other than an improved parking surface.
  - (2) See the Denton Development Code and the Transportation Criteria Manual for allowed materials and construction specifications for parking surfaces for properties other than single-family homes and duplex dwellings.
  - (3) For single-family homes and duplex dwellings, if an improved parking surface exists in a front, side, or rear yard, any improved parking surfaces that are added shall be attached in a parallel fashion to create a contiguous parking surface. The added parking surface shall be constructed of the same material as the existing parking surface and shall not exceed twelve (12) feet in width, the maximum lot coverage as specified in the Denton Development Code, or encroach within three (3) feet of a neighboring property line. If the added parking surface runs parallel to a sidewalk, there must be at least five (5) feet between the edge of the sidewalk that is closest to the property line and the added parking surface.
  - (4) Single-family homes and duplex dwellings may use gravel for existing dirt driveways, excavated and poured to a four-inch depth and bordered to create a parking surface level with the existing driveway.
  - (5) Single-family homes and duplex dwellings that have existing concrete, parallel parking ribbons may maintain said as improved parking surfaces as long as said concrete surfaces are maintained in good and safe condition. Any improved surfaces added for the purpose of parking vehicles shall be attached

- 
- in a parallel fashion to the existing parking surface and shall be constructed in the same manner and of the same material as the existing parking surface.
- (6) For single-family homes and duplex dwellings, if no improved side or rear yard parking surface exists which to attach an added improved parking surface, the vehicle may be placed in the side or rear yard provided that the vehicle is concealed from view from all points along streets and alleys by a solid, opaque fence or wall providing full screening from the ground to a minimum height of six (6) feet, or stored in an enclosed structure. Any fencing must be in compliance with the Denton Development Code and all applicable ordinances and laws regarding fencing. See the Denton Development Code for accessory structure regulations.
  - (7) Vehicles screened as provided for in subsection 17-101(a)(6) may forgo the improved parking surface requirement in subsection (1).
  - (8) Added parking surfaces shall not be located within an easement or right-of-way, or obscure any sight visibility line or sight visibility triangle.
  - (9) It shall be unlawful for any person to park any vehicle or store any objects, items, or personal property in or upon any right-of-way.
  - (10) This section shall not apply to a vehicle legally parked on a public street or highway. For the purposes of this section, a right-of-way shall include:
    - a. The entire width of all public streets and highways including any shoulders of these roadways;
    - b. The entire width of any alleys; and
    - c. All other public easements, including any easements running adjacent to any public roadways and alleys.
  - (11) It shall be unlawful for any person to park or store or allow another to park or store a vehicle on any surface on any unimproved lot, easement, or right-of-way.
  - (12) It shall be unlawful to use a vehicle for living or sleeping quarters, or for the storage of trash, debris or personal property not normally associated with the vehicle.
  - (13) Residential properties with homesteads that exceed two (2) acres may have operable agricultural equipment, two (2) of which may be trailers, parked on an unimproved surface. The surface must be located one hundred fifty (150) feet from the street and adjacent properties and behind the front building line. Additionally, the agricultural equipment may not be parked on any easement or right-of-way. Agricultural equipment is equipment used for farming operations that is not required to be registered by the State of Texas.
- (b) *Maintenance of improved parking surfaces.* It shall be unlawful for any person to fail to maintain all improved parking surfaces in good and safe condition, and free of any defects affecting the use, safety, and drainage of the surface or of the adjoining property.
- (Ord. No. 2010-132, § 1, 5-11-10)

**Secs. 17-102—17-109. Reserved.**

## ***ARTICLE XI. GENERAL ABATEMENT PROCEDURES***

---

### **Sec. 17-110. Failure of owner to comply with chapter provisions; issuance of notice.**

If any person owning, claiming, occupying or having supervision or control of any real property, occupied or unoccupied, within the corporate limits of the city, fails to comply with articles IV, V, or VII of this chapter, the city manager or his duly appointed representative may initiate abatement under this article by providing not less than ten (10) days notice of such violation as provided herein.

(Ord. No. 2010-132, § 1, 5-11-10)

### **Sec. 17-111. Service of notice.**

Notice of violations of this chapter may be delivered to the owner or occupant in person, by notice left at the location, mailed to the occupant's address, or mailed to the owner's address as recorded in the appraisal district records of the appraisal district in which the property is located, and delivered by United States Mail. Rental property notifications shall be sent to both the owner and occupant.

The property will be reinspected no sooner than after ten (10) days of the date on the notice. If the property is not in compliance at this time, citations may be issued.

(Ord. No. 2010-132, § 1, 5-11-10)

### **Sec. 17-112. City may correct violation.**

- (a) *Procedure.* If at least ten (10) days has expired after notice has been given in accordance with section 17-111 and the owner has failed to correct the violation, the city may enter upon the property and do the work, or pay for the work to be done, as necessary to correct the violation. If the owner commits another violation of the same kind or nature on or before the first anniversary of the date of a notice of a violation as required in section 17-110 and the city has not received written notification by the owner of an ownership change, the city without further notice, as authorized by law, may correct the violation at the owner's expense and assess the expenses against the property as provided by this section.
- (b) *Owner assessed costs.* A statement of the costs incurred by the city in correcting a violation shall be mailed or delivered to the property owner in accordance with the notice requirements of section 17-111. The costs shall include an administrative fee established by the city council and on file in the office of the city secretary. The payment shall be due within thirty (30) days of the date of mailing.
- (c) *Lien to secure costs.* If the statement is not timely paid, the city may file a statement with the county clerk of the costs incurred, including administrative costs. Upon filing the statement, the city shall have a privileged lien on the land upon which the costs were incurred, second only to tax liens and liens for street improvements. The amount of the lien shall include ten (10) percent on the delinquent amount from the date payment was made by the city. The statement of expenses or a certified copy of the statement is prima facie proof of the expenses incurred by the city. To collect the costs, suit may be instituted and recovery and foreclosure had in the name of the city.
- (d) Nothing herein shall limit the code enforcement officer's authority under V.T.C.A. Health and Safety Code Ch. 342, and the code enforcement officer is hereby vested with all authority therein provided.

(Ord. No. 2010-132, § 1, 5-11-10; Ord. No. 2017-146, § 4d., 5-9-17)

State law reference(s)—V.T.C.A. Health and Safety Code §§ 342.006—342.008.

### **Secs. 17-113—17-119. Reserved.**

## ***ARTICLE XII. GRAFFITI***

### **Sec. 17-120. City requirement.**

Prior to the issuance of any notice required to be issued by this article, the city shall, in writing, offer to remove graffiti from an owner's property free of charge and determine that the property owner failed to timely respond to, or refused, the offer.

(Ord. No. 2010-132, § 1, 5-11-10)

### **Sec. 17-121. Declaration of public nuisance.**

Graffiti is declared to be a public nuisance. Whenever the existence of graffiti on any property within the city shall come to the attention of the city, provided the owner of the property has refused the offer of the city to remove the graffiti free of charge, the code enforcement officer shall cause a written notice as provided in this article identifying the graffiti and direct its removal.

In addition to any penalty provided in this chapter, the city shall have all remedies available at law and equity to abate such nuisance.

(Ord. No. 2010-132, § 1, 5-11-10; Ord. No. 2017-146, § 4e., 5-9-17)

### **Sec. 17-122. Owner responsibility.**

- (a) An owner of property commits an offense if, after notification by the city, the owner fails to paint over or remove all graffiti from the owner's property that is visible from any public property or right-of-way or from any private property other than the property on which the graffiti exists.
- (b) The property will be re-inspected no sooner than the 15<sup>th</sup> day after the date on the notice. If the property is not in compliance at that time, a notice to remove the graffiti shall be given to the owner by the city. The notice shall:
  - (1) Contain the date and nature of the violation;
  - (2) Contain the physical location of the violation by street address;
  - (3) Contain the name of owner; and
  - (4) Require the owner to remove the graffiti on or before the 15<sup>th</sup> day after the date the property owner receives the notice described in this article.
  - (5) If the condition is not corrected on or before the 15<sup>th</sup> day of receipt of such notice or the owner fails to file an appeal on or before the 15<sup>th</sup> day of receipt of notice from the city, the city may, without further notice, enter upon the property by its agent or its contractors, remove the graffiti and charge the expenses of removal to the owner in accordance with a fee schedule established by the city. If the graffiti is removed by the city, the expenses of removal may be charged to the property owner and a lien may be filed against the property.
- (c) Notice of the violation may be delivered personally to the owner in writing; by letter sent by certified mail, addressed to the property owner at the property owner's address as contained in the records of the

---

appraisal district in which the property is located; or, if service cannot be obtained by such methods, by publication at least once in a newspaper of general circulation in Denton County or the City of Denton; by posting the notice on or near the front door of each building on the property to which the notice relates; or by posting the notice on a placard attached to a stake driven into the ground on the property to which the notice relates.

- (d) An owner maintains a public nuisance if he fails to remove graffiti or refuses to allow graffiti to be removed from his property after having been notified by the city or in the event of appeal, upon order by the appropriate authority.

(Ord. No. 2010-132, § 1, 5-11-10)

### **Sec. 17-123. Exception.**

It is an exception to the requirement that an owner of property remove graffiti from the owner's property if:

- (1) The graffiti is located on transportation infrastructure; and
- (2) The removal of the graffiti would create a hazard for the person performing the removal.

(Ord. No. 2010-132, § 1, 5-11-10)

### **Sec. 17-124. Imposition of civil penalty for applying, permitting, or allowing graffiti.**

- (a) The city council finds and determines that graffiti applied to any natural or manmade surface on public or private property creates an objectionable, or unsightly condition that damages the surrounding homes and businesses in the community.
- (b) Any person who applies or creates graffiti, or any parent who knowingly permits or by insufficient control allows their minor child to apply graffiti to any natural or manmade surface or any public property is liable for a civil penalty.
- (c) The civil penalty for which the person or parent is liable is the fees and costs incurred for removing the graffiti, which shall be in addition to any expenses assessed for removal of the graffiti.
- (d) The civil penalties collected will be placed in reserve or used exclusively in city-initiated abatement proceedings.
- (e) Civil enforcement; procedures.
  - (1) In order to impose a civil penalty under this section of this article, the code enforcement officer shall send a notice of violation to the person or parent liable for the civil penalty not later than the 30th day after the date the graffiti is ordered removed. A notice issued under this section of this article shall be sent to:
    - a. The last known address of the person or parent of the accused minor; or
    - b. Hand-delivered in person to the person or parent of the accused minor alleged to be responsible for the civil penalty.
  - (2) A notice of violation issued under this article shall contain the following:
    - a. A description of the violation alleged;
    - b. The location where the violation occurred;
    - c. The date and time of the violation or when the violation was discovered;

- 
- d. The name and address of the owner of the property involved in the violation;
  - e. A copy of a recorded image of the graffiti involved in the violation;
  - f. The amount of the civil penalty to be imposed for the violation, including the fees and costs for removal of the graffiti;
  - g. The date by which the civil penalty must be paid;
  - h. A statement that a recorded image is evidence in a proceeding for the imposition of a civil penalty; and
  - i. Information that informs the person or parent named in the notice of violation:
    - 1. Of the person's or parent's right to contest the imposition of the civil penalty against the person in an administrative adjudication;
    - 2. Of the manner and time in which imposition of the civil penalty may be contested;
    - 3. That failure to pay the civil penalty or to contest liability in a timely manner is an admission of liability and that failure to appear at an administrative adjudication hearing after having requested a hearing is an admission of liability; and
    - 4. That failure to pay the civil penalty within the time allowed shall result in the imposition of a late-payment fee of fifty dollars (\$50.00).
- (4) A notice of violation under this article is presumed to have been received either on the fifth day after the date the notice of violation is mailed or on the date personal delivery is made to the person or parent of the accused minor alleged to be responsible for the civil penalty.
- (5) In lieu of issuing a notice of violation, the city may mail a warning notice to the owner that, in addition to any other information contained in the warning notice, must contain the information required by subsection (c).
- (f) Administrative adjudication hearing.
- (1) A person who receives a notice of violation under this article may contest the imposition of the civil penalty by requesting in writing an administrative adjudication of the civil penalty within the time provided in the notice (which period shall not be less than fifteen (15) days following the receipt of notice). Upon receipt of the request, the city shall notify the person of the date and time of the hearing on the administrative adjudication. The administrative adjudication hearing shall be held before one (1) or more hearing officers appointed by the city manager.
  - (2) Failure to pay a civil penalty or to contest liability in a timely manner is an admission of liability in the full amount of the civil penalty assessed in the notice of violation and constitutes a waiver of the right to appeal under this section.
  - (3) Failure to appear at an administrative adjudication hearing after having requested a hearing is an admission of liability for the full amount of the civil penalty assessed in the notice of violation and constitutes a waiver of the right to appeal under this section.
  - (4) A person or parent who fails to pay a civil penalty within the time allowed by this article shall be additionally liable for a late-payment penalty in the amount of fifty dollars (\$50.00).
  - (5) The civil penalty shall not be assessed if after a hearing, the hearing officer(s) enter(s) a finding of no liability.
  - (6) A person or parent who is found liable after an administrative adjudication hearing or who requests an administrative adjudication hearing and thereafter fails to appear at the time and place of the hearing is liable for administrative hearing costs in the amount of fifty dollars (\$50.00) in addition to the

---

amount of the civil penalty assessed for the violation. A person or parent who is found liable for a civil penalty after an administrative adjudication hearing shall pay the civil penalty and costs within ten (10) days of the hearing.

- (7) In an administrative adjudication hearing, the issues must be proven at the hearing by a preponderance of the evidence.
  - (8) A person or parent who is found liable after an administrative adjudication hearing may appeal that finding of liability to the municipal court by filing a notice of appeal with the clerk of the municipal court. The notice of appeal must be filed not later than the 31st day after the date on which the administrative adjudication hearing officer entered the finding of liability and shall be accompanied by the payment of an appellate filing fee of fifty dollars (\$50.00). Unless the person, on or before the filing of the notice of appeal, posts a bond in the amount of the civil penalty and any late fees, an appeal does not stay the enforcement of the civil penalty. An appeal shall be determined by the municipal court by trial de novo. Any affidavits submitted under this section shall be admitted by the municipal judge in the trial de novo, and the issues must be proven by a preponderance of the evidence.
- (g) Effect of liability; exclusion of civil remedy; enforcement.
- (1) The imposition of a civil penalty under this section is not a conviction and may not be considered a conviction for any purpose.
  - (2) The city attorney is authorized to file suit to enforce collection of a civil penalty assessed under this article.

(Ord. No. 2010-132, § 1, 5-11-10; Ord. No. 2017-146, § 4f., 5-9-17)

**Secs. 17-125—17-140. Reserved.**

## ***ARTICLE XIII. BUILDINGS AND BUILDING REGULATIONS***

### ***DIVISION 1. GENERALLY***

#### **Sec. 17-141. Purpose.**

This article is established pursuant to V.T.C.A. Local Government Code § 214.001, et seq., as subsequently amended, and as otherwise provided by state law or municipal home rule authority.

The provisions of this chapter shall apply to all existing residential and nonresidential structures and all existing premises to provide minimum standards: to safeguard those buildings, structures or premises from any cause that could potentially endanger life, limb, health, property, safety or welfare of the general public or their occupants; as to the occupancy of existing structures and premises; and for administration, enforcement and penalties. Existing structures and premises that do not comply with this chapter shall be required to be repaired, vacated or demolished to meet minimum standards as defined in this chapter. However, notwithstanding any other provision in this chapter, the legal occupancy or use of any structure existing on the date of adoption of this chapter shall be permitted to continue without alteration of the structure, except as provided in divisions 2 and 3 of this article for the general health, safety or welfare of the occupants or the public.

Furthermore, this exemption shall only apply provided the structure was legally constructed and inspected and has been maintained in compliance with the code which was in effect at the time the structure was originally constructed or subsequently remodeled. At any time should any component of the structure require alteration or

---

repair that requires a permit from the city, the alteration or repair shall be inspected by the city and shall comply with currently adopted codes. Repairs performed under notice of violation from the city shall require inspection.

For information regarding the enlargement or reconstruction of structures with a nonconforming use status, refer to subchapter 11 of the Denton Development Code.

(Ord. No. 2010-132, § 1, 5-11-10)

### **Sec. 17-142. Applicability.**

*General.* In the event of a specific case where any section of this chapter specifies different requirements from any other ordinance or code, the most restrictive shall apply.

- (a) *Application of other codes.* Any and all changes of occupancy, alterations, additions, or repairs to any structure shall be performed in accordance with the procedures and provisions of the codes referenced in section 17-1(e), all as currently adopted and amended by the city council.
- (b) *Existing remedies.* This ordinance shall not eliminate or impede any existing remedies of the city, or its officers, or other agencies as to the removal or demolition of any structure deemed dangerous, unsafe and/or unsanitary.
- (c) *Workmanship.* Repairs, maintenance, alterations, or installations shall be performed and installed in accordance with the manufacturer's installation instructions and in a workman-like manner in those cases in which the work performed is the result of the enforcement of this chapter.
- (d) *Historic buildings.* Buildings or structures designated as historic by the State of Texas or by the Federal Government, and deemed safe by the code official, shall be exempt from the provisions of this chapter.

In accordance with the Denton Development Code, application shall be made to the city historic landmark commission (HLC) for a certificate of appropriateness prior to the commencement of any exterior alteration or repairs of a structure that is located within a historic overlay district or is legally designated as a historic building.

(Ord. No. 2010-132, § 1, 5-11-10)

### **Sec. 17-143. Substandard structure program.**

The substandard structure program is hereby created and the executive official in charge thereof shall be known as the code official.

(Ord. No. 2010-132, § 1, 5-11-10)

### **Sec. 17-144. Enforcement.**

The code official is hereby authorized and directed to enforce all of the provisions of this article. The code official shall also have the authority to interpret this article and apply such interpretation to provisions of this chapter in the interest of public safety, health and general welfare. The code official shall not have the authority to waive structural or fire performance requirements nor shall he make exceptions which clearly violate accepted engineering principles relative to public safety.

- (a) The code official shall keep all official records relating to the provisions of this article. Such records shall be kept in the official records as long as required by city, state and/or federal government regulations.

- 
- (b) *Inspections.* The code official shall make, or cause to be made, all of the inspections required to enforce the provisions of this article, and chapter 28 of the Code. The code official may accept reports of inspection by approved agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The code official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise.
- (c) *Right of entry.* Whenever necessary to make an inspection to enforce any of the provisions of this article or whenever the code official 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, dangerous, or hazardous, the code official, 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 official by this article, and chapter 28 of the Code. If such structure or premises is occupied, he shall first present proper credentials and request entry, and if such structure or premises is unoccupied, he 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, the code official shall have recourse to every remedy provided by law to secure entry.
- (d) *Responsibilities of owner.*
- (1) An owner of a property remains liable for violations of this article, and chapter 28 of the Code regardless of any agreement between the owner and any other party that imposes or attempts to delegate responsibility for the premises to the other party.
  - (2) The owner of a premises which is substandard or dangerous commits an offense.
- (e) *Violations.* It shall be unlawful for any person to erect, construct, enlarge, alter, repair, move, improve, convert or demolish, equip, use, occupy or maintain any building or structure or cause or permit the same to be done or exist on property or premises in violation of this article and chapters 28 and 29 of the Code.
- (1) It shall be unlawful for an owner of any premises to be in violation of any provisions of this chapter.
  - (2) It shall be unlawful for an owner or occupant of a single family or multi-family or duplex dwelling to occupy, or allow occupation of any structure or building that has been placarded as substandard or dangerous by the city.
  - (3) It is a violation for any person to deface or remove an official city placard without the approval of the code official.
  - (4) The code official shall serve a notice of violation or order in accordance with this chapter.
  - (5) The code official shall issue all necessary notices or orders to ensure compliance with this chapter.
  - (6) In addition to imposing a criminal penalty, the city shall have the power to enforce any provision of this article, V.T.C.A. Local Government Code Ch. 214, and V.T.C.A. Local Government Code Ch. 54, Subchs. B and C. No enforcement remedy shall be exclusive of any other remedy the city may have under state law or city ordinances.
- (f) *Notice of violation.* Notices shall:
- (1) Be in writing.
  - (2) Include a legal description of the real estate sufficient for identification.
  - (3) Include a statement of the violation or violations.

- 
- (4) Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit, structure, or property into compliance with the provisions of this article and chapter 28 of the Code.
  - (5) Include a statement of the city's right to file a lien on the property in accordance with this article.
  - (g) *Method of service.* Notice issued under this section is properly served if:
    - (1) Delivered personally;
    - (2) Sent by certified or first-class mail addressed to the last known address; or
    - (3) If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place on or about the building or structure affected by such notice for a period of not less than ten (10) days.
  - (h) *Abatement of violation.* The imposition of the penalties herein prescribed shall not preclude the legal officer of the city from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.

(Ord. No. 2010-132, § 1, 5-11-10)

#### **Sec. 17-145. Buildings declared public nuisances.**

All buildings or portions thereof which are determined to be substandard or dangerous as defined in this article are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedure specified in this article or in an order issued by the Health and Building Standards Commission of the City of Denton.

(Ord. No. 2010-132, § 1, 5-11-10)

#### **Sec. 17-146. Approval.**

- (a) *Modifications.* Whenever there are practical difficulties involved in carrying out the provisions of this article, the building official shall have the authority to grant modifications for individual cases, provided the building official shall first find that special individual reason makes the strict letter of this article impractical, and the modification is in compliance with the intent and purpose of this article, and that such modification does not lessen health, life, and fire safety requirements. The details of action granting modifications shall be recorded and entered in the department files.
- (b) *Alternative materials, methods and equipment.* The provisions of this article are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this article or chapter 28 of the Code, provided that any such alternative has been approved in advance by the building official. An alternative material or method of construction may be approved where the building official finds that the proposed design is satisfactory and complies with the intent of the provisions of this article or chapter 28 of the Code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this article or chapter 28 of the Code in quality, strength, effectiveness, fire resistance, durability and safety.
- (c) *Required testing.* Whenever there is insufficient evidence of compliance with the provisions of this article or chapter 28 of the Code, or evidence that a material or method does not conform to the requirements of this article or chapter 28 of the Code, or in order to substantiate claims for alternative materials or methods, the

---

building official shall have the authority to require tests to be made as evidence of compliance at no expense to the city.

- (1) Test methods shall be as specified in this article or chapter 28 of the Code, or by other industry recognized test standards. In the absence of recognized and accepted test methods, the building official shall be permitted to approve appropriate testing procedures performed by an approved agency.
  - (2) Reports of tests shall be retained by the building official for the period required for retention of public records.
- (d) *Material and equipment reuse.* Materials, equipment and devices shall not be reused unless such elements are in good repair or have been reconditioned and tested when necessary, placed in good and proper working condition and approved.

(Ord. No. 2010-132, § 1, 5-11-10)

**Secs. 17-147—17-149. Reserved.**

***DIVISION 2. MINIMUM STANDARDS***

**Sec. 17-150. Minimum standards for continued use and occupancy.**

All buildings, structures, and portions thereof shall conform to the minimum standards for continued use and occupancy set forth in this division. Each owner of any building, structure, or premises within the city shall comply with the applicable provisions of this division. The standards established in this division shall be the minimum standards for the continued use and occupancy of all buildings, structures, and premises. The owner of any building, structure, or premises that is in violation of these minimum standards and this division may be ordered to perform one (1) or more of the following: Repair, vacate, secure, remove, or demolish such building, structure, or premises.

(Ord. No. 2010-132, § 1, 5-11-10)

**Sec. 17-151. Criteria for establishing minimum standards.**

The owner of premises is in violation of this division if any one (1) or more, in any combination, of the minimum standards identified in this division are not met.

(Ord. No. 2010-132, § 1, 5-11-10)

**Sec. 17-152. Exterior premises.**

- (a) *Private sidewalks and driveways.* All private sidewalks, walkways, stairs, driveways, parking spaces and similar outdoor areas shall be maintained free from hazardous conditions.
- (b) *Rodent harborage.* All structures and exterior premises shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

- 
- (c) *Exhaust vents.* Pipes, ducts, conductors, fans or blowers shall not discharge hazardous or potentially hazardous gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

(Ord. No. 2010-132, § 1, 5-11-10)

### **Sec. 17-153. Exterior structure.**

The exterior of a structure or accessory structure must be maintained in good condition, structurally sound and kept clean and sanitary so as to protect the health, safety and general welfare of the public.

- (a) *Protective treatment.* Exterior surfaces, including but not limited to walls, windows, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good and reasonable condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting\* or other protective covering or treatment. Peeling, flaking, chalking, and chipped paint shall be eliminated and surfaces repainted\*. Siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and watertight. Metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

\* "Pre-1978 structures undergoing paint removal or stabilization may be subject to "safe work practices" as promulgated by the environmental protection agency. Reference should be made to current federal regulations prior to the initiation of work.

- (b) *Premises identification.*
- (1) The owner of every house and building in the city shall place the street number assigned by the building inspections division in some conspicuous place on or near such house or building so that the number may be plainly seen from the street.
  - (2) The house numbers shall be at least four (4) inches high and shall be made of some bright metal or material in a color which is in clear contrast with its background.
- (c) *Structural members.* All structural members of walls, roofs, partitions or other supports shall: be maintained so as to not sag, split, lean, list or buckle due to defective material or deterioration; be of sufficient size to carry all imposed loads safely; and, not show any other evidence of structural fatigue.
- (d) *Foundation walls.* All foundation walls shall be maintained plumb, and free from open cracks and breaks, and in such condition so as to prevent the entry of rodents and other pests.
- (e) *Exterior walls.* All exterior walls shall be maintained free from holes, breaks, loose, missing, or rotting materials, and all exterior walls and exposed surfaces shall be maintained to protect them from the elements and against decay or rust, by periodic application of weather coating materials, such as paint or similar surface treatment.
- (f) *Roofs and drainage.* Any and all repairs or replacements of roof coverings or materials shall utilize approved roofing materials and shall be installed in accordance with the manufacturer's installation requirements. Roof coverings shall not be missing or completely lacking, broken, rotted, split, curled or buckled. The roof, roof coverings and flashing shall be maintained in a sound and tight state without defects that may admit rain or surface drainage water. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters, and downspouts shall be maintained in good condition and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

- 
- (g) *Additional features.* Garage doors, cornices, belt courses, corbels, trim, wall facings, manufactured and mobile home skirting, and other similar decorative features shall be maintained in good condition with proper anchorage, and in a safe condition.
  - (h) *Overhang extensions.* All overhang extensions including, but not limited to, canopies, marquees, signs, metal awnings, fire escapes, standpipes, and exhaust ducts shall be maintained in good condition and properly anchored so as to be kept in a sound condition. All exposed surfaces shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.
  - (i) *Stairways, decks, porches, and balconies.* Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.
  - (j) *Chimneys and towers.* All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.
  - (k) *Window, skylight and door frames.* Windows, skylights, doors and all framework shall be maintained in sound, good condition, and weathertight.
  - (l) *Glazing.* All glazing materials shall be maintained free from open cracks and holes that could admit wind or moisture.
  - (m) *Openable windows.* At least one (1) window per sleeping room shall be easily openable and capable of being held in an open position. If there is an operable exterior door in the room, this section does not apply.
  - (n) *Insect screens.* During the period from April 1<sup>st</sup> to October 31<sup>st</sup>, every window which opens directly to or from an outdoor space shall be equipped with a tightly fitting insect-proof screen of not less than 16 mesh per inch. Screens shall not be required where other approved means, such as air curtains, air conditioning or insect repellent fans, are employed.
  - (o) *Doors.* All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door.
  - (p) *Basement hatchways* shall be maintained to prevent the entrance of rodents, rain and surface drainage water.
  - (q) *Building security.* All doors, windows, hatchways, or other openings that allow access to the interior of an occupied structure from the exterior shall be provided with operable and properly maintained security devices that require no special knowledge or effort to use. All unoccupied structures must be secured from unauthorized entry by means of locking or boarding up all possible access points to the interior of the structure until such time as the structure may be safely re-occupied or is repaired or demolished.
  - (r) *Door locksets.* Exterior doors providing access from the interior of a structure to the exterior shall be equipped with a doorknob lock, single-cylinder dead bolt, or sliding door pin lock with a bar, maintained in good, operable condition and requiring no special knowledge or effort to use. Exterior doors to any unit used for dwelling purposes shall also meet the requirements of V.T.C.A. Property Code, Ch. 92, Subch. D, § 92-153.
  - (s) *Windows.* All operable windows within a structure are required to be equipped with a locking security device that is maintained in good operable condition and that requires no special knowledge or effort to operate. In addition, the locking device for any window which opens in any part within six (6) feet of

---

the ground level or above a walking surface must operate without a key, and open only from the interior.

- (t) *Swimming pools, spas and hot tubs.* Swimming pools, spas and hot tubs shall have good water clarity with main drain visibility from edge of pool, and all components shall be kept in proper working condition.

(Ord. No. 2010-132, § 1, 5-11-10; Ord. No. 2011-132, § 1, 8-16-11)

### **Sec. 17-154. Interior structure.**

The owner and manager shall maintain the interior of a structure and equipment in a good, structurally sound, and sanitary condition. Occupants shall maintain that part of the structure which they occupy or control in a clean and sanitary condition. The above conditions include, but are not limited to, the following:

- (a) The owner and manager shall maintain all structural members structurally sound, and capable of supporting the imposed loads.
- (b) The owner and manager shall maintain all interior surfaces, including windows, doors, ceilings, floors and walls, in good, clean, safe and sanitary condition. Peeling, chipping, flaking, or abraded paint\* shall be repaired, removed, or covered. Deteriorated, crumbling, cracked, or loose plaster, decayed wood, and other defective surface conditions shall be corrected.

\* Pre-1978 structures undergoing paint removal or stabilization may be subject to "safe work practices" as promulgated by the Environmental Protection Agency. Reference should be made to current federal regulations prior to the initiation of work.

- (c) The owner and manager shall maintain every stair, ramp, landing, floor, or other walking surface in good repair and in sound condition.
- (d) The owner and manager shall ensure that handrails and guards shall be firmly secured to withstand normally imposed loads, and be maintained in good repair.
- (e) The owner and manager shall ensure that every interior door fits reasonably well within its frame and is capable of opening and closing, by being properly and securely attached to jambs, headers, or tracks as intended by the manufacturer of the attachment hardware.

(Ord. No. 2010-132, § 1, 5-11-10; Ord. No. 2011-132, § 1, 8-16-11)

### **Sec. 17-155. Handrails and guardrails.**

Every exterior and interior flight of stairs in a residential dwelling unit having more than four (4) risers, and commercial stairs greater than one (1) riser, shall be maintained in a good and safe condition with a handrail on one (1) side of the stair. Every open portion of a stair, landing, balcony, porch, deck, ramp, or other walking surface which is more than thirty (30) inches above the floor or grade shall be equipped with guards not less than thirty-four (34) inches in height measured from the nose of the treads. Handrails shall not be less than thirty-four (34) inches high or more than thirty-eight (38) inches high, measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards for nonresidential stairways and landings, and for all stairways and landings outside individual dwelling units of multi-family structures, shall not be less than forty-two (42) inches high above the floor of the landing, balcony, porch, deck, ramp, or other walking surface. Intermediate rails shall be spaced to prohibit the passage of: a four-inch sphere for rails installed after April 6, 1993, a six-inch sphere for rails installed between September 15, 1986 and April 6, 1993, or a nine-inch sphere for rails installed prior to September 15, 1986. Every handrail and guard shall be firmly fastened, capable of supporting normally imposed loads, and maintained in good condition.

---

(Ord. No. 2010-132, § 1, 5-11-10)

**Sec. 17-156. Extermination.**

The owner shall maintain all structures and exterior premises reasonably free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, the owner shall take proper precautions to prevent re-infestation. The owner, manager and occupant shall maintain those portions of the interior of a structure under his or her control free from rubbish, garbage, and other substances that may encourage infestation by insects, rodents, or vermin, and from all unsanitary conditions. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant shall be responsible for extermination.

(Ord. No. 2010-132, § 1, 5-11-10)

**Sec. 17-157. Light.**

- (a) *Habitable spaces.* Every habitable space shall have at least one (1) window of approved size facing directly to the outdoors or to a court.
- (b) *Common halls and stairways.* Every common hall and stairway in residential occupancies, other than in one- and two-family dwellings, shall be well-lighted at all times. In occupied buildings other than residential occupancies, interior and exterior means of egress, including stairways, shall be illuminated at all times at floors, landings, and treads.
- (c) *Other spaces.* All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe occupancy of the space and utilization of the appliances, equipment and fixtures.
- (d) *Exterior lighting.* Exterior illumination must be operational.

(Ord. No. 2010-132, § 1, 5-11-10)

**Sec. 17-158. Ventilation.**

- (a) *Habitable spaces.* Every habitable space shall have at least one (1) openable window. The total openable area of the window in every room shall be equal to at least forty-five (45) percent of the minimum glazed area required in section 17-157(a). Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least eight (8) percent on the floor area of the interior room or space, but not less than twenty-five (25) square feet. The ventilation openings to the outdoors shall be based on a total floor area being ventilated.
- (b) *Bathrooms and toilet rooms.* Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by section 17-158(a), except that a window shall not be required if equipped with a mechanical ventilation system. Air exhausted by a mechanical ventilation system from a bathroom or toilet room shall discharge to the outdoors, and shall not be recirculated.
- (c) *Cooking facilities.* All rooms and other enclosed spaces shall be ventilated in a manner sufficient to keep them free of excessive heat, steam, condensation, vapors, offensive odors, smoke, and fumes. Further, habitable spaces may not be used as cooking facilities, unless:
  - (1) Approved through a certificate of occupancy;
  - (2) Approved in writing by the code official; or

---

(Supp. No. 34)

Created: 2024-05-13 12:42:52 [EST]

- 
- (3) Only allowable devices are being used. Coffee pots and microwaves are not considered cooking appliances.
  - (d) *Process ventilation.* Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust ventilation system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be recirculated to any space.
  - (e) *Clothes dryer exhaust.* Dryer exhaust systems shall be independent of all other ventilation systems, and shall convey the moisture to the outdoors, unless ductless, condensing clothes dryers are installed. Intake and exhaust air ducts shall be maintained in such a manner as to prevent the entrance of dust, dirt, and any other contaminating materials.

(Ord. No. 2010-132, § 1, 5-11-10)

### **Sec. 17-159. Occupancy limitations.**

*Overcrowding.* The number of persons occupying a dwelling unit shall not create conditions that endanger the life, health, safety or welfare of the occupants, or otherwise violate the terms of the article.

(Ord. No. 2010-132, § 1, 5-11-10)

### **Sec. 17-160. Required facilities.**

Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink, each of which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.

(Ord. No. 2010-132, § 1, 5-11-10)

### **Sec. 17-161. Major appliances.\***

If major appliances are provided in rental units, they shall be maintained in operable condition. If provided major appliances become in need of repair, a reasonable length of time will be allowed for the landlord to make the required repairs to said appliance.

\*Major appliance includes, but is not limited to: Refrigerator, range, wall oven, cooktop, or range hood.

(Ord. No. 2010-132, § 1, 5-11-10)

### **Sec. 17-162. Plumbing systems and fixtures.**

All plumbing fixtures, facilities, and systems shall be maintained and connected in compliance with the adopted codes of the City of Denton, so as not to pose any health or sanitation hazard.

All occupied areas and all plumbing equipment and facilities shall be maintained in a clean, sanitary, and safe condition at all times, and all connected plumbing fixtures and heating equipment shall be maintained in compliance with applicable laws. Owners or managers shall take immediate action to clear stoppages and partial blockages of all sanitary sewer systems. Within twenty-four (24) hours after notice of a malfunctioning sewer system, properly functioning sewer service shall be reinstated. However, if a city permit is required due to the extent of the repairs, a properly functioning sewer service shall be installed in a reasonable period of time in light of the required repairs.

---

(Ord. No. 2010-132, § 1, 5-11-10)

### **Sec. 17-163. Water system.**

All plumbing fixtures shall be properly connected to plumbing systems as required by adopted codes and ordinances of the City of Denton, be maintained so as not to pose any health or sanitation hazard, and be provided with both hot and cold running water.

- (a) *Contamination.* The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sink faucets and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.
- (b) *Supply.* The water supply system shall be maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.
- (c) *Water heating facilities.* Water heating facilities shall be properly maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 110° F (43° C). A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room that is normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

(Ord. No. 2010-132, § 1, 5-11-10)

### **Sec. 17-164. Sanitary drainage system.**

All plumbing fixtures shall be connected to a sanitary sewer or to an approved private sewage disposal system. All plumbing fixtures shall be connected to an approved water supply system and provided with hot and cold running water necessary for normal operation. All plumbing fixtures shall be of an approved glazed earthenware type or a similarly nonabsorbent material.

Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

(Ord. No. 2010-132, § 1, 5-11-10)

### **Sec. 17-165. Storm drainage.**

Drainage of roofs, paved areas, yards, courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance.

(Ord. No. 2010-132, § 1, 5-11-10)

### **Sec. 17-166. Mechanical facilities.**

Heating and air conditioning facilities shall be maintained in structures as required by this article.

- (a) *Heating.* Every dwelling unit and guest room shall be provided with heating facilities capable of maintaining a room temperature of 68° Fahrenheit at a point three (3) feet above the floor in all

---

(Supp. No. 34)

Created: 2024-05-13 12:42:52 [EST]

---

habitable rooms. Such facilities shall be maintained in a safe condition and in accordance with the adopted building code, the adopted mechanical code and all other applicable laws. Unvented fuel-burning heaters shall not be permitted as the sole source of heating for any room or space. All heating devices or appliances shall be of an approved type, and at no time, shall cooking appliances be used to provide space heating to meet the requirements of this article.

- (b) *Air conditioning.* An Owner shall provide refrigerated air equipment in rental dwelling units. When refrigerated air equipment is provided in rental units, it shall be maintained in operable condition and must be capable of maintaining a maximum inside temperature that is 20° lower than the outside temperature or 81° F, whichever is warmer, in each room of a structure intended for human occupancy from May 1 through October 1. If provided refrigerated air equipment becomes in need of repair, Owner shall repair said equipment within a reasonable time.
- (c) *Employee work spaces.* Indoor employee work spaces shall be supplied with sufficient heat to maintain an ambient temperature of 65° F measured at a point three (3) feet above the floor near the center of the room or space. Spaces designed to be maintained at a temperature below 65° F, including but not limited to coolers, freezers, computer cold rooms and other similar areas, shall be exempt from this requirement. Additionally, areas whose primary function is not for human comfort and in which employees engage in vigorous physical activity during the normal course of their duties may also be exempted from this requirement.

(Ord. No. 2010-132, § 1, 5-11-10)

#### **Sec. 17-167. Mechanical equipment.**

- (a) *Mechanical appliances.* All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.
- (b) *Removal of combustion products.* All fuel-burning equipment and appliances shall be connected to an approved chimney or vent. Fuel-burning equipment and appliances which are labeled for unvented operation are excepted from this requirement.
- (c) *Clearances.* All fuel burning equipment shall be provided and maintained with all required clearances to combustible materials, as required by chapters 28 and 29, and by manufacturer specifications.
- (d) *Safety controls.* All safety controls for fuel-burning equipment shall be maintained in effective operation.
- (e) *Combustion air.* A supply of air for complete combustion of the fuel and for ventilation of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment.
- (f) *Additional devices.* Any modification or connection of additional devices to a fuel burning appliance, its fuel supply, or its venting system shall be made using products that are listed and labeled for the specific application and shall be specifically approved by the code official.

(Ord. No. 2010-132, § 1, 5-11-10)

#### **Sec. 17-168. Electrical facilities.**

Every structure provided with an electrical system shall be maintained in safe operating condition, and compliant with the requirements of this article and all other adopted codes of the City of Denton.

- (a) *Electrical service.* The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the National Electric Code. Dwelling units shall be

---

served by a three-wire, 120/240 volt, single-phase electrical service having a rating of not less than sixty (60) amperes, or other service approved by the code official.

- (b) *Electrical system hazards.* Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

(Ord. No. 2010-132, § 1, 5-11-10)

### **Sec. 17-169. Electrical equipment.**

- (a) *Installation.* All electrical equipment, wiring and appliances shall be installed and maintained in safe operating condition. All electrical equipment shall be listed and labeled for the proposed use.
- (b) *Receptacles.* Every habitable room shall contain at least two (2) supplied electrical convenience outlets or one (1) convenience outlet and one (1) supplied electrical light fixture. Every bathroom, laundry room, interior stairway, kitchen, boiler room, furnace room, and public hallway shall contain at least one (1) supplied electric light fixture. Electrical circuits and outlets shall be maintained in a safe operating condition and shall be sufficient to safely carry a load consistent with the standards contained in the version of the National Electrical Code most recently adopted by the city. Ground-fault circuit-interrupter protected receptacles shall be provided in the following locations:
- (1) Bathrooms;
  - (2) Kitchens where the receptacles are installed to serve the countertop surfaces; and
  - (3) Laundry, utility, and wet bar sinks where the receptacles are installed within six (6) feet of the outside edge of the sink.

(Ord. No. 2010-132, § 1, 5-11-10)

### **Sec. 17-170. Elevators, escalators and dumbwaiters.**

Elevators, dumbwaiters and escalators shall be maintained in compliance with the American Society of Mechanical Engineers (ASME) A17.1. The most current certification of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter, or the certificate shall be available for public inspection in the office of the building operator. The inspection and tests shall be performed at not less than the periodical intervals listed in ASME A17.1, Appendix N, except where otherwise specified by the authority having jurisdiction.

In buildings equipped with passenger elevators, at least one (1) elevator shall be maintained in operation at all times when the building is occupied. Buildings equipped with only one (1) elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

This section does not apply to single-family dwellings.

(Ord. No. 2010-132, § 1, 5-11-10)

### **Sec. 17-171. Duct systems.**

Intake and exhaust air ducts shall be maintained in such a manner as to prevent the entrance of dust, dirt, and any other contaminating materials.

---

(Ord. No. 2010-132, § 1, 5-11-10)

### **Sec. 17-172. Means of egress.**

A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the International Fire Code, the International Building Code, or be approved by the building official or fire official.

- (a) *Aisles.* The width of aisles required by the International Fire Code, the International Building Code or approved by the building official or fire official shall remain unobstructed at all times.
- (b) *Locked doors.* All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to the International Building Code or is permitted by the building official or fire official.
- (c) *Emergency escape openings.* Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction, and the following: Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the code that was in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.

(Ord. No. 2010-132, § 1, 5-11-10)

### **Sec. 17-173. Fire-resistance ratings.**

- (a) *Fire-resistance-rated assemblies.* The required fire resistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained.
- (b) *Opening protectives.* Required opening protectives shall be maintained in an operative condition. All fire and smokestop doors shall be maintained in operable condition. Fire doors and smoke barrier doors shall not be blocked or obstructed or otherwise made inoperable.

(Ord. No. 2010-132, § 1, 5-11-10)

### **Sec. 17-174. Fire protection systems.**

All systems, devices, and equipment to detect a fire, smoke, actuate an alarm, or to suppress or control a fire, or any combination thereof, shall be provided and maintained in operable condition at all times in accordance with the adopted International Fire Code.

- (a) *Smoke alarms.* All single or multiple-station smoke alarms, regardless of occupancy type or occupant load, shall be maintained in operable condition at all times in the following locations:
  - (1) On the ceiling or wall outside of each separated sleeping area in the immediate vicinity of bedrooms and in each room used for sleeping purposes.
  - (2) In all dwellings or dwelling units with open, split levels that do not have a door between the levels, including areas of basements and cellars, but not uninhabited attics or crawl spaces, smoke alarms installed on the upper level shall suffice as adequate coverage for the lower level, provided that the upper level is not more than one (1) story above the lower level. Smoke alarms,

---

Created: 2024-05-13 12:42:53 [EST]

(Supp. No. 34)

---

single or multiple-station, must be installed in other types of group occupancies in compliance with the requirements of the adopted International Fire Code.

- (b) *Power source.* Smoke alarms shall receive their primary power from the building wiring, be permanent, without a disconnecting switch other than for over-current protection, and be equipped with a battery backup. In a building where no construction is taking place, or where there is no access to a municipal or commercial power source, or in an existing building undergoing repair or alteration which does not include the removal of a wall or ceiling exposing the structure, battery powered smoke alarms are permitted.
- (c) *Interconnection.* All smoke alarm systems shall be interconnected as required, and shall be installed and maintained in accordance with the International Fire Code, International Building Code and International Residential Code as adopted and amended by the City Council of the City of Denton.

(Ord. No. 2010-132, § 1, 5-11-10)

**Secs. 17-175—17-179. Reserved.**

### *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.

-

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 aforesaid, 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 (½) 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:
    - ~~(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 reinstituting 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";~~
  - (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.~~~~
- ~~(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)