



# RICHMOND

EST. **TEXAS** 1837

*Where History Meets Opportunity*

## Building and Standards Commission Regular Meeting

City Commission Room | 600 Morton Street, Richmond, Texas 77469

Tuesday, April 5, 2022, at 5:00 p.m.

<u>Position 1:</u>	<b>Albert Davis (Chairman)</b>
<u>Position 2:</u>	<b>James Kinsey (Secretary)</b>
<u>Position 3:</u>	<b>Joe Garcia (Vice-Chair)</b>
<u>Position 4:</u>	<b>Zachary LaRock</b>
<u>Position 5:</u>	<b>Damacio Sanchez</b>
<u>Position 6:</u>	<b>Michael Meehan</b>
<u>Position 7:</u>	<b>Michael Leonard</b>

**A quorum of the City Commission may be present at this meeting.**

### AGENDA

- A1. Call to Order, Quorum Determined, and Meeting Declared Open.
- A2. Recite the Pledge of Allegiance to the U.S. Flag and the Texas Flag.
- A3. Public comments. (Public comment is limited to a maximum of 3 minutes per item. No deliberations with the Board. Time may not be given to another speaker).

### CONSENT AGENDA

- B1. Review and approve minutes of the Regular Meeting held on Tuesday, February 1, 2022.
- B2. Date of next meeting: To be announced.

### REGULAR AGENDA

- C1. Discuss progress on the following addresses:
  - C1a. 1104 S 3<sup>rd</sup>.                      Dangerous Structure    Progress Update

C1b.	1315 Newlin	Dangerous Structure	House Removed
C1c.	1110 Rufus	Dangerous Structure	House Removed
C1d.	1101 (1103) Jerry	Dangerous Structure	Progress Update
C1e.	1015 Preston	Dangerous Structure	Progress Update
C1f.	507 Travis (Rear)	Dangerous Structure	Progress Update
C1g.	712 Center	Dangerous Structure	House Removed
C1h.	411 Clay	Dangerous Structure	Progress Update
C1i.	406 Burnet	Dangerous Structure	Progress Update

- D1. Discuss Building and Standards Wall Framing Snippet provided by staff.
- E1. Discussion on Quasi-Judicial Enforcement of Health and Safety Ordinance.
- F1. Excuse from attendance at the regular Building and Standards Commission Meeting.
- G1. Adjournment.

**Any items on this posted agenda may be discussed in Executive Session provided it is within on of the permitted categories under Chapter 551 of the Texas Government Code.**

#### **NOTICE OF ASSISTANCE AT THE PUBLIC MEETING**

The City of Richmond Building and Standards Commission meetings are available to all persons regardless of disability. This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations, should you require special assistance, must be made 48 hours prior to this meeting. Braille is not available. Please contact the City Secretary's office at (281) 342-5456 for needed accommodations.

If you have any questions, please contact Scott Fajkus at (281) 342-0559 or by email at [sfajkus@richmondtx.gov](mailto:sfajkus@richmondtx.gov).



# City of Richmond

*Where History Meets Opportunity*

## **Building and Standards Commission Minutes**

City Commission Room | 600 Morton Street, Richmond, Texas 77469

**Tuesday, February 1, 2022, at 5:00 p.m.**

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The Building and Standards Commission for the City of Richmond, Texas met on Tuesday, February 1, 2022, at 5:00 p.m. for a Regular Meeting. The session was held at 600 Morton Street, Richmond City Commission Room.

Chairman Davis called the meeting to order at 5:00 p.m. A quorum was present, with the following members in attendance:

Albert Davis  
James Kinsey  
Zachary LaRock  
Damacio Sanchez  
Michael Meehan

Staff in attendance: Scott Fajkus, Assistant Building Official; Terri Vela, City Manager; Howard Christian, Assistant City Manager/Public Works Director; Lori Bownds, Building Official; Gary Smith, City Attorney; Aileen Heard, Code Compliance Officer; and Brittany Mullings, Public Works Executive Secretary.

Chairman Davis introduced agenda item 2., Recite the Pledge of Allegiance to the U.S. Flag and the Texas Flag. Pledge of Allegiance to the U.S. Flag and Texas Flag was recited.

Chairman Davis introduced agenda item 3., Oath of Office. The Oath of Office was done at the previous meeting.

Chairman Davis introduced agenda item 4., Public Comments. Hearing no public comments. This agenda item was closed.

Chairman Davis introduced agenda item 5., Approval of November 29, 2021, Workshop and December 7, 2021, minutes. Board Member LaRock made a motion to approve the minutes for both meetings. Board Member Kinsey seconded the motion. The vote for approval was unanimous.

Chairman Davis introduced agenda item 6., Election of Officers: Chairman, Vice-Chairman, and Secretary. The Board elected officers as follows:

Chairman – Albert Davis

Vice-Chairman – Joe Garcia

Secretary – James Kinsey

Chairman Davis introduced agenda item 7., Review and discuss revisions and updates of the Quasi-Judicial Enforcement of health and safety ordinances. Mr. Fajkus gave a lengthy explanation of the changes that have been made.

Chairman Davis introduced agenda items 8a – 8h., Discuss follow-ups for properties found to be in violation.

8a. 1104 South 3<sup>rd</sup> – Dangerous Structure

Mr. Fajkus stated he has received the Municipal Judges' signature for an inspection warrant today. The Staff will provide an update at the next meeting.

8b. 1315 Newlin – Dangerous Structure

Mr. Fajkus stated the new property owner will be removing the mobile home and will replace it with another mobile home that is no older than 10 years old. Once the mobile home is removed, the owner will have 180 days to replace it with a newer model. The Staff is recommending allowing another 60 days to remove the mobile home. Board member Meehan made a motion to allow an additional 60 days to remove the mobile home. Board member LaRock seconded the motion. The vote for approval was unanimous.

8c. 1110 Rufus – Dangerous Structure

Mr. Fajkus mentioned this is one of the properties the Board signed Notice of Substandard Structure Orders. The demolition contract has been awarded. Within the next month, the structure will be demolished.

8d. 1000 Calhoun – Dangerous Structure

Mr. Fajkus stated the structure has been demolished and will be taken off the Dangerous Structure list.

8e. 1101 (1103-1105) Jerry – Dangerous Structure

Mr. Fajkus mentioned that 1105 Jerry has been demolished. Mr. Fajkus stated at 1103 Jerry, the roof is in need of replacement. Staff is recommending allowing another 60 days to bring the structure up to code. Board member Kinsey made a motion to allow an additional 60 days. Board member LaRock seconded the motion. The vote for approval was unanimous.

8f. 1015 Preston – Dangerous Structure

Mr. Fajkus mentioned this is one of the properties the Board signed Notice of Substandard



Structure Orders. He has received the Municipal Judges' signature for an inspection warrant today. The Staff will provide an update at the next meeting.

8g. 507 Travis (Rear) – Dangerous Structure

Lana Douglas stated she is currently working with some lenders to rehabilitate the house. She stated the structure was left unsecured after an inspection was done. Mr. Fajkus stated he would go back to secure the house. Ms. Douglas also mentioned she has started the Heirship process. Chairman David requested Ms. Douglas return in 60 days with an update. Mr. Fajkus mentioned a set of detailed plans will need to be submitted to the Building Department, once she is able to show ownership. He recommended a Plan Designer or Structural Engineer to assist because they would be familiar with the current codes. All Board members were in favor.

8h. 712 Center – Dangerous Structure

Mr. Fajkus stated there was an inspection done in mid-January. He mentioned there was a new owner, and they plan on demolishing the structure in the next 60 days. Staff is recommending allowing an additional 60 days for the new owner to demolish the structure. All Board members were in favor.

Chairman Davis introduced agenda items 9a – 9c., Review and consider taking action on the following addresses.

9a. 411 Clay – Dangerous Structure

Mr. Fajkus stated the owner obtained an Elevation Certificate along with a vague Structural Engineer report stating they would replace all the charred wood. He mentioned he did send an email to the owner stating that a detailed set of plans will need to be submitted before any permits are issued. Board member LaRock asked if there were any flood elevation concerns. Mr. Fajkus stated there was not. There was a general discussion on assistance programs. Staff requested a Final Order that the structure be demolished or brought up to code by the owner within 30 days or any lienholder within 90 days. If the property owner fails to comply with said Order, the City shall be authorized to demolish the structure and recoup the costs incurred by the City by filing a lien against the property. Board Member Kinsey made a motion to order rehabilitation or removal of the structure from the property within 30 days by the property owner or the City has authority to demolish the structure. Board Member LaRock seconded the motion. The vote for approval was unanimous.

9b. 2002 Gammon – Dangerous Structure

Mr. Fajkus stated the owner was able to get a State Inspector out to inspect the mobile home. The owner obtained the seal that shows the inspection was completed with no violations. The Staff is recommending this address be taken off the Dangerous Structures List. All Board members were in favor.

9c. 406 Burnet – Dangerous Structure

Mr. Fajkus stated this case has been open since December 2016. Mr. Fajkus mentioned multiple extensions have been given to the owner, but there has been no progress made within the last year. Staff requested a Final Order that the structure be demolished or brought up to code by the owner within 30 days or any lienholder within 90 days. If the property owner fails to comply with said Order, the City shall be authorized to demolish the structure and recoup the costs incurred by the City by filing a lien against the property. Board Member Kinsey made a motion to order rehabilitation or removal of the structure from the property within 30 days by the property owner or the City has authority to demolish the structure. Board Member LaRock seconded the motion. The vote for approval was unanimous.

Chairman Davis introduced agenda item 10., Approval of the next scheduled meeting. The next scheduled meeting is set for Tuesday, April 5, 2022, at 5:00 p.m. All Board members were in favor.

There being no further business to be brought before the Building and Standards Board, Chairman Davis adjourned the meeting at 5:47 p.m.

Approved

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Albert Davis, Chairman

Attest

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Scott Fajkus, Assistant Building Official

**Building and Standards Commission**  
*Report: Dangerous Structure*

**Agenda Date:** April 5, 2022

**Agenda Item:** C1a.

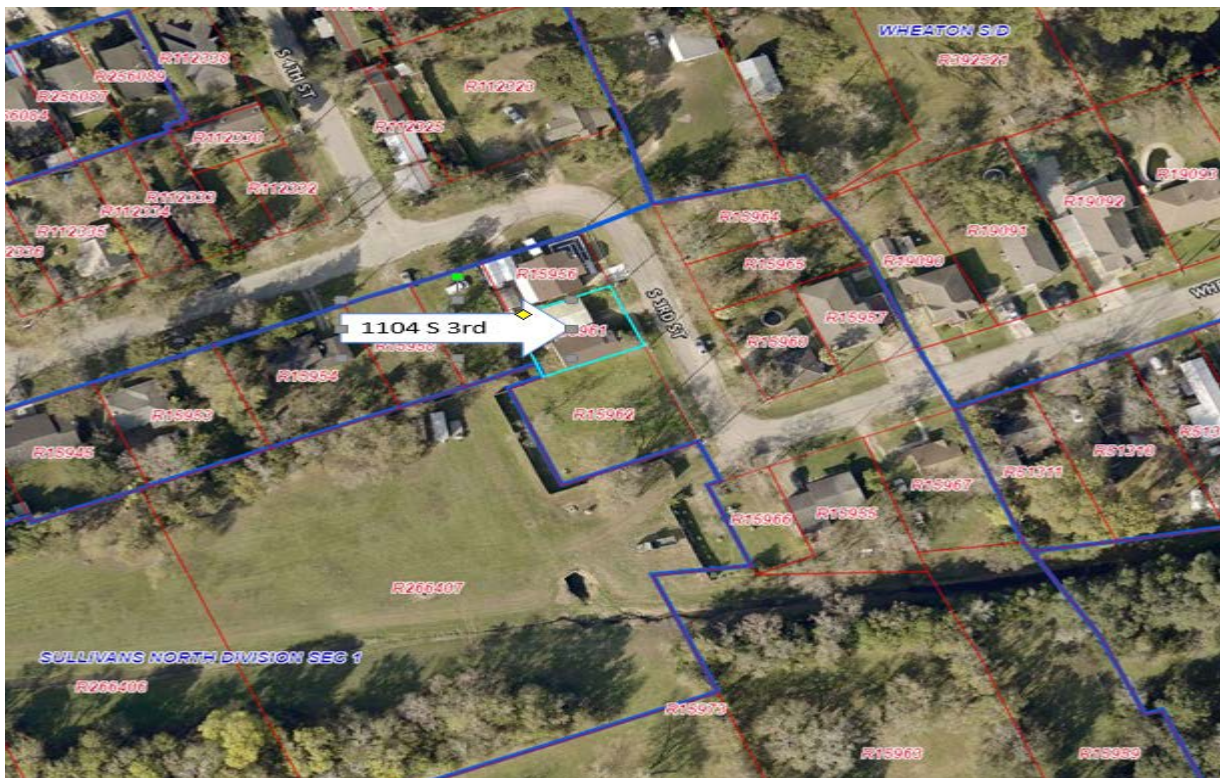
**Agenda Item Subject:** Dangerous Structure

**Property Address:** 1104 S. 3rd









**Case Date:** December 2016









**OVERVIEW**







This case opened in December 2016 and was deemed substandard by the Building and Standards Commission. All the required notification has been mailed out by City Staff, but no progress by the homeowner to correct the code violations on the substandard structure and no contact with owners. Owners did obtain permits in May of 2017 to raise the house 18" and level the foundation. Staff has conducted an inspection on the inside, and it appears that there are multiple leaks which is causing the ceiling to fall in several rooms. There has also been some activity and evidence of someone breaking into the house and living there from time to time. The outside of the piers also has shifted more within the last several months. Please note that we were unable to remove the homeowner exemption thru Fort Bend CAD.



The following table outlines the letters sent by City Staff to the homeowner for the existing violations:

Letters  				
	Date	Letter	Description	
	09/02/2021	Notice of Enforcement Action	Returned on 10/08/21	
	07/27/2021	Violation Notice		
	04/21/2021	Courtesy Notice	Returned on 05/10/21	

Violations  					
	Violation Date ⌵	Violation ⌵	Notes ⌵	Status ⌵	
	12/11/2020	Miscellaneous Violation - Dangerous Fences and Structures		Open	
	07/27/2021	Dangerous structure or premises. 2015 IPMC, Section 108.1.5.		Open	
	07/27/2021	Miscellaneous Violation - Maintenance of Exterior Surfaces		Open	

Notes  				
	Date	Entered By	Note	
	01/10/2022	Fajkus, Scott	BSC certified letter returned.	
	01/04/2022	Fajkus, Scott	BSC certified letter mailed on January 1/4/2022.	
	12/01/2021	Heard, Aileen	Updated photos uploaded for Building & Standards Commission meeting scheduled for 12/07.	
	09/28/2021	Heard, Aileen	Updated photos for hearing	
	07/21/2021	Heard, Aileen	Updated photos of structure	

Staff Recommendation

**Corrective Action(s):**

The property owner shall repair the structure and bring the entire house up to current building codes. The metal structure next to the house needs to be secured. The side facing the house is open where vagrancy can happen.

**Action(s):**

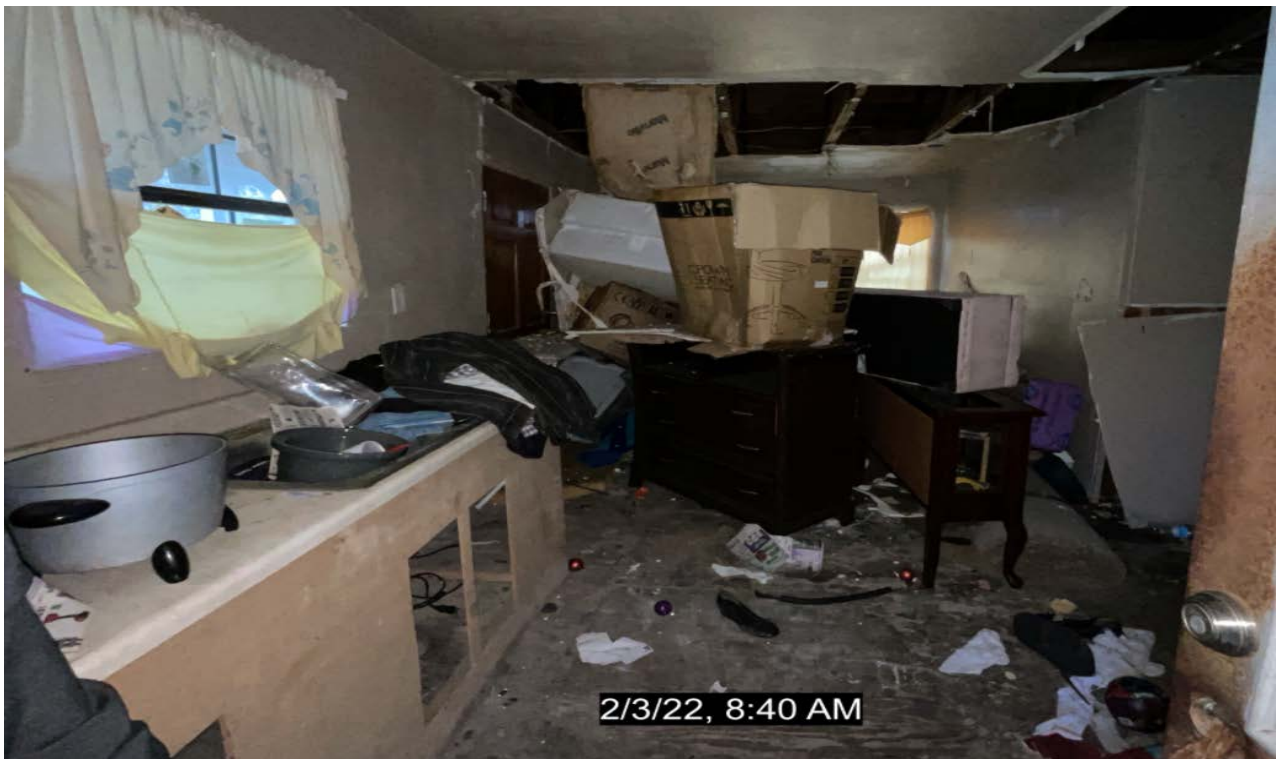
The inspection warrant has been completed and the substandard notice has been issued. However, this address is still showing homeowner exemption with Fort Bend CAD.



SITE PICTURES



Front of the house facing South Third.



Kitchen







Interior of Bedroom







Interior of Bedroom













CITY OF RICHMOND  
402 MORTON STREET, RICHMOND, TEXAS 77469  
(281) 342-5456

BSC CASE NUMBER: 2016-1859

STATE OF TEXAS §  
  §  
COUNTY OF FORT BEND §

KNOW ALL BY THESE PRESENTS:

TO Adan & Gloria Alvarez, PO Box 1532 (ADDRESS),  
Richmond (CITY), TX (STATE), 77406-1532 (Zip)

GREETINGS:

Pursuant to Ordinance No. 2014-11 of the City of Richmond, Texas, take notice that a violation has been filed with the City of Richmond, Texas ("City"), Building and Standards Commission ("BSC") regarding the subject property. As provided by law, the City Building Inspector may undertake the following actions:

SECTION 11 ADDITIONAL AUTHORITY TO SECURE A BUILDING

- (a) Without a prior hearing before the Commission, the Building Inspector may secure a building or structure the Building Inspector determines:
  - (1) Is substandard and a hazard to the public health, safety and/or welfare; and
  - (2) Is unoccupied or is occupied only by persons who do not have a right of possession to the building or structure.
- (b) After securing a building or structure as provided in subsection (a), the Building Inspector may post a notice to vacate on or near the front door of the building or structure. The notice to vacate must be in substantially the following form:

DO NOT OCCUPY

This building or structure is in violation of the City Ordinances of the City of Richmond. Occupancy is suspended until such time as the violations are corrected and approved by the City Building Inspector. It is a misdemeanor to occupy this building or structure to remove or deface this notice.

The City Building Inspector has placed a "DO NOT OCCUPY" placard upon the substandard structure located at

1104 South Third Street, Lot(s) \_\_\_\_\_, Block 110PT1 55475, of Sullivan Addn. Subdivision, City of Richmond, Texas.


PLEASE APPEAR AT 600 MORTON STREET, RICHMOND, TX 77469, ON April 5, 2022 AT 5:00 P.M. TO MEET WITH THE BUILDING AND STANDARDS COMMISSION TO DISCUSS YOUR PROPERTY. Please be prepared to submit at the hearing proof of the scope of any work that may be required to restore the property, and the time in calendar days in which it will take to reasonably perform the work. You have the right to hire an attorney at your cost to represent you at the hearing; you have the right to inspect the file on the property at code compliance headquarters prior to the hearing; you have the right to request the presence of city staff for the purpose of questioning at the hearing; and you have the right to cross-examine city staff at the hearing.

According to the real property records of Fort Bend County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office not later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

If you have any questions concerning this notice, please call (281) 342-0559

Scott Fajkus, Assistant Building Official





**CITY OF RICHMOND**  
600 Morton Street  
Richmond, Texas 77469



NORTH HOUSTON TX 773

MAR 01 2022 PM 2:11



7020 3160 0001 2222 6925

**RECEIVED**  
MAR 11 2022  
BY: *Bm*

9883/09/22  
RETURN TO SENDER  
NOT DELIVERABLE AS ADDRESSED  
UNABLE TO FORWARD  
BC: 77469388500 \*8493-01716-05-21

*A*

*B/B*

Adan Gloria Alvarez  
PO Box 1532  
Richmond, TX 77406

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Adan Gloria Alvarez  
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**Building and Standards Commission**  
*Report: Dangerous Structure*

**Agenda Date:** April 5, 2022  
**Agenda Item:** C1b.

**Agenda Item Subject:** Dangerous Structure  
**Property Address:** 1315 Newlin  
**Case Date:** August 2019

**OVERVIEW**

This case opened in August 2019 and was deemed substandard by the Building and Standards Commission. This structure has been recently removed.









**Building and Standards Commission**  
*Report: Dangerous Structure*

**Agenda Date:** April 5, 2022  
**Agenda Item:** C1c.

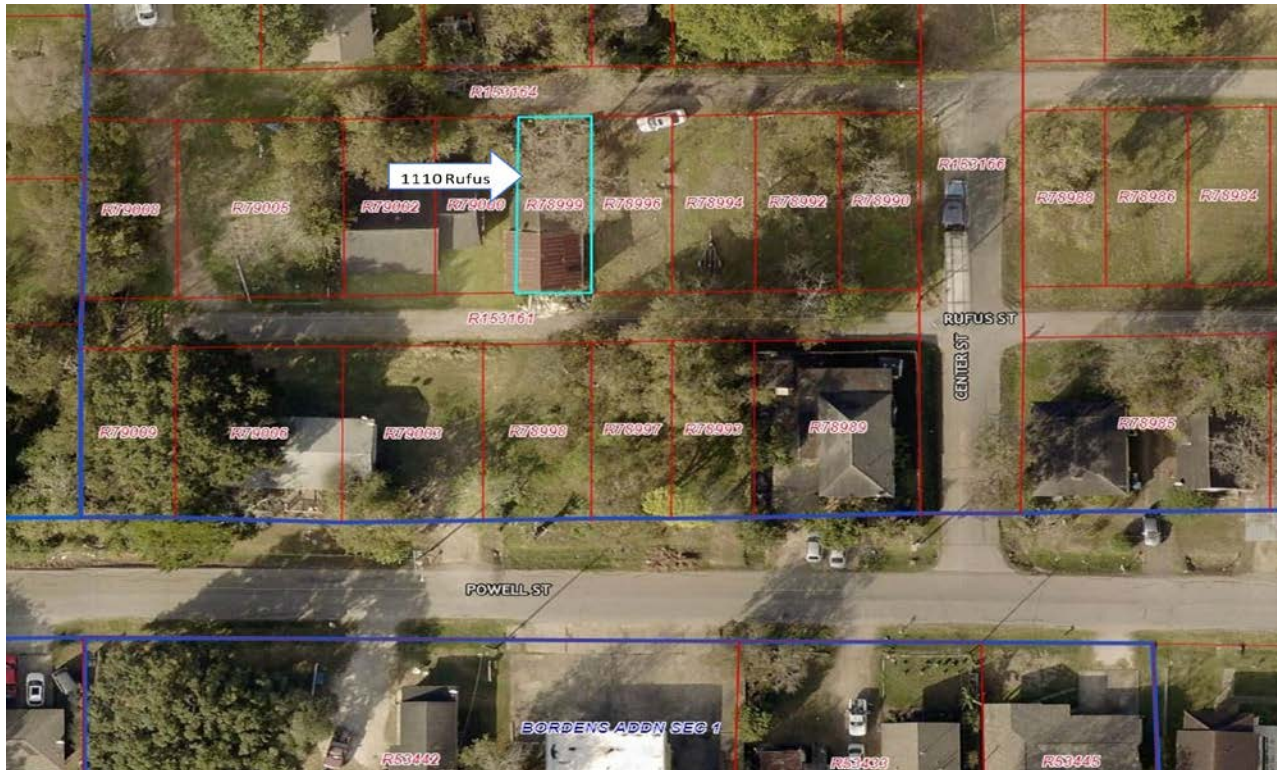
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**Agenda Item Subject:** Dangerous Structure  
**Property Address:** 1110 Rufus  
**Case Date:** October 2019

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**OVERVIEW**

This case opened in October 2019 and was deemed substandard by the Building and Standards Commission. All the required notification has been mailed out by City Staff, but no progress by the homeowner to correct the code violations on the substandard structure and no contact with owners. A Notice of Substandard Structure Order was issued for this location during the October Meeting. The city recently had awarded a contract to have this structure removed.









**Building and Standards Commission**  
*Report: Dangerous Structure*

**Agenda Date:** April 5, 2022  
**Agenda Item:** C1d.

**Agenda Item Subject:** Dangerous Structure  
**Property Address:** 1101 (1103-1105 Jerry)  
**Case Date:** November 2018

**OVERVIEW**

This case opened in November 2018 and was deemed substandard by the Building and Standards Commission. All the required notification has been mailed out by City Staff. The homeowner of both addresses demolished the 1105 Jerry address. The 1103 Jerry address is still in violation of the city ordinance and 2015 IPMC. The City is currently working with the homeowner to make necessary repairs to this structure and bring into compliance.



The following table outlines the letters sent by City Staff to the homeowner for the existing violations:

Letters				
	Date	Letter	Description	
	09/02/2021	Notice of Enforcement Action		
	07/27/2021	Violation Notice		
	04/21/2021	Courtesy Notice		
	12/18/2018	Notice of Enforcement Action		
	11/15/2018	Violation Notice		
	11/01/2018	Courtesy Notice		

Violations				
	Violation Date	Violation	Notes	Status
	11/01/2018	Weeds or Brush on Property		Closed
	11/01/2018	Dangerous structure or premises. 2015 IPMC, Section 108.1.5.		Open
	11/01/2018	Dangerous structure or premises. 2015 IPMC, Section 108.1.5.		Open



Notes <span style="float: right;">📄 ➔</span>				
	Date	Entered By	Note	
✎	01/11/2022	Fajkus, Scott	1105 Jerry street has been demolished and site has been cleaned up.	🗑️
✎	10/07/2021	Heard, Aileen	Notice of Substandard Structure Order posted.	🗑️
✎	09/28/2021	Heard, Aileen	Updated photos for hearing	🗑️
✎	07/21/2021	Heard, Aileen	Updated photos of both dwellings.	🗑️

**Staff Recommendation**

**Corrective Action(s):**

The property owner shall repair the structure and bring to current building codes.

**Action(s):**

Staff is working with the homeowner on the existing location and is asking to extend another 60 days. The owner is wanting to add a new roof fix existing siding and repaint house.

**SITE PICTURES**

1103 Jerry

















**Building and Standards Commission**  
*Report: Dangerous Structure*

**Agenda Date:** April 5, 2022  
**Agenda Item:** C1e.

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**Agenda Item Subject:** Dangerous Structure  
**Property Address:** 1015 Preston  
**Case Date:** April 2016

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







**OVERVIEW**

This case opened in April 2016 and was deemed substandard by the Building and Standards Commission. All the required notification has been mailed out by City Staff, but no progress has been made by the homeowner to correct the code violations on the substandard structure. Multiple extensions have been granted by the Building and Standards Commission over the last year for this case. Currently, there are no active permits for this address and no progress or activity has been made over the last year. Commission had issued substandard orders at the December 2021 Meeting. The city is in the process of issuing a contract for removal of this structure.





The following table outlines the letters sent by City Staff to the homeowner for the existing violations:

**Violations** ♥ ▼

	Violation Date ⌵	Violation ⌵	Notes ⌵	Status ⌵	
	04/19/2021	City of Richmond Code of Ordinances, Chapter 22 "Nuisances," Article IV "Weeds and Rubbish".	Trash/Rubbish on l/s	Open	
	04/19/2021	Weeds or Brush on Property	H/w & trash	Open	
	04/19/2021	Dangerous structure or premises. 2015 IPMC, Section 108.1.5.	Unoccupied property. No Trespassing Sign Posted	Open	
	04/19/2021	Exterior Walls		Open	

**Letters** 📄 ➔

	Date	Letter	Description	
	10/01/2021	Notice of Enforcement Action	<input type="text"/>	
	04/19/2021	Violation Notice	<input type="text"/>	

Notes

	Date	Entered By	Note	
	01/25/2022	Fajkus, Scott	Submitted inspection warrant and waiting on the judge to sign the warrant so we can move forward with a search warrant.	
	12/09/2021	Heard, Aileen	Posted Notice of Standard Structure Order	
	12/01/2021	Heard, Aileen	Updated photos uploaded for Building & Standard Commission meeting scheduled for 12/07	
	09/28/2021	Heard, Aileen	Updated photos for hearing	
	05/11/2021	Heard, Aileen	Property is delinquent for back taxes for the amount of \$43,427.20.	

SITE PICTURES









**Building and Standards Commission**  
*Report: Dangerous Structure*

**Agenda Date:** April 5, 2022  
**Agenda Item:** C1f.

**Agenda Item Subject:** Dangerous Structure  
**Property Address:** 507 Travis (Rear)  
**Case Date:** November 2016





**OVERVIEW**

This case opened in November 2016 and was deemed substandard by the Building and Standards Commission. This address was damaged by a fire in 2015. Multiple owners on this address. Multiple extensions have been granted by the Building and Standards Commission over the last year for this case. Currently, there are no active permits for this address and no progress has been completed. Building and Standards have signed substandard orders at the December 2021 meeting. An inspection warrant was signed, and staff conducted an inspection. At the February Building and Standards Meeting the board granted 60 days for change of ownership and start permit process.









The following table outlines the letters sent by City Staff to the homeowner for the existing violations:

### Violations ♥ ▼

	Violation Date ⌵	Violation ⌵	Notes ⌵	Status ⌵	
	12/11/2020	Miscellaneous Violation - Dangerous Fences and Structures		Open	
	07/27/2021	Dangerous structure or premises. 2015 IPMC, Section 108.1.5.		Open	

### Letters 📄 ➔

	Date	Letter	Description	
	09/02/2021	Notice of Enforcement Action	<input type="text"/>	
	07/27/2021	Violation Notice	<input type="text"/>	
	04/21/2021	Courtesy Notice	<input type="text"/>	

Notes

	Date	Entered By	Note	
	01/25/2022	Fajkus, Scott	Working on securing estimates for demolition of structure.	
	01/14/2022	Heard, Aileen	Inspection Warrant served by Officer Rychlik. Photos uploaded	
	12/09/2021	Heard, Aileen	Posted Notice of Standard Structure Order	
	12/02/2021	Heard, Aileen	Updated photos for Building & Standard Commission meeting scheduled on 12/07	
	09/30/2021	Heard, Aileen	Updated photos for hearing	
	07/21/2021	Heard, Aileen	Updated photos of dwelling	

**SITE PICTURES**













**RICHMOND**  
EST. **TEXAS** 1837

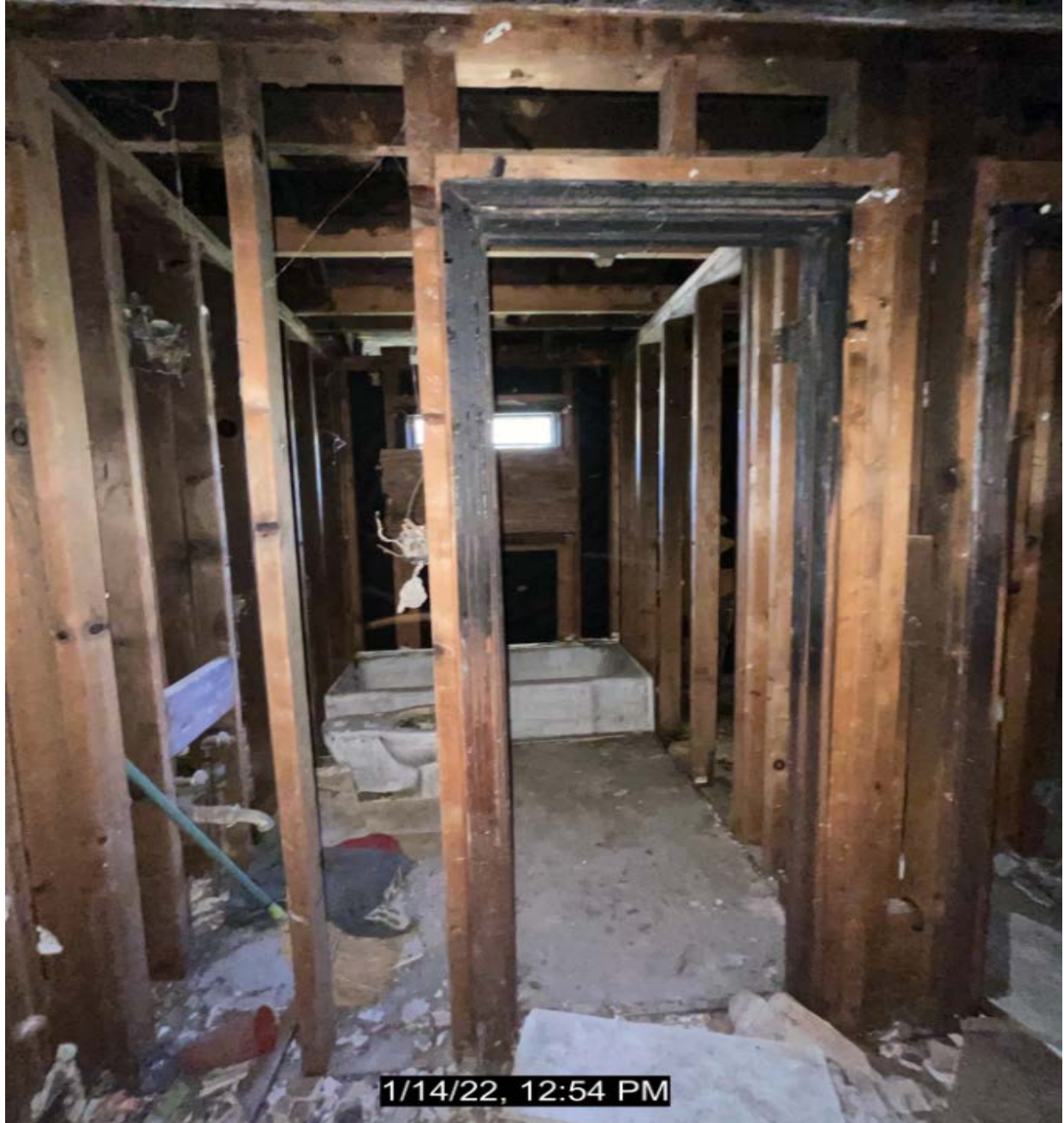
















**Building and Standards Commission**

*Report: Dangerous Structure*

Agenda Date: April 5, 2022

Agenda Item: C1g.

Agenda Item Subject: Dangerous Structure

Property Address: 712 Center

Case Date: December 2016

**OVERVIEW**

This case was opened in February 2021 by Code Compliance Department. All the required notification has been mailed out by City Staff, but no progress has been made by the homeowner to correct the code violations on the structure. Homeowner has remove the structure at this location.







*Before Pictures*



*After Pictures*



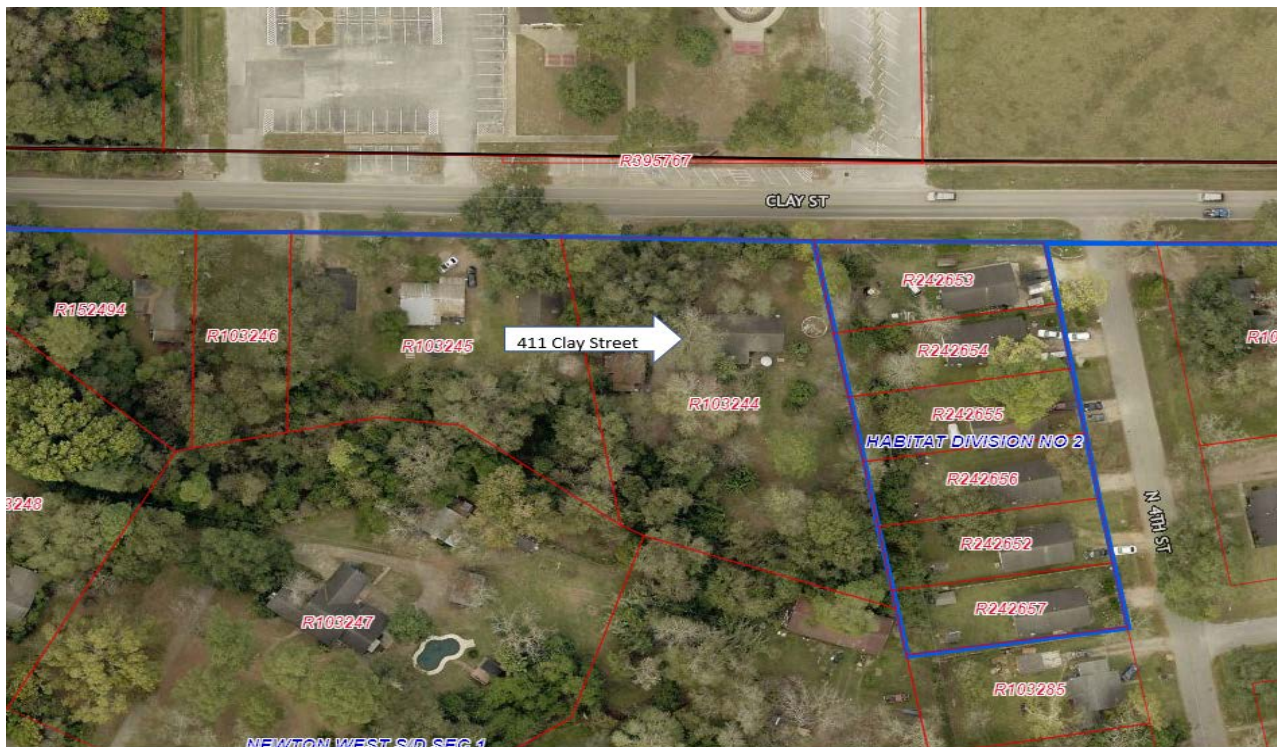
**Building and Standards Commission**  
*Report: Dangerous Structure*

**Agenda Date:** April 5, 2022  
**Agenda Item:** C1h.

**Agenda Item Subject:** Dangerous Structure  
**Property Address:** 411 Clay  
**Case Date:** September 2021

**OVERVIEW**

This case opened in September 2019. It was deemed substandard by the Building and Standards Commission at the December 2021 Building and Standards Commission. This house caught fire on February 17, 2021, and the structure has been severely damaged. All the required notification has been mailed out by City Staff, but no progress has been made by the homeowner to correct the code violations on the substandard structure. An Elevation Certification has been received by the city. Based on the engineer inspection/report all charred and damaged wood will need to be replaced. The city will require a detailed set of plans to be submitted by a design planner or engineer before permits can be obtained due to the extensive amount of damage caused by the fire.





The following table outlines the letters sent by City Staff to the homeowner for the existing violations:

**Violations** ♥ ▼

	Violation Date ⌵	Violation ⌵	Notes ⌵	Status ⌵	
	03/01/2021	Exterior Walls	Siding deteriorating.	Open	
	03/02/2021	City of Richmond Code of Ordinances, Chapter 22 "Nuisances," Article IV "Weeds and Rubbish".	Trash in easement on l/s	Open	
	03/02/2021	Roofs and drainage	Holes in roof	Open	
	07/14/2021	Permit Required	Permit required for repairs	Open	
	07/14/2021	Weeds or Brush on Property	H/w in easement. Tree limbs on property.	Open	
	07/14/2021	Accessory Structures	Shed	Open	
	09/02/2021	Dangerous structure or premises. 2015 IPMC, Section 108.1.5.	Fire damage	Open	

**Letters**  ➔

	Date	Letter	Description	
	09/02/2021	Notice of Enforcement Action	<input type="text"/>	
	07/14/2021	Notice of Enforcement Action	Placard Property	
	03/02/2021	Violation Notice	<input type="text"/>	

Notes <span style="float: right;">📄 ➔</span>				
	Date	Entered By	Note	
✎	01/24/2022	Fajkus, Scott	I have sent an email explaining to Ms. Ocha that a detail set of plans need to be submitted by an engineer or plan designer.	🗑
✎	01/18/2022	Fajkus, Scott	We received an Elevation Certificate from Ms. Ochoa and a on page drawing of the roof. Based off the Engineer inspection it required that all charred and damage wood be replaced. The City will require a detail set of plans be submitted from a design planner or engineer. I will send an email back explaining what needs to be submitted in order to receive a permit from the Building Department.	🗑
✎	01/03/2022	Fajkus, Scott	Spoke to Cynthia about the flood elevation certification. I will email her a copy of the certificate. She gave me Richard Arriaga's phone number 361-250-0256 for an alternate contact.	🗑
✎	12/21/2021	Fajkus, Scott	Contacted and left voicemail for homeowner. The requirement for this lot will be obtain a flood elevation certification and have a structural engineer submit certified detail plans on construction for this house before a permit can be obtained.sf	🗑
✎	10/19/2021	Heard, Aileen	Violations remain. Case active since March. No progress has been made to dwelling. Put on DB list.	🗑
✎	09/15/2021	Heard, Aileen	Owner Ms. Ochoa signed a consent form allowing Code Enforcement & Building Inspectors to inspect the interior of the structure. Lori, Greg, Oscar & Scott assisted with the inspection.	🗑
✎	08/12/2021	Heard, Aileen	Scott spoke with owner finance Richard Arriaga yesterday. He stated that they are currently hiring a contractor to demo the dwelling. He requested additional time. A 30 day extension was granted per Scott.	🗑
✎	07/14/2021	Heard, Aileen	Violations remain. No call back from owner fiancé. Additional violations added. Placard Property	🗑
✎	07/08/2021	Heard, Aileen	Left a voice message for Richard Arriaga contact #361-453-8389 regarding gaining access to the property to inspect the structure.	🗑
✎	06/16/2021	Heard, Aileen	Tree logs in driveway. A couple of trees down due to yesterday storm. Dwelling has not been demolished. Will contact owner to gain access to inspect property. Allow 10 day extension	🗑
✎	03/08/2021	Heard, Aileen	Spoke w/owners fiancée Richard Arriaga contact #361-453-8389 regarding violations. Damage to structure was due to a fire on 02/16. Ms. Ochoa will be demolishing the structure. No insurance on property. Help is being offered from Fema & Red Cross. Allow ninety days for owner to obtain permits needed & to start the demolition process. Advised Mr. Arriaga to periodically visit the location to make sure property stays secured, the grass	🗑



1 of 1



11251 Northwest Freeway  
Suite 31-  
Houston, Texas 77079  
Tel: +832-319-9072

January 14<sup>th</sup>, 2022  
City of Richmond (COR) Building Department  
**Attention: Structural Inspector**  
RE: Post-Fire Structural Letter  
Address: 411 Clay Street, Richmond, TX 77469  
LVTQS-LTR-0314 - RICHMOND HOUSE FIRE STRUCTURAL LETTER 14-JAN-22

Dear Sir or Madam,

This letter is to inform the reader that a representative of this firm, on January 10<sup>th</sup>, 2022, has inspected the wood frame structure of the residence at the above referenced address, after a fire event that occurred in the property on February 17<sup>th</sup>, 2021.

From our visual inspection (see pictures below), the roof wood structure has been affected more by the fire. It is the owner's intention, which is also good engineering and safe practice, to replace all damaged (smoked or charred) wood frame members, along with blocks to reinforce the structure.



It is recommended a final inspection to confirm the structure is in good shape and does not present a hazard to the occupants, so a proper certificate of occupancy can be issued.

If you have any questions or comments regarding this letter, please contact me at 832-319-9072.

Sincerely,



Diego Lamacchia  
Professional Engineer, TX #102186  
TBPE Firm 18611  
Leviticus, Houston, Texas USA





U.S. DEPARTMENT OF HOMELAND SECURITY  
Federal Emergency Management Agency  
National Flood Insurance Program

OMB No. 1660-0008  
Expiration Date: November 30, 2022

## ELEVATION CERTIFICATE

Important: Follow the instructions on pages 1-9.

Copy all pages of this Elevation Certificate and all attachments for (1) community official, (2) insurance agent/company, and (3) building owner.

SECTION A - PROPERTY INFORMATION				FOR INSURANCE COMPANY USE	
A1. Building Owner's Name CYNTHIA OCHOA				Policy Number:	
A2. Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 411 CLAY STREET				Company NAIC Number:	
City RICHMOND		State Texas		ZIP Code 77469	
A3. Property Description (Lot and Block Numbers, Tax Parcel Number, Legal Description, etc.) LOT 2, NEWTON WEST, SECTION 1, FORT BEND CAD ID R103244					
A4. Building Use (e.g., Residential, Non-Residential, Addition, Accessory, etc.) <u>RESIDENTIAL</u>					
A5. Latitude/Longitude: Lat. <u>29°27'52.8"N</u> Long. <u>95°03'48.6"W</u> Horizontal Datum: <input type="checkbox"/> NAD 1927 <input checked="" type="checkbox"/> NAD 1983					
A6. Attach at least 2 photographs of the building if the Certificate is being used to obtain flood insurance.					
A7. Building Diagram Number <u>1B</u>					
A8. For a building with a crawlspace or enclosure(s):					
a) Square footage of crawlspace or enclosure(s) <u>N/A</u> sq ft					
b) Number of permanent flood openings in the crawlspace or enclosure(s) within 1.0 foot above adjacent grade <u>N/A</u>					
c) Total net area of flood openings in A8.b <u>N/A</u> sq in					
d) Engineered flood openings? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					
A9. For a building with an attached garage:					
a) Square footage of attached garage <u>N/A</u> sq ft					
b) Number of permanent flood openings in the attached garage within 1.0 foot above adjacent grade <u>N/A</u>					
c) Total net area of flood openings in A9.b <u>N/A</u> sq in					
d) Engineered flood openings? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					
SECTION B - FLOOD INSURANCE RATE MAP (FIRM) INFORMATION					
B1. NFIP Community Name & Community Number CITY OF RICHMOND 480231			B2. County Name FORT BEND		B3. State Texas
B4. Map/Panel Number 48157C0235	B5. Suffix L	B6. FIRM Index Date 04-02-2014	B7. FIRM Panel Effective/ Revised Date 04-02-2014	B8. Flood Zone(s) X AND AE	B9. Base Flood Elevation(s) (Zone AO, use Base Flood Depth) NEAREST BFE 85.00
B10. Indicate the source of the Base Flood Elevation (BFE) data or base flood depth entered in Item B9: <input type="checkbox"/> FIS Profile <input checked="" type="checkbox"/> FIRM <input type="checkbox"/> Community Determined <input type="checkbox"/> Other/Source: _____					
B11. Indicate elevation datum used for BFE in Item B9: <input type="checkbox"/> NGVD 1929 <input type="checkbox"/> NAVD 1988 <input checked="" type="checkbox"/> Other/Source: <u>NAVD 88, 2001 ADJ</u>					
B12. Is the building located in a Coastal Barrier Resources System (CBRS) area or Otherwise Protected Area (OPA)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Designation Date: _____ <input type="checkbox"/> CBRS <input type="checkbox"/> OPA					



**ELEVATION CERTIFICATE**

OMB No. 1660-0008  
Expiration Date: November 30, 2022

<b>IMPORTANT: In these spaces, copy the corresponding information from Section A.</b>			<b>FOR INSURANCE COMPANY USE</b>
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 411 CLAY STREET			Policy Number:
City RICHMOND	State Texas	ZIP Code 77469	Company NAIC Number

**SECTION C – BUILDING ELEVATION INFORMATION (SURVEY REQUIRED)**

C1. Building elevations are based on:  Construction Drawings\*  Building Under Construction\*  Finished Construction  
\*A new Elevation Certificate will be required when construction of the building is complete.

C2. Elevations – Zones A1–A30, AE, AH, A (with BFE), VE, V1–V30, V (with BFE), AR, AR/A, AR/AE, AR/A1–A30, AR/AH, AR/AO.  
Complete Items C2.a–h below according to the building diagram specified in Item A7. In Puerto Rico only, enter meters.  
Benchmark Utilized: FB CO RM #202 5 (EL=83.54) Vertical Datum: NAVD 88, 2001 ADJ

Indicate elevation datum used for the elevations in items a) through h) below.  
 NGVD 1929  NAVD 1988  Other/Source: NAVD 88, 2001 ADJ

Datum used for building elevations must be the same as that used for the BFE.



Check the measurement used.

a) Top of bottom floor (including basement, crawlspace, or enclosure floor)	<u>86.56</u>	<input checked="" type="checkbox"/> feet	<input type="checkbox"/> meters
b) Top of the next higher floor	<u>N/A</u>	<input checked="" type="checkbox"/> feet	<input type="checkbox"/> meters
c) Bottom of the lowest horizontal structural member (V Zones only)	<u>N/A</u>	<input checked="" type="checkbox"/> feet	<input type="checkbox"/> meters
d) Attached garage (top of slab)	<u>N/A</u>	<input checked="" type="checkbox"/> feet	<input type="checkbox"/> meters
e) Lowest elevation of machinery or equipment servicing the building (Describe type of equipment and location in Comments)	<u>89.09</u>	<input checked="" type="checkbox"/> feet	<input type="checkbox"/> meters
f) Lowest adjacent (finished) grade next to building (LAG)	<u>85.60</u>	<input checked="" type="checkbox"/> feet	<input type="checkbox"/> meters
g) Highest adjacent (finished) grade next to building (HAG)	<u>86.07</u>	<input checked="" type="checkbox"/> feet	<input type="checkbox"/> meters
h) Lowest adjacent grade at lowest elevation of deck or stairs, including structural support	<u>N/A</u>	<input checked="" type="checkbox"/> feet	<input type="checkbox"/> meters

**SECTION D – SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION**

This certification is to be signed and sealed by a land surveyor, engineer, or architect authorized by law to certify elevation information. I certify that the information on this Certificate represents my best efforts to interpret the data available. I understand that any false statement may be punishable by fine or imprisonment under 18 U.S. Code, Section 1001.

Were latitude and longitude in Section A provided by a licensed land surveyor?  Yes  No  Check here if attachments.

Certifier's Name DANIEL VILLA, JR., P.E., R.P.L.S.	License Number 6751		
Title PRINCIPAL			
Company Name DVJ CIVIL ENGINEERING AND LAND SURVEYING			
Address 19315 HAYS SPRING DRIVE			
City CYPRESS	State Texas		ZIP Code 77433
Signature 	Date 01-18-2022	Telephone (832) 518-9910	Ext.

Copy all pages of this Elevation Certificate and all attachments for (1) community official, (2) insurance agent/company, and (3) building owner.

Comments (including type of equipment and location, per C2(e), if applicable)  
-C2e IS A BREAKER BOX LOCATED AT THE LEFT SIDE OF THE HOUSE.  
-PROPERTY IS PARTIALLY IN ZONE X (ALONG THE FRONT) AND ZONE AE CLIPS ALONG THE REAR OF THE PROPERTY.  
-THIS ELEVATION CERTIFICATE TO NOT BE USED FOR PERMITTING PURPOSES  
-HOUSE HAS EXTREME FIRE DAMAGE

**ELEVATION CERTIFICATE**

OMB No. 1660-0008  
Expiration Date: November 30, 2022

<b>IMPORTANT: In these spaces, copy the corresponding information from Section A.</b>			<b>FOR INSURANCE COMPANY USE</b>
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 411 CLAY STREET			Policy Number:
City RICHMOND	State Texas	ZIP Code 77469	Company NAIC Number

**SECTION E – BUILDING ELEVATION INFORMATION (SURVEY NOT REQUIRED)  
FOR ZONE AO AND ZONE A (WITHOUT BFE)**

For Zones AO and A (without BFE), complete Items E1–E5. If the Certificate is intended to support a LOMA or LOMR-F request, complete Sections A, B, and C. For Items E1–E4, use natural grade, if available. Check the measurement used. In Puerto Rico only, enter meters.

- E1. Provide elevation information for the following and check the appropriate boxes to show whether the elevation is above or below the highest adjacent grade (HAG) and the lowest adjacent grade (LAG).
- a) Top of bottom floor (including basement, crawlspace, or enclosure) is \_\_\_\_\_  feet  meters  above or  below the HAG.
- b) Top of bottom floor (including basement, crawlspace, or enclosure) is \_\_\_\_\_  feet  meters  above or  below the LAG.
- E2. For Building Diagrams 6–9 with permanent flood openings provided in Section A Items 8 and/or 9 (see pages 1–2 of Instructions), the next higher floor (elevation C2.b in the diagrams) of the building is \_\_\_\_\_  feet  meters  above or  below the HAG.
- E3. Attached garage (top of slab) is \_\_\_\_\_  feet  meters  above or  below the HAG.
- E4. Top of platform of machinery and/or equipment servicing the building is \_\_\_\_\_  feet  meters  above or  below the HAG.
- E5. Zone AO only: If no flood depth number is available, is the top of the bottom floor elevated in accordance with the community's floodplain management ordinance?  Yes  No  Unknown. The local official must certify this information in Section G.

**SECTION F – PROPERTY OWNER (OR OWNER'S REPRESENTATIVE) CERTIFICATION**

The property owner or owner's authorized representative who completes Sections A, B, and E for Zone A (without a FEMA-issued or community-issued BFE) or Zone AO must sign here. The statements in Sections A, B, and E are correct to the best of my knowledge.

Property Owner or Owner's Authorized Representative's Name

Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ ZIP Code \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_ Telephone \_\_\_\_\_

Comments

Check here if attachments.



**ELEVATION CERTIFICATE**

OMB No. 1660-0008  
Expiration Date: November 30, 2022

<b>IMPORTANT: In these spaces, copy the corresponding information from Section A.</b>		<b>FOR INSURANCE COMPANY USE</b>	
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 411 CLAY STREET		Policy Number:	
City RICHMOND	State Texas	ZIP Code 77469	Company NAIC Number
<b>SECTION G – COMMUNITY INFORMATION (OPTIONAL)</b>			
<p>The local official who is authorized by law or ordinance to administer the community's floodplain management ordinance can complete Sections A, B, C (or E), and G of this Elevation Certificate. Complete the applicable item(s) and sign below. Check the measurement used in Items G8–G10. In Puerto Rico only, enter meters.</p> <p>G1. <input type="checkbox"/> The information in Section C was taken from other documentation that has been signed and sealed by a licensed surveyor, engineer, or architect who is authorized by law to certify elevation information. (Indicate the source and date of the elevation data in the Comments area below.)</p> <p>G2. <input type="checkbox"/> A community official completed Section E for a building located in Zone A (without a FEMA-issued or community-issued BFE) or Zone AO.</p> <p>G3. <input type="checkbox"/> The following information (Items G4–G10) is provided for community floodplain management purposes.</p>			
G4. Permit Number	G5. Date Permit Issued	G6. Date Certificate of Compliance/Occupancy Issued	
<p>G7. This permit has been issued for:    <input type="checkbox"/> New Construction    <input type="checkbox"/> Substantial Improvement</p> <p>G8. Elevation of as-built lowest floor (including basement) of the building: _____ <input type="checkbox"/> feet <input type="checkbox"/> meters    Datum _____</p> <p>G9. BFE or (in Zone AO) depth of flooding at the building site: _____ <input type="checkbox"/> feet <input type="checkbox"/> meters    Datum _____</p> <p>G10. Community's design flood elevation: _____ <input type="checkbox"/> feet <input type="checkbox"/> meters    Datum _____</p>			
Local Official's Name		Title	
Community Name		Telephone	
Signature		Date	
<p>Comments (including type of equipment and location, per C2(e), if applicable)</p> <div style="text-align: right; margin-top: 10px;"><input type="checkbox"/> Check here if attachments.</div>			

**BUILDING PHOTOGRAPHS**

See Instructions for Item A6.

OMB No. 1660-0008  
Expiration Date: November 30, 2022

**ELEVATION CERTIFICATE**

<b>IMPORTANT: In these spaces, copy the corresponding information from Section A.</b>			<b>FOR INSURANCE COMPANY USE</b>
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 411 CLAY STREET			Policy Number:
City RICHMOND	State Texas	ZIP Code 77469	Company NAIC Number

If using the Elevation Certificate to obtain NFIP flood insurance, affix at least 2 building photographs below according to the instructions for Item A6. Identify all photographs with date taken; "Front View" and "Rear View"; and, if required, "Right Side View" and "Left Side View." When applicable, photographs must show the foundation with representative examples of the flood openings or vents, as indicated in Section A8. If submitting more photographs than will fit on this page, use the Continuation Page.

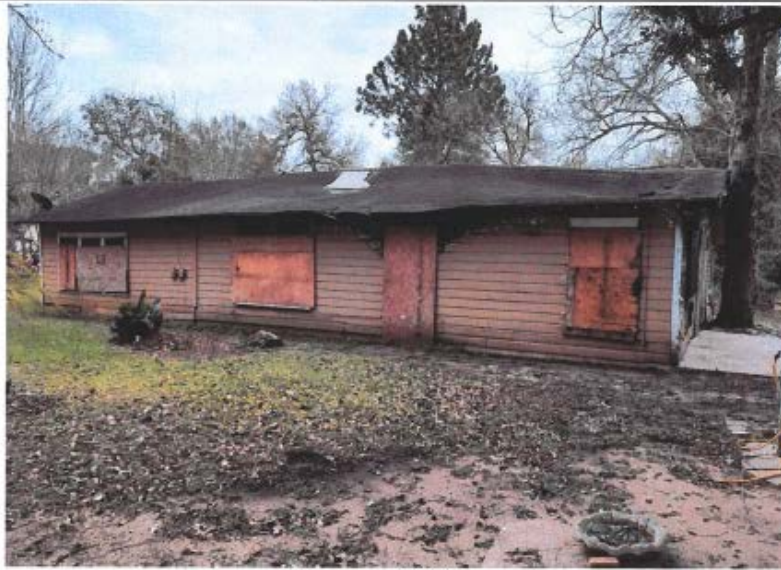


Photo One

Photo One Caption FRONT VIEW (PHOTO TAKEN 01-13-2022)

Clear Photo One



Photo Two

Photo Two Caption LEFT VIEW (PHOTO TAKEN 01-13-2022)

Clear Photo Two



**ELEVATION CERTIFICATE** **BUILDING PHOTOGRAPHS** OMB No. 1660-0008  
Continuation Page Expiration Date: November 30, 2022

<b>IMPORTANT: In these spaces, copy the corresponding information from Section A.</b>			<b>FOR INSURANCE COMPANY USE</b>
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 411 CLAY STREET			Policy Number:
City RICHMOND	State Texas	ZIP Code 77469	Company NAIC Number

If submitting more photographs than will fit on the preceding page, affix the additional photographs below. Identify all photographs with: date taken; "Front View" and "Rear View"; and, if required, "Right Side View" and "Left Side View." When applicable, photographs must show the foundation with representative examples of the flood openings or vents, as indicated in Section A8.



Photo Three

Photo Three Caption RIGHT VIEW (PHOTO TAKEN 01-13-2022)

Clear Photo Three



Photo Four

Photo Four Caption BRAKER BOX (PHOTO TAKEN 01-13-2022)

Clear Photo Four



**SITE PICTURES**

















**Building and Standards Commission**  
*Report: Dangerous Structure*

**Agenda Date:** April 5, 2022

**Agenda Item:** C1i.

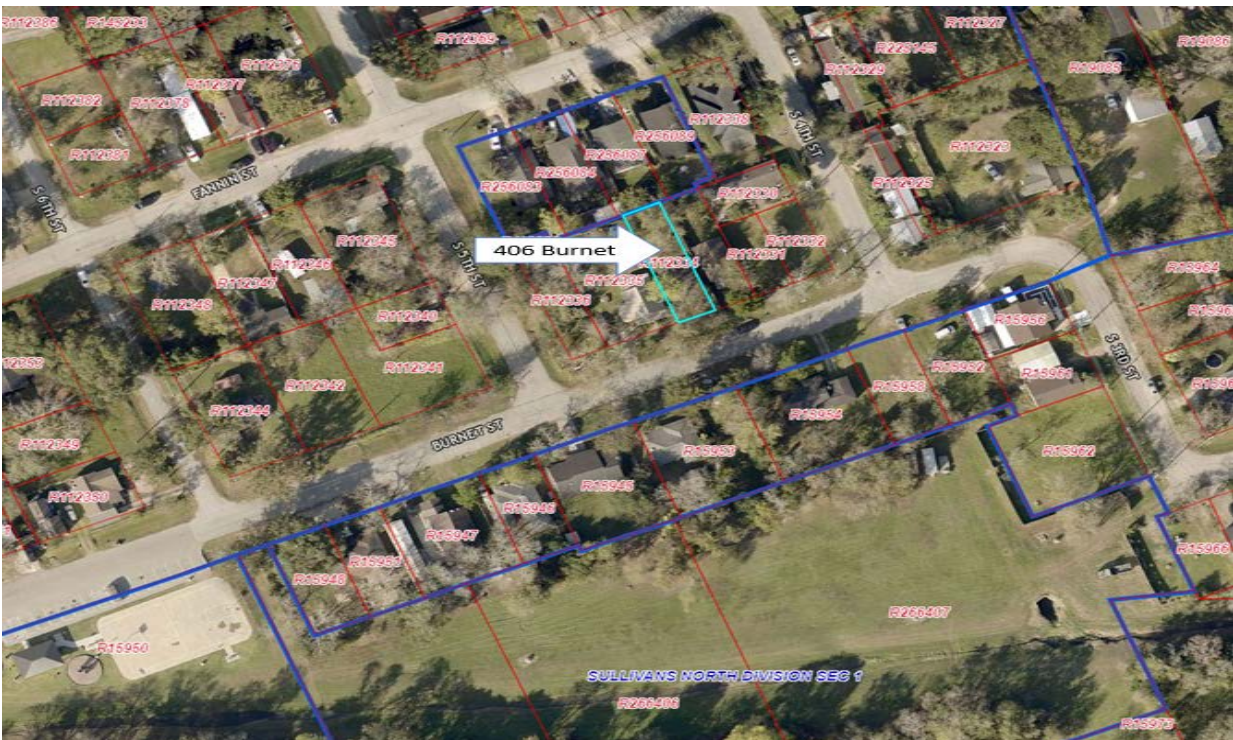
**Agenda Item Subject:** Dangerous Structure

**Property Address:** 406 Burnet









**Case Date:** December 2016










**OVERVIEW**

This case opened in December 2016 and was deemed substandard by the Building and Standards Commission. All the required notification has been mailed out by City Staff, but no progress has been made by the homeowner to correct the code violations. Multiple extensions have been granted by the Building and Standards Commission over the last year for this case. Currently, there are no active permits for this address and no progress or activity has been made over the last year. I recently met with Ms. Reza and her son and walked the property to point out the violations which classified the house to be a dangerous structure. Ms. Reza mentioned that she will hire a company to demolish the structure at that time.













The following table outlines the letters sent by City Staff to the homeowner for the existing violations:

Violations <span style="float: right;">♥ ▼</span>					
	Violation Date ⌵	Violation ⌵	Notes ⌵	Status ⌵	
	12/11/2020	Miscellaneous Violation - Dangerous Fences and Structures		Open	
	04/20/2021	Dangerous structure or premises. 2015 IPMC, Section 108.1.5.		Open	
	04/20/2021	Exterior Walls		Open	
	04/20/2021	Permit Required		Open	

Letters <span style="float: right;">📄 ➔</span>				
	Date	Letter	Description	
 	09/02/2021	Notice of Enforcement Action	<input type="text"/>	
 	07/27/2021	Violation Notice	<input type="text"/>	
 	04/20/2021	Courtesy Notice	<input type="text"/>	



Notes  

	Date	Entered By	Note	
	11/30/2021	Heard, Aileen	Meet w/Mrs. Reza to reinspection the property. She signed the Consent to Search Form to inspect the interior of the dwelling. Scott & Courtenay were present for the inspection. Updated photos were uploaded for the Building & Standard Commission meeting scheduled for 12/07.	
	11/29/2021	Heard, Aileen	Appt. scheduled tomorrow at 1:30pm for a checkback on the property	
	09/30/2021	Heard, Aileen	Updated photos for hearing	
	03/03/2021	Heard, Aileen	Spoke w/owner Rosie Acune contact #832-586-6382. She stated that she has been in contact with Scott regarding her violations. She also stated that she wanted to put a fence up. I explained that she would need to apply for a permit. Ms. Acune was told that there were programs available to assist her with her structure.	

**Staff Recommendation**

**Corrective Action(s):**

The property owner shall repair the structure and bring the entire house up to current building codes, or the house shall be removed.

**Action(s):**

It's the Staff's recommendation that substandard orders be issued for this property.

**SITE PICTURES**



Front of structure facing Burnet Street



Backside of house / Roof showing signs of sagging





Westside of house. Where two beams meet each other resting on the pier one is decayed and rotten and the other is only sitting on the beam about an inch.



Porch facing Burnet Street is rotten and unstable.











## Building and Standards Commission

### *Report: Dangerous Structure*

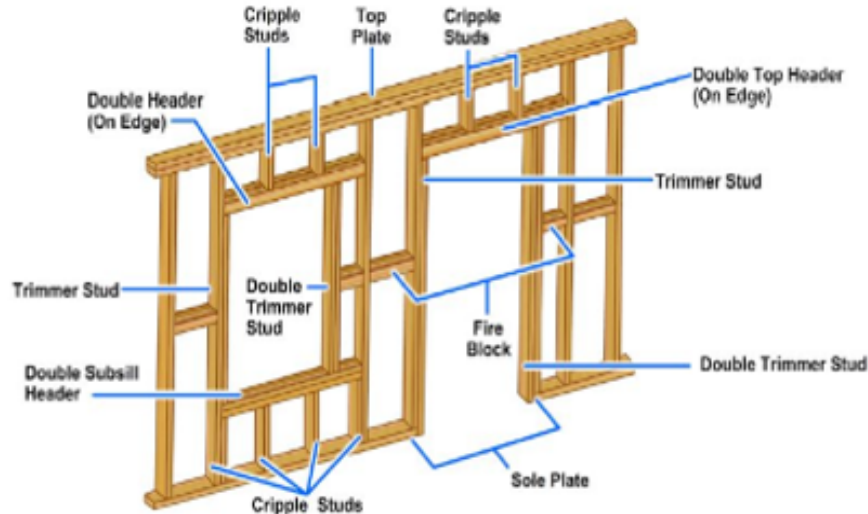
Agenda Date: April 5, 2022

Agenda Item: D1.

Agenda Item Subject: Wall Framing

### EXTERIOR WALL FRAMING (Definitions)

**Wall framing** - in house construction includes the vertical and horizontal members of exterior walls and interior partitions.



- Cripple Stud – a stud located either above or below a framed opening, that does not run the full height of the wall.
- Top Plate - is the upper horizontal framing member of a stud wall.
- Trimmer Stud – also know as a jack stud upholds a header for the opening of a wall or window, and it projects from the bottom sole plate extending to the lowest point of the header.
- Sole Plate – sometimes referred to as a sill plate and is the bottom horizontal member of a wall or building which vertical members are attached.
- King Stud – is a vertical structure element that is placed off layout adjacent to a framed opening on each side, such a door or window.
- Fire Block – is used to slow down the movement of fire and smoke. The primary purpose of blocking is to brace longer frame members such as wall studs, which tend to buckle under vertical compression.
- Double Header – is a beam that runs across the top of a framed window or door opening.



**Building and Standards Commission**

*Report: Dangerous Structure*

Agenda Date: April 5, 2022

Agenda Item: E1.

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Agenda Item Subject: Quasi-Judicial Enforcement of Health and Safety Ordinance

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**Ordinance No.2022-04**

**AN ORDINANCE AMENDING ARTICLE II “QUASI-JUDICIAL ENFORCEMENT OF HEALTH AND SAFETY ORDINANCES,” OF CHAPTER 1 “GENERAL PROVISIONS” OF THE CODE OF ORDINANCES OF THE CITY OF RICHMOND, TEXAS; PROVIDING FOR THE REPEAL OF DIVISION 5 “BUILDING BOARD OF ADJUSTMENTS AND APPEALS” AND DIVISION 6 “ELECTRICAL BOARD OF ADJUSTMENTS AND APPEALS” OF ARTICLE II “BOARDS, COMMISSIONS AND COMMITTEES” OF CHAPTER 2 “ADMINISTRATION” OF THE CODE OF ORDINANCES OF THE CITY OF RICHMOND, TEXAS; RENUMBERING THE SECTIONS OF ARTICLE III “PARK, FACILITY, STREET NAMING POLICY,” OF THE CODE OF ORDINANCES OF THE CITY OF RICHMOND, TEXAS; PROVIDING A PENALTY CLAUSE; REPEALING ANY ORDINANCE IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

The regulation of dangerous structures within the City limits of the City of Richmond is essential and necessary to protect the public, to preserve and protect the public safety, and to provide safe, secure, family-oriented communities.

The City Commission of the City of Richmond, Texas, finds that the preservation of public safety and welfare of the citizens and the provision of safe, secure, family-oriented communities within the City requires reasonable regulation of dangerous structures within the City; **Now Therefore,**

**BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF RICHMOND, TEXAS:**

**SECTION 1.** The facts and recitations set forth in the preamble of this Ordinance are hereby found to be true and correct.

**SECTION 2.** Article II “Quasi-Judicial Enforcement of Health and Safety Ordinances,” of Chapter 1 “General Provisions” of the Code of Ordinances, City of Richmond, Texas is hereby amended to read as follows:

**“Chapter 1 -GENERAL PROVISIONS**

. . . .

**ARTICLE II. – QUASI-JUDICIAL ENFORCEMENT OF HEALTH AND SAFETY ORDINANCES**

Division 1. Authority and purpose

Sec. 1-31. Purpose.

There is created in the City a building and standards commission which the City Commission expressly finds is in the public interest and is necessary to preserve the health, safety, and welfare of the citizens of the City. The building and standards commission shall undertake its public duties on behalf of the city in the manner and form prescribed by this Article.

Sec. 1-32. Statutory authority.

The commission shall have the authority provided for by V.T.C.A., Local Government Code ch. 54, subch. C (V.T.C.A., Local Government Code § 54.031 et seq.), and this Article. The Commission shall have authority provided in Article II of Chapter 12; Article II of Chapter 103; and Article II, Division 5 of Chapter 103 of this Code of Ordinances. The provisions of this section shall at all times be liberally construed to safeguard, keep, protect, and provide for the public interest.

Division 2. Administration

Sec. 1-41. Building and standards commission.

(a) The commission shall consist of five members and two alternates, each of whom shall be a duly qualified elector of the city. Each applicant for the commission will be interviewed by the Commission interview committee. The Commission interview committee will nominate an applicant for appointment to each vacant or expiring board position. Each commission member and alternate shall be appointed by simple majority vote of the city commission. It is the declared policy of the city that the city commission may consider for appointment to the commission those persons who have demonstrated their civic interest, general knowledge of the community, independent and intelligent judgment, understanding of building standards, understanding of neighborhood integrity, and availability to prepare for and attend meetings, and who by reason of diversity of their occupations, constitute a commission which is broadly representative of the community. Alternates shall serve when requested to do so by the mayor or the city manager.

(b) The members of the commission shall be identified by place numbers 1 through 5. The alternates shall be identified as alternate (A) and alternate (B).



- (c) Except as provided in subsection (d) of this section, members of the commission and alternates shall be appointed for a two-year term. Commission members and alternates shall be subject to removal without cause at any time by the city commission.
- (d) Members of the commission in the odd-numbered places and alternate (A) shall serve terms expiring in odd-numbered years. Members of the commission in the even-numbered places and alternate (B) shall serve terms expiring in even-numbered years.
- (e) Any vacancy in commission membership including alternates shall be filled by the city commission for the unexpired term of the member or alternate whose place or position has, by removal or otherwise, become vacant.

Sec. 1-42. Proceedings before the commission.

- (a) All cases to be heard by the commission shall be heard by a quorum of not less than four members including alternates. No decision by the commission shall be deemed rendered unless concurred in by a majority of the members in attendance.
- (b) At its first meeting, and then at the first meeting of each subsequent year, the commission shall select a chairperson who shall act as presiding officer during the hearing of all cases; a vice chairperson; and a secretary for the commission. The chairperson shall serve from the date of selection until December 31, of the year selected or the termination of the chairperson's service on the commission, whichever occurs earlier, and may be selected for subsequent terms of office. The chairperson shall be entitled to act and vote upon all matters before the commission in the same manner as other members.
- (d) The commission shall establish rules of procedure for the conduct of hearings, but such rules shall be consistent with this section and applicable state law. The commission shall follow all established procedures and standards. A majority vote of the members of the commission voting on a matter is necessary to take any action under this article.
- (e) Meetings of the commission shall be held at the call of the chairperson or upon the request of the building inspector. All meetings of the commission shall be open to the public, except as allowed by law. The chairperson, or in the chairperson's absence the acting chairperson, may administer oaths and compel the attendance of witnesses.
- (f) The city manager shall appoint an appropriate municipal official to act as recording secretary for the commission. The recording secretary shall prepare and be the custodian of minutes for all commission proceedings showing the vote of each member on each question or the fact that a member is absent or fails to vote. The recording secretary shall keep records of the commission's examinations and other official duties.

Sec. 1-43. Authority of the building and standards commission.

(a) The commission, pursuant to the V.T.C.A., Local Government Code § 54.004, V.T.C.A., Local Government Code ch. 54, subch. C (V.T.C.A., Local Government Code § 54.031 et seq.), the general law and the municipal charter is hereby authorized, after notice and hearing to enforce ordinances:

- (1) Relating to dangerously damaged or deteriorated buildings or improvements; or
- (2) Relating to a building code or to the condition, use, or appearance of a property.

(b) Determine the amount and duration of the civil penalty the municipality may recover.

(c) The commission may hear appeals and variance requests pursuant to article II of Chapter 12, and article II of Chapter 103.

(d) The commission may hear appeals and variance requests pursuant to article II, division 5 of Chapter 103.

Sec. 1-44. Building inspector.

(a) The building inspector is authorized to administer and enforce the provisions of this section. The building inspector may hold the office concurrently with another appointed municipal office or position with the city if approved by the city manager.

(b) The building inspector and the building inspector's authorized representatives shall, in accordance with Vernon's Ann. C.C.P. art. 18.05, be authorized to make inspections of all buildings, structures or premises within the city for the purpose of determining compliance with this section.

(c) The building inspector shall give notice of all proceedings on substandard structure abatement cases before the commission in the manner set forth in section 1-51.

(d) The building inspection shall give notice of all hearings on appeals and variances pursuant to article II of Chapter 12, article II of Chapter 103, and article II, division 5 of Chapter 103.

(c) The building inspector may appoint such number of officers and employees as shall be authorized by the city manager. The building inspector may deputize such employees as may be necessary to carry out the functions required for the enforcement of this section.

(d) The building inspector, deputies, and officers shall be supplied with official City of Richmond identification, and upon request they shall exhibit such identification when performing any duties imposed and authorized by this section.

(e) The building inspector shall forward all proposed amendments to this Article to the city manager for review and, when necessary, present the same to the commission and the city commission for consideration.



Division 3. Substandard structure proceedings

Sec. 1-51. Notice.

(a) The building inspector shall give notice of all substandard structure proceedings before the commission:

(1) By certified mail, return receipt requested, to:

- a. The record owners of the affected property as shown by the records in the office of the county clerk of the county in which the affected property is located; and
- b. Each holder of a recorded lien against the affected property, as shown by the records in the office of the county clerk of the county in which the affected property is located, if the address of the lienholder can be ascertained from such records.

Any required notice provided by this subsection (a)(1) shall be presumed to have been delivered three days after deposit in the United States mail. Any notice returned unclaimed by the addressee shall be presumed to have been delivered, and the commission may without further notice undertake any action authorized by this section.

(2) All other persons by posting a copy of the notice on the front door of each improvement situated on the affected property or as close to the front door as practicable.

(b) The notice shall be mailed and posted on or before the 21st calendar day before the date of the hearing before the commission. Additionally, the notice shall be published in the official newspaper of the city on one occasion on or before the tenth calendar day before the date fixed for the hearing.

(c) The notice shall state the date, time, and place of hearing, and shall include a statement, that the owner, lienholder, or mortgagee, shall be required to submit at the hearing proof of the scope of any work that may be required to comply with this section, and the time in calendar days in which it will take to reasonably perform the work. The notice shall also inform the owner of his right to hire an attorney at the owner's cost to represent him at the hearing; his right to inspect the file on the property at code compliance headquarters prior to the hearing; his right to request the presence of city staff for the purpose of questioning at the hearing; and shall advise the owner of his right to cross-examine city staff at the hearing. The notice shall include the following:

According to the real property records of Fort Bend County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who

acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office not later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

(d) The building official may file a notice of a proceeding that is before the commission in the official public records of real property in the county.

(1) The notice shall contain the name and address of the owner of the affected property if that information can be determined from a reasonable search of the instruments on file in the office of the county clerk, a legal description of the property, and a description of the proceeding.

(2) The filing of the notice is binding on subsequent grantees, lienholders, or other transferees of an interest in the property who acquire such interest after the filing of the notice and constitutes notice of the proceeding on any subsequent recipient of any interest in the property who acquires such interest after the filing of the notice.

#### Sec. 1.52. Hearing.

(a) After notice, as provided in sec. 1-51 of this division, the hearing will be conducted as provided in sec. 1-42 of this article.

(b) The city manager or designee may present evidence of the hearing related to the condition of a building, property, or structure is substandard. Such evidence may include information relating to the communications and contacts that the building official has had with the owners and other persons interested in the building, property, or structure.

(c) All owners, mortgagees, and lienholders of the property shall be given an opportunity to present evidence at the hearing. Interested parties shall also be given an opportunity to present evidence. In a hearing to determine whether a building, property or structure is substandard, the owner, mortgagee, or lienholder of the building or structure has the burden of proof to demonstrate the scope of work that may be required to bring the building or structure into compliance with this section and the time it will reasonably take to perform the work.

(d) A party may be represented by counsel and may cross-examine a witness.

#### Sec. 1.53. Decisions.

(a) The commission may, after such notice and hearing, declare a building or structure to be in violation of this section if one of the following is proven to exist:

(1) Substandard;



- (2) Substandard and a hazard to the public health, safety and/or welfare;
  - (3) Regardless of its structural condition, a building or structure is unoccupied by its owners, lessees, or other invitees and unsecured from unauthorized entry to the extent that it could be entered or used by vagrants or other uninvited persons as a place of harborage or could be entered or used by children;
  - (4) When a building or structure is boarded up, fenced, or otherwise secured in any manner and:
    - a. It constitutes a danger to the public even though secured from entry; or
    - b. The means used to secure the building or structure are inadequate to prevent unauthorized entry or use of the building or structure by children or by vagrants or other uninvited persons as a place of harborage;
  - (5) A construction site where there has been no significant construction work done in the previous three months, and the site is not secured by a fence or other means to prevent its use by children or by vagrants or other uninvited persons as a place of harborage; or
  - (6) A construction site where there has been no significant construction work done in the previous three months, and all building materials and construction equipment and tools have neither been removed from the site nor secured at the site to prevent their use by children, their theft, their deterioration; their vandalism, or their harborage of rodents or insects.
- (b) The commission may, after such notice and hearing:
- (1) Order the repair or removal, within a fixed period, of violations of applicable ordinances and further order that the city may repair or remove the violations if the commission's order is not complied with within the allotted time.
  - (2) Order the repair or removal of a nuisance, within a fixed period, of property found to be in violation of an ordinance related to a building code or condition, use, or appearance of property in a municipality.
  - (3) Order, in an appropriate case, the immediate removal of persons or property found on private property.
  - (4) Order the entrance on private property to secure the removal if it is determined that conditions exist on the property that constitute a violation of an ordinance.
  - (5) Issue orders or directives to the city manager, to enforce and carry out the lawful orders or directives of the commission panel.

- (c) The commission may specify, in its written order:
- (1) A reasonable time, in compliance with this section, for the building or structure to be vacated, secured, repaired, removed or demolished by the owner; and
  - (2) A reasonable time for the owner to relocate the occupants and an additional reasonable time for any of the mortgagees or lienholders to take the ordered action in the event that the owner fails to comply with the order within the time provided for action by the owner.
- (d) In the event that the owner fails to comply timely with the order of the commission, the only notice the city needs to furnish to a mortgagee or lienholder of the failure is a copy of the order.
- (e) If the commission makes a finding under subsection (a) of this section, the commission shall order the owners, lienholders, or mortgagees of the building or structure to within 30 calendar days:
- (1) Secure the building or structure from unauthorized entry; and/or
  - (2) Repair, remove, or demolish the building or structure, unless the owner, mortgagee, or lienholder establishes at the hearing, by a preponderance of the evidence, that the work cannot reasonably be performed within 30 calendar days.
- (f) If the commission allows the owner, mortgagee, or lienholder more than 30 calendar days to repair, remove, or demolish the building or structure, the commission shall establish specific time schedules for the commencement and performance of the work and shall require the owner, lienholder, or mortgagee to secure the property in a reasonable manner from unauthorized entry while the work is being performed.
- (g) The commission shall not allow the owner, lienholder, or mortgagee more than 90 calendar days to repair, remove, or demolish the building or structure or fully perform all work required to comply fully with the order of the commission, unless the owner, lienholder, or mortgagee:
- (1) Submits a detailed plan and time schedule for the work at the hearing; and
  - (2) Establishes at the hearing that the work cannot reasonably be completed within 90 calendar days because of the scope and complexity of the work.
- (h) If the commission allows the owner, lienholder, or mortgagee more than 90 calendar days to complete any part of the work required to repair, remove, or demolish the building or structure, the municipality shall require the owner, lienholder, or mortgagee to regularly submit progress reports to the municipality to demonstrate that the owner, lienholder, or mortgagee has complied with the time schedules established for commencement and performance of the work.

The order may require that the owner, lienholder, or mortgagee appear before the commission or the building inspector to demonstrate compliance with the time schedule; and may require a surety or other financial guarantees of performance in such form and amounts determined suitable by the city.

(i) The commission shall have delivered or mail by first class mail with certified return receipt requested or delivered by the United States Postal Service using signature confirmation service, a copy of its order to all persons to whom notice is required to be sent under section 1-51. The city shall publish an abbreviated copy of the commission order in a newspaper of general circulation within ten calendar days of the mailing of the order. The order shall include the following:

- (1) The street address or legal description of the property.
- (2) The date of the hearing.
- (3) A brief statement indicating the results of the order.
- (4) Instructions stating where a complete copy of the order may be obtained.

A copy of the order shall be filed in the office of the city secretary.

(j) The order shall be deemed issued and effective on the date the commission hears and decides the case.

(k) The order shall be reduced to writing and signed by the chairperson of the commission.

(l) A hearing before the commission shall not be a bar against, or a prerequisite for, taking any other action against a violator.

#### Sec. 1-54. Appeals.

(a) Pursuant to Sec. 54.039, Texas Local Government Code, any owner, lienholder, or mortgagee of record of property jointly or severally aggrieved by an order of the commission issued under this section, may file a verified petition in a Fort Bend County Civil District Court:

- (1) Setting forth that the commission decision is illegal, either in whole or in part; and
- (2) Specifying the grounds of the illegality.

(b) The petition must be presented within 30 calendar days after the date a copy of the final decision of the commission is personally delivered, mailed by first class mail certified receipt requested, or delivered by the United States Postal Service using signature confirmation service to all record owners, and each holder of a recorded lien against the affected property, as shown by the records in the Fort Bend County Clerk's office, and all mortgagees of record. In addition, an abbreviated copy of the order shall be published one time in a newspaper of general circulation in the municipality within 10 calendar days after the date of the delivery or mailing of the copy as provided by this subsection, including the street address or legal description of the property; the



date of the hearing, a brief statement indicating the results of the order, and instructions stating where a complete copy of the order may be obtained and a copy shall be filed in the office of the municipal secretary or clerk.

- (c) Upon the filing of the petition, the court may issue a writ of certiorari directed to the city to review the commission order and shall prescribe in the writ the time within which the city must make a return on the writ. Such time must not be less than ten days and must be filed with and served on the city secretary.
- (d) The city shall not be required to return the originals of papers called for in the writ, and it shall be sufficient for the city to return certified or sworn copies of such papers or parts thereof.
- (e) In the return, the city shall set forth other facts that may be pertinent and material to show the grounds of the commission order. The return must be verified.
- (f) The issuance of the writ does not stay the order.
- (g) The court may reverse or affirm, in whole or in part, or may modify the commission order. Costs may not be allowed against the commission.
- (h) If the commission order is affirmed or not substantially reversed but only modified, the district court shall allow the city all attorney's fees and other costs and expenses incurred by the city, and shall enter a judgment for those items, which may be entered against the property owners, lienholders, or mortgagees, as well as all persons found to be in occupation of the property subject to the proceedings before the commission.
- (i) A lienholder does not have standing to bring a proceeding under this section on the grounds that the lienholder was not notified of the proceedings before the commission or was unaware of the condition of the property, unless the lienholder had first appeared before the commission and entered an appearance in opposition to the proceedings.
- (j) If no appeals are taken from the decision of the commission within the required period, the decision of the commission is, in all things, final and binding.

Division 4. Technical code proceedings.

Sec. 1-61. Proceedings pursuant to article II of Chapter 12 and article II of Chapter 103.

(a) An application for appeal shall be based on a claim that the true intent of a technical code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of the code do not fully apply, or an equally good or better form of construction is proposed. The commission shall have no authority to waive requirements of a technical code.

(b) The commission shall have the power to hear appeals of decisions and interpretations of the building official and fire marshal, regarding the Building Code, Existing

Building Code, Fire Code, Fuel Gas Code, Mechanical Code, Plumbing Code, Property Maintenance Code, Energy Code, and Swimming Pool and Spa Code.

Sec.1-62. Proceedings pursuant to article II, division 5 of Chapter 103.

(a) An application for appeal shall be based on a claim that the true intent of the Electric Code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The commission shall have no authority to waive requirements of the Electric Code.

(b) The commission shall have the power to hear appeals of decisions and interpretations of the building official, regarding the Electric Code.

Sec. 1-63. Notice.

(a) Notice of appeal shall be in writing and filed with the building official within 30 calendar days after the building or fire official renders the decision. Appeals shall be in a form prescribed by the building official or fire official.

(b) In the case of a building, structure, or service system, which in the opinion of the building official or fire official is unsafe, unsanitary, or dangerous, the building official or fire official may, in his or her order, limit the time for such appeals to a shorter period.

Sec. 1-64. Proceedings.

The commission, when hearing and appeal or request for variance under sections 1-61 or 1-62, the following provisions shall apply:

(a) The owner of a building, structure or service system, or his duly authorized agent, may appeal a decision of the building official or fire official to the commission whenever one of the following conditions are claimed to exist:

(1) The building official or fire official rejected or refused to approve the mode or manner of construction proposed to be followed, materials to be used in the installation, or materials to be used in the installation or alteration of a building, structure, or service system;

(2) The provisions of the technical codes do not apply to this specific case;

(3) That an equally good or more desirable form of installation can be employed in any specific case; or

(4) The true intent and meaning of the technical codes or any of the regulations thereunder have been misconstrued or incorrectly interpreted.

(b) The commission, when so appealed to and after a hearing, may vary the application of any provision of the technical codes to any particular case when, in its opinion, the enforcement

thereof would result in injustice, would be contrary to the spirit and purpose of the technical codes or public interest, and the commission finds all of the following:

- (1) That special conditions and circumstances exist which are peculiar to the building, structure, or service system involved and which are not applicable to other buildings, structures, or service systems;
- (2) That special conditions and circumstances do not result from the action or inaction of the applicant;
- (3) That granting the variance requested would not confer on the applicant any special privilege that is denied by the technical codes to other buildings, structures, or service systems;
- (4) That the variance is the minimum variance that will make possible the reasonable use of the building, structure, or service system; and
- (5) That the granting of the variance will be in harmony with the general intent and purpose of the technical codes and will not be detrimental to the public health, safety, and general welfare.

(c) In granting the variance, the commission may prescribe a reasonable time limit within which the action for which the variance is required shall be commenced or completed or both. In addition, the commission may prescribe appropriate conditions and safeguards in conformity with the technical codes. Violation of the conditions of a variance shall be deemed a violation of the technical codes.

(d) The commission, in every case, shall reach a decision without unreasonable or unnecessary delay. Each decision of the commission shall also include the reasons for the decision. If a decision of the commission reverses or modifies a refusal, order, or disallowance of the building official or fire official or varies the application of any provision of the technical codes, the building official or fire official shall immediately take action in accordance with such decision. Every decision shall be promptly filed in writing in the office of the building official and shall be open to public inspection. A certified copy of the decision shall be sent by mail or otherwise to the appellant. Every decision of the commission shall be final; subject, however, to such remedy as any aggrieved party might have at law or in equity.

(e) The city manager may retain an independent expert, licensed in the particular field of an appeal or variance request to assist the commission in reaching a decision.

Division 5. Enforcing order or securing property.

Section 1-71. Work performed by the city.



- (a) If the commission's order to vacate, secure, repair, remove, or demolish the building or structure is not complied with within the allotted time, the building inspector may vacate, secure, remove, or demolish the building or structure, or relocate the occupants of the building or structure, at the city's expense. This subsection does not limit the ability of a municipality to collect on a bond, letter of credit from a financial institution or guaranty from a third party or other financial guaranty that may be required by section 1-53.
- (b) The building inspector may repair the building or structure only to the extent necessary to bring the building or structure into compliance with the minimum standards of this section, and only if the building or structure is a residential building or structure with ten or fewer dwelling units. The repairs shall not improve the building or structure to the extent that the building or structure exceeds minimum building standards.
- (c) After securing a building or structure as provided in subsection (a) of this section, the building inspector may post a notice to vacate on or near the front door of the building or structure. The notice to vacate must be in substantially the following form:

**DO NOT OCCUPY**

This building or structure is in violation of the City Code of the City of Richmond.

Occupancy is suspended until such time as the violations are corrected and approved by the city building inspector.

It is a misdemeanor to occupy this building or structure or to remove or deface this notice.

- (d) In a proceeding under division 3 of this article, if the commission's order is not complied with within the allotted time, the building inspector may act upon the order at the city's expense.

**Sec. 1-72. Assessment of lien.**

- (a) If the city incurs expenses under section 1-71, the city may assess the expense on, and the city has a lien against, the property on which the building or structure is or was located. The city may assess a reasonable administrative expense of \$\_\_\_\_\_ with the lien.
- (b) If the commission assesses a civil penalty, the city has a lien against the property on which the building or structure is or was located to secure payment of any civil penalty.
- (c) A lien may not be made on property protected as a homestead under the Texas Constitution except in a proceeding under section 1-53.
- (d) A lien arises and attaches to the property at the time the notice of the lien is recorded and indexed in the office of the county clerk.

- (e) The notice of the lien shall contain the name and address of the owner if that information can be determined with a reasonable effort, a legal description of the real property on which the building or structure is or was located, the amount of expenses incurred by the municipality, and the balance due.
- (f) Except as provided by subsection (g) of this section, the city's lien to secure payment of a civil penalty or the costs of repairs, removal, or demolition, is inferior to any previously recorded bona fide mortgage lien attached to the real property, if the mortgage lien was filed for record in the office of the county clerk of Fort Bend County, Texas, before the civil penalty is assessed or the repair, removal, or demolition is begun by the city. The city's lien is superior to all previously recorded judgment liens.
- (g) If notice is given and the opportunity to relocate the occupants of the building or structure or to repair, remove, or demolish the building or structure is afforded to each mortgagee and lienholder, the lien is a privileged lien subordinate only to tax liens.
- (h) Any civil penalty assessed pursuant to section 1-91 or expenses assessed by the city under this section shall accrue interest at the rate of ten percent per annum from the date of the assessment until paid in full. 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 and the civil penalty plus interest.

Sec. 1-73. Additional authority to secure a building.

- (a) Without a prior hearing before the commission, the building inspector may secure a building or structure the building inspector determines:
  - (1) Is substandard and a hazard to the public health, safety and/or welfare; and
  - (2) Is unoccupied or is occupied only by persons who do not have a right of possession to the building or structure.
- (b) After securing a building or structure as provided in subsection (a) of this section, the building inspector may post a notice to vacate on or near the front door of the building or structure. The notice to vacate must be in substantially the following form:

**DO NOT OCCUPY**

This building or structure is in violation of the City Code of the City of Richmond.

Occupancy is suspended until such time as the violations are corrected and approved by the city building inspector.

It is a misdemeanor to occupy this building or structure or to remove or deface this notice.

- (c) Before the 11th calendar day after the date the building or structure is secured, the building inspector must give notice to the owner by:
- (1) Personally serving the owner with written notice;
  - (2) Mailing such notice by certified mail, return receipt requested, to the owner at the owner's last known post office address. Such owner shall be deemed to have been served three calendar days after deposit of the notice in the United States mail;
  - (3) Publishing the notice at least twice within a ten-calendar day period in the official newspaper of the city if personal service cannot be obtained and the owner's post office address is unknown; or
  - (4) Posting the notice on or near the front door of the building or structure if personal service cannot be obtained and the owner's post office address is unknown.
- (d) The notice must contain:
- (1) An identification, which is not required to be a legal description, of the building or structure and the property on which it is located;
  - (2) A description of the violation of the standards established by this section;
  - (3) A statement that the building inspector has secured the building or structure; and
  - (4) An explanation of the owner's entitlement to request a hearing about any matter relating to the building inspector's securing of the building or structure.
- (e) The commission shall conduct a hearing at which the owner may testify or present witnesses or written information about any matter relating to the building inspector's securing of the building or structure, if within 30 calendar days after the date the building inspector secures the building or structure, the owner files a written request for a hearing with the building inspector. The commission will conduct the hearing within 20 calendar days after the date the owner files a request for hearing.
- (f) The commission will conduct the hearing in the manner provided for by this section. The issues to be determined in such hearing are:
- (1) Whether the building or structure was substandard and a hazard to the public health, safety, and/or welfare at the time it was secured;
  - (2) Whether the building or structure, at the time it was secured, was unoccupied or was occupied only by persons who did not have a right to possession of the building or structure;
  - (3) Whether the building or structure is a construction site where there has been no significant construction work done in the previous three months, and the site is not



secured by a fence or other means to prevent its use by children or by vagrants or other uninvited persons as a place of harborage;

(4) Whether the building or structure is a construction site where there has been no significant construction work done in the previous three months, and all building materials and construction equipment and tools have neither been removed from the site nor secured at the site to prevent their use by children, their theft, their deterioration, their vandalism, or their harborage of rodents or insects; and

(5) Whether the expenses incurred by the city to secure the building or structure were reasonable.

(g) The city may assess expenses for securing a building or structure in the manner provided for in this article. A lien is created under this section in the same manner as a lien is created in section 1-72, and is subject to the same conditions as a lien created under that section.

Division 6. Historic properties.

Sec. 1-81. Preservation of historic properties.

(a) Prior to the issuance of notice for a hearing of this section, the building inspector shall request a hearing before the city commission if the building or structure which is the subject of the hearing is:

(1) Designated or pending designation as:

- a. Highly significant endangered property;
- b. Historic and cultural landmark;

(2) Located in an area designated or pending designation as an historic and cultural landmarks district; and

(3) Not a single-family dwelling.

(b) The building inspector may secure the structure from entrance until the requirements in subsection (c) of this section are completed.

(c) The city commission shall review the condition of the building or structure to determine whether it can be reasonably rehabilitated and shall submit a written report of its findings and recommendations to the building inspector within 60 calendar days from the date of the initial city commission hearing.

(d) If the city commission determines that the building or structure cannot be rehabilitated, the building inspector may proceed as provided in this article, and the commission may order its demolition.

(e) If the city commission determines that the building or structure can be reasonably rehabilitated, the city may not permit the building or structure to be demolished for at least 90 calendar days after the date the report is submitted to the building inspector. During this 90-calendar day period, the building inspector shall notify the building or structure's owner to afford the owner an opportunity to attempt to identify a feasible alternative use for the building or structure or to locate an alternative purchaser to rehabilitate and maintain the building or structure.

(f) If the city is not able to locate the owner or if the owner does not respond within the 90-calendar day period, the building inspector may proceed as provided by section 1-51, and the city may file suit pursuant to V.T.C.A., Local Government Code § 214.003, for the appointment of a receiver. A receiver may not be appointed for a building or structure that is an owner-occupied single-family residence.

(g) The building inspector may proceed as provided in this section, and the commission may order the demolition of a building or structure, if after the expiration of the 90-calendar day period the city is not able to:

- (1) Identify a feasible alternative use for the building or structure;
- (2) Locate an alternative purchaser to rehabilitate and maintain the building or structure; or
- (3) Appoint a receiver for the building or structure as provided by V.T.C.A., Local Government Code § 214.003.

(h) An owner of a substandard building or structure declared to be in violation of this section is not liable for penalties related to the building or structure that accrue during the 90-calendar day period provided for disposition of historic property under subsection (e) of this section.

#### Division 7. Other enforcement.

##### Sec. 1-91. Civil penalty.

(a) In a proceeding under division 3, the commission after notice and hearing may assess a civil penalty against the property owner, in an amount not to exceed \$1,000.00 per day, per violation, with each day of violation being considered a separate offense and assessable, if at the hearing the city proves:

- (1) The property owner was notified of the requirements of this ordinance; and
- (2) After notification, the property owner committed an act in violation of this section or failed to take an action necessary to bring the property into compliance with the ordinance.

(b) After the time to comply with an order of the commission issued pursuant to section 1-53 has lapsed, the commission may hold a hearing on violations of the order and may assess a civil penalty against the property owner, in an amount not to exceed \$1,000.00 per day per violation, with each day of violation being considered a separate offense and assessable, if at the hearing the city proves:

(1) The property owner was notified of the requirements of this ordinance and the commission's order; and

(2) After notification, the property owner committed an act in violation of this ordinance or failed to take an action necessary to bring the building or structure into compliance with this section and the order of the commission.

(c) A determination made by the commission constitutes prima facie evidence of the penalty in any court of competent jurisdiction in a civil suit brought by the city for final judgment in accordance with the established penalty.

(d) To enforce the civil penalty, the city secretary shall file with the Fort Bend County District Clerk a certified copy of the order of the commission establishing the amount and duration of the civil penalty. No other proof shall be required for a district court to enter final judgment on the penalty.

Sec. 1-92. Civil action without commission hearing.

(a) The city may bring suit for injunctive relief and civil penalties against the owner of property in violation of this section, or to compel the demolition or repair of buildings or structures, as provided for by V.T.C.A., Local Government Code ch. 54, subch. B (V.T.C.A., Local Government Code § 54.012 et seq.) and other municipal ordinances.

(b) Filing a suit for civil penalties, injunctive relief, or other remedies shall not be a bar against, or a prerequisite for, taking any other action against a violator.

Sec. 1-93. Cumulative remedies.

The rights, remedies and penalties provided in this article are cumulative, are not mutually exclusive and are in addition to any other rights, remedies and penalties available to the city under any other provisions of law.”

**SECTION 3. Repeal of Division 5 and Division 6 of Article V of Chapter 2 of the Code of Ordinances, City of Richmond, Texas.** Division 5 “Construction Board of Adjustments and Appeals,” and Division 6 “Electrical Board of Adjustments and Appeals,” both of Article V “Commissions, Boards and Committees,” of Chapter 2 “Administration,” of the Code of Ordinances, City of Richmond, Texas are hereby repealed.



**SECTION 4. Renumbering of Sections of Article III “Park, Facility, Street Naming Policy” of Chapter 1 of the Code of Ordinances of Richmond, Texas.** The sections of Article III “Park, Facility, Street Naming Policy” of Chapter 1 of the Code of Ordinances of Richmond, Texas, are hereby renumbered as follows without amendment of the text:

Section Number	Title	New Section Number
1-70	Preamble	1-101
1-71	Organizations affected	1-102
1-72	Policy	1-103
1-73	Definitions	1-104
1-74	Responsibilities	1-105
1-75	Guiding principles	1-106
1-76	Procedures	1-107

**SECTION 5. Penalty.** Any person who violates any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount not to exceed Five Hundred Dollars (\$500.00). Each day during which said violation shall exist or occur shall constitute a separate offense.

**SECTION 6. Repealer.** The provisions of this Ordinance shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances in conflict with any of the provisions of this Ordinance are hereby expressly repealed to the extent that such inconsistency is apparent.

**SECTION 6. Severability.** It is hereby declared to be the intention of the City Commission that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Commission without the incorporation of this ordinance of any such invalid phrase, clause, sentence paragraph or section, If any provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision, and to this end the provisions of the Ordinance are declared to be severable.

**SECTION 8. Publication.** The Ordinance shall be effective immediately following its reading and publication in summary form in the official newspaper of the City in accordance with the City Charter.

PASSED AND APPROVED on this the 21<sup>st</sup> day of February, 2022.

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Rebecca K. Haas, Mayor

ATTEST:

APPROVED AS TO FORM:

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Laura Scarlato, City Secretary

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Gary W. Smith, City Attorney