

ORDINANCE NO. 264
AMENDMENT
MINIMUM HOUSING STANDARDS CODE

AN ORDINANCE AMENDING ORDINANCE NO. 71-1351 AND ORDINANCE NO. 82-2479; PROVIDING FOR A MINIMUM HOUSING STANDARDS CODE FOR THE CITY OF KRESS, TEXAS, DECLARING ITS PURPOSE, THE METHOD OF ENFORCEMENT, PROVIDING FOR DEFINITIONS, PROVIDING FOR SPACE AND OCCUPANCY STANDARDS, STRUCTURAL REQUIREMENTS, MECHANICAL REQUIREMENTS, EXITS, FIRE PROTECTION, DEFINING SUBSTANDARD BUILDINGS, PROVIDING FOR THE DUTIES OF THE CODE ENFORCEMENT OFFICER WITH THE CITY OF KRESS, TEXAS, PROVIDING FOR A BOARD OF MINIMUM HOUSING STANDARDS TO DETERMINE MINIMUM HOUSING REQUIREMENTS FOR RESIDENTIAL BUILDINGS WITHIN THE CITY OF KRESS, TEXAS, PROVIDING FOR PERFORMANCE OF DEMOLITION AND OTHER WORK BY THE CITY OF KRESS, TEXAS, AND FOR THE RECOVERY OF COST OF DEMOLITION AND OTHER WORK, PROVIDING FOR ADMINISTRATIVE REMEDIES, FOR ENFORCEMENT OF MINIMUM HOUSING REQUIREMENTS, PROVIDING FOR FINAL APPEAL TO THE DISTRICT COURT OF SWISHER COUNTY, TEXAS, PROVIDING FOR COLLECTION OF FEES FOR PERMITS, PROVIDING FOR CODE ENFORCEMENT SEARCH WARRANTS, PROVIDING FOR A PENALTY, PROVIDING FOR A SEVERABILITY CLAUSE, AND EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, the City Council of the City of KRESS, Texas, has determined that there is a need for a Minimum Housing Code in the City of KRESS to promote the health, safety and welfare of its inhabitants; and

WHEREAS, the City Council has determined that the 1970 edition of the Uniform Building Code, Volume III, Housing Code as copyrighted in 1970 by the International Conference of Building Officials, Pasadena, California, with amendments to conform same to the specific needs of KRESS, Texas, should be adopted as the Minimum Housing Standards Code for the City of KRESS, Texas; and

WHEREAS, the City Council of KRESS, Texas, has determined it would be in the best interest of the public safety and welfare to establish a Board of Minimum Housing Standards to provide for final interpretations of the provisions of this Code; and

WHEREAS, the City Council has determined that provisions should be made for the performance of demolition and other work for the enforcement of minimum housing requirements and provisions should be made for the recovery of costs incurred in the enforcement of such minimum housing standards; and

WHEREAS, the City Council desires to authorize various City departments to use search warrants incidental to the enforcement of this Code; and

WHEREAS, the City Council finds, in the best interest of clarity, it should adopt an ordinance with the revisions and amendments to the Minimum Housing Standards Ordinance contained in one ordinance of the City of KRESS, Texas.

CHAPTER 1 - TITLE AND SCOPE

Sec. H-101. This ordinance shall be known as the "Housing Code", and may be cited as such, and will be referred to herein as "this Code".

Sec. H-102. The purpose of this Code is to provide minimum requirements for the protection of life, limb, health, property, safety, and welfare of the general public and the owners and occupants of residential buildings.

Sec. H-103. The 1970 Edition of the Uniform Building Code, Volume III, Housing Code as copyrighted in 1970 by the International Conference of Building Officials, Pasadena, California, with amendments to conform same to the specific needs of the City of KRESS, Texas, is hereby adopted as the minimum requirements for the protection of life, limb, health, property, safety, and welfare of the general public and the owners and occupants of residential buildings located within the City limits of KRESS, Texas.

Sec. H-104. (a)Application. The provisions of this Code shall apply to all buildings or portions thereof used, or designed to be used or intended to be used for human habitation. Such buildings in existence at the time of the adoption of this Code may have their existing use or occupancy continued, if such use or occupancy was legal at the time of the adoption of this Code, provided such continued use is not dangerous to life, limb, property, health, safety and welfare of the

general public and the owners and occupants of the building, and further provided that such structures are not found to be sub-standard as defined in this Code.

Where any building or portion thereof is used or intended to be used as a combination apartment house-hotel, the provisions of this Code shall apply to the separate portions as if they were separate buildings.

Every rooming house or lodging house shall comply with all the requirements of this Code for dwellings.

(b) Alterations. Existing buildings which are repaired, altered or enlarged shall be made to conform to this Code insofar as the new work is concerned and in accordance with the Uniform Building Code adopted at the time of the initial inspection by the Code Enforcement Officer.

(c) Relocation. Existing buildings which are moved or relocated shall be considered as new construction and shall comply with all the requirements of this Code and the Uniform Building Code adopted at the time of the initial inspection.

CHAPTER 2 - ENFORCEMENT

Sec. H-201. (a) Authority. The Code Enforcement Officer is hereby authorized and directed to administer and enforce all of the provisions of this Code.

(b) Right of Entry. Whenever necessary to make an inspection to enforce any of the provisions of this Code, or whenever the Code Enforcement Officer or his authorized representative has reasonable cause to believe that there exists in any building or upon any premises, any condition which makes such building or premises sub-standard as defined in Section H-202 of this Code, the Code Enforcement Officer or his authorized representative may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Code Enforcement Officer by this Code; provided that if such building or premises be occupied, he shall first present credentials and demand entry; and if such building or premises be unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and demand entry. If such entry is refused, the Code Enforcement Officer or his authorized representative shall have recourse to every remedy provided by law to secure entry.

No owner or occupant or any other person having charge, care or control of any building or premises shall fail or neglect, after proper

demand is made as herein provided, to properly permit entry therein by the Code Enforcement Officer or his authorized representative for the purpose of inspection and examination pursuant to this Code.

(c) Responsibilities Defined. Every owner remains liable for violations of duties imposed upon him by this Code even though the owner has, by agreement, imposed on the occupant the duty of furnishing required equipment or of complying with this Code.

Every owner, or his agent, in addition to being responsible for maintaining his building in a sound structural condition, shall be responsible for keeping that part of the building or premises which he occupies or controls in a clean, sanitary, and safe condition including the shared or public areas in a building containing two or more dwelling units.

Every owner shall, where required by this Code, the health ordinance or the health officer, furnish and maintain such approved sanitary facilities as required, and shall furnish and maintain approved devices, equipment, or facilities for the prevention of insect and rodent infestation, and where infestation has taken place, shall be responsible for extermination of any insects, rodents, or other pests when such extermination is not specifically made the responsibility of the occupant by law or ruling.

Every occupant of a dwelling unit, in addition to being responsible for keeping in a clean, sanitary, and safe condition that part of the dwelling or dwelling unit or premises which he occupies and controls, shall dispose of all his rubbish, garbage, and other organic waste in a manner required by the health ordinance and approved by the health officer.

Every occupant shall, where required by this Code, the health ordinance or the health officer, furnish and maintain approved devices, equipment or facilities necessary to keep his premises safe and sanitary.

Sec. H-202. All buildings or portions thereof which are determined to be substandard as defined in this Code are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedure specified in Section H-1101 of this Code.

Sec. H-203. In order to provide for final interpretation of the

provisions of this Code and to hear appeals provided for hereunder, the Board of Minimum Housing Standards will serve as the Appeal Board for Minimum Requirements of the Housing Code. There is hereby established a Board of Minimum Housing Standards consisting of five (5) members who are not employees of the City. All members appointed shall not at the time of the appointment nor during their term of office serve on any other authority board, commission or committee of the City of KRESS. All members appointed shall be a resident of the City of KRESS, Texas, at the time of their appointment and during their term of office. The members of the Board shall be appointed by the City Council. Two (2) members of the initial Board appointed by the City Council shall serve until December 31, 1986. Three (3) members of the Board initially appointed by the City Council shall serve until December 31, 1986. Thereafter, two (2) members of the Board shall be appointed by the City Council beginning January 1 in odd numbered years and three (3) members shall be appointed by the City Council beginning January 1 in even numbered years. No person shall serve more than two (2) consecutive terms as a member of the Board. Any term of office of any member of the Board expiring other than on December 31 in any year, shall be filled by appointment by the City Council until December 31 of that year. Each member of the Board shall serve a term of two (2) years. Three (3) members of the Board shall constitute a quorum. The Board shall act by a majority vote of those present. A Chairman who shall preside over meetings and shall have the same voting rights as other members, shall be selected by the Board from its membership. One (1) member of the Planning and Zoning Department of the City of KRESS, one (1) representative from the KRESS Health Department, and one (1) representative of the Fire Department of the City of KRESS, the Code Enforcement Officer of the City of KRESS and the Director of Public Safety of the City of KRESS, shall serve as exofficio members of the Board, but such members shall not have any voting rights or privileges. The Code Enforcement Officer shall serve as Secretary of the Board of Minimum Housing Standards.

Meetings of the Board shall be held at the call of the Chairman and at such time as the Board may determine.

Each meeting of the Board shall be legally posted as required by Article 6252-17 VTCS and the Mayor, exofficio members and members of the Board shall be notified in writing not less than five (5) days prior to the date of any meeting.

Each member of the Board shall attend no less than 75% of the regular, special or emergency meetings called by the officers of the Board. The Secretary of the Board shall make a quarterly

report to the Mayor and City Council showing the attendance of each member of the Board. Any representative failing to attend 75% of the regular, special or emergency meetings legally called during any calendar year shall be automatically disqualified for service on the Board and shall be replaced by the City Council.

Should any member of the Board move from the City or otherwise become disqualified for any reason, he shall vacate the office.

The Board may adopt reasonable rules and regulations for conducting its business and shall render all decisions and findings in writing to the appellant with a copy to the Code Enforcement Officer. Appeals to the Board shall be processed in accordance with the provisions contained in Sec. H-1201 of this Code. Copies of all rules and regulations adopted by the Board shall be delivered to the Code Enforcement Officer who shall make them freely accessible to the public.

Sec. H-204. No person, firm, or corporation, whether as owner, lessee, sublessee, or occupant, shall erect, construct, enlarge, alter, repair, move, improve, remove, demolish, equip, use, occupy, or maintain any building or premises, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this Code or any order issued by the Code Enforcement Officer hereunder.

Sec. H-205. Any person violating the provisions of this Section shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not to exceed \$200.00.

Each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any such violation is committed.

CHAPTER 3 - PERMITS AND INSPECTIONS

General: Sec. H-301. No person, firm, or corporation shall erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building or structure deemed to be substandard under this Code, or cause or permit the same to be done, without first obtaining a separate building permit for each such building or structure from the Code Enforcement Officer in the manner and according to the applicable conditions prescribed in the Uniform Building Code.

Fee: Sec. H-302. Whenever a building permit is required by Section 301 of this Code, the appropriate fees shall be paid to the Code

Enforcement Officer as adopted by the City of KRESS and in effect at the time of the issuance of the Building Permit.

Inspection: Sec. H-303. All buildings or structures within the scope of this Code and all construction or work for which a permit is required shall be subject to inspection by the Code Enforcement Officer or his designated representative in accordance with and in the manner provided by this Code and the Uniform Building Code.

CHAPTER 4 - DEFINITIONS

Sec. H-401. For the purpose of this Code, certain abbreviations, terms, phrases, words, and their derivatives shall be construed as specified in the Uniform Building Code.

EFFICIENCY LIVING UNIT. Efficiency living unit is any room having cooking facilities used for combined living, dining, and sleeping purposes and meeting the requirements of Section H-503 (b), Exception.

HEALTH OFFICER. Health Officer shall be the legally designated head of the Plainview-Hale County Health Department.

HOT WATER. Hot water shall be water at a temperature of not less than 120° F.

NUISANCE. The following shall be defined as nuisances:

- (a) Any public nuisance known at common law or in equity jurisprudence.
- (b) Any attractive nuisance which may prove detrimental to children whether in a building, on the premises of a building, or upon an unoccupied lot. This includes any abandoned wells, shafts, basements or excavations; abandoned refrigerators and motor vehicles; or any structurally unsound fences or structures; or any lumber, trash, fences, debris or vegetation which may prove a hazard for inquisitive minors.
- (c) Whatever is dangerous to human life or is detrimental to health, as determined by the Health Officer.
- (d) Overcrowding a room with occupants.
- (e) Insufficient ventilation or illumination.

- (f) Inadequate or unsanitary sewage or plumbing facilities.
- (g) Uncleanliness, as determined by the Health Officer.
- (h) Whatever renders air, food, or drink unwholesome or detrimental to the health of human beings, as determined by the Health Officer.

OCCUPIED SPACE. The total area of all buildings or structures on any lot or parcel of ground projected on a horizontal plan excluding permitted projections as allowed by this Code.

ROOMING HOUSE. See Lodging House. (See the Uniform Building Code for definition.)

UNIFORM BUILDING CODE shall mean the Uniform Building Code in effect and adopted by the City of KRESS, Texas at the time of inspection of the premises.

CHAPTER 5 - SPACE AND OCCUPANCY STANDARDS

Sec. H-501. Access to Public Property. All buildings shall be located with respect to property lines and to other buildings on the same property as required by the Uniform Building Code. Each dwelling unit and each guest room in a dwelling or a lodging house shall have access to a passageway, not less than 3 feet in width, leading to a public street or alley. Each apartment house or hotel shall have access to a public street by means of a passageway no less than 5 feet in width.

Sec. H-502. (a) Scope. This Section shall apply to yards and courts having required windows opening therein.

(b) Yards. Every yard shall be not less than 3 feet in width for one-story and two story buildings. For buildings more than two stories in height the minimum width of the yard shall be increased at the rate of 1 foot for each additional story. Where yards completely surround the building, the required width may be reduced by 1 foot. For buildings exceeding 14 stories in height, the required dimensions shall be computed on the basis of 14 stories.

Adequate access shall be provided to the bottom of all courts for cleaning purposes. Every court more than two stories in height shall be provided with a horizontal air intake at the bottom not less than 10 square feet in area and leading to the exterior of the building unless abutting a yard or public space. The construction of the air intake shall be as required for the court walls of the

building, but in no case shall be less than one-hour fire-resistive.

(d). Projection into Yards. Projections into yards shall comply with the Uniform Building Code.

Sec. H-502. (a) Ceiling Heights. Habitable rooms, storage rooms and laundry rooms shall have a ceiling height of not less than 7 feet 6 inches. Hallways, corridors, measured to the lowest projection from the ceiling.

If any room in a building has a sloping ceiling, the prescribed ceiling height for the room is required in only one-half the area thereof. No portion of the room measuring less than 5 feet from the finished floor to the finished ceiling shall be included in any computation of the minimum area thereof.

If any room has a furred ceiling, the prescribed ceiling height is required in two-thirds the area thereof, but in no case shall the heights of the furred ceiling be less than 7 feet.

(b) Superficial Floor Area. Every dwelling unit shall have at least one room which shall have not less than 120 square feet of superficial floor area. Every room which is used for both cooking and living or both living and sleeping purposes shall have not less than 150 square feet of superficial floor area. Every room used for sleeping purposes shall have not less than 90 square feet of superficial floor area. Where more than two persons occupy a room used for sleeping purposes the required superficial floor area shall be increased at a rate of 50 square feet for each occupant in excess of two.

EXCEPTION: Nothing in this Section shall prohibit the use of an efficiency living unit meeting the following requirements:

1. The unit shall have a living room of not less than 220 square feet of superficial floor area. An additional 100 square feet of superficial floor area shall be provided for each occupant of such unit in excess of two.
2. The unit shall be provided with a separate closet.
3. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities each having a clear working space of not less than 30 inches in front. Light and ventilation conforming to this Code shall be

provided.

4. The unit shall be provided with a separate bathroom containing a water closet, lavatory, and bathtub or shower.

(c) Width. No habitable room shall be less than 7 feet in any dimension and no water closet space less than 30 inches in width and shall provide a clear space in front of the water closet not less than 24 inches.

Sec. H-504. (a) Natural Light and Ventilation. All guest rooms, dormitories, and habitable rooms within a dwelling unit shall be provided with natural light by means of windows or skylights with an area of not less than one-tenth of the floor area of such rooms with a minimum of 12 square feet.

All bathrooms, water closet compartments, laundry rooms, and similar rooms shall be provided with natural ventilation by means of windows or skylights with an area of not less than one-tenth of the floor area of such rooms with a minimum of 3 square feet.

Not less than one-half of the required window or skylight area shall be openable to provide natural ventilation.

(b) Origin of Light and Ventilation . Required windows shall open directly onto a street or public alley or a yard or court located on the same lot as the building.

EXCEPTION: Required windows may open into a roofed porch where the porch:

1. Abuts a street, yard, or court; and
2. Has a ceiling height of not less than 7 feet; and
3. Has the longer side at least 65 percent open and unobstructed.

A required window in a service room may open into a vent shaft which is open and unobstructed to the sky and not less than 4 feet in least dimension. No vent shaft shall extend through more than two stories.

For the purpose of determining light and ventilation requirements, any room may be considered as a portion of an adjoining room when one-half of the area of the common wall is open and unobstructed and provides an opening of not less than one-tenth of the floor area of

the interior room or 25 square feet, whichever is greater.

(c) Mechanical Ventilation. In lieu of openable windows for natural ventilation, a mechanical ventilation system may be provided. Such system shall be capable of providing two air changes per hour in all guest rooms, dormitories, habitable rooms, and in public corridors. One-fifth of the air supply shall be taken from the outside. In bathrooms, water closet compartments, laundry rooms, and similar rooms, a mechanical ventilation system connected directly to the outside, capable of providing five air changes per hour, shall be provided.

(d) Hallways. All public hallways, stairs, and other exitways shall be adequately lighted at all times in accordance with the Uniform Building Code.

Sec. H-505. (a) Dwelling Units. Every dwelling unit shall be provided with a water closet, a lavatory, and a bathtub or shower.

(b) Hotels. Where private water closets, lavatories, and baths are not provided, there shall be provided on each floor for each sex at least one water closet and lavatory and one bath accessible from a public hallway. Additional water closets, lavatories, and baths shall be provided on each floor for each sex at the rate of one for every additional 10 guests, or fractional number thereof, in excess of 10. Such facilities shall be clearly marked for "Men" or "Women".

(c) Kitchen. Each dwelling unit shall be provided with a kitchen. Every kitchen shall be provided with a kitchen sink. No wooden sink or sink of similarly absorbent material shall be permitted.

(d) Fixtures. All plumbing fixtures shall be connected to a sanitary sewer or to an approved private sewage disposal system. All plumbing fixtures shall be connected to an approved system of water supply and provided with hot and cold running water, except water closets shall be provided with cold water only.

All plumbing fixtures shall be of an approved glassed earthenware type or of a similarly nonabsorbent material.

(e) Water Closet Compartments. Walls and floors of water closet compartments except in dwellings shall be finished in accordance with the Uniform Building Code. Water closet compartments in dwellings shall be finished with approved nonabsorbent materials.

(f) Room Separations. Every water closet, bathtub, or shower required by this Code shall be installed in a room which will afford privacy to the occupant. A room in which a water closet is located shall be separated from floor preparation or storage rooms by a tight-fitting door.

(g) Installation and Maintenance. All sanitary facilities shall be installed and maintained in safe and sanitary condition and in accordance with all applicable laws.

CHAPTER 6 - STRUCTURAL REQUIREMENTS

Sec. H-601 (a) General. Buildings or structures may be of any type of construction permitted by the Uniform Building Code. Roofs, floors, walls, foundations, and all other structural components of buildings shall be capable of resisting any and all forces and loads to which they may be subjected. All structural elements shall be proportioned and joined in accordance with the stress limitations and design criteria as specified in the appropriate sections of the Uniform Building Code. Buildings of every permitted type of construction shall comply with the applicable requirements of the Uniform Building Code.

(b) Shelter. Every building shall be weather protected so as to provide shelter for the occupants against the elements and to exclude dampness.

(c) Protection of Materials. All wood shall be protected against termite damage and decay as provided in the Uniform Building Code.

CHAPTER 7 - MECHANICAL REQUIREMENTS

Sec. H-701. (a) Heating. Every dwelling unit and guest room shall be provided with heating facilities capable of maintaining a room temperature of 70° F. at a point 3 feet above the floor in all habitable rooms. Such facilities shall be installed and maintained in a safe condition and in accordance with the Uniform Building Code. All heating devices or appliances shall be of an approved type.

(b) Electrical Equipment. All electrical equipment, wiring, and appliances shall be installed and maintained in a safe manner in accordance with all applicable laws. All electrical equipment shall be of an approved type.

When there is electrical power available within 300 feet of the premises of any building, such building shall be connected to such electrical power. Every habitable room shall contain at least two supplied electric light fixtures. Every water closet compartment, bathroom, laundry room, furnace room, and public hallway shall contain at least one supplied electric light fixture.

(c) Ventilation. Ventilation for rooms and areas and for fuel-burning appliances shall be provided as required in the Uniform Building Code, and in this Code. Where mechanical ventilation is provided in lieu of the natural ventilation required by Section H-504 of this Code, such mechanical ventilating system shall be maintained in operation during the occupancy of any building or portion thereof.

CHAPTER 8 - EXITS

Sec. H-801. Every dwelling unit or guest room shall have access directly to the outside or to a public corridor. All buildings or portions thereof shall be provided with exits, exitways, and appurtenances as required by the Uniform Building Code.

Every sleeping room below the fourth floor shall have at least one window or exterior door approved for emergency exit or rescue. Where windows are provided they shall have a sill height not more than 48 inches above the floor.

Windows with an area of not less than 5 square feet with no dimension less than 22 inches shall be deemed to meet the requirements of this Section provided sill heights are not over 48 inches above the floor.

CHAPTER 9 - FIRE PROTECTION

Sec. H-901. All buildings or portions thereof shall be provided with the degrees of fire-resistive construction as required by the Uniform Building Code, for the appropriate occupancy, type of construction, and location on property or in fire zone; and shall be provided with the appropriate fire-extinguishing system or equipment required by the Uniform Building Code.

CHAPTER 10 - SUBSTANDARD BUILDINGS

Sec. H-1001. (a) General. Any building or portion thereof including any dwelling unit, guest room or suite of rooms, or the premises on which the same is located, in which there exists any of the following listed conditions to the extent such condition or conditions endanger the life, limb, health, property, safety, or welfare of the public or occupants thereof shall be deemed and hereby is declared to be a substandard building:

(b) Inadequate Sanitation, which shall include but not be limited to the following:

1. Lack of, or improper water closet, lavatory, bath tub or shower in a dwelling unit.
2. Lack of, or improper water closets, lavatories, and bath tubs or showers per number of guests in a hotel.
3. Lack of, or improper kitchen sink.
4. Lack of hot and cold running water to plumbing fixtures in a hotel.
5. Lack of hot and cold running water to plumbing fixtures in a dwelling unit.
6. Lack of adequate heating facilities.
7. Lack, or improper operation of required ventilating equipment.
8. Lack of minimum amounts of natural light and ventilation required by this Code.
9. Room and space dimensions less than required by this Code.
10. Lack of required electrical lighting.
11. Dampness of habitable rooms.
12. Infestation of insects, vermin or rodents as determined by the Health Officer.
13. General dilapidation or improper maintenance.
14. Lack of connection to required sewage disposal system.
15. Lack of adequate garbage and rubbish storage and removal facilities as determined by the Health Officer.

(c) Structural Hazards, which shall include but not be limited to the following:

1. Deteriorated or inadequate foundations.
2. Defective or deteriorated flooring or floor supports.
3. Flooring or floor supports of insufficient size to carry imposed loads with safety.

4. Members of walls, partitions, or other vertical supports that split, lean, list, or buckle due to defective material or deterioration.
5. Members of walls, partitions, or other vertical supports that are of insufficient size to carry imposed loads with safety.
6. Members of ceilings, roofs, ceiling and roof supports, or other horizontal members which sag, split, or buckle due to defective material or deterioration.
7. Members of ceilings, roofs, ceiling and roof supports, or other horizontal members that are of insufficient size to carry imposed loads with safety.
8. Fireplaces or chimneys which list, bulge, or settle, due to defective material or deterioration.
9. Fireplaces or chimneys which are of insufficient size or strength to carry imposed loads with safety.

(d) Nuisance. Any nuisance as defined in this Code:

(e) Hazardous Wiring. All wiring, except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good condition and is being used in a safe manner.

(f) Hazardous Plumbing. All plumbing except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good condition and which is free of cross connections and siphonage between fixtures, and is being used in a safe manner.

(g) Hazardous Mechanical Equipment. All mechanical equipment, including vents, except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good and safe condition, and is being used in a safe manner.

(h) Faulty Weather Protection, which shall include but not be limited to the following:

1. Deteriorated, crumbling or loose plaster.
2. Deteriorated or ineffective waterproofing of exterior walls, roof,

foundations, or floors, including broken windows or doors.

3. Defective or lack of weather protection for exterior wall covering, including lack of paint, or weathering due to lack of paint or other approved protective covering.
4. Broken, rotted, split, or buckled exterior wall covering or roof coverings.

(i) Fire Hazard. Any building or portion thereof, device, apparatus, equipment, combustible waste, or vegetation which, in the opinion of the Chief of the Fire Department or his deputy, is in such a condition as to cause a fire or explosion or provide a ready fuel to augment the spread and intensity of fire or explosion arising from any cause.

(j) Faulty Materials of Construction. All materials of construction except those which are specifically allowed or approved by this Code and the Uniform Building Code, and which have been adequately maintained in good and safe condition.

(k) Hazardous or Unsanitary Premises. Those premises on which an accumulation of weeds, vegetation, junk, dead organic matter, debris, garbage, offal, rat harborages, stagnant water, combustible materials, and similar materials or condition constitute fire, health, or safety hazards.

(l) Inadequate Maintenance. Any buildings or portion thereof which is determined to be an unsafe building in accordance with the Uniform Building Code.

(m) Inadequate Exits. All buildings or portion thereof not provided with adequate exit facilities as required by this Code except those buildings or portions thereof whose exit facilities conformed with all applicable laws at the time of their construction and which have been adequately maintained and increased in relation to any increase in occupant load, alteration or addition, or any change in occupancy.

When an unsafe condition exists through lack of, or improper location of exits, additional exits may be required to be installed.

(n) Inadequate Fire-protection or Fire-Fighting Equipment. All buildings or portions thereof which are not provided with the fire-resistive construction or fire-extinguishing systems or equipment required by this Code, except those buildings or portions thereof which conformed with all applicable laws at the time of their con-

struction and whose fire-resistive integrity and fire-extinguishing systems or equipment have been adequately maintained and improved in relation to any increase in occupant load, alteration or addition, or any change in occupancy.

(o) Improper Occupancy. All buildings or portions thereof occupied for living, sleeping, cooking, or dining purposes which were not designed or intended to be used for such occupancies.

CHAPTER 11
NOTICES AND ORDERS OF THE CODE ENFORCEMENT OFFICER

Sec. H-1101.

(a) Commencement of Proceedings. Whenever the Code Enforcement Office has inspected or caused to be inspected any building and has found and determined that such building is a substandard building, he shall commence proceedings to cause the repair, rehabilitation, vacation, or demolition of the building.

(b) Notice and Order. The Code Enforcement Officer shall issue a notice and order directed to the record owner of the building. The notice and order shall contain:

1. The street address and a legal description sufficient for identification of the premises upon which the building is located.
2. A statement that the Code Enforcement Officer has found the building to be substandard with a brief and concise description of the conditions found to render the building dangerous under the provisions of Section H-202 of this Code.
3. A statement of the action required to be taken as determined by the Code Enforcement Officer.
 - (i) If the Code Enforcement Officer has determined that the building or structure must be repaired, the order shall require that all required permits be secured therefor and the work physically commenced within such time (not to exceed 60 days from the date of the order) and completed within such time as the Code Enforcement Officer shall determine is reasonable under all of the circumstances.
 - (ii) If the Code Enforcement Officer has determined that the building or structure must be vacated, the order shall require that the building or structure shall be vacated within a time certain from the date of the order as determined by the Code Enforcement Officer to be reasonable.

(iii) If the Code Enforcement Officer has determined that the building or structure must be demolished, the order shall require that the building be vacated within such time as the Code Enforcement Officer shall determine reasonable (not to exceed 60 days from the date of the order); that all required permits be secured therefor within 60 days from the date of the order, and that the demolition be completed within such time as the Code Enforcement Officer shall determine is reasonable.

4. Statements advising that if any required repair or demolition work (without vacation also being required) is not commenced within the time specified, the Code Enforcement Officer (i) will order the building vacated and posted to prevent further occupancy until the work is completed and (ii) may proceed to cause the work to be done and charge the costs thereof against the property or its owner.
5. Statements advising (i) that any person having any record, title or legal interest in the building may appeal from the notice and order or any action of the code enforcement officer to the Board of Minimum Housing Standards, provided the appeal is made in writing as provided in this Code and filed with the Code Enforcement Officer within thirty (30) days from the date of service of such notice and order; and (ii) that failure to appeal will constitute a waiver of all right to an administrative hearing and determination of the matter.

(c) Service of Notice and Order. The notice and order, and any amended or supplemental notice and order, shall be served upon the record owner, and the following if known to the Code Enforcement Officer or disclosed from the official public records: the holder of any mortgage or deed of trust or other lien or encumbrance of record; the owner or holder of any lease of record; and the holder of any other estate or legal interest of record in or to the building or the land on which it is located. The failure of the Code Enforcement Officer to serve any person required herein to be served shall not invalidate any proceedings hereunder as to any other person duly served or relieve any such person from any duty or obligation imposed on him by the provisions of this Section.

(d) Method of Service. Service of the notice and order shall be made upon all persons entitled thereto either personally or by mailing a copy of such notice and order by certified mail, postage prepaid, return receipt requested, to each such person at his address as it appears on the last equalized assessment roll of the county or as known to the Code Enforcement Officer, then a copy of the notice and order shall be so mailed to such person, at the address of the building involved in the proceedings. The failure of any such person to receive

such notice shall not affect the validity of any proceedings taken under this Section. Service by certified mail in the manner herein provided shall be effective on the date of mailing.

(e) Proof of Service. Proof of service of the notice and order shall be certified to at the time of service by a written declaration under penalty of perjury executed by the person effecting service, declaring the time, date, and manner in which service was made. The declaration, together with any receipt card returned in acknowledgment of receipt by certified mail shall be affixed to the copy of the notice and order retained by the Code Enforcement Officer.

Sec. H-1102.

(a) Standards to be Followed. The following standards shall be followed by the Code Enforcement Officer and by the Board of Minimum Housing Standards (if an appeal is taken) in ordering the repair, vacation or demolition of any substandard building or structure:

1. If any building declared a substandard building under this ordinance shall either be repaired in accordance with the current Uniform Building Code and all applicable City Codes or shall be demolished at the option of the building owner.
2. If the building or structure is in such condition as to make it immediately dangerous to the life, limb, property or safety of the public or of the occupants, it shall be ordered to be vacated.

Sec. H-1103.

(a) Posting. Every notice to vacate shall, in addition to being served as provided in Section H-1101(c), be posted at or upon each exit of the building, and shall be in substantially the following form:

"DO NOT ENTER
UNSAFE TO OCCUPY
It is a misdemeanor to occupy this building
or to remove or deface this notice.

CODE ENFORCEMENT OFFICER
City of KRESS, Texas"

(b) Compliance. Whenever such notice is posted, the Code Enforcement Officer shall include a notification thereof in the notice and order issued by him under Subsection (b) of Section H-1101, reciting the

the emergency and specifying the conditions which necessitate the posting. No person shall remove or deface any such notice after it is posted until the required repairs, demolition or removal have been completed pursuant to the provisions of the Uniform Building Code. Any person violating this Subsection shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than \$200.00.

CHAPTER 12 - APPEAL

Sec. H-1201.

(a) Form of Appeal. Any person entitled to service under Section H-1101(c) may appeal from any notice and order of any action of the Code Enforcement Officer under this Code by filing at the office of the Code Enforcement Officer within 30 days from the date of the service of such order a written appeal containing:

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

(b) Processing of Appeal. Upon receipt of any appeal filed pursuant to this section, the Code Enforcement Officer shall present it at the next regular or special meeting of the Board of Minimum Housing Standards.

Sec. 1201 (c) Scheduling and Noticing Appeal for Hearing. As soon as practicable after receiving the written appeal, the Board of Minimum Housing Standards shall fix a date, time, and place for the hearing of the appeal by the Board. Such date shall not be less than ten (10) days nor more than sixty (60) days from the date the appeal was filed with the Board of Minimum Housing Standards. Written notice of the time and place of the hearing shall be given at least ten (10) days prior to the date of the hearing to each appellant by the Secretary of the Board either by causing a copy of such notice to be delivered to the appellant personally or by mailing a copy thereof, postage prepaid, addressed to the appellant at his address shown on the appeal.

Sec. H-1202. Failure of any person to file an appeal in accordance with the provisions of Sec. H-1101 and H-1201 shall constitute a waiver of his right to an administrative hearing and adjudication of the notice and order, or to any portion thereof.

Sec. H-1203. Only those matters or issues specifically raised by the appellant shall be considered in the hearing of the appeal.

Sec. H-1204. Except for vacation orders made pursuant to Section H-1102, enforcement of any notice and order of the Building Official issued under this Code, shall be stayed during pendency of an appeal therefrom which is properly and timely filed.

CHAPTER 13 - PROCEDURES FOR CONDUCT OF HEARING APPEALS

Sec. H-1301.

(a) Record. A record of the entire proceedings shall be made by tape recording, or by any other means of permanent recording determined to be appropriate by the Board.

(b) Reporting. The proceedings at the hearing shall also be reported by a phonographic reporter if requested by any party thereto. A transcript of the proceedings shall be made available to all parties upon request and upon payment of the fee prescribed therefor. Such fees may be established by the Board, but shall in no event be greater than the cost involved.

(c) Continuances. The Board may grant continuances for good cause shown.

(d) Oaths - Certification. In any proceedings under this Chapter, the Board, or any Board member has the power to administer oaths and affirmations and to certify to official acts.

(e) Reasonable Dispatch. The Board and its representatives shall proceed with reasonable dispatch to conclude any matter before it. Due regard shall be shown for the convenience and necessity of any parties or their representatives.

Sec. H-1302. The notice to appellant shall be substantially in the following form, but may include other information:

"You are hereby notified that a hearing will be held before the Board of Minimum Housing Standards of the City of KRESS, , Texas, at _____ on the _____ day of _____, 19____, at the hour _____, upon the notice and order served upon you. You may be present at the hearing. You may be, but need not be, represented by counsel. You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You may request the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by filing an affidavit therefore with the Board of Minimum Housing Standards."

Sec. H-1303. (a) Rules. Hearings need not be conducted according to the technical rules relating to evidence and witnesses.

(b) Oral Evidence. Oral evidence shall be taken only on oath or affirmation.

(c) Hearsay Evidence. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence, but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions in courts of competent jurisdiction in this state.

(d) Admissibility of Evidence. Any relevant evidence shall be admitted if it is the type of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in courts of competent jurisdiction in this state.

(e) Exclusion of Evidence. Irrelevant and unduly repetitious evidence shall be excluded.

(f) Rights of Parties. Each party shall have these rights, among others:

1. To call and examine witnesses on any matter relevant to the issues of the hearing.
2. To introduce documentary and physical evidence.
3. To cross-examine opposing witnesses on any matter relevant to the issues of the hearing.
4. To impeach any witness regardless of which party first called him to testify;
5. To rebut the evidence against him.
6. To represent himself or to be represented by anyone of his choice who is lawfully permitted to do so.

(f) Official Notice.

1. What may be noticed. In reaching a decision, official notice may be taken, either before or after submission of the case for decision, of any fact which may be judicially noticed by the courts of this state or of official records of the Board of Departments and ordinances of the city or rules and regulations of the Board.
2. Parties to be notified. Parties present at the hearing shall be informed of the matters to be noticed and these matters shall be noted in the record, referred to therein, or appended thereto.
3. Opportunity to refute. Parties present at the hearing shall be given a reasonable opportunity, on request, to refute the officially noticed matters by evidence or by written or oral presentation of authority, the manner of such refutation to be determined by the Board.
4. Inspection of the premises. The Board may inspect any building or premises involved in the appeal during the course of the hearing, provided that (i) notice of such inspection shall be given to the parties before the inspection is made, (ii) the parties are given an opportunity to be present during the inspection and (iii) the Board shall state for the record upon completion of the inspection the material facts observed and the conclusions drawn therefrom. Each party then shall have a right to rebut or explain the matters so stated by the Board.

Sec. H-1304. (a) Hearing before the Board Itself. Where a contested case is heard before the Board itself, no member thereof who did not hear the evidence or has not read the entire record of the proceedings shall vote on or take part in the decision.

(g) Form of decision. The decision shall be in writing and shall contain findings of fact, a determination of the issues presented, and the requirements to be complied with. A copy of the decision shall be delivered to the appellant personally or sent to him by certified mail, postage prepaid, return receipt requested.

(h) Effective Date of decision. The effective date of the decision shall be as stated therein.

CHAPTER 14 - ENFORCEMENT OF THE ORDER OF
THE CODE ENFORCEMENT OFFICER OR
THE BOARD OF MINIMUM HOUSING STANDARDS

Sec. H-1401. (a) General. After any order of the Code Enforcement Officer or the Board of Minimum Housing Standards made pursuant to this Code shall become final, no person to whom any such order is directed shall fail, neglect, or refuse to obey any such order. Any such person who fails to comply with any such order is guilty of a misdemeanor and upon conviction thereof such person shall be punished by a fine of not more than \$200.00.

Sec. H-1401. (b) Failure to Obey Order. If, after any order of the Code Enforcement Officer or Board of Minimum Housing Standards made pursuant to this Code has become final, the person to whom such order is directed shall fail, neglect or refuse to obey such order, the code Enforcement Officer may (i) cause such person to be prosecuted under Subsection (a) of this Section or (ii) institute any appropriate action to abate such building as a public nuisance.

Sec. H-1401. (c) Failure to commence work. Whenever the required repair or demolition is not commenced within 30 days after any final notice and order issued under this Code becomes effective:

1. The Code Enforcement Officer shall cause the building described in such notice and order to be vacated by posting at each entrance thereto a notice reading:

"SUBSTANDARD BUILDING
DO NOT OCCUPY

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

CODE ENFORCEMENT OFFICER
CITY OF KRESS, TEXAS"

2. No person shall occupy any building which has been posted as specified in this Subsection. No person shall remove or deface any such notice so posted until the repairs, demolition or removal ordered by the Code Enforcement Officer have been completed pursuant to the provisions of the Uniform Building Code.

Sec. H-1402. Upon receipt of an application from the person required to conform to the order and an agreement by such person that he will comply with the order if allowed additional time, the Code Enforcement Officer may, in his discretion, grant an extension of time, not to exceed an additional 120 days, within which to complete said repair, rehabilitation, or demolition, if the Code Enforcement Officer determines that such an extension of time will not create or perpetuate a situation imminently dangerous to life or property. The Code Enforcement Officer's authority to extend time is limited to the physical repair, rehabilitation or demolition of the premises and will not in any way affect or extend the time to appeal his notice and order.

Sec. H-1403. No person shall obstruct, impede or interfere with any officer, employee, contractor or authorized representative of the City, or with any person who owns or holds any estate or interest in any building which has been ordered repaired, vacated or demolished under the provisions of this Code, whenever such officer, employee, contractor or authorized representative of the City, person having an interest or estate in such building or structure, or purchaser is engaged in the work of repairing, vacating and repairing, or demolishing any such building pursuant to the provisions of this Code, or in performing any necessary act preliminary to or incidental to such work or authorized or directed pursuant to this Code.

Sec. H-1404. Any person who is aggrieved by the actions taken under the provisions of the ordinance after he has exhausted his administrative remedy as provided herein, may file suit in the District Court of Hale County, Texas, in the nature of an appeal from the action of the commission within 15 days, in which appeal questions presented to the said District Court the substantial evidence rule shall prevail, except the question of whether or not the premises is a nuisance, which said question of whether or not a nuisance exists shall be tried by the District Court do novo.

CHAPTER 15 PERFORMANCE OF DEMOLITION OR OTHER WORK

Sec. H-1501 (a) Procedure. When any demolition or other work is to be done pursuant to Section H-1401(c) of this Code, the Code Enforcement Officer shall cause the work to be accomplished by City personnel or by private contract under the direction of the Code Enforcement Officer. Plans and specifications therefor may be prepared by the

Code Enforcement Officer or he may employ such architectural and engineering assistance on a contract basis as he may deem reasonably necessary.

Sec. H-1501 (b) Costs. The cost of such work shall be paid from the Special Projects Fund established for that purpose, and such cost shall be made a special assessment against the property involved.

Sec. H-1502. Demolition Fund.

(a) General. The City Council shall establish a Special Projects Fund for the payments of abatement costs. Payments shall be made from said fund upon the demand of the Code Enforcement Officer with the approval of the Director of Public Safety to defray the costs and expenses which may be incurred by the City in doing or causing to be done the necessary demolition and related labors.

(b) Maintenance of Fund. The City Council may at any time transfer to this Special Projects Fund, from any money in the General Fund of the City, such sums as it may deem necessary to expedite the performance of the work of abatement. All proceeds received in payment for money expended from this Special Projects Fund, as hereinafter provided for, shall be paid to and deposited in the General Fund of the City.

CHAPTER 16

RECOVERY OF COST OF DEMOLITION OR OTHER WORK

Account of Expense, Filing of Statement: Contents

Sec. H-1601. The Code Enforcement Officer shall keep an itemized account of the expense incurred by the City for demolition or removal of any structure and the cleaning of the lot where the structure was located, pursuant to the provisions of Section H-1401(c) of this Code, as amended. Upon completion of this abatement, the Code Enforcement Officer shall prepare a statement specifying the work done, the itemized and total cost of the work, a description of the real property upon which the structure was located, and the names and addresses of the persons entitled to notice pursuant to Section H-1104(c) of this Code, as amended.

Report Transmitted to Mayor

Sec. H-1602. Upon completion of this statement it shall be sent to the Mayor for his signature thereon, whereupon it shall then be recorded with the County Clerk as an assessment against and a lien upon the property.

Lien of Assessment

Sec. H-1603(a) Priority. Immediately upon recordation, the amount assessed shall be payable and the assessment shall be a lien against the parcel of land where the work was performed and against any remaining improvements thereon. The lien shall be subordinate only to tax liens and liens to secure the cost of street improvements after they have been made.

(b) Interest. All such assessments remaining unpaid after 30 days from the date of recordation shall become delinquent and shall bear interest at the rate of ten (10) percent per annum from and after said date.

Collections of Assessment: Penalties for Foreclosure

Sec. H-1604. For any such expenditures and interest, as aforesaid, suit may be instituted and foreclosure had in the name of the City of KRESS ; and the statements so made, as aforesaid, or a certified copy thereof, shall be prima facie proof of the amount expended in any such work.

Repayment of Money Expended

Sec. H-1605. All money recovered by payment of the charge or assessment, including any interest thereon, or from the sale of the property at foreclosure sale shall be paid to the City Treasurer who shall credit the same to the General Fund.

CHAPTER 17 CODE ENFORCEMENT SEARCH WARRANTS

Sec. H-1701

(a) Definitions.

MAGISTRATE: Shall mean those individuals specified in Article 2.09 of the Texas Code of Criminal Procedure, except the Mayor of the City of KRESS , Texas.

INSPECTOR: Shall mean any official inspector for any department of the City of KRESS , Texas, which is charged with code enforcement.

SEARCH WARRANT: Shall mean a written order, issued by the magistrate and directed to any inspector, as defined in this section, commanding him to any specified premises to determine the presence of a violation or violations of any ordinance or ordinances of the City of KRESS , Texas.

(b) Warrants Authorized. Except as provided herein, inspectors are hereby authorized and directed to seek and obtain search warrants from the magistrate, as provided in this ordinance, before making any inspection incidental to the enforcement of the provisions of any ordinance of the City of KRESS. The magistrate is hereby authorized to issue such warrants subject to the requirements of this ordinance.

(c) Warrants Not Required. Search warrants shall not be required under the following circumstances:

(1) when permission to inspect has been granted by someone apparently having charge or control of those premises; for the purpose of this subsection, permission to inspect may be granted either verbally, in writing or by some other action indicating consent; or

(2) when there exists an imminent danger or peril to human life, limb or property and any delays resulting from the application for a search warrant would materially increase likelihood of loss from such danger or peril, or

(3) when the inspection can be executed by a person who is an invitee on premises held open to the general public, for the purposes of this subsection a person ceases to be an invitee when he has been instructed to leave the premises or otherwise terminate his inspection by someone having charge or control of those premises.

(d) Probable Cause. No search warrant shall be issued pursuant to this chapter except on the presentation of evidence of probable cause to believe that a violation or violations are present in the premises sought to be inspected. In determining probable cause, the magistrate is not limited to evidence of specific knowledge, but may consider any of the following:

(1) the age and general condition of the premises;

(2) previous violations or hazards found present in the premises;

(3) the type of premises;

(4) the purposes for which the premises are used; and

(5) the presence of hazards or violations in the general condition of premises near the premises sought to be inspected.

i) Affidavit Required. A sworn affidavit setting forth substantial facts towards establishing probable cause shall be filed in every instance in which a search warrant is requested.

(j) Warrant Formalities. A search warrant issued pursuant to this ordinance shall be sufficient if it contains the following requisites:

- (1) that it run in the name of "The State of Texas";
- (2) that it identify, as near as may be, the premises to be inspected;
- (3) that it command an inspector to inspect forthwith the premises described; and
- (4) that it be dated and signed by the magistrate.

(k) Execution of Warrants. An inspector to whom a search warrant is delivered shall execute it without delay and forthwith return it to the magistrate. It must be executed within three (3) days from the time of its issuance and shall be executed within a shorter period if so directed in the warrant by the magistrate. The inspector shall, upon going to the place ordered to be inspected, give notice of his purpose to the person who has charge of or is an occupant of the place described in the warrant. If such persons cannot be found, upon execution of the search warrant, a copy of said warrant shall be affixed to the front door of the building or premises inspected. In every instance, entry shall be effected using the minimum force necessary according to the circumstances.

(l) Days Allowed for Warrant to Run. The time allowed for the execution of a search warrant shall be three (3) whole days, exclusive of the day of its issuance and of the day of its execution. The magistrate issuing a search warrant under the provisions of this ordinance shall endorse on such search warrant the date and hour of the issuance of the same.

(m) Power of Inspector Executing Warrant. In the execution of a search warrant, the inspector may call to his aid any number of citizens in this city, who shall be bound to aid in the execution of the same.

(n) No Power to Seize Tangible Goods or Make Arrests. The execution of a search warrant issued pursuant to this ordinance shall not include any authority to make arrests or to seize tangible goods of a violation.

(o) How Return is Made. Upon returning the search warrant, the inspector shall state on the back of the same, or on some paper attached to it, the manner in which it has been executed and shall likewise deliver to the magistrate a copy of the report resulting from that inspection.

(p) Records to be Kept. The magistrate shall keep a record of all proceedings had before him in the cases of search warrants as a part of the official records of his court.

(q) Conflicts. Nothing in this ordinance shall be construed to conflict with any state or federal law and shall be in addition to any rights granted thereby.

Sec. H-1702. Any person interfering with the execution of a lawful search warrant issued pursuant to this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not to exceed two hundred dollars (\$200.00). Each day such violation is committed or permitted to continue shall constitute a separate offense, and shall be punishable as such hereunder.

SECTION H-1801. All former ordinances or parts thereof conflicting or inconsistent with the provisions of this amendment of the Housing Code hereby adopted are hereby repealed.

SECTION H-1901. Should any section, paragraph, sentence or clause or word of this ordinance or of the Housing Code as amended hereby, be declared unconstitutional or invalid for any reason, the remainder of this ordinance and of the Housing Code as amended hereby shall not be affected.

SECTION H-2001. The City Secretary is hereby authorized and directed to cause the publication of the descriptive caption of this amendment together with the penalty provisions of said ordinance. This Ordinance shall become effective on the 6th day of May, 1986. after its passage and publication as required by law.

PASSED AND APPROVED ON FIRST READING THIS 7th DAY OF
APRIL, 1986.

PASSED AND APPROVED ON SECOND READING THIS FIFTH DAY
MAY, 1986.



W. F. REED, MAYOR
CITY OF KRESS, TEXAS

ATTEST:

F. BEATY, CITY SECRETARY
CITY OF KRESS, TEXAS