

CITY OF PENELOPE, TEXAS

ORDINANCE NO. 0725002

AN ORDINANCE OF THE CITY OF PENELOPE, TEXAS, ESTABLISHING DEFINITIONS AND REGULATIONS FOR SUBSTANDARD BUILDINGS AND ADOPTING A PROCEDURE FOR ABATEMENT OF SUBSTANDARD BUILDINGS; PROVIDING FOR FINDINGS OF FACT, ENACTMENT, REPEALER, SEVERABILITY, PENALTIES, PUBLICATION, AN EFFECTIVE DATE, AND PROPER NOTICE AND MEETING.

WHEREAS, the City of Penelope, Texas ("City"), is a Type A general-law municipality located in Hill County, created in accordance with the provisions of Chapter 6 of the Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, pursuant to Texas Local Government Code Chapter 51, the City has general authority to adopt ordinances and regulations that are for the good government, peace or order of the City and that are necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, pursuant to Texas Local Code Chapter 214, the City Council is expressly authorized to establish procedures to adopt building regulations, establish local amendments to standard codes, and provide for administration and enforcement of the codes; and

WHEREAS, the City Council finds that Substandard Buildings are public nuisances that are detrimental to the public safety and welfare, tend to reduce property values, invite vandalism, create fire hazards, are attractive nuisances creating hazards to the health and safety of minors, produce urban blight adverse to the maintenance and continuing development of the City, and therefore it is necessary to continue to regulate Substandard Buildings to preserve and maintain the public health, safety, and welfare of the citizens of Penelope, Texas; and

WHEREAS, City Council finds that repealing Ordinance No. 051910 A + B, and adopting in its place, Ordinance No. 0725002, is necessary and proper and in the best interests of the City and the public.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PENELOPE, TEXAS:

SECTION 1. Findings of Fact. The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

SECTION 2. Repeal and Enactment. Ordinance No. 051910 A + B is hereby repealed and the City of Penelope, Texas, hereby adopts Ordinance No. 0725002 a copy of which is attached hereto as "**Exhibit A**" and incorporated fully by reference for all purposes.

SECTION 3. Repealer. This Ordinance shall be cumulative of all provisions of the Ordinances of the City of Penelope, Texas, as amended, except where the provisions of this

Ordinance are in direct conflict with the provisions of such Ordinances, in which case the conflicting provisions of such Ordinances are hereby repealed in so far only as to any direct conflict with the provisions of this Ordinance.

SECTION 4. Severability. The phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable. If any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional, invalid, or unenforceable a court or administrative agency with jurisdiction over the matter, such declaration shall not be construed to affect any other valid phrases, clauses, sentences, paragraphs, and sections of this Ordinance.

SECTION 5. Penalties. The penalties for any person violating any of the provisions of this Ordinance, shall be as set forth in Exhibit "A."

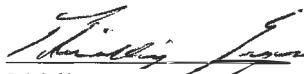
SECTION 6. Publication. The City Secretary is hereby directed to record and publish this Ordinance, as authorized by Chapter 52, Texas Local Government Code.

SECTION 7. Effective Date. This Ordinance shall be in full force and effect from and after its passage, and it is so ordained.

SECTION 8. Proper Notice and Meeting. It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551.

READ, CONSIDERED, PASSED AND APPROVED BY THE CITY COUNCIL OF PENELOPE, TEXAS, AT A REGULAR MEETING ON THE 30 DAY OF July 2025.

Approved this the 30 day of July, 2025.


Phillip Esparza, Mayor

ATTEST:

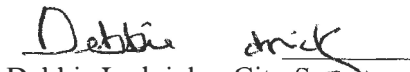

Debbie Lednický, City Secretary

Exhibit A

EXHIBIT "A"

ORDINANCE NO. 0725002

(As adopted by City of Penelope, Ordinance No. 0725002, on July 30, 2025.)

Exhibit A

SUBSTANDARD BUILDINGS

Section 1. Authority and Purpose.

The provisions of this ordinance are adopted pursuant to Local Government Code Chapter 214. The purpose of this ordinance is as follows:

- (1) To establish the minimum standards for the continued use and occupancy of all types of buildings and structures within the city, regardless of the dates of construction, in order to safeguard the public health, safety, and welfare and to protect property.
- (2) To provide the authority to order and direct the method of securing property that is unoccupied by its owners, lessees, or other invitees, and which is unsecured from unauthorized entry to the extent that such buildings or structures could be entered or used by vagrants or other uninvited persons or could be entered or used by children.
- (3) To provide the authority to address, and direct the method of addressing, buildings and structures which, although boarded up, fenced, or otherwise secured in any manner, exhibit conditions that may constitute a danger to the public, even though secured from entry, or the means used to secure the building or structure are inadequate to prevent unauthorized entry or use of the building by vagrants or other uninvited persons or could be entered or used by children. The city may require the building or structure, which endangers the public health and safety of the occupants of said building and structure and the general public, to be vacated, secured, repaired, removed, or demolished by the owner and may order the occupants thereof to be relocated.

Section 2. Applicability; Definitions.

- (a) Applicability. This ordinance applies to all building structures (residential, business, outbuildings, barns, storage buildings, or otherwise) located within the municipal limits of the city.
- (b) Definitions.
 - Building. Any enclosed structure designed for use as a habitation or for a commercial use, including engaging in trade or manufacture.
 - Building official. The person designated by the city for purposes of making inspections, sending notices, and otherwise enforcing the provisions of this ordinance.
 - Dilapidated or substandard building. A building or structure that does not comply with one or more of the minimum standards set forth in Section 3 below.
 - Diligent effort. Best or reasonable effort to determine the identity and address of an owner, a lienholder, or a mortgagee including a search of the following records:
 - (1) County real property records of the county in which the building is located;
 - (2) Appraisal district records of the appraisal district in which the building is located;

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- (3) Records of the Secretary of State;
 - (4) Assumed name records of the county in which the building is located;
 - (5) City tax records; and
 - (6) City utility records.
- Owner. Any person, agent, firm, or corporation, named in the real property records of Hill County, Texas as owning the property.

Structure. Anything constructed or erected that requires location on the ground or is attached to something having a location on the ground, including, but not limited to, signs, fences, walls, poles, and buildings, whether of a temporary or permanent nature.

Unsecured vacant building. A building, regardless of structural condition, unoccupied by its owners, lessees, and other invitees, and which is 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.

Section 3. Minimum Standards.

- (a) Dangerous conditions prohibited. All buildings and structures must be in Compliance with the following minimum standards:
 - (1) No building shall have walls or other vertical structural members that list, lean, or buckle in excess of one-eighth inch (1/8") horizontal measurement for each one foot (1') of vertical measurement.
 - (2) No building shall have floor decks or ceiling supports that are rotted or termite infested/ affected to the point that the floor or ceiling, or any substantial portion thereof, is not structurally safe, and thus presents a danger to persons entering the building.
 - (3) No building shall have thirty-three percent (33%) or more of damage or deterioration of the supporting members/components of the building, or fifty percent (50%) or more of damage or deterioration of the non-supporting enclosing or outside walls or coverings.
 - (4) No building shall be allowed to exist in a state of disrepair or damage (by fire, wind, explosion, vandalism, elements of nature, or time) so as to have become dangerous to the health, safety, and welfare of the occupants thereof, or to the citizens of the city.
 - (5) No building shall exist in a state where components or parts thereof are so attached, or have fallen into such a state of disrepair or deterioration, that they may fall and injure members of the public or damage property.
 - (6) No building shall be allowed to exist in a condition which creates a fire hazard of any sort.

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- (7) No building shall have a condition maintained thereon, whether or not specifically identified in subsections (1) through (6) above, which a fire marshal, fire chief, police chief, engineer, architect, health inspector, and/or any other safety consultant determines poses an unreasonable risk to the health, safety, and/or welfare of the occupants or the public.
- (b) Habitability, safety and public welfare. In addition to subsection (a) above, all buildings must also be in compliance with the following additional standards:
 - (1) All buildings must be in compliance with applicable building codes, plumbing codes, electrical codes, fire prevention codes, and sanitation codes, or any other ordinances heretofore or hereafter adopted by the city, unless specifically exempted therefrom.
 - (2) All buildings must meet applicable state standards.
 - (3) No building shall be allowed to exist in a state of neglect or non-maintenance which results in creating an environment or habitat conducive to the infestation and breeding of rodents, snakes, insects or other pests and wild animals in and around the building.
 - (4) No accumulation of garbage or refuse shall be allowed to exist in the building or on its premises that poses a fire hazard or creates an environment which facilitates rodents, snakes, insects, or other pests and wild animal infestation.
 - (5) All buildings occupied or used for authorized permanent or temporary occupancy shall have at least one sink lavatory basin installed in compliance with the plumbing code adopted by the city if any.
 - (6) All buildings occupied or used for authorized permanent or temporary occupancy shall have at least one functional restroom containing a toilet installed and connected to the municipal sewage and/or wastewater system or a functional septic tank system.
 - (7) All buildings occupied or used for authorized permanent or temporary occupancy shall have safe and unobstructed means of ingress and egress leading to a safe and open space at ground level, located at least 100 feet (100') from the existing building.
 - (8) All buildings occupied or used for authorized permanent or temporary occupancy shall comply with the 2024 International Residential Code and/or 2021 International Building Code.
 - (9) No building occupied or used for authorized permanent or temporary occupancy shall be maintained in a condition which renders it unsafe or uninhabitable for humans.
 - (10) No building occupied or used for authorized permanent or temporary occupancy shall be maintained in a condition which does not offer reasonable protection from the elements to its inhabitants.
 - (11) All septic tank systems must be constructed and maintained in accordance with the

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2021 International Private Sewage Disposal Code.

- (12) All buildings occupied or used for authorized permanent or temporary occupancy must be connected to an electrical service company who does business in the municipality, all in compliance with the city's current electrical and building codes.

Section 4. Public Nuisances Defined and Declared Unlawful.

- (a) It shall be unlawful for any person to maintain or permit the existence of any dilapidated or substandard building in the city, and it shall be unlawful for any person to permit same to remain in such condition.
- (b) It shall be unlawful for any person to maintain or permit the existence of a structure or building, regardless of its structural condition, unoccupied by its owners, lessees, or other invitees that is 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;
- (c) It shall be unlawful for any person to maintain or permit the existence of a structure or building, regardless of its structural condition, unoccupied by its owners, lessees, or other invitees that constitutes a danger to the public even though secured from unauthorized entry by being boarded, fenced, or otherwise secured, because the building or structure, or the means used to secure the structure are inadequate to prevent unauthorized entry or use of the structure.
- (d) All dilapidated or substandard buildings are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedures provided in this ordinance.
- (e) The following is an enumeration of public nuisances subject to the provisions of this ordinance:
 - (1) Maintaining any premises in a manner that is unsafe or that constitutes a hazard to safety, health, or public welfare, or the structure is unfit for human occupancy, is an unlawful structure, or is an unsafe structure, as defined herein, because of inadequate maintenance, unsanitary conditions, dilapidation, obsolescence, fire hazard, disaster, or abandonment.
 - (2) Any object, item, situation, or condition specifically identified as a public nuisance in any other statute or ordinance for which the city is responsible for enforcing.
 - (3) The existence of any fence or other structure or other like thing on private property abutting or fronting upon any public street, sidewalk, or place that is in a sagging, leaning, fallen, decayed, or other dilapidated or unsafe condition, or otherwise prohibited by ordinance or statute.
 - (4) Allowing a dangerous building, billboard, or other structure, either partially destroyed

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or unfinished, to remain on any premises.

- (5) A structure or building, regardless of its structural condition, unoccupied by its owners, lessees, or other invitees that is 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.
- (6) A structure or building, regardless of its structural condition, unoccupied by its owners, lessees, or other invitees that is inadequately secured from unauthorized entry because the building or structure is boarded, fenced, or otherwise secured, but the structure constitutes a danger to the public even though secured from entry, or the means used to secure the structure are inadequate to prevent unauthorized entry or use of the structure.

Section 5. Inspection.

An inspection shall be made of every building located within the city which is suspected of being in violation of this ordinance. The building official or his/her official designee is hereby authorized to conduct inspections of buildings suspected of being in violation of this ordinance and take such actions as may be required to enforce the provisions of this ordinance.

Section 6. Notice of Violation and Notice of Hearing.

- (a) Whenever a violation of this ordinance has been discovered and reported by the building official, a public hearing shall be held before the city council to determine whether a building complies with the standards set out in this ordinance.
- (b) A notice of the hearing shall be sent to the occupant, if any, and any owner, lienholder, or mortgagee of the property. Such notice shall be in writing and shall be served by certified mail, return receipt requested, signature confirmation through the United States Postal Service, or personal delivery to the owner of the property, lienholder, or mortgagee, and all unknown owners, lienholders, or mortgagees, by posting a copy of the notice on the front door of each affected structure situated on the property or as close to the front door as practicable; and if the owner's address is different than the address shown for the property involved, to the address of the property, addressed to the occupant of such address. It is not necessary that the notice to the occupant of the property list an occupant by name.
- (c) The notice shall contain:
 - (1) Name an address of the owner of the affected property, if that information can be determined;
 - (2) The names of all persons to whom notice is being served;
 - (3) The street address and legal description of the affected property;
 - (4) The date of inspection and nature of the violation;

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- (5) The date, time, and location of the public hearing; and
 - (6) A statement that the owner, lienholder, or mortgagee will be required to submit at the hearing proof of the scope of any work that may be required to comply with this ordinance and the time it will take to reasonably perform the work.
- (d) The city shall file notice of the hearing in the Official Public Records of Real Property in the county in which the property is located. The notice must contain:
- (1) The name and address of the owner of the affected property if that information can be determined;
 - (2) A legal description of the affected property; and
 - (3) A description of the hearing.
- (e) 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 hearing on any subsequent recipient of any interest in the property who acquires such interest after the filing of the notice.

Section 7. Public Hearing.

- (a) The date of the hearing shall not be less than ten (10) days after notice of violation is received by the occupant, if any, and any owner, lienholder, or mortgagee of the property. Notice is considered received three business days after the date the notice is deposited with the United States Postal Service.
- (b) At the appointed date noticed to the owner, and lienholders or mortgagees, if applicable, a public hearing shall be held by the city council.
- (c) This hearing will begin with the building official, or their designee giving a brief description of how the building is not in compliance with the minimum standards of this ordinance and is in violation of this ordinance. The city's representative shall give a brief but specific description of how the building is not in compliance with each standard claimed to be violated and present any information supporting the existence of the violation to the city council.
- (d) Thereafter, the owner, and any lienholder and/or mortgagee, or any other person with an interest in the property (ownership or otherwise) shall each be given an opportunity to be heard on the issue of whether or not the building is, in fact, a dilapidated building or a substandard building in violation of the minimum standards of this ordinance, or whether or not the building is an unsecured vacant building in violation of this ordinance or inadequately secured building in violation of this ordinance. The owner, lienholder, and/or mortgagee will also be required to submit at the hearing, proof of the scope of any work that may be required to comply with this ordinance and a projected time that it will take to reasonably perform the work. The owner, lienholder, and/or mortgagee may appear by or

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with a representative.

- (e) In the public hearing to determine whether the building complies with the standards set out in this ordinance, the owner, lienholder, or mortgagee has the burden of proof to demonstrate the scope of any work that may be required to comply with this ordinance, and the time it will take to reasonably perform the work.

Section 8. Order for Repair or Demolition.

- (a) After the public hearing, if the building is found to be in violation of the standards set out in this ordinance, the city council may order that the building be vacated, secured, repaired, removed or demolished by the owner within a reasonable time certain. The city council may also order that the occupants be relocated within a reasonable time certain.
- (b) If a building is found to be in violation of this ordinance, the city shall require the owner, lienholder, or mortgagee of the building to within thirty (30) days repair or demolish the building, unless it is proven at the hearing that the work cannot reasonably be done in thirty (30) days.
- (c) If the city allows more than thirty (30) days for the building to be repaired or demolished, the city shall establish specific time schedules for the work to be commenced and finished 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, as determined by the city council.
- (d) The city shall not allow the owner, lienholder, or mortgagee more than ninety (90) days to repair or demolish the building unless a detailed plan and time schedule for the work are submitted at the hearing and it is proven at the hearing that the work cannot reasonably be completed within ninety (90) days. Additionally, the owner, lienholder, or mortgagee must submit work progress reports to demonstrate compliance with the time schedule established. If the owner, lienholder, or mortgagee owns property, including structures or improvements on property, within the city's boundaries that exceeds \$100,000.00 in total value, the city may require the owner, lienholder, or mortgagee to post a cash or surety bond in an amount adequate to cover the cost of repairing, removing, or demolishing a building. In lieu of a bond, the city may require the owner, lienholder, or mortgagee to provide a letter of credit from a financial institution or a guaranty from a third-party approved by the city. The bond must be posted, or the letter of credit or third-party guaranty provided, not later than the thirtieth (30th) day after the date the city issues an order.
- (e) In any case where fifty percent (50%) or more of the value or structure is damaged or deteriorated, a building shall be demolished or removed, and in all cases where a structure cannot be repaired so that it will no longer exist in violation of the provisions of this ordinance, it shall be demolished or removed.
- (f) The order issued by the city may specify a reasonable time as provided by this section for the building to be vacated, secured, repaired, removed, or demolished by the owner or for the occupants to be relocated by the owner and an additional reasonable time as provided by this

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section for the ordered action to be taken by any of the mortgagees or lienholders in the event the owner fails to comply with the order within the time provided for action by the owner.

- (g) The order issued by the city shall state that if the building is not vacated, secured, repaired, removed, or demolished, or the occupants are not relocated within the allotted time, the city may vacate, secure, remove, or demolish the building or relocate the occupants at its own expense and assess the expenses on and lien the property on which the building or structure was located.

Section 9. Notice of Order for Repair or Demolition.

- (a) After the hearing, the city shall promptly mail by certified mail with return receipt requested, deliver by the United States Postal Service using signature confirmation service, or personally deliver a copy of the order to the owner of the building and to any lienholder or mortgagee of the building. The city shall use its best efforts to determine the identity and address of any owner, lienholder, or mortgagee of the building.
- (b) Within 10 days after the date that the order is issued, the city shall:
 - (1) File a copy of the order in the office of the city secretary; and
 - (2) Publish in a newspaper of general circulation in the city in which the building is located a notice containing:
 - (A) The street address or legal description of the property;
 - (B) The date of the hearing;
 - (C) A brief statement indicating the results of the order; and
 - (D) Instructions stating where a complete copy of the order may be obtained.
- (c) If the ordered action is demolition of the building or structure, demolition shall not occur until the time for appeal of the order to district court under Section 10 has expired and no appeal has been taken; or, in the alternative, the order was appealed to district court but the appeal has been finally resolved in a manner that does not prevent the city from proceeding with demolition.

Section 10. Appeal.

The owner, lienholder, or mortgagee of record of property jointly or severally aggrieved by an order of the city council issued under this ordinance may file in state district court a verified petition setting forth that the city council's decision is illegal, in whole or in part, and specifying the grounds of the illegality. The petition must be filed by an owner, lienholder, or mortgagee within thirty (30) calendar days after the date a copy of the order of the city council is served on the owner, lienholder, or mortgagee by certified mail, return receipt requested, signature confirmation through the United States Postal Service, or personal delivery; otherwise, said order shall become

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final as to each owner, lienholder, or mortgagee of the property.

Section 11. Demolition and Repair Expenses.

- (a) Whenever it is discovered upon reinspection that the owner, mortgagee, or lienholder has failed to either repair or demolish the building within the allotted time, the city, or its authorized agent, may repair or demolish and remove said building or cause the same to be done and charge the expenses incurred in doing such work or having the same done to the owner, mortgagee, or lienholder of said land.
- (b) If such work is done at the expense of the city, then the said expense shall be assessed against any salvage resulting from the demolition of the building and against the lot, tract, or parcel of land, or the premises upon which such expense was incurred.
- (c) For the purposes of this section, any repair, alteration, or improvement made to a building by the city will only be to the extent necessary to bring the building into compliance with the minimum housing standards and only if the building is a residential building with ten (10) or fewer dwelling units; provided, however, the city may elect to obtain a judicial determination by a decree of a court of competent jurisdiction of the existence, in fact, of a public nuisance in cases contemplated by this ordinance. Such judicial determination may include any available remedy for the abatement of such a nuisance.

Section 12. Assessment of Lien.

- (a) When the city incurs expenses to repair or demolish and remove a building, the city has a lien against the property on which the building is located, unless it is a homestead as protected by the Texas Constitution. The lien arises and attaches to the property when the city administrator or the building official records and indexes notice of the lien with the county clerk of Hill County, Texas. The notice shall contain:
 - (1) The name and address of the owner, if that information can be determined with a reasonable effort;
 - (2) A legal description of the property on which the building was located;
 - (3) The amount of expense incurred by the city;
 - (4) The balance due; and
 - (5) The date on which said work was done or improvements made.
- (b) The city shall have a privileged lien on such lot, lots, or other premises or real estate upon which said building was located, to secure the expenditure so made, which said liens shall be second only to tax liens and liens for street improvements; and said amount shall bear ten percent (10%) interest from the date such statement was filed. It is further provided that for any such expenditure and interest, as aforesaid, suit may be instituted and recovered, and foreclosure of said lien may be made in the name of the city; and the statement of expenses

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so made, as aforesaid, or a certified copy thereof, shall be prima facie proof of the amount expended for such work or expense.

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

Section 13. Additional Authority to Secure Building.

- (a) In addition to all other powers and authority elsewhere set forth, the building official shall have the authority to immediately and without prior notice secure, by boarding up, locking, or other appropriate and effective means, any building that:
 - (1) Is in violation of this ordinance and the minimum standards set forth herein; and
 - (2) Is unoccupied or is occupied only by persons who do not have a right of possession to the building.
- (b) Before the 11th day after the date the building is secured, the building official shall give notice to the owner by:
 - (1) Personally serving the owner with written notice;
 - (2) Depositing the notice in the United States mail addressed to the owner at the owner's post office address;
 - (3) Publishing the notice at least twice within a ten (10) day period in a newspaper of general circulation in Hill County 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 if personal service cannot be obtained and the owner's post office address is unknown.
- (c) The notice must contain:
 - (1) An identification, which is not required to be a legal description, of the building and the property on which it is located;
 - (2) A description of the violations of this ordinance that are present at the building;
 - (3) A statement that the city will secure or has secured, as the case may be, the building; and
 - (4) An explanation of the owner's entitlement to request a hearing about any matter relating to the city's securing of the building.
- (d) The city shall conduct a hearing at which the owner may testify or present witnesses or written information about any matter relating to the city's securing of the building if, within

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thirty (30) days after the date the city secures the building, the owner files with the city secretary a written request for a hearing. The city shall conduct the hearing within twenty (20) days after the date the request is filed.

- (e) The city has the same authority to assess expenses under this section as it has to assess expenses under Section 11.
- (f) A lien is created under this section in the same manner that a lien is created under Section 12 and is subject to the same conditions as a lien created under that section.

Section 14. Penalty for Violation.

- (a) The city shall have the power to administer and enforce the provisions of this ordinance as may be required by governing law. Any person violating any provision of this ordinance is subject to suit for injunctive relief as well as prosecution for criminal violations. Any violation of this ordinance is hereby deemed to be a nuisance.
 - (1) Criminal prosecutions. Any person commits an offense if that person causes, permits, allows, or maintains a public nuisance as defined in this ordinance on premises under the person's ownership, occupancy, or control. Upon conviction, an offense under this ordinance is a misdemeanor punishable by a fine not to exceed two thousand dollars (\$2,000.00). Each day the violation of this ordinance continues shall constitute a separate offense.
 - (2) Civil remedies.
 - (A) The city may assess a civil penalty against the property owner for failure to repair, remove, or demolish the building as ordered, after an administrative hearing on the violations, in a sum not exceeding one thousand dollars (\$1,000.00) for each and every day of violation or, if the owner shows the property is the owner's lawful homestead, in an amount not to exceed ten dollars (\$10.00) per day for each violation, provided that:
 - (i) The owner was notified of the requirements of this ordinance and the owner's need to comply with the requirements; and
 - (ii) After notification, the owner committed an act in violation of this ordinance or failed to take action necessary for compliance with this ordinance.
 - (B) If such a civil penalty is assessed, the city secretary shall file a certified copy of the administrative order assessing a civil penalty against a property owner with the district clerk of the county no later than three (3) business days after such order. Said order must state the amount and duration of the penalty.
 - (3) Other remedies. The remedies provided herein shall be available to the city in addition to any penal or other remedy provided by law or equity which the city, state, or any other person may have to remedy the unsafe building condition.

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- (A) The city may bring a civil action in a court of competent jurisdiction to collect the amount due plus all associated costs and fees. An assessment of a civil penalty by administrative order is final and binding and constitutes prima facie evidence of the penalty in any suit brought by the city in a court of competent jurisdiction for a final judgment in accordance with the assessed penalty.

Section 15. Liability.

Neither the city nor any authorized agent acting under the terms of this ordinance shall be liable or have any liability by reason of orders issued or work done in compliance with the terms of this ordinance.