



TOWN OF NORTHLAKE, TEXAS

OFFICIAL ORDINANCE

ORDINANCE NO. 25-1211A

AN ORDINANCE AMENDING SUBSECTION C, “POWERS OF THE BOARD,” OF SECTION 3.4, “BOARD OF ADJUSTMENT,” OF CHAPTER 9A, “UNIFIED DEVELOPMENT CODE, AND ARTICLE 4.04, “DANGEROUS BUILDINGS,” OF CHAPTER 4, “BUILDING REGULATIONS,” OF THE CODE OF ORDINANCES, TOWN OF NORTHLAKE, TEXAS, BY CREATING A BUILDING AND STANDARDS COMMISSION AND AUTHORIZING THE BOARD OF ADJUSTMENT TO HEAR AND DETERMINE CASES CONCERNING VIOLATIONS OF HEALTH AND SAFETY ORDINANCES AND DANGEROUS AND SUBSTANDARD BUILDINGS PURSUANT TO TEXAS LOCAL GOVERNMENT CODE CH. 54 AND CH. 214; PROVIDING THAT THIS ORDINANCE IS CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Northlake, Texas, (the “Town”) is a home rule municipality acting under its charter adopted by the electorate pursuant to article XI, section 5 of the Texas Constitution and chapter 9 of the Texas Local Government Code; and

WHEREAS, the Town previously adopted the charter and the Unified Development Code (“UDC”), which established the Board of Adjustment; and

WHEREAS, pursuant to Texas Local Gov’t Code Ch. 54, Subchapter C, and Texas Local Gov’t Code Chapter 214, Subchapter A, the Town Council may adopt an ordinance authorizing a body of the Town to hold administrative hearings to address substandard buildings; and

WHEREAS, the Town Council desires to expand the Board of Adjustment’s powers by authorizing it to hold administrative hearings to adjudicate and address violations of health and safety ordinances and dangerous and substandard buildings and other structures within the Town; and

WHEREAS, a public hearing was duly held by the Planning and Zoning Commission of the Town on October 21, 2025, and by the Town Council on November 13, 2025, with respect to the changes described herein; and

WHEREAS, the Town Council has determined that the amendments as outlined herein are in the best interest of the health, safety, and general welfare of the citizens of the Town of Northlake and the public.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF NORTHLAKE, TEXAS THAT:

Section 1. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

Section 2. Subsection C of Section 3.4, “Board of Adjustment,” of Article 3, “Boards and Commissions,” of Chapter 9A, “Unified Development Code” of the Code of Ordinances, Town of Northlake, Texas, is hereby amended by adding a new subsection 1.e. to read as follows:

“e. The Board of Adjustment shall act as the Building and Standards Commission for the Town and has all of the powers, duties, and responsibilities of the Building and Standards Commission authorized by state law to fully implement Texas Local Gov’t Code Chapter 54, Subchapter C, and Texas Local Gov’t Code Chapter 214, Subchapter A, as amended. The procedures, notices, decisions, appeals, and other actions of the Board of Adjustment, when acting as the Building and Standards Commission, shall be subject to and shall be governed by Article 4.04 “Dangerous Buildings”, of Chapter 4 “Building Regulations”, as amended.”

Section 3. Article 4.04, “Dangerous Buildings,” of Chapter 4, “Building Regulations” of the Code of Ordinances, Town of Northlake, Texas, is hereby amended and replaced in its entirety to read as follows:

“§ 4.04.001 **Purpose, scope, and creation of commission.**

(a) **Purpose.** It is the purpose of this article to provide a just, equitable, and practical method, to be cumulative with and in addition to any other remedy available at law, to compel substandard and dangerous buildings and other structures, and violations of health and safety ordinances that endanger the life, limb, health, morals, property, safety, or welfare of the general public or their occupants, to be repaired, vacated, demolished, removed, secured, or otherwise abated.

(b) **Scope.** The provisions of this article shall apply to all buildings and other structures, whether now in existence or whether they may hereafter become dangerous or substandard.

- (c) Creation. There is hereby created a Building and Standards Commission (the “Commission”) in accordance with the provisions of Texas Local Gov’t Code Chapter 54, Subchapter C, and Texas Local Gov’t Code Chapter 214, Subchapter A, as amended. The Commission is hereby created to fully implement and accomplish the purposes of Texas Local Gov’t Code Chapter 54, Subchapter C, and Texas Local Gov’t Code Chapter 214, Subchapter A, as amended, and perform the functions established by this article. The Board of Adjustment shall act as the Building and Standards Commission for the Town.

§ 4.04.002 **Definitions.**

Commission. The Building and Standards Commission as created and designated by the town council to hold administrative hearings and to hear and determine cases concerning alleged violations and the enforcement of the town’s minimum building standards, and to address violations of health and safety ordinances, including, but not limited to, dangerous and substandard buildings and other structures within the Town.

Building. Any building, fence, awning, canopy, sign, shed, garage, house, tent, or other structure whatsoever, whether or not intended or designed for human dwelling or occupancy, and the enumeration of specific types of structures shall not be deemed to exclude other types of structures to which the sense and meaning of the provisions hereof in context reasonably have application.

Building code. The International Building Code, promulgated by the International Conference of Building Officials or the International Code Council, as adopted and amended by the town.

Fire code. The International Fire Code, promulgated by the International Fire Code Institute or International Code Council, as adopted and amended by the town.

§ 4.04.003 **Enforcement.**

- (a) Generally.

- (1) Authority of building official. The building official, or the building official’s designee, is authorized to enforce the provisions of this article. The building official shall have the power to render interpretations of this article and to adopt and enforce rules and supplemental regulations in order to clarify the applications of its provisions. Such interpretations, rules, and regulations shall be in conformity with the intent and purpose of this article.

- (2) Inspections. The building official and the fire marshal, or their designee are each authorized to make such inspections and take such actions as may be required to enforce the provisions of this article.

- (3) Right of entry. When it is necessary to make an inspection to enforce the provisions of this article, or when the building official, or the building official's designee, has a reasonable cause to believe that there exists in a building or upon premises a condition which is contrary to or in violation of this article, or other ordinance adopted by the Town, which makes the building or premises unsafe, dangerous, or hazardous, the building official or their designee may enter the building or premises at reasonable times to inspect or perform the duties imposed by this article; provided that, if such building or premises be occupied, credentials be presented to the occupant and entry requested. If such building or premises is unoccupied, the building official or their designee shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry. The building official or their designee is designated as the person who may be issued a search warrant pursuant to Vernon's Ann. C.C.P. art. 18.05, upon presentation of evidence to a magistrate of probable cause to believe that a fire or health hazard or violation or unsafe building condition is present in the premises sought to be inspected. Upon searching the premises, a copy of the warrant shall be presented to the owner if present or if not present, to any person present who is in possession of the property.

- (b) Declaration of nuisance; abatement required. All buildings or portions thereof which are determined after inspection by the building official to be dangerous or substandard, as defined by this article, are declared to be public nuisances and shall be abated by repair, vacation, demolition, removal, or securing in accordance with the procedures specified in this article.

- (c) Violations. It shall be unlawful for any person, firm, or corporation to erect, construct, or use, occupy or maintain any building or cause or permit the same to be done in violation of this article.

- (d) Inspection authorized. All buildings within the scope of this article and all construction or work for which a permit is required shall be subject to inspection by the building official.

§ 4.04.004 **Conditions constituting substandard building.**

For the purposes of this article, any building, regardless of the date of construction, which has any or all of the conditions or defects hereinafter described shall be deemed to be a substandard building:

- (1) Any building that is dilapidated, substandard, or unfit for human habitation and a hazard to the public health, safety, and welfare;
- (2) Any building that, regardless of its structural condition, is unoccupied by its owners, lessees, or other invitees and 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;
- (3) Any building that is boarded up, fenced, or otherwise secured in any manner if:
 - (A) The building constitutes a danger to the public even though secured from entry; or
 - (B) The means used to secure the building are inadequate to prevent unauthorized entry or use of the building in the manner described by subsection (2) of this section;
- (4) Whenever any door, aisle, passageway, stairway, or other means of exit is not of sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire or panic;
- (5) Whenever the walking surface of any aisle, passageway, stairway, or other means of exit is so warped, worn, loose, torn, or otherwise unsafe as to not provide a safe and adequate means of exit in case of fire or panic;
- (6) Whenever the stress in any materials or members or portions thereof, due to all dead and live loads, is more than one and one-half times the working stress or stresses allowed in the building code for new buildings of similar structure, purpose, or location;
- (7) Whenever any portion thereof has been damaged by fire, earthquake, wind, flood, or by any other cause to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the building code for new buildings of similar structure, purpose or location;
- (8) Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property;
- (9) Whenever any portion of any building, or any member, appurtenance, or ornamentation on the exterior thereof, is not of sufficient strength or stability, or is not so anchored, attached, or fastened in place, so as to be capable of resisting a wind pressure of one-half of that specified in the building code for

new buildings of similar structure, purpose, or location without exceeding the working stresses permitted in the building code for such buildings;

- (10) Whenever any portion thereof has wracked, warped, buckled, or settled to such an extent that walls or other structural portions have materially less resistance to wind or earthquakes than is required in the case of similar new construction;
- (11) Whenever the building, or any portion thereof, because of (i) dilapidation, deterioration, or decay; (ii) faulty construction; (iii) the removal, movement, or instability of any portion of the ground necessary for the purpose of supporting such building; (iv) the deterioration, decay, or inadequacy of its foundation; or (v) any other cause, is likely to partially or completely collapse;
- (12) Whenever, for any reason, the building, or any portion thereof, is manifestly unsafe for the purpose for which it is being used;
- (13) Whenever the exterior walls or other vertical structural members list, lean, or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third of the base;
- (14) Whenever the building, exclusive of the foundation, shows thirty-three percent (33%) or more damage or deterioration of its supporting member or members, or fifty (50%) or more percent damage or deterioration of its nonsupporting members, enclosing or outside walls or coverings;
- (15) Whenever the building has been so damaged by fire, wind, earthquake, flood, or other causes, or has become so dilapidated or deteriorated, as to become (i) an attractive nuisance to children; or (ii) a harbor for vagrants, criminals, or immoral persons;
- (16) Whenever any building has been constructed, exists, or is maintained in violation of any specific requirement or prohibition applicable to such building provided by the building regulations of this jurisdiction, as specified in the building code, or of any law or ordinance of this state or jurisdiction relating to the condition, location, or structure of buildings;
- (17) Whenever any building, whether or not erected in accordance with all applicable laws and ordinances, has in any nonsupporting part, member or portions less than fifty percent (50%), or in any supporting part, member or portion less than sixty-six percent (66%) of the strength, fire-resisting qualities or characteristics, or weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height, and occupancy in the same location;

- (18)** Whenever a building, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air, or sanitation facilities, or otherwise, is determined by the building official to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease for reasons including, but not limited to, the following:
- (A)** Lack of or improper water closet, lavatory, bathtub, or shower in a dwelling unit or lodging house;
 - (B)** Lack of or improper water closets, lavatories, and bathtubs or showers per number of guests in a hotel;
 - (C)** Lack of or improper kitchen sink in a dwelling unit;
 - (D)** Lack of hot and cold running water to plumbing fixtures in a hotel;
 - (E)** Lack of hot and cold running water to plumbing fixtures in a dwelling unit or lodging house;
 - (F)** Lack of adequate heating facilities;
 - (G)** Lack of, or improper operation of, required ventilating equipment;
 - (H)** Lack of minimum amounts of natural light and ventilation required by this code;
 - (I)** Room and space dimensions less than required by this code or the building code;
 - (J)** Lack of required electrical lighting;
 - (K)** Dampness of habitable rooms;
 - (L)** Infestation of insects, vermin, or rodents;
 - (M)** General dilapidation or improper maintenance;
 - (N)** Lack of connection to required sewage disposal system;
 - (O)** Lack of adequate garbage and rubbish storage and removal facilities;
 - (P)** Partial destruction or damage by fire unrepaired for more than ninety (90) days.

- (19) Whenever any building, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the building official, or the building official's designee, or the fire marshal to be a fire hazard;
- (20) Whenever any building is in such a condition as to make a public nuisance as defined by ordinance;
- (21) Whenever any portion of a building remains on a site after the demolition or destruction of the building;
- (22) Whenever any building is abandoned so as to constitute such building or portion thereof an attractive nuisance or hazard to the public;
- (23) Whenever any premises contains the accumulation of weeds, vegetation, junk, dead organic matter, debris, garbage, offal, rat harborages, stagnant water, combustible materials, and similar materials or conditions on a premises;
- (24) Whenever any building or portions thereof occupied for living, sleeping, cooking, or dining purposes which were not designed or intended to be used for such occupancies; and
- (25) Any building constructed and still existing in violation of any provision of the building code, fire code, electrical code, plumbing code, mechanical code, or any other code of the town to the extent that the life, health, or safety of the public or any occupant is endangered.

§ 4.04.005 **Determination and action by building official.**

When the building official, or the building official's designee, has inspected any building and has found and determined that the building is substandard, the building official may take any or all of the following actions, as they deem appropriate:

- (1) Issue notice to the record owner that the building is substandard or dangerous and must be repaired or demolished. The notice shall contain:
 - (A) The street address and description (legal or other) sufficient for identification of the premises upon which the building is located;
 - (B) A statement that the building official has found the building to be substandard or in violation of town ordinances with a brief and concise description of the conditions found to render the building dangerous;

- (C) A statement of the action required to be taken as determined by the building official;
 - (D) A requirement that the owner or person in charge of the building or premises secure required permits and commence the required action within fifteen (15) days from the date of such notice and that all work be completed within such time as the building official shall determine is reasonable;
 - (E) If the building official has determined that the building or structure must be vacated, the notice shall contain a requirement that the building be vacated within such time from the date of the notice as determined by them to be reasonable;
 - (F) A statement advising that if any required repair or demolition work is not commenced within the time specified, the building official will, without further notice, order the building vacated and posted to prevent further occupancy until the work is completed; and
 - (G) A statement advising that if any required repair or demolition work is not commenced or completed within the time specified, proceedings will be commenced to have the building repaired, removed, or demolished and the cost of such assessed as a charge against the land;
 - (H) Service of notice shall be made upon all persons entitled there to 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 their address as it appears on the last tax roll of the town, or as known to the building official. If no address of any such person appears or is known to the building official, then a copy of the notice and order shall be published twice within ten (10) consecutive days in a newspaper of general circulation in the town. Failure to receive such notice or order shall not affect the validity of any proceedings taken under this article. Service by certified mail in the manner provided in this section shall be deemed effective on the date of mailing. Service by publication shall be deemed effective on the date of the second publication.
- (2) Issue citation(s) for violation(s) of this article;
 - (3) Secure the building if permitted under this article; or
 - (4) Recommend to the Commission that abatement proceedings be commenced pursuant to section 4.04.006.

§ 4.04.006 **Public hearing.**

- (a) Commencement of proceedings. When the building official has found and determined that a building is a substandard building, the building official shall commence proceedings to cause the repair, vacation, relocation of occupants, removal, demolition, or securing of the building.
- (b) Public hearing to be held. Except when the building official finds that a building is likely to immediately endanger persons or property, a public hearing before the Commission shall be held to determine whether a building complies with the minimum building standards of the town. If the building official determines that the building constitutes an immediate danger, the procedures set forth in section 4.04.010 shall be followed.
- (c) Notice requirements. Not less than ten (10) days prior to the date on which the hearing is set, the building official shall issue a notice of the public hearing directed to the record owner of the building, and to all mortgagees and lienholders. The notice shall be sent by certified mail and return receipt requested. The town shall use best efforts to determine the identity and address of any owner, lienholder, or mortgagee of the building through the records of the county clerk and through any other source available to the town. A copy of the notice shall be posted on the front door of each building situated on the affected property or as close to the front door as practicable. The notice shall contain:
 - (1) The name and address of the record owner;
 - (2) The street address or legal description sufficient for identification of the premises upon which the building is located;
 - (3) A statement that the building official has found the building to be substandard or dangerous, with a brief and concise description of the conditions found to render the building dangerous or substandard under the provisions of this article;
 - (4) 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 article, and the time it will take to reasonably perform the work;
 - (5) Notice of the time and place of the public hearing; and
 - (6) A statement that, if the building is found to be in violation of this article, the Commission may order that the building be vacated, secured, repaired, removed, or demolished within a reasonable time.

- (d) Additional notice. Prior to the public hearing, the town shall file a copy of the notice mailed pursuant to subsection (c) of this section in the official public records of real property in Denton County.
- (e) Burden of proof. At the public hearing, 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 article, and the time it will take to reasonably perform the work.
- (f) Conduct of hearing. At the public hearing, the owner of the building and all other interested persons may make their appearance and be heard. Any evidence may be received and considered by the Commission. The chairman of the Commission or, in their absence, any officer designated by rules adopted by the Commission to preside at meetings, shall preside and shall determine all questions of order. The hearing may be adjourned from day to day or continued upon majority vote of the Commission.

§ 4.04.007 **Issuance of order.**

- (a) Findings of the Commission.
 - (1) If the Commission, by a majority vote, finds upon evidence presented at the public hearing that the building is in violation of the minimum building standards of the town, the Commission may order the building be repaired, vacated, removed or demolished, secured, or the occupants relocated by the owner, mortgagee, or lienholder within thirty (30) days unless the owner or lienholder establishes at the hearing that the work cannot be reasonably performed within thirty (30) days.
 - (2) If the Commission allows the owner, lienholder, or mortgagee more than thirty (30) days to repair, remove, or demolish the building, the Commission shall establish specific time schedules for the commencement and performance of the work and shall require the owner, lienholder, or mortgagee to secure the property in a reasonable manner from unauthorized entry while the work is being performed, as determined by the Commission.
 - (3) The Commission may not allow the owner, lienholder, or mortgagee more than ninety (90) days to repair, remove, or demolish the building or fully perform all work required to comply with the order unless the owner, lienholder, or mortgagee:
 - (A) Submits a detailed plan and time schedule for the work at the hearing; and

(B) Establishes at the hearing that the work cannot be reasonably completed within ninety (90) days because of the scope and complexity of the work.

- (4) If the Commission allows the owner, lienholder, or mortgagee more than ninety (90) days to complete any part of the work required to repair, remove, or demolish the building, the Commission shall require the owner, lienholder, or mortgagee to regularly submit progress reports to the building official to demonstrate that the owner, lienholder, or mortgagee has complied with the time schedules established for commencement and performance of the work. The order may require that the owner, lienholder, or mortgagee appear before the Commission or the building official to demonstrate compliance with the time schedules.
 - (5) The Commission may also assess civil penalties against a property owner that may be recovered by the town as authorized by Texas Local Gov't Code Chapter 54, Subchapter C, and Texas Local Gov't Code Chapter 214, Subchapter A, as amended. In assessing a civil penalty, the Commission shall consider the severity of violations present, the history of compliance of the property or the owner, and the efforts taken, if any, to correct the violations.
 - (6) If the Commission, by a majority vote, finds upon evidence presented at the public hearing that the building is in violation of the minimum building standards of the town, and that such conditions cannot reasonably be remedied by repair, or that neither the owner, lienholder, nor the mortgagee are financially able or willing to conduct or cause such repairs to be made within a reasonable time, the Commission shall identify the specific violations found to exist, and order the owner, mortgagee, or lienholder remove or demolish the building, and, if necessary to the public safety, vacate and secure the building and/or relocate the occupants, within such reasonable times as determined by the Commission to be appropriate, as provided herein, or order such other relief as permitted by this article and state law.
- (b) Contents of the order. The order of the Commission must contain at a minimum:
- (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 violation of minimum standards present in the building;
- (3) A description of the ordered actions, including a statement that the owner shall repair, if feasible, or demolish or remove in accordance with the Commission's findings;
- (4) A statement that the town will vacate, secure, remove, or demolish the building or relocate the occupants of the building if the ordered action is not taken within the time allowed and charge the cost to the property; and
- (5) If the Commission has determined that the building will endanger persons or property, or if the building is a dwelling with ten (10) or fewer dwelling units, a statement that the town may repair the building and charge the costs to the property if the ordered action is not taken within the time allowed.

§ 4.04.008 **Notice of order.**

- (a) Mailing. After the public hearing, the building official shall promptly mail, by certified mail, return receipt requested, a copy of the order to the record owner of the building, and each identified lienholder and mortgagee of the building.
- (b) Filing with town secretary. Within ten (10) days after the date that the order is issued by the Commission, the building official shall file a copy of the order in the office of the town secretary.
- (c) Publication. Within ten (10) days after the date the order is issued by the Commission, the building official shall publish in a newspaper of general circulation within the town a notice containing:
 - (1) The street address or legal description of the property;
 - (2) The date the hearing was held;
 - (3) A brief statement indicating the results of the order; and
 - (4) Instructions stating where a complete copy of the order may be obtained.

§ 4.04.009 **Enforcement of order.**

- (a) Abatement by town authorized. If the building is not vacated, secured, repaired, removed, or demolished within the time specified by the order, the

town may vacate, secure, repair, remove, or demolish the building or relocate the occupants at its own expense. The building official or designee is the person who may be issued a seizure warrant for the purpose of securing, removing, or demolishing the offending property and removing the debris from the premises, upon presentation of evidence to a magistrate of probable cause to believe that a fire or health hazard or violation or unsafe building condition is present in the premises and that the owner of said premises has failed to comply with the Commission's order.

- (b) Posting of notice to vacate building. If the order requires vacation or if compliance is not had with the order within the time specified therein, the building official is authorized to require that the building be vacated. Notice to vacate shall be mailed by certified mail, return receipt requested, to the occupant of the building and it shall be posted at or upon each entrance to the building and shall be in substantially the following form:

SUBSTANDARD BUILDING
DO NOT ENTER
UNSAFE TO OCCUPY

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

Building Official
Town of Northlake

- (c) Remedial action by the town. Any repair or demolition work shall be accomplished and the costs thereof paid and recovered. If the town incurs expenses under this section, the town may assess the expenses, together with ten percent (10%) interest in such amount from the date on which the work was performed, and upon doing so, the town shall have a lien against the property on which the building was located. The lien shall be extinguished if the property owner, lienholder, mortgagee, or other person having an interest in the legal title to the property reimburses the town for the expenses. The lien arises and attaches to the property at the time the notice of the lien is recorded and indexed in the office of the county clerk. The notice must contain the name and address of the owner, a legal description of the real property on which the building was located, the amount of expenses incurred by the town, and the balance due. The lien shall be privileged and subordinate only to tax liens and existing special assessment liens and shall be paramount to all other liens. The town may repair the building at its own expense and assess the expense on the land on which the building stands or is attached to only to the extent necessary to bring the building into compliance with minimum standards.
- (d) Failure to obey order. Any person to whom an order is directed who fails, neglects, or refuses to comply with such order shall be guilty of a

misdemeanor and may be prosecuted in municipal court in addition to any other remedies available to the town.

- (e) Permits required. Any work of closure, repair, or demolition by the property owner or any lienholder or mortgagee or their agents must be performed pursuant to a valid unexpired permit issued by the town. All permits issued pursuant to an order of the Commission shall expire upon expiration of the time for compliance set forth in the order.
- (f) Final decision. If no appeals are taken from the decision of the Commission within the time period required by Texas Local Gov't Code Ch. 54 or Ch. 214, as applicable, the decision of the Commission is final and binding.

§ 4.04.010 Additional authority to secure unoccupied buildings; buildings constituting immediate danger.

- (a) Securing of unoccupied substandard building. Notwithstanding any other provisions of this article, the town may secure a building if the building official determines:
 - (1) That the building violates the minimum building standards of the town and constitutes a public nuisance, or that the condition of the building presents an immediate danger or threat to the health, safety, or welfare of the occupants, if any, or to the general public; or
 - (2) That the building is unoccupied or is occupied only by persons who do not have the right of possession to the building.
- (b) Building creating immediate danger. Notwithstanding any other provisions of this article, if the Commission or the Town Council finds that a building is likely to immediately endanger persons or property the Commission or Town Council may:
 - (1) Order the owner of the building, the owner's agent, or the owner or occupant of the property on which the structure is located to repair, remove, or demolish the structure, or the dangerous part of the structure, within a specified time; or
 - (2) Repair, remove, or demolish the structure, or the dangerous part of the structure, at the expense of the town, on behalf of the owner of the structure or the owner of the property on which the structure is located and assess the repair, removal, or demolition expenses on the property on which the structure was located.

- (c) Service of notice. Before the eleventh (11th) day after the date the building is secured or action is ordered or the building is repaired, removed, or demolished, the building official shall give notice to the owner by:
- (1) Personally serving the owner with written notice; or
 - (2) Depositing the notice in the United States mail addressed to the owner at the owner's post office address; or
 - (3) Publishing the notice at least twice within a ten (10) day period in a newspaper of general circulation in the county in which the building is located, 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; and
 - (5) In addition to the above, depositing notice in the United States mail to all lien holders and mortgagees who can be determined from a reasonable search of instruments on file in the office of the county clerk.
- (d) Contents of notice. 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 violation of the minimum building standards present in the building;
 - (3) A statement that the town will secure or has secured, as the case may be, the building or that the town has taken or will take the action ordered; and
 - (4) An explanation of the owner's entitlement to request a hearing about any matter relating to the town's securing, removing, demolishing, or repairing of the building.
- (e) Hearing. The Commission shall conduct a hearing at which the owner may testify or present witnesses or written information about any matter relating to the town's securing, repairing, removing, or demolishing of the building, if, within thirty (30) days after the date the town has taken action the owner files with the town a written request for the hearing. The hearing shall be conducted within twenty (20) days after the date the request is filed.

- (f) Recovery of town's cost. If the town incurs expenses under this section, such expenses incurred shall be a personal obligation to the property owner in addition to a priority lien upon the property.
- (g) Authority to order immediate demolition. Notwithstanding all other provisions of this article, nothing herein shall be deemed a limitation on the duty of the town to summarily order the demolition of any building or structure where it is apparent that the immediate demolition of such building or structure is necessary to the protection of life, property, or general welfare of the people in the town.

§ 4.04.011 **Civil penalty.**

- (a) Authorized. In addition to any other enforcement authority provided for by law, the Commission may, by order, at an administrative hearing, assess a civil penalty against a property owner as provided for herein for failure to comply with an order issued by the Commission.
- (b) Showing required. The civil penalty may be assessed if it is shown at the administrative hearing that:
 - (1) The property owner was notified of the contents of the order issued; and;
 - (2) The property owner committed an act in violation of the order or failed to take an action necessary for compliance with the order.
- (c) Amount of penalty. The civil penalty may be assessed in an amount as provided for in the general penalty provision found in section 1.01.009 of this code for each violation, or in any amount as provided for in Texas Local Gov't Code Chapter 54, Subchapter C, and Texas Local Gov't Code Chapter 214, Subchapter A, as amended.
- (d) Notice of administrative hearing. The notice of an administrative hearing under this section shall conform with the notice requirements under section 4.04.006 of this article.
- (e) Enforcement. To enforce any civil penalty under this article, the town secretary shall file with the district clerk of the county a certified copy of the order of the Commission stating the amount and duration of the penalty. No other proof is required for a district court to enter final judgment on the penalty.

- (f) Remedies cumulative. The remedies authorized under this article are inclusive and not exclusive and shall in no way prevent the town from exercising any and all other remedies at law to which it may be entitled, including proceedings under the jurisdiction of the municipal court or injunctive or other civil relief as allowed by law.

§ 4.04.012 **Criminal penalty.**

Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of this article shall be fined as provided for in the general penalty provision found in section 1.01.009 of this code for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.”

Section 4. This Ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances, Town of Northlake, Texas, including, but not limited to, those ordinances affecting zoning and land use, as amended, and shall not repeal any of the provisions of such ordinances, except where the provisions of such ordinances are in direct conflict with the provisions of this Ordinance.

Section 5. It is hereby declared to be the intention of the Town Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court or competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance, since same would have been enacted by the Town Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

Section 6. Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in accordance with section 1.01.009 of the Code of Ordinances, Town of Northlake, Texas. Each such violation shall be deemed a separate offense and shall be punishable as such hereunder.

Section 7. All rights and remedies of the Town are expressly saved as to any and all violations of the provisions of this Code, as amended, or any other ordinances affecting the subject matter herein, which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

Section 8. The Town Secretary is hereby directed to publish the caption and penalty clause of this Ordinance as required by Section 4.11(c) of the Town’s Charter.

Section 9. This Ordinance shall be in full force and effect from and after its passage and publication as required by law.

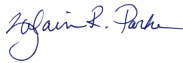
PASSED AND APPROVED by the Town Council of the Town of Northlake, Texas, on December 11, 2025.

Town of Northlake, Texas



Brian G. Montini, Mayor

ATTEST:



Zolaina Parker, Town Secretary

