

**ORDINANCE NO. 25-0818**

**AN ORDINANCE OF THE CITY OF MAUD, TEXAS, REPEALING ORDINANCE NO. 25-0616 AND REPLACING SUCH REPEALED ORDINANCE WITH THIS ORDINANCE, ESTABLISHING STANDARDS TO SUBSTANDARD BUILDINGS WITHIN THE CITY; DECLARING SUCH BUILDINGS AS A NUISANCE; STATING HEARING AND NOTICE REQUIREMENTS; ALLOWING THE CITY TO REPAIR OR DEMOLISH SUBSTANDARD BUILDINGS; ALLOWING FOR A LIEN TO BE ASSESSED FOR EXPENSES OF REPAIR OR DEMOLITION AND A CIVIL SUIT TO COLLECT SUCH EXPENSES; PROVIDING A CRIMINAL PENALTY IN AN AMOUNT NOT TO EXCEED \$1,000.00 AND/OR A CIVIL PENALTY NOT TO EXCEED \$1,000.00 FOR ANY VIOLATION OF THIS ORDINANCE, WITH EACH DAY TO CONSTITUTE A SEPARATE VIOLATION; REPEALING ALL OTHER ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Maud seeks to promote the health, safety and general welfare of the community by preventing death, injuries and property damage within the City of Maud ("City") limits; and

**WHEREAS**, the City Council seeks to protect property values within the City limits; and

**WHEREAS**, the City Council finds that substandard or uninhabitable buildings or structures are fire hazards and often attract vermin and insects; and

**WHEREAS**, pursuant to Texas Local Government Code 214.001, et seq. and 54.00, et seq. the City Council has authority to regulate substandard and uninhabitable buildings or structures; and

**WHEREAS**, pursuant to Texas Local Government Code section 214.002, the City Council has authority to order the repair, removal or demolition of a substandard or uninhabitable building or structure and to repair, remove, or demolish said building or structure and assess such costs against the property owner or owner of the building or structure; now, therefore,

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY MAUD, TEXAS:**

All of the above premises are hereby found to be true and correct legislative and factual finding of the City of Maud and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

This Ordinance is adopted so that the City Council may promote the public health, safety, and general welfare within the City through the regulation of substandard, uninhabitable and dangerous buildings or structures. By requiring the repair, demolition, or removal of substandard, uninhabitable and dangerous buildings and structures, the City Council seeks to protect property values and prevent bodily injury, death and property damage within the City limits.

Ordinance No. 25-0616 is hereby repealed and the regulations established therein are replaced by the following regulations:



**“Section 1. Definitions.** As used in this Ordinance, the following terms shall be defined as follows, unless the clear meaning of the text mandates otherwise:

*Appraised Value* shall mean the value given the structure by the county tax assessor’s office.

*Building* shall mean any structure of any kind or any part thereof, erected for the support, shelter or enclosure of persons, animals, chattel or property of any kind and includes any structure used as storage whether or not associated with a living unit.

*Building Inspector* shall mean the person appointed by the City to conduct periodic inspections of buildings and structures to insure that the same are being maintained in a manner consistent with prescribed Building Codes of the City and not in violation of this Ordinance.

*City* shall mean the City of Maud, Texas.

*City Council* shall mean the elected governing body of the City of Maud, Texas

*Diligent effort* shall mean best or reasonable effort to determine the identity and address of an owner, a lien holder, or a mortgage including a search of the following records:

- (a) County real property records of the county in which the building is located;
- (b) Appraisal district records of the appraisal district in which the building is located;
- (c) Records of the secretary of state;
- (d) Assumed name records of the county in which the building is located;
- (e) City tax records; and
- (f) City utility records

*Minimum housing standards* shall mean those standards found in the City’s adopted standard residential, building, electrical, plumbing, gas, mechanical, existing building fire prevention, and property maintenance codes and any other housing and structure regulations adopted by the City.

*Owner* shall mean any person, agent, firm, corporation, or other entity named in the real property records of the county where the building is located as owning the property.

*Structure* shall mean that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built or composed of parts joined together in some definite manner, or any part thereof.

**Section 2. Declaration of Nuisance.** Any building or structure requiring repair, removal or demolition, as described in Section 3 below, as well as all building or structures within the City, which because of their condition, are unsafe, unsanitary, uninhabitable or otherwise dangerous to the health, safety and general welfare of the citizens of the City are hereby declared to be a public nuisance and violation of the law and subject to the provisions of this Ordinance..

**Section 3. Standards.** Buildings or structures that meet one or more of the following standards shall be required to be repaired, removed or demolished:

- (a) The building or structure is dilapidated, substandard, or unfit for human habitation and a hazard to the public health, safety, and welfare;



- (b) Regardless of its structural condition, 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;
- (c) Boarded up, fenced, or otherwise secured in any manner if:
  - I. The building or structure constitutes a danger to the public even though secured from entry; or
  - II. The means used to secure the building or structure are inadequate to prevent unauthorized entry or use of the building in the manner described by Subsection (b) above;
- (a) The building or structure or any part thereof has been damaged by fire, water, earthquake, wind, vandalism, or other cause to such an extent that it has become dangerous to the public, health, safety and welfare;
- (b) The building or structure does not have adequate light, ventilation, or sanitation facilities as required by the City;
- (c) The building or structure has inadequate facilities for egress in case of fire or other emergency or has insufficient stairways, elevators, fire escapes or other means of ingress or egress; or
- (d) The building or structure does not meet minimum housing standards, and because of its condition, is uninhabitable, unsafe, unsanitary, or dangerous to the health, safety or general welfare of the City's citizens;
- (e) The condition of the building or structure is an attractive nuisance, including all conditions conducive to the harboring of rats or mice or other disease carrying animals or insects reasonably calculated to spread disease.
- (f) Any structure with a roof, ceiling, floor, wall or foundation or any combination thereof, which leaks, is rotted, decayed, falling apart or open to the elements, including broken or missing windows or doors.

**Section 4. Inspection.** An inspection shall be made of every building or structure located within the City, which is suspected of being in violation of this Ordinance. The building inspector, or his/her official designee, is hereby authorized to conduct inspections of building suspected of being in violation of this Ordinance to determine if any such violation exists, and take such actions as may be required to enforce the provisions of this Ordinance. Such inspection shall include the right of the building inspector to enter the premises on reasonable notice and at reasonable times.

**Section 5. Notice of Violation.** Whenever a violation of this Ordinance has been determined and reported by the building inspector or his/her designee, a public hearing shall be held by the City Council to determine whether a building or structure complies with the standards set out in this Ordinance. A diligent effort shall be made by the City to determine all owner(s), lien holder(s) and/or mortgagee(s).

Once identified, a notice of the hearing shall be sent to the occupant, if any, and all record owner(s), lien holder(s) and/or mortgagee(s). Such notice shall be in writing and shall be served by personal delivery to any person above the age of 18, or by certified mail return receipt requested.



Additionally, a copy of the notice shall be posted on the front door of each affected structure situated on the property or as close to the front door as practicable. It is not necessary that the notice to the occupant of the property list an occupant by name.

A copy of the notice of violations shall also be filed in the Office of the County Clerk of Bowie County, Texas to provide notice to prospective buyers or transferees of the property of its being subject to this ordinance.

The notice shall contain:

- (a) the names of all persons to whom the notice is being served;
- (b) the street address or legal description of the premises,
- (c) the date of the inspection,
- (d) the nature of the violation
- (e) the date, time and location of the public hearing, and
- (f) a statement that the owner, lien holder, or mortgage 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 reasonable perform the work.

**Section 6. Public Hearing.** The owner(s), lien holder(s) and/or mortgagee(s) shall be allowed an opportunity to present evidence concerning the determination by the building inspector that a violation of this Ordinance exists, the scope of work that may be required to comply with this Ordinance and the time it will take to reasonably perform the work, as well as any other evidence that the owner(s), lien holder(s) and/or mortgagee(s) deem appropriate and/or applicable concerning the alleged violation. The owner(s), lien holder(s) and/or mortgagee(s) 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 7. Order for repair or demolition.** After the public hearing, if a building or structure is found to be in violation of this Ordinance, the City may order that the building or structure be vacated, secured, repaired, removed or demolished within a reasonable time, as established herein. The City may also order that the occupants be relocated within a reasonable time.

If the building is ordered to be repaired, removed or demolished, the City shall promptly mail by certified mail, return receipt requested, or personally deliver a copy of the order to the owner of the building and to any lien holder or mortgagee of the building and a notice containing:

- (a) An identification of the building and property on which it is located (this does not have to be a legal description)
- (b) A description of the violation(s) of the Ordinance; and
- (c) A statement that the municipality may demolish the building if the ordered action is not taken.

The City shall make a diligent effort to discover each owner, mortgagee and lien holder having an interest in the building or property on which the building is located. If the notice is returned "refused" or "unclaimed," the validity of the notice is not affected and the notice shall be deemed delivered.

If a building is found to be in violation of this Ordinance, the City shall require the owner, lien holder or mortgagee of the building to, within thirty (30) days, repair, remove or demolish the building, unless it is proven at the hearing that the work cannot reasonably be done in thirty (30) days.



If the City allows more than thirty (30) days for the building to be repaired, removed or demolished, the City shall establish specific time schedules for the work to be commenced and performed and shall require the owner, lien holder, or mortgagee to secure the property in a reasonable manner from unauthorized entry while the work is being performed, as determined by the hearing official.

The City shall not allow the owner, lien holder 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 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 reasonable be completed within ninety (90) days because of the scope and complexity of the work. Additionally, the owner, lien holder, or mortgagee must submit work progress reports to demonstrate compliance with the time schedule established.

The City may require a surety bond, letter of credit or other security, as provided by Section 214.001 (k) of the Local Government Code to assure the completion of the owner, lien holder or mortgagee's attempt to comply with the order and this ordinance.

**Section 8. Filed Copy of Order and Publication.** Within ten (10) days after the date that the order is issued, the City shall:

- (a) File a copy of the order in the office of the City Secretary; and
- (b) Publish a notice in a newspaper of general circulation in the City (and where the building is located) stating:
  - a. The street address or legal description of the property;
  - b. The date of the hearing;
  - c. A brief statement indicating the contents of the order and
  - d. Instructions as to where a complete copy of the order may be obtained.

**Section 9. Appeal.** The owner, lien holder or mortgagee shall have the right to appeal the decision made at the hearing to a District Court by filing a verified petition that complies with Tex. Loc. Gov't Code §214.0012 (a) within 30 days after the Order for Repair or Demolition is personally delivered to them or mailed by first class mail with return receipt requested or by U. S. Postal Service using signature confirmation service. The appeal must comply with Tex. Loc. Gov't Code §214.0012 (a).

Contemporaneously with the filing of the appeal to District Court, a copy of the notice of appeal and verified petition must be served on the City of Maud, Texas and any other owners, lien holders or mortgagees as for a civil suit in District Court.

Upon expiration of the thirty (30) calendar day period, the decision of the City shall become final unless properly appealed.

**Section 10. Demolition and repair expenses.** Whenever it is discovered upon re-inspection that the owner(s), lien holder(s) and/or mortgagee(s) has failed to repair, remove or demolish the building or structure, or take other ordered action within the allotted time, and after the expiration of 30 days from the date of delivering or mailing the notice to the required parties, or if appealed, the conclusion of the appeal, the City or its authorized agent may repair, remove 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(s), lien holder(s) and/or mortgagee(s) said land or otherwise assess the expenses against the property on which the building or structure is located.



The City may collect the expenses described herein by filing a civil suit for that purpose against the owner, lien holder or mortgagee in addition to the right to file a lien against the property. Court costs and attorneys fees are recoverable by the City under the provisions of Section 20014(h).

If such work is done at the expense of the City, then said expense shall be assessed against any the value of salvage materials sold, if any, 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.

**Section 11. Assessment of lien.** When the City incurs expenses to repair, remove or demolish a building or structure, the City may assess the expenses on and obtain a lien against the property on which the building or structure is located, unless it is a homestead as protected by the Texas Constitution.

The lien arises and attaches to the property when the City has the lien recorded and indexed with the County Clerk of the county in which the property is located. The notice shall contain:

- (a) The name and address of the owner, if that information can be determined with a reasonable effort;
- (b) A legal description of the real property on which the building was located;
- (c) The amount of expense incurred by the City;
- (d) The balance due; and
- (e) The date on which said work was done or improvements made.

The City shall have a privileged lien second only to tax liens on such lot, lots, or other premises or real estate upon which said building or structure was located, to secure the expenditure so made, second only to other liens as provided by law. It is further provided that for any such expenditure, suit may be instituted and foreclosure of said lien may be made in the name of the City; and the statement of expenses incurred, or a certified copy thereof, shall be prima facie proof of the amount expended for such work or expense.

The lien shall be 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 12. Civil Penalty.** The city may recover a civil penalty, not to exceed \$1,000 per day, for a violation of the ordinance, if it proves the property owner was:

- (a) Actually notified of the provisions of the city's ordinances; and
- (b) After he received notice of the ordinance provisions, he committed acts in violation of the ordinance and failed to take action necessary for compliance with the ordinance and order of the City Council.
- (c) Failure to act to repair, demolish or otherwise remedy the violations stated in Section 3. Standards, of this ordinance within 30 days of receipt of notice of the violation and order, shall subject the owner to this civil penalty.



The finding that the owner failed to comply with the order shall be made by the City Council, after notice to the owner of a hearing for that purpose. The hearing will be conducted no earlier than 10 days after the notice is given. The notice may be given in person, by certified mail, return receipt requested to the last known address of the owner or by posting on the front door of the premises. The notice shall be deemed given to the owner as of the date of any of these actions.

The lien described herein to secure the payment of expenses of the city in remedying the violations may also include the amount of the accrued civil penalties as of the date of the filing of the lien.

**Section 13. Criminal Penalty.** In addition to the civil penalty described herein, the owner of the property is also subject to the following criminal penalty.

The owner of any dangerous building who shall fail to comply with any notice or order to repair, secure, vacate or demolish said building or structure, within the time allotted by the order, shall be guilty of a Class C Misdemeanor.

Any occupant or lessee in possession of a dangerous building, who fails to comply with any notice or order to vacate such building and/or fails to repair such building in accordance with an order of the City Council, within the time allotted by the order, shall be guilty of a Class C Misdemeanor.

Any person, who shall violate this section, is deemed guilty of an offense and liable for a fine not to exceed the sum of One Thousand Dollars (\$1,000) per day of violation. Each day the violation exists shall constitute a separate offense. Such criminal penalty is in addition to other remedies contained in this ordinance.

**Section 14. Enforcement of Regulations and Ordinances.** After the order of the City Council shall become final, by failure to appeal, or failure of the owner, lien holder or mortgagee to repair, demolish or otherwise comply with the order, the City shall cut off all utilities which it provides and order the termination of all other utilities to the property and shall withdraw any certificate of occupancy on the property. .

No building permit, certificate of occupancy, plumbing or electrical permit or utility tap will be issued by the City with respect to any lot or parcel of land within the city limits to such property, until the property meets the codes of the City.

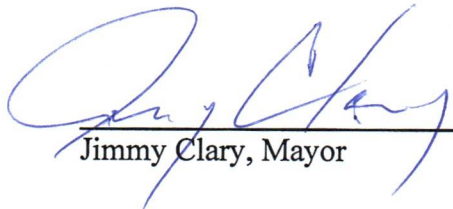
The City may pull any permits issued for repairs of any property if the repairs are not being performed in compliance with the order and any code of the city and a stop work order may be issued. In such case, the city may also terminate any utilities to the property until the city determines the owner or his contractors are complying with the codes of the city.

**Section 15. Severability Clause.** The provisions of this Ordinance shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, all prior ordinances or parts of ordinances inconsistent or in conflict with any of the provisions of this Ordinance are hereby expressly repealed to the extent that such inconsistency is apparent.

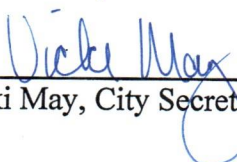
**Section 16. Effective Date.** This ordinance shall be in full force and effect immediately upon its approval and passage.

If any section, subsection, sentence, clause, or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of the Ordinance. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

**PASSED, APPROVED AND ADOPTED on this the 18th day of August, 2025.**

  
Jimmy Clary, Mayor

ATTEST:

  
Vicki May, City Secretary