

ORDINANCE NO. 64-2018

AN ORDINANCE AMENDING CHAPTER 8, "CONSTRUCTION REGULATIONS," ARTICLE VI, "CODES AND OTHER REGULATIONS," DIVISION 6, "MINIMUM STANDARDS FOR BUILDINGS AND STRUCTURES," SECTION 8-553, "AUTHORITY OF BUILDING OFFICIAL," PARAGRAPH (B), OF THE CODE OF THE CITY OF ABILENE, PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND CALLING FOR A PUBLIC HEARING.

WHEREAS, the Abilene Code of Ordinances regulates building standards and construction regulations for structures within the City of Abilene; and

WHEREAS, in order to enforce the provisions of the City's Code of Ordinances relating to such building standards and construction regulations, certain code enforcement officials must at times gain access to the interior of said buildings or structures; and

WHEREAS, the Texas Code of Criminal Procedure section 18.05 provides that an administrative search warrant may be obtained to gain access to a structure if the City has designated one or more code enforcement officials for the purpose of being issued said warrant; and

WHEREAS, the City's ordinances currently do not provide such designation for administrative search warrants to be issued to code enforcement officials in compliance with State law.

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

PART 1: That Chapter 8, Construction Regulations, Article VI, Codes and Other Regulations, Division 6, Minimum Standards For Buildings and Structures, Section 8-553, Authority of Building Official, paragraph (b), of the Code of Ordinances of the City of Abilene, Texas, is hereby amended to read as set out in Exhibit A, attached and made a part of this ordinance for all purposes.

PART 2: That if the provisions of any section, subsection, paragraph, subdivision or clause of this ordinance shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not effect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this ordinance.

PART 3: That any person, firm, or corporation violating the provisions of this Ordinance shall be deemed to have committed a misdemeanor, and upon conviction thereof shall be fined in accordance with Chapter 1 (Section 1-9) of this Code.

PASSED ON FIRST READING this 9th day of October, 2018.

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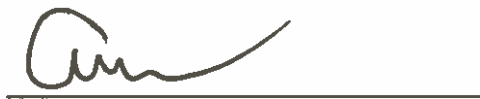
A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 21st day of October, 2018, the same being more than 24 hours prior to a public hearing being held in the Council Chamber of City Hall in Abilene, Texas, at 4:30 p.m. on the 25th day of October, 2018, to permit the public to be heard. Said Ordinance, being a penal ordinance, becomes effective ten (10) days after its publication the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON SECOND AND FINAL READING this 25th day of October, 2018.

ATTEST:



CITY SECRETARY



MAYOR



CITY ATTORNEY



ORDINANCE 64-2018

EXHIBIT A

Sec. 8-553. Authority of building official.

(b) The building official is authorized to make inspections pursuant to complaints or visual observations of deficiencies, to determine the condition of all existing residential and nonresidential structures, and all premises located within the city without prior notice to the owner, manager, or occupant of the property. If the property is occupied, the building official shall present credentials to the occupant and request entry. If unoccupied, the building official must first make reasonable effort to locate the owner or other persons having control. If entry is refused, the building official, or his or her designee who is a code enforcement official, shall have recourse to every remedy provided by law to secure entry, including making application for an administrative search warrant pursuant to Texas Code of Criminal Procedure section 18.05, unless an exception to the warrant requirement exists.