



**SEABROOK BOARD OF ADJUSTMENT/BUILDING STANDARDS COMMISSION
NOTICE OF MEETING
TUESDAY, JULY 29, 2025 - 6:00 PM**

For city information visit www.seabrooktx.gov
For agendas visit www.seabrooktx.gov/agendas

NOTICE IS HEREBY GIVEN THAT THE SEABROOK Board of Adjustment/Building Standards Commission WILL HOLD A MEETING ON **Tuesday, July 29, 2025 AT 6:00 PM** IN THE CITY HALL CITY COUNCIL CHAMBERS, 1700 1ST STREET, SEABROOK, TEXAS, **TO DISCUSS, CONSIDER, AND IF APPROPRIATE, TAKE ACTION** WITH RESPECT TO THE ITEMS LISTED BELOW.

1. PUBLIC COMMENTS AND ANNOUNCEMENTS

At this time we would like to listen to any member of the audience on any subject matter, whether or not that item is on the agenda. All comments are limited to a maximum of four minutes for each speaker, shall be limited to City business or City-related business or matters of general public interest, and shall not include any personal attacks or abusive language.

All public remarks shall be addressed to the Chair. Comments shall not be directed toward individual Councilmembers, City staff, or other members of the public.

In accordance with the Texas Open Meetings Act, members may not discuss or take action on any item that has not been posted on the agenda. When your name is called, please come to the podium and state your name and address clearly into the microphone before making your comments. Thank you.

REGISTER ONLINE TO SPEAK IN PERSON DURING PUBLIC COMMENTS:
www.seabrooktx.gov/publiccomment

2. SPECIFIC PUBLIC HEARING

2.1 Conduct a public hearing to receive public comment, testimony, and evidence as to current condition of building/structure located at 408 Waterfront Dr Bldg A, Seabrook, Texas, 77586 and issue any order(s) determined necessary to address such conditions. *Nick Kondejewski, Chief Building Official | Floodplain Administrator*

2.2 Conduct a public hearing to receive public comment, testimony, and evidence as to current condition of building/structure located at 408 Waterfront Dr Bldg B, Seabrook, Texas, 77586 and issue any order(s) determined necessary to address such conditions. *Nick Kondejewski, Chief Building Official | Floodplain Administrator*

2.3 Conduct a public hearing to receive public comment, testimony, and evidence as to current condition of building/structure located at 0 Waterfront Dr, Seabrook, TX

77586, also known as 204 Waterfront Dr, Seabrook, Texas, 77586 and issue any order(s) determined necessary to address such conditions. *Nick Kondejewski, Chief Building Official | Floodplain Administrator*

2.4 Conduct a public hearing to receive public comment, testimony, and evidence as to current condition of building/structure located at 537 Baywood Dr., Seabrook, Texas, 77586 and issue any order(s) determined necessary to address such conditions. *Nick Kondejewski, Chief Building Official | Floodplain Administrator*

3. NEW BUSINESS

3.1 Discussion, consideration and possible action concerning the current condition of the building/structure located at 408 Waterfront Dr Bldg A, Seabrook, Texas, 77586 and issue any order(s) determined necessary to address such conditions. *Nick Kondejewski, Chief Building Official | Floodplain Administrator*

3.2 Discussion, consideration and possible action concerning the current condition of the building/structure located at 408 Waterfront Dr Bldg B, Seabrook, Texas, 77586 and issue any order(s) determined necessary to address such conditions. *Nick Kondejewski, Chief Building Official | Floodplain Administrator*

3.3 Discussion, consideration and possible action concerning the current condition of the building/structure located at 0 Waterfront Dr, Seabrook, TX 77586, also known as 204 Waterfront Dr, Seabrook, Texas, 77586 and issue any order(s) determined necessary to address such conditions. *Nick Kondejewski, Chief Building Official | Floodplain Administrator*

3.4 Discussion, consideration and possible action concerning the current condition of the building/structure located at 537 Baywood Dr, Seabrook, Texas, 77586 and issue any order(s) determined necessary to address such conditions. *Nick Kondejewski, Chief Building Official | Floodplain Administrator*

4. EXECUTIVE SESSION

4.1 Sec. 551.071 Consultation with attorney on matters in which the City Attorney has a duty to advise the Board of Adjustment in closed executive session.

5. OPEN SESSION

5.1 The Board of Adjustment/Building Standards Commission will reconvene into open session to allow for possible action on the agenda items listed under "Executive Session".

6. ROUTINE BUSINESS

6.1 Approve the minutes from the March 31, 2025, BOA meeting.

THE [AGENDA_OFFICAL_BODY] RESERVES THE RIGHT TO HEAR ANY OF THE ABOVE DESCRIBED AGENDA ITEMS THAT QUALIFY FOR AN EXECUTIVE SESSION IN AN EXECUTIVE SESSION BY PUBLICLY ANNOUNCING THE APPLICABLE SECTION NUMBER OF THE OPEN MEETINGS ACT, (CHAPTER 551 OF THE TEXAS GOVERNMENT CODE) THAT JUSTIFIES EXECUTIVE SESSION TREATMENT.

THIS FACILITY IS WHEELCHAIR ACCESSIBLE AND ACCESSIBLE PARKING SPACES ARE AVAILABLE. REQUESTS FOR OTHER ACCOMMODATIONS OR INTERPRETIVE SERVICES, MUST BE MADE, 48 HOURS PRIOR TO THIS MEETING. PLEASE CONTACT THE CITY SECRETARY'S OFFICE AT (281) 291-5663 OR CITYSEC@SEABROOKTX.GOV FOR FURTHER INFORMATION.

I certify that this notice was posted on the bulletin board on or before Thursday, July 24, 2025 no later than 6:00 p.m. and that this notice will remain posted until the meeting has ended.

Kiarra Bellow
Secretary to the Board of Adjustment



**PUBLIC HEARING NOTICE
BUILDING AND STANDARDS COMMISSION OF THE CITY OF SEABROOK
TUESDAY, JULY 29, 2025, AT 6:00 P.M.**

NOTICE IS HEREBY GIVEN THAT THE BUILDING AND STANDARDS COMMISSION OF THE CITY OF SEABROOK WILL CONDUCT A DANGEROUS BUILDING HEARING ON **TUESDAY, JULY 29, 2025, AT 6:00 P.M.** AT SEABROOK CITY HALL, 1700 FIRST STREET, SEABROOK, TEXAS, TO DISCUSS THE AGENDA ITEM LISTED BELOW.

THIS HEARING IS OPEN TO THE PUBLIC AND EVERYONE ATTENDING WILL HAVE THE OPPORTUNITY TO SPEAK AS PART OF THIS HEARING IN ACCORDANCE WITH THE PROCEDURES OF THE COMMISSION. ALL REQUIRED DOCUMENTS REGARDING THIS HEARING ARE AVAILABLE FOR REVIEW AT CITY HALL IN THE COMMUNITY DEVELOPMENT DEPARTMENT WEEKDAYS FROM 8:00 A.M. TO 5:00 P.M. PLEASE CALL (281) 291-5638 IF YOU HAVE QUESTIONS.

SPECIFIC PUBLIC HEARING

CONDUCT A PUBLIC HEARING TO RECEIVE PUBLIC COMMENT, TESTIMONY, AND EVIDENCE AS TO CURRENT CONDITION OF BUILDING/STRUCTURE LOCATED AT 408 WATERFRONT DR BLDG A, SEABROOK, TEXAS, 77586 AND ISSUE ANY ORDER(S) DETERMINED NECESSARY TO ADDRESS SUCH CONDITIONS.

Legal Description:

408 Waterfront Dr Bldg A, Seabrook, TX 77586
Lot Two (2), Block One (1) (1,000sqft Easement), Bartolome Special, an addition in Harris County, Texas, according to the map or plat thereof recorded in film code No.637157 of the Map Records of Harris County, TX

Findings:

The Building Official has found the subject property to be in violation of the City of Seabrook Code of Ordinances, Chapter 18, Article IV., Division 12, "Substandard, Unsafe Buildings-Dangerous Buildings". A copy of the inspection report, listing the specific conditions or defects that allege the building/structure a substandard and/or dangerous building is on file with the City Secretary for public inspection.

OWNER:

Teresita & Alfredo Bartolome PO Box 1064, Seabrook, TX 77586

PARTIES OF INTERST/ LIENHOLDER(S):

CC: Posting on or near the Front Door of the Building
Janina Wojtkowski, Waldron & Schneider, PLLC, 15150 Middlebrook Dr., Houston, TX 77058
Kimberly Bartley, Waldron & Schneider, PLLC, 15150 Middlebrook Dr., Houston, TX 77058
U.S. Small Business Administration, Attn: Administrator, 10737 Gateway West #320, El Paso, TX 79935
Francis M. Flato, 4300 Amon Carter Blvd. Suite 114, Fort Worth, TX 76155

I certify that this notice was posted on the bulletin board at Seabrook City Hall on or before 5:00 p.m., Wednesday, July 9, 2025 and that it will remain posted until after completion of the hearing.

/s/ Kiarra Bellow
Administrative Assistant

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SPECIFIC PUBLIC HEARING

CONDUCT A PUBLIC HEARING TO RECEIVE PUBLIC COMMENT, TESTIMONY, AND EVIDENCE AS TO CURRENT CONDITION OF BUILDING/STRUCTURE LOCATED AT 408 WATERFRONT DR BLDG B, SEABROOK, TEXAS, 77586 AND ISSUE ANY ORDER(S) DETERMINED NECESSARY TO ADDRESS SUCH CONDITIONS.

Legal Description:

408 Waterfront Dr Bldg B, Seabrook, TX 77586
Lot Two (2), Block One (1) (1,000sqft Easement), Bartolome Special, an addition in Harris County, Texas, according to the map or plat thereof recorded in film code No.637157 of the Map Records of Harris County, TX

Findings:

The Building Official has found the subject property to be in violation of the City of Seabrook Code of Ordinances, Chapter 18, Article IV., Division 12, "Substandard, Unsafe Buildings-Dangerous Buildings". A copy of the inspection report, listing the specific conditions or defects that allege the building/structure a substandard and/or dangerous building is on file with the City Secretary for public inspection.

OWNER:

Teresita & Alfredo Bartolome PO Box 1064, Seabrook, TX 77586

PARTIES OF INTERST/ LIENHOLDER(S):

CC: Posting on or near the Front Door of the Building
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/s/ Kiarra Bellow Administrative Assistant

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SPECIFIC PUBLIC HEARING

CONDUCT A PUBLIC HEARING TO RECEIVE PUBLIC COMMENT, TESTIMONY, AND EVIDENCE AS TO CURRENT CONDITION OF BUILDING/STRUCTURE LOCATED AT 0 Waterfront Dr. Seabrook, TX 77586 also known as 204 Waterfront Dr, SEABROOK, TEXAS, 77586 AND ISSUE ANY ORDER(S) DETERMINED NECESSARY TO ADDRESS SUCH CONDITIONS.

Legal Description:

0 Waterfront Dr, Seabrook, TX 77586 also known as 204 Waterfront Dr, Seabrook, TX 77586, Lot Five (5), Block One Hundred Forty-Five (145), Town of Seabrook, a subdivision in Harris County, Texas, according to the map or plat thereof recorded in Volume 1, Page 50 of the Map of Records of Harris County, Texas.

Findings:

The Building Official has found the subject property to be in violation of the City of Seabrook Code of Ordinances, Chapter 18, Article IV., Division 12, "Substandard, Unsafe Buildings-Dangerous Buildings". A copy of the inspection report, listing the specific conditions or defects that allege the building/structure a substandard and/or dangerous building is on file with the City Secretary for public inspection.

The city will vacate, secure, remove, repair or demolish the building or relocate the occupants of the building if the ordered action is not taken within a reasonable time. The owner, lienholder, or mortgagee will be required to submit proof, at the hearing, of any work that may be required to comply with the ordinance and the time it will take to reasonably perform the work.

OWNER:

Alfredo and Teresita T. Bartolome, PO Box 1064, Seabrook, Texas 77565.

PARTIES OF INTEREST/ LIENHOLDER(S):

Teresita & Alfredo Bartolome PO Box 1064, Seabrook, TX 77586
Janina Wojtkowski, Waldron & Schneider, PLLC, 15150 Middlebrook Dr., Houston, TX 77058
Kimberly Bartley, Waldron & Schneider, PLLC, 15150 Middlebrook Dr., Houston, TX 77058

CERTIFICATE

I certify that this notice was posted on the bulletin board at Seabrook City Hall on or before 5:00 p.m., Wednesday, July 9, 2025 and that it will remain posted until after completion of the hearing.

/s/ Kiarra Bellow
Administrative Assistant

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SPECIFIC PUBLIC HEARING

CONDUCT A PUBLIC HEARING TO RECEIVE PUBLIC COMMENT, TESTIMONY, AND EVIDENCE AS TO CURRENT CONDITION OF BUILDING/STRUCTURE LOCATED AT 537 BAYWOOD ST., SEABROOK, TEXAS, 77586 AND ISSUE ANY ORDER(S) DETERMINED NECESSARY TO ADDRESS SUCH CONDITIONS.

Legal Description:

Tract Thirty-one (31), being a part of a 26 acre tract known as Baywood Tract, an unrecorded subdivision in the Ritson Morris Survey, Abstract 52, Seabrook, Harris County, Texas, according to the deed recorded in Volume 3185, Page 157 of the Deed Records of Harris County.

Findings:

The Building Official has found the subject property to be in violation of the City of Seabrook Code of Ordinances, Chapter 18, Article IV., Division 12, "Substandard, Unsafe Buildings-Dangerous Buildings". A copy of the inspection report, listing the specific conditions or defects that allege the building/structure a substandard and/or dangerous building is on file with the City Secretary for public inspection.

OWNER:

Samuel & Elizabeth Crowell IV, 537 Baywood Dr., Seabrook, TX 77586

PARTIES OF INTEREST/ LIENHOLDER(S):

BoRain Capital Fund, 5, Ltd, 8445 Freeport Pkwy, Suite 175, Irving, Texas 75063

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/s/ Kiarra Bellow
Administrative Assistant



Agenda Briefing

Date of Meeting: July 29, 2025

Responsible Department: Community Development

Presenter: Nick Kondejewski, Chief Building Official | Floodplain Administrator

Briefing Prepared By: Sean Landis

Strategic Focus Area:

General Information:

Discussion, consideration and possible action concerning the current condition of the building/structure located at 408 Waterfront Dr Bldg A, Seabrook, Texas, 77586 and issue any order(s) determined necessary to address such conditions.

Executive Summary / Background:

The above-referenced property, upon inspection, has been identified as a dangerous building by the Department of Community Development due to the fact that it constitutes a hazard to the health, safety, and welfare of its occupants and citizens of this city. The building official has found it to be in violation of the City of Seabrook Code of Ordinances, Chapter 18 “Building and Building Regulations”, Article IV “Standards”, Division 12, “Substandard, Unsafe Buildings-Dangerous Buildings”, Section 18-389 “Dangerous Buildings, Structures and Nuisances Defined”, Numbers (1), (3), (4), (5), (6), (7), (8), (10), (11), (12), (13), and (14). A copy of the inspection report, listing the specific conditions or defects that render the building/structure a substandard and/or dangerous building, is attached for your reference.

Funding / Fiscal Information:

Supporting Materials Attached:

- 1.DIVISION_12.___SUBSTANDARD__UNSAFE_BUILDINGS_DANGEROUS_BUI
LDINGS (3)
- 2.Substandard Structure Inspection Report
- 3.Substandard Structure Notice

Prior Action / Review by Council, Boards, Commissions:

Staff Recommendation:

Staff request that an order be issued requiring the demolition and removal of the structure from the property within 30 calendar days of the date of this hearing.

Staff further request that the order include the following provision: If the structure is not demolished and removed within the allotted time, the City may proceed with demolition and removal, and liens shall be filed against the property to recover associated costs.

DIVISION 12. SUBSTANDARD, UNSAFE BUILDINGS—DANGEROUS BUILDINGS¹

Sec. 18-386. Created, composition—Building and standards commission.

There is hereby created the building and standards commission, composed of five members, which shall consist of the members of the zoning board of adjustment, and alternate members of the board of adjustment appointed by city council, who shall serve in the absence of one or more regular members when requested to do so by the city manager/designee. Persons appointed to the zoning board of adjustment shall also automatically be appointed to the building and standards commission, and such appointment shall constitute one position. Persons appointed to the zoning board of adjustment/building and standards commission shall hold no other position in the city government, and shall serve without pay. Each member shall be a qualified voter at the time of appointment and shall be a resident within the corporate limits of the City of Seabrook and shall have been a resident for a period of 12 months prior to appointment. The appointment of the members shall be for a term of two years or until replacements are appointed corresponding and indistinguishable with the requirements for the zoning board of adjustment.

(Ord. No. 2009-01, § 2, 2-3-2009)

Sec. 18-387. Authority and purpose.

This division is remedial and essential to the public interest, safety, health, and welfare and it is intended that it be liberally construed to effectuate its purposes. It establishes minimum standards for the continued use and occupancy of all buildings regardless of the date of their construction; materials or methods used to construct a building or improvements, including the foundation, structural elements, electrical wiring, plumbing, fixtures, entrances, or exits; addresses conditions caused by accumulations of refuse, vegetation, or other matter that creates breeding and living places for insects and rodents; and incorporates the building codes or other city codes and statutory provisions relating to the condition, use, or appearance of property within the city. The provisions of this division are hereby adopted pursuant the City Charter, the Texas Constitution, Article XI, Section 5, and in accordance with V.T.C.A., Local Government Code chs. 54, 214 and 342.

The purposes of this division include, but are not limited to, utilization of a building and standards commission to hear and determine cases concerning the alleged violation of ordinances and related law concerning the following:

- (1) For the preservation of public safety, relating to the materials or methods used to construct a building or improvement, including the foundation, structural elements, electrical wiring or apparatus, plumbing and fixtures, entrances, or exits, including, but not limited to, the building codes as adopted and the minimum standards for buildings in this chapter;
- (2) Relating to the fire safety of a building or improvement, including, but not limited to, provisions in the International Fire Code as adopted in chapter 34 herein, relating to materials, types of construction or

¹Editor's note(s)—Former div. 9. See Code Comparative Table for complete derivation.

State law reference(s)—General enforcement authority of municipalities regarding substandard buildings, V.T.C.A. Local Government Code § 214.001 et seq.

design, or fire suppression devices, availability of water supply for extinguishing fires, or location, design, or width of entrances or exits;

- (3) Relating to dangerously damaged or deteriorated buildings or improvements, including, but not limited to, provisions in the property maintenance code, sections 18-360 through 18-361 in this chapter;
- (4) Relating to conditions caused by accumulations of refuse, vegetation, or other matter that creates breeding and living places for insects and rodents, as provided in this division and the code of ordinances, including the comprehensive zoning code and nuisance provisions, when such nonconformity constitutes a danger to the public health, safety, and welfare;
- (5) Relating to a building code or to the condition, use, or appearance of property in the city including, but not limited to, provisions regarding the minimum standards for buildings in this division;
- (6) 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.
- (7) To provide, to the fullest extent of the law, 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 is 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, and/or demolished by the owner and/or the occupants thereof to be relocated.
- (8) To provide fire safety of buildings or improvements, including provisions related to materials, types of construction or design, warning devices, fire suppression devices, availability of water supply for extinguishing fires, location, design or width of entrances or exits, and enforcement of all city building and fire codes.

(Ord. No. 2009-01, § 2, 2-3-2009; Ord. No. 2011-04, § 1(Exh. A), 4-5-2011; Ord. No. 2017-40, § 2, 10-3-2017)

Sec. 18-388. Minimum building standards adopted—Investigation.

Any building or structure whose condition violates the minimum standards in this chapter, including, but not limited to a building or structure that has deteriorated or is operated or maintained in violation of the minimum standards for the continued use and occupancy of all types of buildings and structures within the city, as adopted and established in this chapter, is hereby subject to investigation upon presentation of evidence of probable cause to a magistrate by a peace officer, code enforcement official, fire marshal, or health officer in accordance with Article 18.05 of the Texas Code of Criminal Procedure.

(Ord. No. 2009-01, § 2, 2-3-2009; Ord. No. 2011-04, § 1(Exh. A), 4-5-2011; Ord. No. 2017-40, § 2, 10-3-2017)

Sec. 18-389. Dangerous buildings, structures and nuisances defined.

Any building or structure, regardless of date of its construction, that after a public hearing is found by the commission to be in violation of the minimum standards of this division, including having any of the following defects, may be deemed to be substandard and/or unfit for human habitation and as a result, a danger to the public health, safety and welfare and thus, declared to be a dangerous building or structure:

-
- (1) Any building or structure that has become deteriorated or damaged such that its roof, walls, or flooring is not weathertight and waterproof such that it violates the minimum standards of this article;
 - (2) Any building or structure that is so structurally deteriorated or damaged that it is in danger of collapse or that cannot be expected to withstand reasonably anticipated weather conditions, such as storms or hurricanes;
 - (3) Conditions within any building or structure that violate any provision of the city's building, electrical, plumbing, fire, maintenance or other such codes;
 - (4) A building or improvement that does not meet the fire safety standards as adopted by city code, including materials or methods used to construct the building or improvement, including the foundation, structural elements, electrical wiring or apparatus, plumbing, and fixtures, entrances or exits do not meet the standards set forth in this article in regards to preservation of public safety;
 - (5) A building or use thereof that violates the city code nuisance provisions in that there exist conditions caused by accumulations of refuse, vegetation, or other matter that creates breeding and living places for insects and rodents;
 - (6) A building or improvement that is dilapidated, decayed, unsafe, unsanitary, or has substandard conditions or any condition that fails to provide amenities essential to decent living so that the premises are unfit for human habitation, or are likely to cause sickness or disease, so as to cause injury to the public health, safety, and welfare;
 - (7) Buildings and structures, regardless of their structural condition, that have been, during times that they were not actually occupied by their owners, lessees or other legal invitees, been left unsecured from unauthorized entry to the extent that they may be entered by vagrants or other uninvited persons as a place of harborage or could be entered by children.
 - (8) Buildings and structures, which are secured by a means inadequate to prevent unauthorized entry or use in the manner described in subsection (7).
 - (9) A wall or other vertical member that lists, leans or buckles to such an extent that a plumb line passing through the center of gravity falls outside the middle third of its base.
 - (10) Inadequate facilities for egress in case of fire or panic or insufficient stairways, elevators, or fire escapes.
 - (11) When a building which is partially constructed has not had any significant construction work done on it in the preceding six months, and it is not secured by a fence or other means to prevent children and vagrants from entering the building.
 - (12) Parts of buildings and structures that may fall and injure a person or property.
 - (13) The condition, use, or appearance of the property is in violation of the minimum standards of this division, specifically including the property maintenance code;
 - (14) The building fails to meet the requirements necessary to retain a certificate of occupancy.

(Ord. No. 2009-01, § 2, 2-3-2009; Ord. No. 2011-04, § 1(Exh. A), 4-5-2011; Ord. No. 2017-40, § 2, 10-3-2017)

Editor's note(s)—Section 1(Exh. A) of Ord. No. 2011-04, adopted April 5, 2011, changed the title of § 18-389 from "Dangerous buildings or structures defined" to "Dangerous buildings, structures and nuisances defined."

Sec. 18-390. Declaration of nuisance; conduct prohibited.

Any building or structure which has any or all of the conditions or defects described above in section 18-389, where such condition or conditions pose a threat or potential threat to life, health, property, or human safety; or

conditions caused by accumulations of refuse, vegetation, or other matter that creates breeding and living places for insects, and rodents, is hereby declared to be a public nuisance, is prohibited as unlawful, and shall be abated according to provisions of this division. It is an offense for an owner or occupant or other person having control of the building, structure or property to fail to abate such public nuisance. Therefore failure to abate such condition may also be prosecuted as a criminal misdemeanor offense. It is a further offense and unlawful for any person to cause, permit, or allow a dangerous building after the 30th day after the date on which the building and standards commission finds a condition of nuisance and orders abatement, or after such extended date as may be lawfully permitted by the building and standards commission.

(Ord. No. 2009-01, § 2, 2-3-2009; Ord. No. 2011-04, § 1(Exh. A), 4-5-2011)

Sec. 18-391. Commencement of proceedings.

When the code enforcement official has determined that a building is a dangerous building, he/she will set a date and time for a public hearing before the building and standards commission to determine if the building complies with the minimum standards established in this article. The code enforcement official may seek voluntary compliance with the owner, lienholder or mortgagee of the building before seeking a hearing before the commission. If the code enforcement official receives voluntary compliance from the owner, lienholder or mortgagee, a public hearing is not required.

(Ord. No. 2009-01, § 2, 2-3-2009; Ord. No. 2011-04, § 1(Exh. A), 4-5-2011; Ord. No. 2017-40, § 2, 10-3-2017)

Sec. 18-392. Notice of hearing before the building and standards commission.

Notice of all proceedings before the building and standards commission shall be given on or before the tenth day before the date fixed for hearing:

- (1) By personal delivery, by certified mail, return receipt requested, or by delivery by the United States Postal Service using signature confirmation to the record owners of the affected property sent to the last known address, and each mortgagee, lienholder and each holder of a recorded lien against the affected property, as shown by the records of the county clerk in which the affected property is located if the address of the lienholder can be ascertained from the deed of trust establishing lien or other applicable instruments on file in the office of the county clerk;
- (2) To the owner or manager shown on the current license on file with the city, if applicable;
- (3) To all unknown owners by posting a copy of the notice on the front door of each improvement situated on the affected property or as close to the front as practicable.
- (4) The notice shall be given and posted before the tenth day preceding the date of the hearing before the building and standards commission and must state the date, time, and place of the hearing. In addition, the notice must be published in a newspaper of general circulation in the city on one occasion before the tenth day preceding the date fixed for the hearing.
- (5) The notice shall contain the following:
 - a. The name and address of the owner of the affected property if that information can be determined from a reasonable search of the instruments on file in the Office of the Harris County Clerk.
 - b. An identification, which is not required to be a legal description, of the building and the property on which it is located.
 - c. A description of the violation of the municipal standards/code that is present at the building.

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- d. A statement that the city will vacate, secure, remove, repair or demolish the building or relocate the occupants of the building if the ordered action is not taken within a reasonable time.
 - e. A statement that the owner, lienholder, or mortgagee will be required to submit proof, at the hearing, of any work that may be required to comply with the ordinance and the time it will take to reasonably perform the work.
 - f. The time, date, and place of the hearing.
- (6) In addition, the city may file a notice in the official public records of real property for Harris County, Texas, or where the real property is primarily situated, pertaining to the hearing, as set forth above, and the notice shall bind all subsequent grantees, lienholders, or other transferees of interest in the property, who acquire such interest after the filing of the notice of hearing 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, according to state law.
 - (7) When the city mails a notice in accordance with this section to a property owner, lienholder, or mortgagee, and the United States Postal Service returns the notice as "refused" or "unclaimed," the validity of the notice is not affected, and the notice is considered delivered.

(Ord. No. 2009-01, § 2, 2-3-2009; Ord. No. 2011-04, § 1(Exh. A), 4-5-2011; Ord. No. 2017-40, § 2, 10-3-2017)

Sec. 18-393. Functions.

The building and standards commission panel may:

- (1) Order the repair, within a fixed period, of buildings found to be in violation of an ordinance.
- (2) Declare a building substandard in accordance with the powers granted by this article.
- (3) Order, in an appropriate case, the immediate removal of persons or property found on private property, enter on private property to secure the removal if it is determined that conditions exist on the property that constitute a violation of an ordinance, and order action to be taken as necessary to remedy, alleviate, or remove any substandard building found to exist.
- (4) Issue orders or directives to any peace officer of the state, including a sheriff or constable or the chief of police of the municipality, to enforce and carry out the lawful orders or directives of the building and standards commission panel.
- (5) Determine the amount and duration of the civil penalty the city may recover in accordance with V.T.C.A., Local Government Code § 54.017. A determination of the subject civil penalty is final and binding and constitutes prima facie evidence of such penalty in a court of competent jurisdiction in a civil suit brought by the city for final judgment and may be enforced by the city secretary filing with the District Clerk of Harris County, Texas, a certified copy of the order of the building and standards commission panel establishing the amount and duration of the penalty.

(Ord. No. 2009-01, § 2, 2-3-2009)

Sec. 18-394. Standards for repair, vacation or demolition.

The following standards shall guide the code compliance official in his discretion in ordering a hearing to repair, vacate, secure, and/or demolish a dangerous building and these standards shall be observed and applied by the hearing officers who comprise the building standards board.

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- (1) The code compliance official, at his/her discretion, may allow, prior to submittal to the commission, or recommend to the commission additional time to develop a rehabilitation plan for occupied homesteads under special circumstances faced by the owner including, but not limited to, mental and/or physical hardships; age; income; length of occupancy; and veteran status.
 - (2) If the alleged dangerous building can be feasibly repaired or the condition remedied so that it will no longer exist in violation of the terms of this article, it shall first be ordered remedied or repaired by the hearing officers. Demolition shall be regarded as a remedy of last resort.
 - (3) If the building is in such condition as to make it dangerous to the health or safety of its occupants, it shall be ordered by the commission to be vacated.
 - (4) In any case where a dangerous building is 50 percent or more damaged or decayed or deteriorated in its structure, or 50 percent or more diminished in its value due to damage, decay, or deterioration, a presumption shall arise that the building cannot be repaired. Value may be evidenced by comparing the valuation of the building by the Harris County Tax Appraisal District. Such presumption may be appropriately rebutted by the weight of the evidence.
 - (5) Principals of sound engineering practices shall be respected.

(Ord. No. 2009-01, § 2, 2-3-2009; Ord. No. 2017-40, § 2, 10-3-2017)

Sec. 18-395. Building and standards commission hearing—Burden of proof.

In a public hearing to determine whether a building complies with the standards set out in this article the owner, lienholder, mortgagee, manager or occupant has the burden of proof to demonstrate the scope of work that may be required to comply with this article and the time it will take to reasonably perform the work. After a public hearing, if a building is found to be in violation of this article, the building and standards commission may:

- (1) Enter on the minutes its findings that the building, or use thereof:
 - a. Is in violation of the minimum standards of this article in specified instances;
 - b. Is dilapidated, substandard, or unfit for human habitation and a hazard to the public health, safety and welfare;
 - c. 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;
 - d. Is boarded up, fenced, or secured but constitutes a danger to the public even though secured from entry; or the means used to secure the building are inadequate to prevent unauthorized entry or use of the building by vagrants, children, or other uninvited persons;
 - e. Violates the minimum standards of this article and is unoccupied or is occupied only by persons who do not have a right of possession; or
 - f. Is dangerously damaged or deteriorated or is likely to endanger persons or property; or
 - g. The condition, use or appearance of the property is in violation of the minimum standards herein; or
 - h. Determine that a building fails to meet the requirements necessary to retain a certificate of occupancy;
- (2) Make an order that:
 - a. Declares that the building is substandard;

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- b. The owner, lienholder or mortgagee of a building;
 - 1. Secure it; or
 - 2. Repair, remove or demolish the building;
 - c. Persons or property be immediately removed from a building and designate the city to enter on the property to secure the removal if it is determined that conditions exist on the property that constitute a violation of this ordinance;
 - d. Any or all occupants be relocated;
 - e. Such other requirements deemed reasonably necessary, including the abatement of any nuisances caused by accumulations of refuse, vegetation, or other matter that creates breeding and living places for insects, and rodents.
- (3) Time limits.
- a. An order shall require that a building shall be secured within 30 days.
 - b. An order shall require that a building must be repaired, removed or demolished within 30 days unless the owner or lienholder establishes at the hearing that the work cannot reasonably be performed within 30 days.
 - c. If the building and standards commission allows the owner, lienholder, mortgagee, manager or occupant more than 30 days to repair, remove or demolish the building, the building and standards commission shall establish specific time schedules for the commencement and performance of the work and shall require the owner, lienholder, mortgagee, manager or occupant to secure the property in a reasonable manner from unauthorized entry while the work is being performed.
 - d. The building and standards commission may not allow the owner, lienholder, mortgagee, manager or occupant more than 90 days to repair, remove or demolish the building or fully perform all work required to comply with the order of the building and standards commission unless the owner, lienholder, mortgagee, manager or occupant:
 - 1. Submits a detailed plan and time schedule for the work at the hearing; and
 - 2. Establishes at the hearing that the work cannot reasonably be completed within 90 days because of the scope and complexity of the work.
 - e. If the building and standards commission allows the owner, lienholder, mortgagee, manager or occupant more than 90 days to complete any part of the work required to repair, remove or demolish the building, the building and standards commission shall require the owner, lienholder, mortgagee, manager or occupant to regularly submit progress reports to the building and standards commission to demonstrate that the owner, lienholder, mortgagee, manager or occupant complied with the time schedules established by the building and standards commission for commencement and performance of the work. The order may require that the owner, lienholder, mortgagee, manager or occupant appear before the hearing panel to demonstrate compliance with the schedules.
 - f. In a public hearing to determine whether a building complies with the standards set out in this article the owner, lienholder, mortgagee, manager or occupant has the burden of proof to demonstrate the scope of work that may be required to comply with this article and the time it will take to reasonably perform the work.
 - g. Should an owner fail to comply with an order of the building and standards commission to repair, remove or demolish a building the commission may assess civil penalties against such owner

upon notice and hearing. Such notice shall be given at least ten days prior to the hearing to determine whether or not civil penalties should be assessed.

(Ord. No. 2009-01, § 2, 2-3-2009; Ord. No. 2011-04, § 1(Exh. A), 4-5-2011; Ord. No. 2017-40, § 2, 10-3-2017)

Sec. 18-396. Procedure after hearing.

After the hearing before the building and standards commission, the city shall deliver a copy of the order by personal delivery, by certified mail, return receipt requested, or by the United States Postal Service using signature confirmation service, to the record owners of the affected property and to any lienholder or mortgagee of the affected property. Within ten days after the date the order from the building and standards commission is issued the city will:

- (1) File a copy of the order in the office of the city secretary; and
- (2) Publish in the city's official newspaper 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 hearing or order; and
 - d. Instructions stating where a complete copy of the order may be obtained.

(Ord. No. 2009-01, § 2, 2-3-2009; Ord. No. 2017-40, § 2, 10-3-2017)

Sec. 18-397. Enforcement—Expenses.

- (a) If an owner does not take the action ordered by the building and standards commission within the allotted time the code enforcement official shall promptly mail by certified mail, return receipt requested, a copy of the order to any lienholder or mortgagee of the building not previously served with the order.
- (b) If the owner, lienholder, mortgagee, manager or occupant should fail to comply with an order of the building and standards commission, the building and standards commission may, in addition to any other actions or remedies in this article, authorize the city to:
 - (1) Vacate, secure, remove or demolish the building.
 - (2) Relocate the occupants.
 - (3) Repair the building to the extent necessary to bring the building into compliance with the minimum standards.
- (c) The building and standards commission may authorize the code enforcement official to secure a building that violates the minimum standards and is unoccupied or is occupied only by persons who do not have a right of possession before notice and hearing.
- (d) The building and standards commission may assess all expenses incurred by the city pursuant to the foregoing provisions against the owner of the property and the property. Said assessment of expenses shall constitute a privileged lien on the property subordinate only to tax liens and previously recorded bona fide mortgage liens, unless the property is a homestead protected by the Texas Constitution in accordance with V.T.C.A., Local Government Code ch. 214 and ch. 54.
- (e) The building and standards commission by order, may assess and recover a civil penalty against the property owner in an amount not to exceed \$1,000.00 per day for each violation or, if the owner shows that the

property is the owner's lawful homestead, in an amount not to exceed \$10.00 per day for each violation, if the city proves:

- (1) The property owner was notified of the requirements of this chapter and the owner's need to comply with the requirements; and
 - (2) After notification, the property owner committed an act in violation of this article or failed to take an action necessary for compliance with this article.
 - (3) The commission may not order conditional civil penalties.
 - (4) A determination of civil penalties made by the building and standards commission is final and binding and constitutes prima facie evidence of the penalty in any court of competent jurisdiction in a civil suit brought by the city for final judgment in accordance with established penalty.
- (f) The city council hereby finds and declares that the general administrative expenses of inspecting buildings, conducting hearings, issuing notices and orders, together with associated administrative functions, require the reasonable charge of \$500.00 for each lot, adjacent lots under common ownership or tract of land. Such minimum charge is hereby established and declared to be the charge for such administrative expenses to be assessed in each instance where the building and standards commission determines that the building or structure is a dangerous building and the city has been required to proceed with notice and hearing as provided for in section 18-392, together with any additional charges as delineated in section 18-397(g). Notwithstanding any tabulation of recorded costs, a charge of \$500.00 is hereby expressly stated to be the minimum charge, unless otherwise determined by the building and standards commission. Further, the cost of securing, repairing, demolishing the building or buildings, either by the city or by persons doing so under contract with the city, shall be separately calculated and assessed in each instance where the city secures, repairs, demolishes or causes the demolition of a building or buildings pursuant to this article. Nuisance abatement, as determined by the commission, may also be included in the assessment of cost.
- (g) Any case referred to the building and standards commission for consideration shall also have attached as costs all expenses incurred by the city to research ownership and mortgagee/lienholder interests, as such research is required by state law to fix enforceable orders and liens. The city shall certify all administrative expenses and costs of securing, repairing, or demolishing a building or buildings by the city or by persons doing so under contract with the city, as a charge which shall be assessed the owner thereof, and which shall constitute a lien on the land on which the building or buildings are or were situated.
- (h) Civil penalties and expenses assessed herein shall constitute a personal liability of the property owner and a lien against the property and shall accrue interest at the rate of ten percent per annum.
- (i) If an order has been issued pursuant to this article for the repair, securing or demolition of a building or buildings and the city has let a contract for such work, and the building or buildings are subsequently repaired, secured or demolished by the owners prior to completion of the contracts let by the city, the administrative expenses and all costs for cancellation of the contract shall be certified as a charge which shall be assessed against the owners thereof, and which shall constitute a lien on the land on which the building or buildings are or were situated. Such charge shall bear interest at the rate of six percent per annum until paid.
- (j) Upon a finding by the building and standards commission that a building is dangerously damaged or deteriorated, or is likely to endanger persons or property, the code enforcement official may place a placard notice on all dwelling units which the building and standards commission has determined to be dangerously damaged or deteriorated, or likely to endanger persons or property, with the following language:

DO NOT ENTER
UNSAFE TO OCCUPY
IT IS A MISDEMEANOR TO OCCUPY THIS
BUILDING, OR TO REMOVE OR DEFACE THIS NOTICE.

BUILDING OFFICIAL
CITY OF SEABROOK, TEXAS

(Ord. No. 2009-01, § 2, 2-3-2009; Ord. No. 2011-04, § 1(Exh. A), 4-5-2011; Ord. No. 2017-40, § 2, 10-3-2017)

Sec. 18-398. Offenses.

It is unlawful for the owner, occupant, lessees or manager of a building governed by this division to:

- (1) Permit a building to be in violation of any provision of this division;
- (2) Permit a building to exist in a dilapidated or substandard condition, or condition unfit for human habitation and a hazard to the public health, safety, and welfare;
- (3) Permit a building to be unoccupied and 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;
- (4) Permit a building that is boarded up, fenced or otherwise secured to:
 - a. Constitute a danger to the public; or
 - b. Have inadequate means to secure the building from unauthorized entry or use.
- (5) Permit a building to be occupied only by persons who do not have a right of possession and violate any provision of this division;
- (6) Permit a building to exist in a dangerously damaged or deteriorated condition or in a condition likely to endanger persons or property;
- (7) Without authority from the code enforcement official or the fire marshal, he or she removes or destroys a placard placed pursuant to subsection 18-397(i) by such officials; or
- (8) As owner, operator, or manager of a building, he or she permits a person to occupy a building or room on which the code enforcement official or the fire marshal has placed a placard pursuant to subsection 18-397(i), or he or she occupies a building or room on which the code enforcement official or the fire marshal has placed such a placard, absent express authorization of the subject official(s).

(Ord. No. 2009-01, § 2, 2-3-2009; Ord. No. 2011-04, § 1(Exh. A), 4-5-2011; Ord. No. 2017-40, § 2, 10-3-2017)

Sec. 18-399. Demolition regulations

extended to cover site clearance, leveling and grading.

- (a) In addition to the building regulations contained in this article, the regulations concerning the demolition of buildings and permits therefore are extended to cover and include that:
 - (1) All debris must be removed from the property, all holes or depressions in the ground must be filled to grade level.
 - (2) The grading and leveling and clearance of the site of the demolition where the removal of structures makes such grading, leveling or clearance necessary, or where such grading, leveling or clearance is necessary to protect adjacent property for the public safety. The grading and leveling shall include appropriate fill to insure proper drainage, and a permit shall be secured for any fill work if provided by city code.

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(Supp. No. 24, Update 3)

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- (3) All lumber, pipes and all other building materials must be removed from the property.
 - (4) All pipes and conduits must be removed from above grade and must be removed or sealed below grade.
 - (5) All piers, pilings, steps, foundations, and other appurtenances must be removed from the property.
 - (b) Each person having an interest in the building or control over the property on which the building stood prior to removal or demolition is individually responsible for completing this work.
- (Ord. No. 2009-01, § 2, 2-3-2009; Ord. No. 2011-04, § 1(Exh. A), 4-5-2011)

Sec. 18-400. Disconnecting public utilities.

The code enforcement official may request that public utilities be disconnected in order that demolition, other nuisance abatement or code compliance actions may be accomplished without delay in those cases where the structure is open, vacant, dilapidated, or subject to any of the conditions defining public nuisance in this article.

(Ord. No. 2009-01, § 2, 2-3-2009; Ord. No. 2011-04, § 1(Exh. A), 4-5-2011; Ord. No. 2017-40, § 2, 10-3-2017)

Sec. 18-401. Authority for summarily securing unoccupied buildings.

- (a) *Purpose; no emergency required.* An owner or person in control of an unoccupied building shall ensure that the building is in such condition that an unauthorized person cannot enter into it through missing or unlocked doors or windows, or through other openings into the building. The city may secure unoccupied, unsecured structures after the owner(s) fail to do so after reasonable notice, or, in the case of an unsecured, unoccupied building located within 1,000 feet of a public or private elementary school, middle school, or high school, or a state recognized day care center, at the discretion of the code compliance director, the city may secure without prior notice, as prescribed by V.T.C.A., Local Government Code § 214.0011. Subsequent notice of discretionary, summary abatement shall be provided as set forth in subsection (i)(1) and (2) below and as provided by law. A lien may be filed on non-homestead residential structures to assure recovery of the cost of securing.
- (b) *Definition.* An unsecured, unoccupied building is hereby defined to be any structure that currently has no legitimate occupant or tenant, or is occupied by persons who have no right to possession, and which has missing or unlocked doors or windows, or other unsecured openings into the building through which an unauthorized person, including a child, could enter. Any unoccupied, unsecured building is hereby declared to be a danger to the public health and safety and a public nuisance.
- (c) *Notice.* Whenever it is found that an unoccupied building is in such condition that an unauthorized person or child could enter it through missing or unlocked doors or windows or other openings, the code enforcement officer or the fire marshal may cause a written "Notice To Secure" to be given to the owner of the property or to any person having control over the property. Such notice shall inform the addressee that the building is a public nuisance, and must be secured in compliance with this section within ten days of the receipt of the notice, or that the city has already secured the structure. The notice shall be served to the addressee by first class mail or by personal delivery, and by posting the notice on or near the front door of the building by a code compliance investigator, fireman, peace officer, or other persons authorized by the city manager. When the city has already secured the structure, notice shall be given no later than the eleventh day after the date the structure is secured.
- (d) *Appeal.* Any property owner who believes that the code enforcement officer or the fire marshal has erroneously identified his or her structure as an unsecured, unoccupied structure, shall have the opportunity

to appear before a hearing of the commission or board charged with declaring such public nuisances, in person or by attorney, to present any relevant facts as to the condition of the premises upon submitting a written request for such hearing within 30 days after the structure is secured. A hearing shall be held within 20 days after the date a request is filed. Details concerning the right to appeal shall appear on the notice to secure or notice of accomplished securing. The commission/board may require the posting of a performance bond not to exceed \$1,000.00 to ensure performance of any agreement that may be reached with the owner of the property in question and which results in the postponement of a pending civil order to secure and/or clean.

- (e) *Offense.* It is unlawful for any building owner or person having control of any premises to cause, permit, or allow a public nuisance as defined in this article or to fail to timely comply with a notice to secure ordered by the code enforcement officer or fire chief given pursuant to this section. Violation shall be punishable by a fine of not less than \$50.00 nor more than \$1,000.00 unless otherwise provided in the Code (e.g., chapter 55). Each day's failure to comply after the expiration of the notice period shall constitute a separate offense.
- (f) *City may secure structures.* If the owner fails to comply with the notice to secure, the code enforcement officer or fire marshal may order the boarding up of all openings to the building so as to prevent entry, or the securing of the structure in any other reasonable fashion.
- (g) *Method of securing.* The securing of windows, doors, or any other opening allowing access to an unsecured, unoccupied structure shall be done with such materials and technique to effectively bar entrance to the structure. Such materials include, but are not limited to, plywood, lumber, steel, replacement glass, nails, screws, and bolts. The use of cardboard, tar paper, window and door screens, or any other material that will not effectively prevent entrance shall not be sufficient to meet the requirements of this section. Upon receipt of a notice to secure, each and every accessible means of entry must be secured.
- (h) *Method of cleaning.* The cleaning of an unoccupied building shall include maintenance of said structure and its lot free and clear of garbage, trash, debris, rubbish, waste, wood and metal scrap, inoperative or abandoned appliances and furniture. All weed and grass cuttings shall be removed from the premises in accordance with the provisions of chapter 55 of the city Code and state statutes.
- (i) *Collections and liens.* If the city secures a structure pursuant to authority granted by the Texas Local Government Code and in accordance with this article IV, the city shall proceed to secure payment for said actual costs of securing the property plus an administrative fee of \$180.00 by the following:
 - (1) Residential property of ten dwelling units or less: If after 30 days from billing for the securing of a structure, payment in full has not been made, the city may proceed to collect the amount due including the costs of securing, plus all associated costs and fees by filing a lien to be recorded in the real estate records of Harris County, Texas, pursuant to authority granted by law.
 - (2) All other structures: If after 30 days from billing for the securing of a structure, payment in full has not been made, the city may bring suit in a court of competent jurisdiction to collect the amount due including the cost of securing plus all associated costs and fees. The city attorney is hereby further authorized to make use of whatever legal or equitable remedies are available to collect said monies due, including filing and foreclosure of liens as appropriate.
- (j) *Fee and cost payable date.* The cost of securing, plus the attendant administrative cost shall attach and become an account receivable on the date completion of the boarding-up, fencing, or other method of securing any structure.
- (k) *Other remedies available.* The remedies provided in this section shall be available in addition to others provided by law or equity. The issuance of a notice to secure or imposition of a fine pursuant to another section of this Code shall not be required as a prerequisite to the initiation of abatement action, nor shall the issuance of a notice to secure or imposition of a fine under this section preclude any other or additional abatement remedies.

(l) *Danger posed by unsecured structure:*

- (1) Where the code enforcement official find that an unsecured building, regardless of the date of its construction, poses such a danger to public, health, safety, and welfare that in the officer's judgment summary abatement is necessary, or where an unsecured building is located within 1,000 feet of a public or private grammar school, middle school, or high school, or a state recognized day care center, he/she may cause the structure to be secured and cleaned.
- (2) Notice to the owner(s) shall be provided before the 11th day, after the structure is secured, by personal service, or notice by first class U.S. Mail at the owner's post office address. If personal service cannot be obtained and the owner's post office address is unknown, notice may be performed by either publishing the notice twice within a ten-day period in a newspaper of general circulation in the county in which the building is located, or posting the notice on or near the front door of the building. The notice shall contain the information required by applicable state law, and as such law may from time to time be amended, at least: (i) a description of the building and the property on which it is located (need not be legal description); (ii) description of the violation; (iii) statement of owner's need to secure or that city has secured, as the case may be; and (iv) explanation of owner's right to request a hearing on the matter, if within 30 days of securing, owner files written request for hearing. The commission must hear the matter within 20 days after the date request is filed.
- (3) It shall be unlawful for any person to enter such premises or remove the posted notice without written permission from the director of development services.
- (4) The city's costs may be recovered and a lien filed in the same manner as to secure city expenses incurred to remediate other premises violations.

(m) *Assessment of expenses.* The commission has the same authority to assess expenses under this section as it has to assess expenses under section 18-397 herein. A lien created under this section is subject to the same conditions as a lien created in 18-397.

(Ord. No. 2017-40, § 2, 10-3-2017)

Sec. 18-402. Building and standards commission other remedies; chapters 54 and 214, Texas Local Government Code.

Nothing in this chapter shall preclude the city's pursuit of any and all other remedies allowed under civil and criminal law, or in equity, to address conditions which are treated in this chapter, under the theory of public nuisance and the abatement of dangerous buildings or structures. Neither shall the city be required, nor prohibited, to issue criminal citations before, after, or during any proceeding prescribed in this chapter.

Specifically, in addition to the provisions in this chapter and remedies afforded under V.T.C.A., Local Government Code ch. 54, Municipal Regulation of Structures, the city further asserts full authority to exercise its right to remedy under all provisions of the V.T.C.A., Local Government Code including, but not limited to, ch. 214, subchapter B, Municipal Health and Safety Ordinances, and ch. 342, Municipal Fire Protection, subchapter B, in prosecution of civil suits for enforcement, removal or destruction of buildings and structures, injunctive relief, and civil penalties to remedy conditions of public concern described in this chapter.

(Ord. No. 2009-01, § 2, 2-3-2009; Ord. No. 2011-04, § 1(Exh. A), 4-5-2011; Ord. No. 2017-40, § 2, 10-3-2017)

Ord. No. 2017-40, § 2, adopted Oct. 3, 2017, repealed former § 18-402 which pertained to appeal to district court under substantial evidence rule; lien priority, and derived from Ord. No. 2009-01, § 2, adopted Feb. 3, 2009. Ord. No. 2017-40 subsequently renumbered former § 18-401 as § 18-402.

Sec. 18-403. Judicial review of a building and standards commission order.

- (a) Any owner, lienholder or mortgagee of record, jointly or severally aggrieved by an order of the commission, may file in Harris County District Court a verified petition setting forth that the decision is illegal, in whole or in part, and specifying the grounds of the illegality. The petition must be filed with the court within 30 calendar days after the respective dates a copy of the order of the commission is personally delivered, mailed by first class mail, certified return receipt requested or delivered to them by the United States Postal Service using signature confirmation service to all persons to whom notice is required to be sent under V.T.C.A. Government Code § 54.035. Notice of the order shall be as directed by law. If a petition is not filed within the 30-calendar day period by an owner, lienholder or mortgagee, the order of the commission shall become final as to that owner, lienholder or mortgagee upon the expiration of such 30-calendar day period.
- (b) On filing of the petition, the district court may issue a writ of certiorari directed to the commission to review the decision and order of the commission and shall prescribe in the writ the time within which a return on the writ must be made, which must be longer than ten days and served on the relator or the relator's attorney.
- (c) The commission may not be required to return the original papers acted on by it, but it is sufficient for the commission to return certified or sworn copies of the papers or of parts of the papers as may be called for by the writ.
- (d) The return must concisely set forth other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.
- (e) The allowance of the writ does not stay proceedings on the commission decision appealed from.
- (f) The district court's review of the order of the commission shall be in accordance with V.T.C.A. Local Government Code §§ 214.0012 and 54.039.

(Ord. No. 2017-40, § 2, 10-3-2017)

Sec. 18-404. Municipal court enforcement.

Proceedings by the building and standards commission do not affect proceedings under the jurisdiction of the municipal court.

(Ord. No. 2017-40, § 2, 10-3-2017)

Secs. 18-405—18-415. Reserved.

Editor's note(s)—Section 1(Exh. A) of Ord. No. 2011-04, adopted April 5, 2011, repealed former div. 10, § 18-409, which pertained to energy conservation code adopted and derived from Code 1996, § 18-409 and Ord. No. 2002-02, § 2, adopted March 5, 2002.



Substandard Structure Inspection Report

**408 Waterfront Dr Bldg. A
Seabrook, TX 77586**

Date of Inspection: April 21, 2025

The Seabrook Building Department inspected the structure located at 408 Waterfront Dr Bldg. A, Seabrook, TX 77586. It was found to be in violation of the City of Seabrook Code of Ordinances, Chapter 18 "Building and Building Regulations", Article IV "Standards", Division 12, "Substandard, Unsafe Buildings-Dangerous Buildings", Section 18-389 "Dangerous Buildings, Structures and Nuisances Defined", Numbers 2, 3, 12 13, and 14. The Building Official deemed the structure to be a public nuisance.

During the inspection the following violations were noted:

- Structure had become deteriorated and damaged such that it is a danger of collapse and it cannot be expected to withstand reasonably anticipated weather conditions, such as storms or hurricanes. (2)
- Conditions within the building/structure were found that violates the City's building, electrical, plumbing, and fire codes. (3)
- Parts of buildings and structures that may fall and injure a person or property. (12)
- The condition, use, or appearance of the property is in violation of the minimum standards of this division, specifically including the property maintenance code. (13)
- The building fails to meet the requirements necessary to retain a certificate of occupancy. (14)
- In Addition, the building is substantially damaged by definition based on NFIP Regulation and CH38 Flood

Staff has scheduled a public hearing to be held on July 29, 2025 at 6:00 p.m. before the Building and Standards Commission to hear testimony and receive evidence as to the condition of the above mentioned structure.

Nicholas Kondejewski
Building Official / Floodplain Administrator
CFM, TSBPE I-2833
City of Seabrook



Substandard Structure Inspection Photos
Violation Sections: 2, 3, 12, 13, and 14





Substandard Structure Inspection Photos
Violation Sections: 2, 3, 12, 13, and 14





July 7, 2025

VIA CERTIFIED MAIL RRR: 7022 3330 0001 5260, 7022 330 0001 5260 9311, 7022 3330 0001 5260 9328, 7022 3330 0001 5260 9335

Teresita & Alfredo Bartolome
PO Box 1064
Seabrook, Texas 77586
HCAD: 1325110010002

Re: NOTICE OF HEARING

408 Waterfront Dr Bldg A, Seabrook, TX 77586
Lot Two (2), Block One (1) (1,000sqft Easement), Bartolome Special, an addition in Harris County, Texas, according to the map or plat thereof recorded in film code No.637157 of the Map Records of Harris County, TX

Dear Mr. & Mrs. Bartolome:

The above-referenced property upon inspection, has been identified as a dangerous building by the Department of Community Development due to the fact that it constitutes a hazard to the health, safety, and welfare of its occupants and citizens of this City. The building official has found it to be in violation of the City of Seabrook Code of Ordinances, Chapter 18 "Building and Building Regulations", Article IV "Standards", Division 12, "Substandard, Unsafe Buildings-Dangerous Buildings", Section 18-389 "Dangerous Buildings, Structures and Nuisances Defined", Numbers (1), (3), (4), (5), (6), (7), (8), (10), (11), (12), (13), and (14). A copy of the inspection report, listing the specific conditions or defects that render the building/structure a substandard and/or dangerous building, is attached for your reference.

A hearing concerning the condition of your property will be held at the Seabrook City Hall on July 29, 2025, at 6:00 p.m. before the Building and Standards Commission (Commission), during which the Commission will consider and, if deemed appropriate, adopt an order providing that the building or structure be vacated, secured, repaired, removed and/or demolished. Under the provisions of Section 18-387 et. seq. of the Seabrook Code of Ordinances and 214.001(l) of the Texas Local Government Code, the owner, lien holder or mortgagee will be required to submit at the hearing at the time indicated in this notice, proof of the scope of any work that may be required to comply with the provisions of the Code of Ordinances of the City of Seabrook and the time it will take to reasonably perform the work. The City will vacate, secure, remove, or demolish the building or relocate the occupants of the building if the ordered action is not taken within a reasonable time in conformity with the determinations of the Commission. All



persons having an interest in the property may appear in person at the hearing and/or be represented by an attorney who may at that time present testimony and may cross-examine all witnesses.

According to the real property records of Harris County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office not later than the 20th calendar day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not. This notice is being provided to you pursuant to Texas Local Government Code 54.005. Additionally, if to your knowledge, there are other owners of this property, please complete the information as provided in Attachment "A" and return this notice by mail in the self-addressed envelope enclosed.

All persons having an interest in the property are advised that the City may by order, after the time allotted for repair, removal, or demolition of a building, seek an assessment of lien against the property for City expenses, or a civil penalty against the property for failure to repair, remove, or demolish, in an amount not to exceed \$1000.00 a day for each violation, together with interest at the annual rate of 10% until paid in full. Additionally, the City may seek foreclosure of all liens, costs, and attorney's fees in accordance with law.

If this notice is not returned within five (5) calendar days after receipt, the City of Seabrook will proceed on the assumption that our records are correct and that you are the sole owner of the subject property.

Sincerely,

Nicholas Kondejewski
Building Official
Floodplain Admin.
CFM, TSBPE-I 2833
City of Seabrook

Posting on or near the Front Door of the Building

CC: Janina Wojtkowski, Waldron & Schneider, PLLC, 15150 Middlebrook Dr., Houston, TX 77058
Kimberly Bartley, Waldron & Schneider, PLLC, 15150 Middlebrook Dr., Houston, TX 77058
U.S. Small Business Administration, Attn: Administrator, 10737 Gateway West #320, El Paso, TX 79935
Francis M. Flato, 4300 Amon Carter Blvd. Suite 114, Fort Worth, TX 76155



AFTER FILING RETURN TO:

City of Seabrook
Attn: Code Enforcement
1700 First Street
Seabrook, Texas 77586

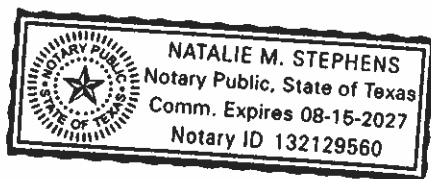
Enclosure: Inspection Report, Seabrook's Substandard, Unsafe Buildings Ordinance

cc: Gayle Cook, City Manager, w/out enclosures
Andrea Chan, Olson & Olson, City Attorney w/out enclosures
Rachel Lewis, City Secretary, with enclosures
Harris County Clerk, Official Public Records of Real Property
Alfredo and Teresita T. Bartolome, PO Box 1064, Seabrook, TX 77586-1064
VIA CERTIFIED MAIL RRR: 7022 3330 0001 5260 9304
Kimberly A. Bartley, Waldron & Schneider, PLLC Attorney 15150 Middlebrook Dr., Houston, TX 77058
VIA CERTIFIED MAIL RRR: 7022 3330 0001 5260 9328
Janina Wojtkowski, Waldron & Schneider, PLLC, 15150 Middlebrook Dr., Houston, TX 77058
VIA CERTIFIED MAIL RRR: 7022 3330 0001 5260 9311
U.S. Small Business Administration, Attn: Administrator, 10737 Gateway West #320, El Paso, TX 79935
VIA CERTIFIED MAIL RRR: 7022 3330 0001 5260 9335
Francis M. Flato, 4300 Amon Carter Blvd. Suite 114, Fort Worth, TX 76155
VIA CERTIFIED MAIL RRR: 7022 3330 0001 5260 9366

State of Texas
County of Harris

Before me, Natalie Stephens notary public, State of Texas, on this day, personally appeared Nicholas Kondejewski known to me, to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed, and in the capacity therein and herein set out.

Given under my hand and seal of office this 8 day of July, 2025.



Natalie Stephens
Signature of Notary Public
Natalie Stephens
Printed Name of Notary
Notary Public, State of Texas
My Commission Expires: 8-15-27



Agenda Briefing

Date of Meeting: July 29, 2025

Responsible Department: Community Development

Presenter: Nick Kondejewski, Chief Building Official | Floodplain Administrator

Briefing Prepared By: Sean Landis

Strategic Focus Area:

General Information:

Discussion, consideration and possible action concerning the current condition of the building/structure located at 408 Waterfront Dr Bldg B, Seabrook, Texas, 77586 and issue any order(s) determined necessary to address such conditions.

Executive Summary / Background:

The above-referenced property, upon inspection, has been identified as a dangerous building by the Department of Community Development due to the fact that it constitutes a hazard to the health, safety, and welfare of its occupants and citizens of this city. The building official has found it to be in violation of the City of Seabrook Code of Ordinances, Chapter 18 "Building and Building Regulations", Article IV "Standards", Division 12, "Substandard, Unsafe Buildings-Dangerous Buildings", Section 18-389 "Dangerous Buildings, Structures and Nuisances Defined", Numbers (1), (3), (4), (5), (6), (7), (8), (11), (12), (13), and (14).

Funding / Fiscal Information:

Supporting Materials Attached:

- 1.DIVISION_12. __SUBSTANDARD__UNSAFE_BUILDINGS_DANGEROUS_BUILDINGS (3)
- 2.Substandard Structure Inspection Report
- 3.Substandard Structure Notice

Prior Action / Review by Council, Boards, Commissions:

Staff Recommendation:

Staff request that an order be issued requiring the demolition and removal of the structure from the property within 30 calendar days of the date of this hearing.

Staff further request that the order include the following provision: If the structure is not demolished and removed within the allotted time, the City may proceed with demolition and removal, and liens shall be filed against the property to recover associated costs.

DIVISION 12. SUBSTANDARD, UNSAFE BUILDINGS—DANGEROUS BUILDINGS¹

Sec. 18-386. Created, composition—Building and standards commission.

There is hereby created the building and standards commission, composed of five members, which shall consist of the members of the zoning board of adjustment, and alternate members of the board of adjustment appointed by city council, who shall serve in the absence of one or more regular members when requested to do so by the city manager/designee. Persons appointed to the zoning board of adjustment shall also automatically be appointed to the building and standards commission, and such appointment shall constitute one position. Persons appointed to the zoning board of adjustment/building and standards commission shall hold no other position in the city government, and shall serve without pay. Each member shall be a qualified voter at the time of appointment and shall be a resident within the corporate limits of the City of Seabrook and shall have been a resident for a period of 12 months prior to appointment. The appointment of the members shall be for a term of two years or until replacements are appointed corresponding and indistinguishable with the requirements for the zoning board of adjustment.

(Ord. No. 2009-01, § 2, 2-3-2009)

Sec. 18-387. Authority and purpose.

This division is remedial and essential to the public interest, safety, health, and welfare and it is intended that it be liberally construed to effectuate its purposes. It establishes minimum standards for the continued use and occupancy of all buildings regardless of the date of their construction; materials or methods used to construct a building or improvements, including the foundation, structural elements, electrical wiring, plumbing, fixtures, entrances, or exits; addresses conditions caused by accumulations of refuse, vegetation, or other matter that creates breeding and living places for insects and rodents; and incorporates the building codes or other city codes and statutory provisions relating to the condition, use, or appearance of property within the city. The provisions of this division are hereby adopted pursuant the City Charter, the Texas Constitution, Article XI, Section 5, and in accordance with V.T.C.A., Local Government Code chs. 54, 214 and 342.

The purposes of this division include, but are not limited to, utilization of a building and standards commission to hear and determine cases concerning the alleged violation of ordinances and related law concerning the following:

- (1) For the preservation of public safety, relating to the materials or methods used to construct a building or improvement, including the foundation, structural elements, electrical wiring or apparatus, plumbing and fixtures, entrances, or exits, including, but not limited to, the building codes as adopted and the minimum standards for buildings in this chapter;
- (2) Relating to the fire safety of a building or improvement, including, but not limited to, provisions in the International Fire Code as adopted in chapter 34 herein, relating to materials, types of construction or

¹Editor's note(s)—Former div. 9. See Code Comparative Table for complete derivation.

State law reference(s)—General enforcement authority of municipalities regarding substandard buildings, V.T.C.A. Local Government Code § 214.001 et seq.

design, or fire suppression devices, availability of water supply for extinguishing fires, or location, design, or width of entrances or exits;

- (3) Relating to dangerously damaged or deteriorated buildings or improvements, including, but not limited to, provisions in the property maintenance code, sections 18-360 through 18-361 in this chapter;
- (4) Relating to conditions caused by accumulations of refuse, vegetation, or other matter that creates breeding and living places for insects and rodents, as provided in this division and the code of ordinances, including the comprehensive zoning code and nuisance provisions, when such nonconformity constitutes a danger to the public health, safety, and welfare;
- (5) Relating to a building code or to the condition, use, or appearance of property in the city including, but not limited to, provisions regarding the minimum standards for buildings in this division;
- (6) 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.
- (7) To provide, to the fullest extent of the law, 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 is 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, and/or demolished by the owner and/or the occupants thereof to be relocated.
- (8) To provide fire safety of buildings or improvements, including provisions related to materials, types of construction or design, warning devices, fire suppression devices, availability of water supply for extinguishing fires, location, design or width of entrances or exits, and enforcement of all city building and fire codes.

(Ord. No. 2009-01, § 2, 2-3-2009; Ord. No. 2011-04, § 1(Exh. A), 4-5-2011; Ord. No. 2017-40, § 2, 10-3-2017)

Sec. 18-388. Minimum building standards adopted—Investigation.

Any building or structure whose condition violates the minimum standards in this chapter, including, but not limited to a building or structure that has deteriorated or is operated or maintained in violation of the minimum standards for the continued use and occupancy of all types of buildings and structures within the city, as adopted and established in this chapter, is hereby subject to investigation upon presentation of evidence of probable cause to a magistrate by a peace officer, code enforcement official, fire marshal, or health officer in accordance with Article 18.05 of the Texas Code of Criminal Procedure.

(Ord. No. 2009-01, § 2, 2-3-2009; Ord. No. 2011-04, § 1(Exh. A), 4-5-2011; Ord. No. 2017-40, § 2, 10-3-2017)

Sec. 18-389. Dangerous buildings, structures and nuisances defined.

Any building or structure, regardless of date of its construction, that after a public hearing is found by the commission to be in violation of the minimum standards of this division, including having any of the following defects, may be deemed to be substandard and/or unfit for human habitation and as a result, a danger to the public health, safety and welfare and thus, declared to be a dangerous building or structure:

-
- (1) Any building or structure that has become deteriorated or damaged such that its roof, walls, or flooring is not weathertight and waterproof such that it violates the minimum standards of this article;
 - (2) Any building or structure that is so structurally deteriorated or damaged that it is in danger of collapse or that cannot be expected to withstand reasonably anticipated weather conditions, such as storms or hurricanes;
 - (3) Conditions within any building or structure that violate any provision of the city's building, electrical, plumbing, fire, maintenance or other such codes;
 - (4) A building or improvement that does not meet the fire safety standards as adopted by city code, including materials or methods used to construct the building or improvement, including the foundation, structural elements, electrical wiring or apparatus, plumbing, and fixtures, entrances or exits do not meet the standards set forth in this article in regards to preservation of public safety;
 - (5) A building or use thereof that violates the city code nuisance provisions in that there exist conditions caused by accumulations of refuse, vegetation, or other matter that creates breeding and living places for insects and rodents;
 - (6) A building or improvement that is dilapidated, decayed, unsafe, unsanitary, or has substandard conditions or any condition that fails to provide amenities essential to decent living so that the premises are unfit for human habitation, or are likely to cause sickness or disease, so as to cause injury to the public health, safety, and welfare;
 - (7) Buildings and structures, regardless of their structural condition, that have been, during times that they were not actually occupied by their owners, lessees or other legal invitees, been left unsecured from unauthorized entry to the extent that they may be entered by vagrants or other uninvited persons as a place of harborage or could be entered by children.
 - (8) Buildings and structures, which are secured by a means inadequate to prevent unauthorized entry or use in the manner described in subsection (7).
 - (9) A wall or other vertical member that lists, leans or buckles to such an extent that a plumb line passing through the center of gravity falls outside the middle third of its base.
 - (10) Inadequate facilities for egress in case of fire or panic or insufficient stairways, elevators, or fire escapes.
 - (11) When a building which is partially constructed has not had any significant construction work done on it in the preceding six months, and it is not secured by a fence or other means to prevent children and vagrants from entering the building.
 - (12) Parts of buildings and structures that may fall and injure a person or property.
 - (13) The condition, use, or appearance of the property is in violation of the minimum standards of this division, specifically including the property maintenance code;
 - (14) The building fails to meet the requirements necessary to retain a certificate of occupancy.

(Ord. No. 2009-01, § 2, 2-3-2009; Ord. No. 2011-04, § 1(Exh. A), 4-5-2011; Ord. No. 2017-40, § 2, 10-3-2017)

Editor's note(s)—Section 1(Exh. A) of Ord. No. 2011-04, adopted April 5, 2011, changed the title of § 18-389 from "Dangerous buildings or structures defined" to "Dangerous buildings, structures and nuisances defined."

Sec. 18-390. Declaration of nuisance; conduct prohibited.

Any building or structure which has any or all of the conditions or defects described above in section 18-389, where such condition or conditions pose a threat or potential threat to life, health, property, or human safety; or

conditions caused by accumulations of refuse, vegetation, or other matter that creates breeding and living places for insects, and rodents, is hereby declared to be a public nuisance, is prohibited as unlawful, and shall be abated according to provisions of this division. It is an offense for an owner or occupant or other person having control of the building, structure or property to fail to abate such public nuisance. Therefore failure to abate such condition may also be prosecuted as a criminal misdemeanor offense. It is a further offense and unlawful for any person to cause, permit, or allow a dangerous building after the 30th day after the date on which the building and standards commission finds a condition of nuisance and orders abatement, or after such extended date as may be lawfully permitted by the building and standards commission.

(Ord. No. 2009-01, § 2, 2-3-2009; Ord. No. 2011-04, § 1(Exh. A), 4-5-2011)

Sec. 18-391. Commencement of proceedings.

When the code enforcement official has determined that a building is a dangerous building, he/she will set a date and time for a public hearing before the building and standards commission to determine if the building complies with the minimum standards established in this article. The code enforcement official may seek voluntary compliance with the owner, lienholder or mortgagee of the building before seeking a hearing before the commission. If the code enforcement official receives voluntary compliance from the owner, lienholder or mortgagee, a public hearing is not required.

(Ord. No. 2009-01, § 2, 2-3-2009; Ord. No. 2011-04, § 1(Exh. A), 4-5-2011; Ord. No. 2017-40, § 2, 10-3-2017)

Sec. 18-392. Notice of hearing before the building and standards commission.

Notice of all proceedings before the building and standards commission shall be given on or before the tenth day before the date fixed for hearing:

- (1) By personal delivery, by certified mail, return receipt requested, or by delivery by the United States Postal Service using signature confirmation to the record owners of the affected property sent to the last known address, and each mortgagee, lienholder and each holder of a recorded lien against the affected property, as shown by the records of the county clerk in which the affected property is located if the address of the lienholder can be ascertained from the deed of trust establishing lien or other applicable instruments on file in the office of the county clerk;
- (2) To the owner or manager shown on the current license on file with the city, if applicable;
- (3) To all unknown owners by posting a copy of the notice on the front door of each improvement situated on the affected property or as close to the front as practicable.
- (4) The notice shall be given and posted before the tenth day preceding the date of the hearing before the building and standards commission and must state the date, time, and place of the hearing. In addition, the notice must be published in a newspaper of general circulation in the city on one occasion before the tenth day preceding the date fixed for the hearing.
- (5) The notice shall contain the following:
 - a. The name and address of the owner of the affected property if that information can be determined from a reasonable search of the instruments on file in the Office of the Harris County Clerk.
 - b. An identification, which is not required to be a legal description, of the building and the property on which it is located.
 - c. A description of the violation of the municipal standards/code that is present at the building.

-
- d. A statement that the city will vacate, secure, remove, repair or demolish the building or relocate the occupants of the building if the ordered action is not taken within a reasonable time.
 - e. A statement that the owner, lienholder, or mortgagee will be required to submit proof, at the hearing, of any work that may be required to comply with the ordinance and the time it will take to reasonably perform the work.
 - f. The time, date, and place of the hearing.
- (6) In addition, the city may file a notice in the official public records of real property for Harris County, Texas, or where the real property is primarily situated, pertaining to the hearing, as set forth above, and the notice shall bind all subsequent grantees, lienholders, or other transferees of interest in the property, who acquire such interest after the filing of the notice of hearing 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, according to state law.
- (7) When the city mails a notice in accordance with this section to a property owner, lienholder, or mortgagee, and the United States Postal Service returns the notice as "refused" or "unclaimed," the validity of the notice is not affected, and the notice is considered delivered.

(Ord. No. 2009-01, § 2, 2-3-2009; Ord. No. 2011-04, § 1(Exh. A), 4-5-2011; Ord. No. 2017-40, § 2, 10-3-2017)

Sec. 18-393. Functions.

The building and standards commission panel may:

- (1) Order the repair, within a fixed period, of buildings found to be in violation of an ordinance.
- (2) Declare a building substandard in accordance with the powers granted by this article.
- (3) Order, in an appropriate case, the immediate removal of persons or property found on private property, enter on private property to secure the removal if it is determined that conditions exist on the property that constitute a violation of an ordinance, and order action to be taken as necessary to remedy, alleviate, or remove any substandard building found to exist.
- (4) Issue orders or directives to any peace officer of the state, including a sheriff or constable or the chief of police of the municipality, to enforce and carry out the lawful orders or directives of the building and standards commission panel.
- (5) Determine the amount and duration of the civil penalty the city may recover in accordance with V.T.C.A., Local Government Code § 54.017. A determination of the subject civil penalty is final and binding and constitutes prima facie evidence of such penalty in a court of competent jurisdiction in a civil suit brought by the city for final judgment and may be enforced by the city secretary filing with the District Clerk of Harris County, Texas, a certified copy of the order of the building and standards commission panel establishing the amount and duration of the penalty.

(Ord. No. 2009-01, § 2, 2-3-2009)

Sec. 18-394. Standards for repair, vacation or demolition.

The following standards shall guide the code compliance official in his discretion in ordering a hearing to repair, vacate, secure, and/or demolish a dangerous building and these standards shall be observed and applied by the hearing officers who comprise the building standards board.

-
- (1) The code compliance official, at his/her discretion, may allow, prior to submittal to the commission, or recommend to the commission additional time to develop a rehabilitation plan for occupied homesteads under special circumstances faced by the owner including, but not limited to, mental and/or physical hardships; age; income; length of occupancy; and veteran status.
 - (2) If the alleged dangerous building can be feasibly repaired or the condition remedied so that it will no longer exist in violation of the terms of this article, it shall first be ordered remedied or repaired by the hearing officers. Demolition shall be regarded as a remedy of last resort.
 - (3) If the building is in such condition as to make it dangerous to the health or safety of its occupants, it shall be ordered by the commission to be vacated.
 - (4) In any case where a dangerous building is 50 percent or more damaged or decayed or deteriorated in its structure, or 50 percent or more diminished in its value due to damage, decay, or deterioration, a presumption shall arise that the building cannot be repaired. Value may be evidenced by comparing the valuation of the building by the Harris County Tax Appraisal District. Such presumption may be appropriately rebutted by the weight of the evidence.
 - (5) Principals of sound engineering practices shall be respected.

(Ord. No. 2009-01, § 2, 2-3-2009; Ord. No. 2017-40, § 2, 10-3-2017)

Sec. 18-395. Building and standards commission hearing—Burden of proof.

In a public hearing to determine whether a building complies with the standards set out in this article the owner, lienholder, mortgagee, manager or occupant has the burden of proof to demonstrate the scope of work that may be required to comply with this article and the time it will take to reasonably perform the work. After a public hearing, if a building is found to be in violation of this article, the building and standards commission may:

- (1) Enter on the minutes its findings that the building, or use thereof:
 - a. Is in violation of the minimum standards of this article in specified instances;
 - b. Is dilapidated, substandard, or unfit for human habitation and a hazard to the public health, safety and welfare;
 - c. 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;
 - d. Is boarded up, fenced, or secured but constitutes a danger to the public even though secured from entry; or the means used to secure the building are inadequate to prevent unauthorized entry or use of the building by vagrants, children, or other uninvited persons;
 - e. Violates the minimum standards of this article and is unoccupied or is occupied only by persons who do not have a right of possession; or
 - f. Is dangerously damaged or deteriorated or is likely to endanger persons or property; or
 - g. The condition, use or appearance of the property is in violation of the minimum standards herein; or
 - h. Determine that a building fails to meet the requirements necessary to retain a certificate of occupancy;
- (2) Make an order that:
 - a. Declares that the building is substandard;

-
- b. The owner, lienholder or mortgagee of a building;
 - 1. Secure it; or
 - 2. Repair, remove or demolish the building;
 - c. Persons or property be immediately removed from a building and designate the city to enter on the property to secure the removal if it is determined that conditions exist on the property that constitute a violation of this ordinance;
 - d. Any or all occupants be relocated;
 - e. Such other requirements deemed reasonably necessary, including the abatement of any nuisances caused by accumulations of refuse, vegetation, or other matter that creates breeding and living places for insects, and rodents.
- (3) Time limits.
- a. An order shall require that a building shall be secured within 30 days.
 - b. An order shall require that a building must be repaired, removed or demolished within 30 days unless the owner or lienholder establishes at the hearing that the work cannot reasonably be performed within 30 days.
 - c. If the building and standards commission allows the owner, lienholder, mortgagee, manager or occupant more than 30 days to repair, remove or demolish the building, the building and standards commission shall establish specific time schedules for the commencement and performance of the work and shall require the owner, lienholder, mortgagee, manager or occupant to secure the property in a reasonable manner from unauthorized entry while the work is being performed.
 - d. The building and standards commission may not allow the owner, lienholder, mortgagee, manager or occupant more than 90 days to repair, remove or demolish the building or fully perform all work required to comply with the order of the building and standards commission unless the owner, lienholder, mortgagee, manager or occupant:
 - 1. Submits a detailed plan and time schedule for the work at the hearing; and
 - 2. Establishes at the hearing that the work cannot reasonably be completed within 90 days because of the scope and complexity of the work.
 - e. If the building and standards commission allows the owner, lienholder, mortgagee, manager or occupant more than 90 days to complete any part of the work required to repair, remove or demolish the building, the building and standards commission shall require the owner, lienholder, mortgagee, manager or occupant to regularly submit progress reports to the building and standards commission to demonstrate that the owner, lienholder, mortgagee, manager or occupant complied with the time schedules established by the building and standards commission for commencement and performance of the work. The order may require that the owner, lienholder, mortgagee, manager or occupant appear before the hearing panel to demonstrate compliance with the schedules.
 - f. In a public hearing to determine whether a building complies with the standards set out in this article the owner, lienholder, mortgagee, manager or occupant has the burden of proof to demonstrate the scope of work that may be required to comply with this article and the time it will take to reasonably perform the work.
 - g. Should an owner fail to comply with an order of the building and standards commission to repair, remove or demolish a building the commission may assess civil penalties against such owner

upon notice and hearing. Such notice shall be given at least ten days prior to the hearing to determine whether or not civil penalties should be assessed.

(Ord. No. 2009-01, § 2, 2-3-2009; Ord. No. 2011-04, § 1(Exh. A), 4-5-2011; Ord. No. 2017-40, § 2, 10-3-2017)

Sec. 18-396. Procedure after hearing.

After the hearing before the building and standards commission, the city shall deliver a copy of the order by personal delivery, by certified mail, return receipt requested, or by the United States Postal Service using signature confirmation service, to the record owners of the affected property and to any lienholder or mortgagee of the affected property. Within ten days after the date the order from the building and standards commission is issued the city will:

- (1) File a copy of the order in the office of the city secretary; and
- (2) Publish in the city's official newspaper 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 hearing or order; and
 - d. Instructions stating where a complete copy of the order may be obtained.

(Ord. No. 2009-01, § 2, 2-3-2009; Ord. No. 2017-40, § 2, 10-3-2017)

Sec. 18-397. Enforcement—Expenses.

- (a) If an owner does not take the action ordered by the building and standards commission within the allotted time the code enforcement official shall promptly mail by certified mail, return receipt requested, a copy of the order to any lienholder or mortgagee of the building not previously served with the order.
- (b) If the owner, lienholder, mortgagee, manager or occupant should fail to comply with an order of the building and standards commission, the building and standards commission may, in addition to any other actions or remedies in this article, authorize the city to:
 - (1) Vacate, secure, remove or demolish the building.
 - (2) Relocate the occupants.
 - (3) Repair the building to the extent necessary to bring the building into compliance with the minimum standards.
- (c) The building and standards commission may authorize the code enforcement official to secure a building that violates the minimum standards and is unoccupied or is occupied only by persons who do not have a right of possession before notice and hearing.
- (d) The building and standards commission may assess all expenses incurred by the city pursuant to the foregoing provisions against the owner of the property and the property. Said assessment of expenses shall constitute a privileged lien on the property subordinate only to tax liens and previously recorded bona fide mortgage liens, unless the property is a homestead protected by the Texas Constitution in accordance with V.T.C.A., Local Government Code ch. 214 and ch. 54.
- (e) The building and standards commission by order, may assess and recover a civil penalty against the property owner in an amount not to exceed \$1,000.00 per day for each violation or, if the owner shows that the

property is the owner's lawful homestead, in an amount not to exceed \$10.00 per day for each violation, if the city proves:

- (1) The property owner was notified of the requirements of this chapter and the owner's need to comply with the requirements; and
 - (2) After notification, the property owner committed an act in violation of this article or failed to take an action necessary for compliance with this article.
 - (3) The commission may not order conditional civil penalties.
 - (4) A determination of civil penalties made by the building and standards commission is final and binding and constitutes prima facie evidence of the penalty in any court of competent jurisdiction in a civil suit brought by the city for final judgment in accordance with established penalty.
- (f) The city council hereby finds and declares that the general administrative expenses of inspecting buildings, conducting hearings, issuing notices and orders, together with associated administrative functions, require the reasonable charge of \$500.00 for each lot, adjacent lots under common ownership or tract of land. Such minimum charge is hereby established and declared to be the charge for such administrative expenses to be assessed in each instance where the building and standards commission determines that the building or structure is a dangerous building and the city has been required to proceed with notice and hearing as provided for in section 18-392, together with any additional charges as delineated in section 18-397(g). Notwithstanding any tabulation of recorded costs, a charge of \$500.00 is hereby expressly stated to be the minimum charge, unless otherwise determined by the building and standards commission. Further, the cost of securing, repairing, demolishing the building or buildings, either by the city or by persons doing so under contract with the city, shall be separately calculated and assessed in each instance where the city secures, repairs, demolishes or causes the demolition of a building or buildings pursuant to this article. Nuisance abatement, as determined by the commission, may also be included in the assessment of cost.
- (g) Any case referred to the building and standards commission for consideration shall also have attached as costs all expenses incurred by the city to research ownership and mortgagee/lienholder interests, as such research is required by state law to fix enforceable orders and liens. The city shall certify all administrative expenses and costs of securing, repairing, or demolishing a building or buildings by the city or by persons doing so under contract with the city, as a charge which shall be assessed the owner thereof, and which shall constitute a lien on the land on which the building or buildings are or were situated.
- (h) Civil penalties and expenses assessed herein shall constitute a personal liability of the property owner and a lien against the property and shall accrue interest at the rate of ten percent per annum.
- (i) If an order has been issued pursuant to this article for the repair, securing or demolition of a building or buildings and the city has let a contract for such work, and the building or buildings are subsequently repaired, secured or demolished by the owners prior to completion of the contracts let by the city, the administrative expenses and all costs for cancellation of the contract shall be certified as a charge which shall be assessed against the owners thereof, and which shall constitute a lien on the land on which the building or buildings are or were situated. Such charge shall bear interest at the rate of six percent per annum until paid.
- (j) Upon a finding by the building and standards commission that a building is dangerously damaged or deteriorated, or is likely to endanger persons or property, the code enforcement official may place a placard notice on all dwelling units which the building and standards commission has determined to be dangerously damaged or deteriorated, or likely to endanger persons or property, with the following language:

DO NOT ENTER
UNSAFE TO OCCUPY
IT IS A MISDEMEANOR TO OCCUPY THIS
BUILDING, OR TO REMOVE OR DEFACE THIS NOTICE.

BUILDING OFFICIAL
CITY OF SEABROOK, TEXAS

(Ord. No. 2009-01, § 2, 2-3-2009; Ord. No. 2011-04, § 1(Exh. A), 4-5-2011; Ord. No. 2017-40, § 2, 10-3-2017)

Sec. 18-398. Offenses.

It is unlawful for the owner, occupant, lessees or manager of a building governed by this division to:

- (1) Permit a building to be in violation of any provision of this division;
- (2) Permit a building to exist in a dilapidated or substandard condition, or condition unfit for human habitation and a hazard to the public health, safety, and welfare;
- (3) Permit a building to be unoccupied and 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;
- (4) Permit a building that is boarded up, fenced or otherwise secured to:
 - a. Constitute a danger to the public; or
 - b. Have inadequate means to secure the building from unauthorized entry or use.
- (5) Permit a building to be occupied only by persons who do not have a right of possession and violate any provision of this division;
- (6) Permit a building to exist in a dangerously damaged or deteriorated condition or in a condition likely to endanger persons or property;
- (7) Without authority from the code enforcement official or the fire marshal, he or she removes or destroys a placard placed pursuant to subsection 18-397(i) by such officials; or
- (8) As owner, operator, or manager of a building, he or she permits a person to occupy a building or room on which the code enforcement official or the fire marshal has placed a placard pursuant to subsection 18-397(i), or he or she occupies a building or room on which the code enforcement official or the fire marshal has placed such a placard, absent express authorization of the subject official(s).

(Ord. No. 2009-01, § 2, 2-3-2009; Ord. No. 2011-04, § 1(Exh. A), 4-5-2011; Ord. No. 2017-40, § 2, 10-3-2017)

Sec. 18-399. Demolition regulations

extended to cover site clearance, leveling and grading.

- (a) In addition to the building regulations contained in this article, the regulations concerning the demolition of buildings and permits therefore are extended to cover and include that:
 - (1) All debris must be removed from the property, all holes or depressions in the ground must be filled to grade level.
 - (2) The grading and leveling and clearance of the site of the demolition where the removal of structures makes such grading, leveling or clearance necessary, or where such grading, leveling or clearance is necessary to protect adjacent property for the public safety. The grading and leveling shall include appropriate fill to insure proper drainage, and a permit shall be secured for any fill work if provided by city code.

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(Supp. No. 24, Update 3)

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- (3) All lumber, pipes and all other building materials must be removed from the property.
 - (4) All pipes and conduits must be removed from above grade and must be removed or sealed below grade.
 - (5) All piers, pilings, steps, foundations, and other appurtenances must be removed from the property.
 - (b) Each person having an interest in the building or control over the property on which the building stood prior to removal or demolition is individually responsible for completing this work.
- (Ord. No. 2009-01, § 2, 2-3-2009; Ord. No. 2011-04, § 1(Exh. A), 4-5-2011)

Sec. 18-400. Disconnecting public utilities.

The code enforcement official may request that public utilities be disconnected in order that demolition, other nuisance abatement or code compliance actions may be accomplished without delay in those cases where the structure is open, vacant, dilapidated, or subject to any of the conditions defining public nuisance in this article.

(Ord. No. 2009-01, § 2, 2-3-2009; Ord. No. 2011-04, § 1(Exh. A), 4-5-2011; Ord. No. 2017-40, § 2, 10-3-2017)

Sec. 18-401. Authority for summarily securing unoccupied buildings.

- (a) *Purpose; no emergency required.* An owner or person in control of an unoccupied building shall ensure that the building is in such condition that an unauthorized person cannot enter into it through missing or unlocked doors or windows, or through other openings into the building. The city may secure unoccupied, unsecured structures after the owner(s) fail to do so after reasonable notice, or, in the case of an unsecured, unoccupied building located within 1,000 feet of a public or private elementary school, middle school, or high school, or a state recognized day care center, at the discretion of the code compliance director, the city may secure without prior notice, as prescribed by V.T.C.A., Local Government Code § 214.0011. Subsequent notice of discretionary, summary abatement shall be provided as set forth in subsection (i)(1) and (2) below and as provided by law. A lien may be filed on non-homestead residential structures to assure recovery of the cost of securing.
- (b) *Definition.* An unsecured, unoccupied building is hereby defined to be any structure that currently has no legitimate occupant or tenant, or is occupied by persons who have no right to possession, and which has missing or unlocked doors or windows, or other unsecured openings into the building through which an unauthorized person, including a child, could enter. Any unoccupied, unsecured building is hereby declared to be a danger to the public health and safety and a public nuisance.
- (c) *Notice.* Whenever it is found that an unoccupied building is in such condition that an unauthorized person or child could enter it through missing or unlocked doors or windows or other openings, the code enforcement officer or the fire marshal may cause a written "Notice To Secure" to be given to the owner of the property or to any person having control over the property. Such notice shall inform the addressee that the building is a public nuisance, and must be secured in compliance with this section within ten days of the receipt of the notice, or that the city has already secured the structure. The notice shall be served to the addressee by first class mail or by personal delivery, and by posting the notice on or near the front door of the building by a code compliance investigator, fireman, peace officer, or other persons authorized by the city manager. When the city has already secured the structure, notice shall be given no later than the eleventh day after the date the structure is secured.
- (d) *Appeal.* Any property owner who believes that the code enforcement officer or the fire marshal has erroneously identified his or her structure as an unsecured, unoccupied structure, shall have the opportunity

to appear before a hearing of the commission or board charged with declaring such public nuisances, in person or by attorney, to present any relevant facts as to the condition of the premises upon submitting a written request for such hearing within 30 days after the structure is secured. A hearing shall be held within 20 days after the date a request is filed. Details concerning the right to appeal shall appear on the notice to secure or notice of accomplished securing. The commission/board may require the posting of a performance bond not to exceed \$1,000.00 to ensure performance of any agreement that may be reached with the owner of the property in question and which results in the postponement of a pending civil order to secure and/or clean.

- (e) *Offense.* It is unlawful for any building owner or person having control of any premises to cause, permit, or allow a public nuisance as defined in this article or to fail to timely comply with a notice to secure ordered by the code enforcement officer or fire chief given pursuant to this section. Violation shall be punishable by a fine of not less than \$50.00 nor more than \$1,000.00 unless otherwise provided in the Code (e.g., chapter 55). Each day's failure to comply after the expiration of the notice period shall constitute a separate offense.
- (f) *City may secure structures.* If the owner fails to comply with the notice to secure, the code enforcement officer or fire marshal may order the boarding up of all openings to the building so as to prevent entry, or the securing of the structure in any other reasonable fashion.
- (g) *Method of securing.* The securing of windows, doors, or any other opening allowing access to an unsecured, unoccupied structure shall be done with such materials and technique to effectively bar entrance to the structure. Such materials include, but are not limited to, plywood, lumber, steel, replacement glass, nails, screws, and bolts. The use of cardboard, tar paper, window and door screens, or any other material that will not effectively prevent entrance shall not be sufficient to meet the requirements of this section. Upon receipt of a notice to secure, each and every accessible means of entry must be secured.
- (h) *Method of cleaning.* The cleaning of an unoccupied building shall include maintenance of said structure and its lot free and clear of garbage, trash, debris, rubbish, waste, wood and metal scrap, inoperative or abandoned appliances and furniture. All weed and grass cuttings shall be removed from the premises in accordance with the provisions of chapter 55 of the city Code and state statutes.
- (i) *Collections and liens.* If the city secures a structure pursuant to authority granted by the Texas Local Government Code and in accordance with this article IV, the city shall proceed to secure payment for said actual costs of securing the property plus an administrative fee of \$180.00 by the following:
 - (1) Residential property of ten dwelling units or less: If after 30 days from billing for the securing of a structure, payment in full has not been made, the city may proceed to collect the amount due including the costs of securing, plus all associated costs and fees by filing a lien to be recorded in the real estate records of Harris County, Texas, pursuant to authority granted by law.
 - (2) All other structures: If after 30 days from billing for the securing of a structure, payment in full has not been made, the city may bring suit in a court of competent jurisdiction to collect the amount due including the cost of securing plus all associated costs and fees. The city attorney is hereby further authorized to make use of whatever legal or equitable remedies are available to collect said monies due, including filing and foreclosure of liens as appropriate.
- (j) *Fee and cost payable date.* The cost of securing, plus the attendant administrative cost shall attach and become an account receivable on the date completion of the boarding-up, fencing, or other method of securing any structure.
- (k) *Other remedies available.* The remedies provided in this section shall be available in addition to others provided by law or equity. The issuance of a notice to secure or imposition of a fine pursuant to another section of this Code shall not be required as a prerequisite to the initiation of abatement action, nor shall the issuance of a notice to secure or imposition of a fine under this section preclude any other or additional abatement remedies.

(l) *Danger posed by unsecured structure:*

- (1) Where the code enforcement official find that an unsecured building, regardless of the date of its construction, poses such a danger to public, health, safety, and welfare that in the officer's judgment summary abatement is necessary, or where an unsecured building is located within 1,000 feet of a public or private grammar school, middle school, or high school, or a state recognized day care center, he/she may cause the structure to be secured and cleaned.
 - (2) Notice to the owner(s) shall be provided before the 11th day, after the structure is secured, by personal service, or notice by first class U.S. Mail at the owner's post office address. If personal service cannot be obtained and the owner's post office address is unknown, notice may be performed by either publishing the notice twice within a ten-day period in a newspaper of general circulation in the county in which the building is located, or posting the notice on or near the front door of the building. The notice shall contain the information required by applicable state law, and as such law may from time to time be amended, at least: (i) a description of the building and the property on which it is located (need not be legal description); (ii) description of the violation; (iii) statement of owner's need to secure or that city has secured, as the case may be; and (iv) explanation of owner's right to request a hearing on the matter, if within 30 days of securing, owner files written request for hearing. The commission must hear the matter within 20 days after the date request is filed.
 - (3) It shall be unlawful for any person to enter such premises or remove the posted notice without written permission from the director of development services.
 - (4) The city's costs may be recovered and a lien filed in the same manner as to secure city expenses incurred to remediate other premises violations.
- (m) *Assessment of expenses.* The commission has the same authority to assess expenses under this section as it has to assess expenses under section 18-397 herein. A lien created under this section is subject to the same conditions as a lien created in 18-397.

(Ord. No. 2017-40, § 2, 10-3-2017)

Sec. 18-402. Building and standards commission other remedies; chapters 54 and 214, Texas Local Government Code.

Nothing in this chapter shall preclude the city's pursuit of any and all other remedies allowed under civil and criminal law, or in equity, to address conditions which are treated in this chapter, under the theory of public nuisance and the abatement of dangerous buildings or structures. Neither shall the city be required, nor prohibited, to issue criminal citations before, after, or during any proceeding prescribed in this chapter.

Specifically, in addition to the provisions in this chapter and remedies afforded under V.T.C.A., Local Government Code ch. 54, Municipal Regulation of Structures, the city further asserts full authority to exercise its right to remedy under all provisions of the V.T.C.A., Local Government Code including, but not limited to, ch. 214, subchapter B, Municipal Health and Safety Ordinances, and ch. 342, Municipal Fire Protection, subchapter B, in prosecution of civil suits for enforcement, removal or destruction of buildings and structures, injunctive relief, and civil penalties to remedy conditions of public concern described in this chapter.

(Ord. No. 2009-01, § 2, 2-3-2009; Ord. No. 2011-04, § 1(Exh. A), 4-5-2011; Ord. No. 2017-40, § 2, 10-3-2017)

Ord. No. 2017-40, § 2, adopted Oct. 3, 2017, repealed former § 18-402 which pertained to appeal to district court under substantial evidence rule; lien priority, and derived from Ord. No. 2009-01, § 2, adopted Feb. 3, 2009. Ord. No. 2017-40 subsequently renumbered former § 18-401 as § 18-402.

Sec. 18-403. Judicial review of a building and standards commission order.

- (a) Any owner, lienholder or mortgagee of record, jointly or severally aggrieved by an order of the commission, may file in Harris County District Court a verified petition setting forth that the decision is illegal, in whole or in part, and specifying the grounds of the illegality. The petition must be filed with the court within 30 calendar days after the respective dates a copy of the order of the commission is personally delivered, mailed by first class mail, certified return receipt requested or delivered to them by the United States Postal Service using signature confirmation service to all persons to whom notice is required to be sent under V.T.C.A. Government Code § 54.035. Notice of the order shall be as directed by law. If a petition is not filed within the 30-calendar day period by an owner, lienholder or mortgagee, the order of the commission shall become final as to that owner, lienholder or mortgagee upon the expiration of such 30-calendar day period.
- (b) On filing of the petition, the district court may issue a writ of certiorari directed to the commission to review the decision and order of the commission and shall prescribe in the writ the time within which a return on the writ must be made, which must be longer than ten days and served on the relator or the relator's attorney.
- (c) The commission may not be required to return the original papers acted on by it, but it is sufficient for the commission to return certified or sworn copies of the papers or of parts of the papers as may be called for by the writ.
- (d) The return must concisely set forth other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.
- (e) The allowance of the writ does not stay proceedings on the commission decision appealed from.
- (f) The district court's review of the order of the commission shall be in accordance with V.T.C.A. Local Government Code §§ 214.0012 and 54.039.

(Ord. No. 2017-40, § 2, 10-3-2017)

Sec. 18-404. Municipal court enforcement.

Proceedings by the building and standards commission do not affect proceedings under the jurisdiction of the municipal court.

(Ord. No. 2017-40, § 2, 10-3-2017)

Secs. 18-405—18-415. Reserved.

Editor's note(s)—Section 1(Exh. A) of Ord. No. 2011-04, adopted April 5, 2011, repealed former div. 10, § 18-409, which pertained to energy conservation code adopted and derived from Code 1996, § 18-409 and Ord. No. 2002-02, § 2, adopted March 5, 2002.



Substandard Structure Inspection Report

**408 Waterfront Dr Bldg. B
Seabrook, TX 77586**

Date of Inspection: April 21, 2025

The Seabrook Building Department inspected the structure located at 408 Waterfront Dr Bldg. A, Seabrook, TX 77586. It was found to be in violation of the City of Seabrook Code of Ordinances, Chapter 18 "Building and Building Regulations", Article IV "Standards", Division 12, "Substandard, Unsafe Buildings-Dangerous Buildings", Section 18-389 "Dangerous Buildings, Structures and Nuisances Defined", Numbers 1, 2, 3, 12 13, and 14. The Building Official deemed the structure to be a public nuisance.

During the inspection the following violations were noted:

- Structure had become deteriorated and damaged such that its roof, walls, and flooring is not weather tight and waterproof. (1)
- Structure had become deteriorated and damaged such that it is a danger of collapse and it cannot be expected to withstand reasonably anticipated weather conditions, such as storms or hurricanes. (2)
- Conditions within the building/structure were found that violates the City's building, electrical, plumbing, and fire codes. (3)
- Parts of buildings and structures that may fall and injure a person or property. (12)
- The condition, use, or appearance of the property is in violation of the minimum standards of this division, specifically including the property maintenance code. (13)
- The building fails to meet the requirements necessary to retain a certificate of occupancy. (14)
- In Addition, the building is substantially damaged by definition based on NFIP Regulation and CH38 Flood

Staff has scheduled a public hearing to be held on July 29, 2025 at 6:00 p.m. before the Building and Standards Commission to hear testimony and receive evidence as to the condition of the above mentioned structure.

Nicholas Kondejewski
Building Official / Floodplain Administrator
CFM, TSBPE I-2833
City of Seabrook



Substandard Structure Inspection Photos

Violation Sections: 1, 2, 3, 12, 13, and 14





Substandard Structure Inspection Photos
Violation Sections: 1, 2, 3, 12, 13, and 14





July 7, 2025

VIA CERTIFIED MAIL RRR: 7022 3330 0001 5260, 7022 330 0001 5260 9311, 7022 3330 0001 5260 9328, 7022 3330 0001 5260 9335

Teresita & Alfredo Bartolome
PO Box 1064
Seabrook, Texas 77586
HCAD: 1325110010002

Re: NOTICE OF HEARING

408 Waterfront Dr Bldg B, Seabrook, TX 77586
Lot Two (2), Block One (1) (1,000sqft Easement), Bartolome Special, an addition in Harris County, Texas, according to the map or plat thereof recorded in film code No.637157 of the Map Records of Harris County, TX

Dear Mr. & Mrs. Bartolome:

The above-referenced property upon inspection has been identified as a dangerous building by the Department of Community Development due to the fact that it constitutes a hazard to the health, safety, and welfare of its occupants and citizens of this City. The building official has found it to be in violation of the City of Seabrook Code of Ordinances, Chapter 18 "Building and Building Regulations", Article IV "Standards", Division 12, "Substandard, Unsafe Buildings-Dangerous Buildings", Section 18-389 "Dangerous Buildings, Structures and Nuisances Defined", Numbers (1), (3), (4), (5), (6), (7), (8), (11), (12), (13), and (14). A copy of the inspection report, listing the specific conditions or defects that render the building/structure a substandard and/or dangerous building, is attached for your reference.

A hearing concerning the condition of your property will be held at the Seabrook City Hall on July 29, 2025, at 6:00 p.m. before the Building and Standards Commission (Commission), during which the Commission will consider and, if deemed appropriate, adopt an order providing that the building or structure be vacated, secured, repaired, removed and/or demolished. Under the provisions of Section 18-387 et. seq. of the Seabrook Code of Ordinances and 214.001(l) of the Texas Local Government Code, the owner, lien holder or mortgagee will be required to submit at the hearing at the time indicated in this notice, proof of the scope of any work that may be required to comply with the provisions of the Code of Ordinances of the City of Seabrook and the time it will take to reasonably perform the work. The City will vacate, secure, remove, or demolish the building or relocate the occupants of the building if the ordered action is not taken within a reasonable time in conformity with the determinations of the Commission. All



persons having an interest in the property may appear in person at the hearing and/or be represented by an attorney who may at that time present testimony and may cross-examine all witnesses.

According to the real property records of Harris County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office not later than the 20th calendar day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not. This notice is being provided to you pursuant to Texas Local Government Code 54.005. Additionally, if to your knowledge, there are other owners of this property, please complete the information as provided in Attachment "A" and return this notice by mail in the self-addressed envelope enclosed.

All persons having an interest in the property are advised that the City may by order, after the time allotted for repair, removal, or demolition of a building, seek an assessment of lien against the property for City expenses, or a civil penalty against the property for failure to repair, remove, or demolish, in an amount not to exceed \$1000.00 a day for each violation, together with interest at the annual rate of 10% until paid in full. Additionally, the City may seek foreclosure of all liens, costs, and attorney's fees in accordance with law.

If this notice is not returned within five (5) calendar days after receipt, the City of Seabrook will proceed on the assumption that our records are correct and that you are the sole owner of the subject property.

Sincerely,

Nicholas Kondejewski
Building Official
Floodplain Admin.
CFM, TSBPE-I 2833
City of Seabrook

CC: Posting on or near the Front Door of the Building

Janina Wojtkowski, Waldron & Schneider, PLLC, 15150 Middlebrook Dr., Houston, TX 77058

Kimberly Bartley, Waldron & Schneider, PLLC, 15150 Middlebrook Dr., Houston, TX 77058

U.S. Small Business Administration, Attn: Administrator, 10737 Gateway West #320, El Paso, TX 79935

Francis M. Flato, 4300 Amon Carter Blvd. Suite 114, Fort Worth, TX 76155



AFTER FILING RETURN TO:

City of Seabrook
Attn: Code Enforcement
1700 First Street
Seabrook, Texas 77586

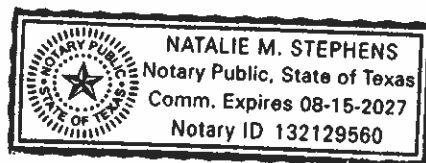
Enclosure: Inspection Report, Seabrook's Substandard, Unsafe Buildings Ordinance

cc: Gayle Cook, City Manager, w/out enclosures
Andrea Chan, Olson & Olson, City Attorney w/out enclosures
Rachel Lewis, City Secretary, with enclosures
Harris County Clerk, Official Public Records of Real Property
Alfredo and Teresita T. Bartolome, PO Box 1064, Seabrook, TX 77586-1064
VIA CERTIFIED MAIL RRR: 7022 3330 0001 5260 9304
Kimberly A. Bartley, Waldron & Schneider, PLLC Attorney 15150 Middlebrook Dr., Houston, TX 77058
VIA CERTIFIED MAIL RRR: 7022 3330 0001 5260 9328
Janina Wojtkowski, Waldron & Schneider, PLLC, 15150 Middlebrook Dr., Houston, TX 77058
VIA CERTIFIED MAIL RRR: 7022 3330 0001 5260 9311
U.S. Small Business Administration, Attn: Administrator, 10737 Gateway West #320, El Paso, TX 79935
VIA CERTIFIED MAIL RRR: 7022 3330 0001 5260 9335
Francis M. Flato, 4300 Amon Carter Blvd. Suite 114, Fort Worth, TX 76155
VIA CERTIFIED MAIL RRR: 7022 3330 0001 5260 9366

State of Texas
County of Harris

Before me, Natalie Stephens notary public, State of Texas, on this day, personally appeared Nicholas Kondejewski known to me, to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed, and in the capacity therein and herein set out.

Given under my hand and seal of office this 9 day of July, 2025.



Natalie Stephens
Signature of Notary Public
Natalie Stephens
Printed Name of Notary
Notary Public, State of Texas
My Commission Expires: 8-15-27



Agenda Briefing

Date of Meeting: July 29, 2025

Responsible Department: Community Development

Presenter: Nick Kondejewski, Chief Building Official | Floodplain Administrator

Briefing Prepared By: Sean Landis

Strategic Focus Area:

General Information:

Discussion, consideration and possible action concerning the current condition of the building/structure located at 0 Waterfront Dr, Seabrook, TX 77586, also known as 204 Waterfront Dr, Seabrook, Texas, 77586 and issue any order(s) determined necessary to address such conditions.

Executive Summary / Background:

The above-referenced property, upon inspection, has been identified as a dangerous building by the Department of Community Development due to the fact that it constitutes a hazard to the health, safety, and welfare of its occupants and citizens of this city. The building official has found it to be in violation of the City of Seabrook Code of Ordinances, Chapter 18 “Building and Building Regulations”, Article IV “Standards”, Division 12, “Substandard, Unsafe Buildings-Dangerous Buildings”, Sec. 18-388 Minimum building standards adopted – Investigation, and Section 18-389 “Dangerous Buildings, Structures and Nuisances Defined”, Subsections (1), (3), (4), (5), (6), (7), (8), (10), (11), (12), (13), (14).

Funding / Fiscal Information:

Supporting Materials Attached:

1. DIVISION_12. __ SUBSTANDARD __ UNSAFE BUILDINGS_DANGEROUS_BUILDINGS (3)
2. Substandard Structure Inspection Report
3. Substandard Structure Notice

Prior Action / Review by Council, Boards, Commissions:

Staff Recommendation:

Staff request that an order be issued requiring the demolition and removal of the structure from the property within 30 calendar days of the date of this hearing.

Staff further request that the order include the following provision: If the structure is not demolished and removed within the allotted time, the City may proceed with demolition and removal, and liens shall be filed against the property to recover associated costs.

DIVISION 12. SUBSTANDARD, UNSAFE BUILDINGS—DANGEROUS BUILDINGS¹

Sec. 18-386. Created, composition—Building and standards commission.

There is hereby created the building and standards commission, composed of five members, which shall consist of the members of the zoning board of adjustment, and alternate members of the board of adjustment appointed by city council, who shall serve in the absence of one or more regular members when requested to do so by the city manager/designee. Persons appointed to the zoning board of adjustment shall also automatically be appointed to the building and standards commission, and such appointment shall constitute one position. Persons appointed to the zoning board of adjustment/building and standards commission shall hold no other position in the city government, and shall serve without pay. Each member shall be a qualified voter at the time of appointment and shall be a resident within the corporate limits of the City of Seabrook and shall have been a resident for a period of 12 months prior to appointment. The appointment of the members shall be for a term of two years or until replacements are appointed corresponding and indistinguishable with the requirements for the zoning board of adjustment.

(Ord. No. 2009-01, § 2, 2-3-2009)

Sec. 18-387. Authority and purpose.

This division is remedial and essential to the public interest, safety, health, and welfare and it is intended that it be liberally construed to effectuate its purposes. It establishes minimum standards for the continued use and occupancy of all buildings regardless of the date of their construction; materials or methods used to construct a building or improvements, including the foundation, structural elements, electrical wiring, plumbing, fixtures, entrances, or exits; addresses conditions caused by accumulations of refuse, vegetation, or other matter that creates breeding and living places for insects and rodents; and incorporates the building codes or other city codes and statutory provisions relating to the condition, use, or appearance of property within the city. The provisions of this division are hereby adopted pursuant the City Charter, the Texas Constitution, Article XI, Section 5, and in accordance with V.T.C.A., Local Government Code chs. 54, 214 and 342.

The purposes of this division include, but are not limited to, utilization of a building and standards commission to hear and determine cases concerning the alleged violation of ordinances and related law concerning the following:

- (1) For the preservation of public safety, relating to the materials or methods used to construct a building or improvement, including the foundation, structural elements, electrical wiring or apparatus, plumbing and fixtures, entrances, or exits, including, but not limited to, the building codes as adopted and the minimum standards for buildings in this chapter;
- (2) Relating to the fire safety of a building or improvement, including, but not limited to, provisions in the International Fire Code as adopted in chapter 34 herein, relating to materials, types of construction or

¹Editor's note(s)—Former div. 9. See Code Comparative Table for complete derivation.

State law reference(s)—General enforcement authority of municipalities regarding substandard buildings, V.T.C.A. Local Government Code § 214.001 et seq.

design, or fire suppression devices, availability of water supply for extinguishing fires, or location, design, or width of entrances or exits;

- (3) Relating to dangerously damaged or deteriorated buildings or improvements, including, but not limited to, provisions in the property maintenance code, sections 18-360 through 18-361 in this chapter;
- (4) Relating to conditions caused by accumulations of refuse, vegetation, or other matter that creates breeding and living places for insects and rodents, as provided in this division and the code of ordinances, including the comprehensive zoning code and nuisance provisions, when such nonconformity constitutes a danger to the public health, safety, and welfare;
- (5) Relating to a building code or to the condition, use, or appearance of property in the city including, but not limited to, provisions regarding the minimum standards for buildings in this division;
- (6) 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.
- (7) To provide, to the fullest extent of the law, 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 is 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, and/or demolished by the owner and/or the occupants thereof to be relocated.
- (8) To provide fire safety of buildings or improvements, including provisions related to materials, types of construction or design, warning devices, fire suppression devices, availability of water supply for extinguishing fires, location, design or width of entrances or exits, and enforcement of all city building and fire codes.

(Ord. No. 2009-01, § 2, 2-3-2009; Ord. No. 2011-04, § 1(Exh. A), 4-5-2011; Ord. No. 2017-40, § 2, 10-3-2017)

Sec. 18-388. Minimum building standards adopted—Investigation.

Any building or structure whose condition violates the minimum standards in this chapter, including, but not limited to a building or structure that has deteriorated or is operated or maintained in violation of the minimum standards for the continued use and occupancy of all types of buildings and structures within the city, as adopted and established in this chapter, is hereby subject to investigation upon presentation of evidence of probable cause to a magistrate by a peace officer, code enforcement official, fire marshal, or health officer in accordance with Article 18.05 of the Texas Code of Criminal Procedure.

(Ord. No. 2009-01, § 2, 2-3-2009; Ord. No. 2011-04, § 1(Exh. A), 4-5-2011; Ord. No. 2017-40, § 2, 10-3-2017)

Sec. 18-389. Dangerous buildings, structures and nuisances defined.

Any building or structure, regardless of date of its construction, that after a public hearing is found by the commission to be in violation of the minimum standards of this division, including having any of the following defects, may be deemed to be substandard and/or unfit for human habitation and as a result, a danger to the public health, safety and welfare and thus, declared to be a dangerous building or structure:

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- (1) Any building or structure that has become deteriorated or damaged such that its roof, walls, or flooring is not weathertight and waterproof such that it violates the minimum standards of this article;
 - (2) Any building or structure that is so structurally deteriorated or damaged that it is in danger of collapse or that cannot be expected to withstand reasonably anticipated weather conditions, such as storms or hurricanes;
 - (3) Conditions within any building or structure that violate any provision of the city's building, electrical, plumbing, fire, maintenance or other such codes;
 - (4) A building or improvement that does not meet the fire safety standards as adopted by city code, including materials or methods used to construct the building or improvement, including the foundation, structural elements, electrical wiring or apparatus, plumbing, and fixtures, entrances or exits do not meet the standards set forth in this article in regards to preservation of public safety;
 - (5) A building or use thereof that violates the city code nuisance provisions in that there exist conditions caused by accumulations of refuse, vegetation, or other matter that creates breeding and living places for insects and rodents;
 - (6) A building or improvement that is dilapidated, decayed, unsafe, unsanitary, or has substandard conditions or any condition that fails to provide amenities essential to decent living so that the premises are unfit for human habitation, or are likely to cause sickness or disease, so as to cause injury to the public health, safety, and welfare;
 - (7) Buildings and structures, regardless of their structural condition, that have been, during times that they were not actually occupied by their owners, lessees or other legal invitees, been left unsecured from unauthorized entry to the extent that they may be entered by vagrants or other uninvited persons as a place of harborage or could be entered by children.
 - (8) Buildings and structures, which are secured by a means inadequate to prevent unauthorized entry or use in the manner described in subsection (7).
 - (9) A wall or other vertical member that lists, leans or buckles to such an extent that a plumb line passing through the center of gravity falls outside the middle third of its base.
 - (10) Inadequate facilities for egress in case of fire or panic or insufficient stairways, elevators, or fire escapes.
 - (11) When a building which is partially constructed has not had any significant construction work done on it in the preceding six months, and it is not secured by a fence or other means to prevent children and vagrants from entering the building.
 - (12) Parts of buildings and structures that may fall and injure a person or property.
 - (13) The condition, use, or appearance of the property is in violation of the minimum standards of this division, specifically including the property maintenance code;
 - (14) The building fails to meet the requirements necessary to retain a certificate of occupancy.

(Ord. No. 2009-01, § 2, 2-3-2009; Ord. No. 2011-04, § 1(Exh. A), 4-5-2011; Ord. No. 2017-40, § 2, 10-3-2017)

Editor's note(s)—Section 1(Exh. A) of Ord. No. 2011-04, adopted April 5, 2011, changed the title of § 18-389 from "Dangerous buildings or structures defined" to "Dangerous buildings, structures and nuisances defined."

Sec. 18-390. Declaration of nuisance; conduct prohibited.

Any building or structure which has any or all of the conditions or defects described above in section 18-389, where such condition or conditions pose a threat or potential threat to life, health, property, or human safety; or

conditions caused by accumulations of refuse, vegetation, or other matter that creates breeding and living places for insects, and rodents, is hereby declared to be a public nuisance, is prohibited as unlawful, and shall be abated according to provisions of this division. It is an offense for an owner or occupant or other person having control of the building, structure or property to fail to abate such public nuisance. Therefore failure to abate such condition may also be prosecuted as a criminal misdemeanor offense. It is a further offense and unlawful for any person to cause, permit, or allow a dangerous building after the 30th day after the date on which the building and standards commission finds a condition of nuisance and orders abatement, or after such extended date as may be lawfully permitted by the building and standards commission.

(Ord. No. 2009-01, § 2, 2-3-2009; Ord. No. 2011-04, § 1(Exh. A), 4-5-2011)

Sec. 18-391. Commencement of proceedings.

When the code enforcement official has determined that a building is a dangerous building, he/she will set a date and time for a public hearing before the building and standards commission to determine if the building complies with the minimum standards established in this article. The code enforcement official may seek voluntary compliance with the owner, lienholder or mortgagee of the building before seeking a hearing before the commission. If the code enforcement official receives voluntary compliance from the owner, lienholder or mortgagee, a public hearing is not required.

(Ord. No. 2009-01, § 2, 2-3-2009; Ord. No. 2011-04, § 1(Exh. A), 4-5-2011; Ord. No. 2017-40, § 2, 10-3-2017)

Sec. 18-392. Notice of hearing before the building and standards commission.

Notice of all proceedings before the building and standards commission shall be given on or before the tenth day before the date fixed for hearing:

- (1) By personal delivery, by certified mail, return receipt requested, or by delivery by the United States Postal Service using signature confirmation to the record owners of the affected property sent to the last known address, and each mortgagee, lienholder and each holder of a recorded lien against the affected property, as shown by the records of the county clerk in which the affected property is located if the address of the lienholder can be ascertained from the deed of trust establishing lien or other applicable instruments on file in the office of the county clerk;
- (2) To the owner or manager shown on the current license on file with the city, if applicable;
- (3) To all unknown owners by posting a copy of the notice on the front door of each improvement situated on the affected property or as close to the front as practicable.
- (4) The notice shall be given and posted before the tenth day preceding the date of the hearing before the building and standards commission and must state the date, time, and place of the hearing. In addition, the notice must be published in a newspaper of general circulation in the city on one occasion before the tenth day preceding the date fixed for the hearing.
- (5) The notice shall contain the following:
 - a. The name and address of the owner of the affected property if that information can be determined from a reasonable search of the instruments on file in the Office of the Harris County Clerk.
 - b. An identification, which is not required to be a legal description, of the building and the property on which it is located.
 - c. A description of the violation of the municipal standards/code that is present at the building.

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- d. A statement that the city will vacate, secure, remove, repair or demolish the building or relocate the occupants of the building if the ordered action is not taken within a reasonable time.
 - e. A statement that the owner, lienholder, or mortgagee will be required to submit proof, at the hearing, of any work that may be required to comply with the ordinance and the time it will take to reasonably perform the work.
 - f. The time, date, and place of the hearing.
- (6) In addition, the city may file a notice in the official public records of real property for Harris County, Texas, or where the real property is primarily situated, pertaining to the hearing, as set forth above, and the notice shall bind all subsequent grantees, lienholders, or other transferees of interest in the property, who acquire such interest after the filing of the notice of hearing 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, according to state law.
 - (7) When the city mails a notice in accordance with this section to a property owner, lienholder, or mortgagee, and the United States Postal Service returns the notice as "refused" or "unclaimed," the validity of the notice is not affected, and the notice is considered delivered.

(Ord. No. 2009-01, § 2, 2-3-2009; Ord. No. 2011-04, § 1(Exh. A), 4-5-2011; Ord. No. 2017-40, § 2, 10-3-2017)

Sec. 18-393. Functions.

The building and standards commission panel may:

- (1) Order the repair, within a fixed period, of buildings found to be in violation of an ordinance.
- (2) Declare a building substandard in accordance with the powers granted by this article.
- (3) Order, in an appropriate case, the immediate removal of persons or property found on private property, enter on private property to secure the removal if it is determined that conditions exist on the property that constitute a violation of an ordinance, and order action to be taken as necessary to remedy, alleviate, or remove any substandard building found to exist.
- (4) Issue orders or directives to any peace officer of the state, including a sheriff or constable or the chief of police of the municipality, to enforce and carry out the lawful orders or directives of the building and standards commission panel.
- (5) Determine the amount and duration of the civil penalty the city may recover in accordance with V.T.C.A., Local Government Code § 54.017. A determination of the subject civil penalty is final and binding and constitutes prima facie evidence of such penalty in a court of competent jurisdiction in a civil suit brought by the city for final judgment and may be enforced by the city secretary filing with the District Clerk of Harris County, Texas, a certified copy of the order of the building and standards commission panel establishing the amount and duration of the penalty.

(Ord. No. 2009-01, § 2, 2-3-2009)

Sec. 18-394. Standards for repair, vacation or demolition.

The following standards shall guide the code compliance official in his discretion in ordering a hearing to repair, vacate, secure, and/or demolish a dangerous building and these standards shall be observed and applied by the hearing officers who comprise the building standards board.

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- (1) The code compliance official, at his/her discretion, may allow, prior to submittal to the commission, or recommend to the commission additional time to develop a rehabilitation plan for occupied homesteads under special circumstances faced by the owner including, but not limited to, mental and/or physical hardships; age; income; length of occupancy; and veteran status.
 - (2) If the alleged dangerous building can be feasibly repaired or the condition remedied so that it will no longer exist in violation of the terms of this article, it shall first be ordered remedied or repaired by the hearing officers. Demolition shall be regarded as a remedy of last resort.
 - (3) If the building is in such condition as to make it dangerous to the health or safety of its occupants, it shall be ordered by the commission to be vacated.
 - (4) In any case where a dangerous building is 50 percent or more damaged or decayed or deteriorated in its structure, or 50 percent or more diminished in its value due to damage, decay, or deterioration, a presumption shall arise that the building cannot be repaired. Value may be evidenced by comparing the valuation of the building by the Harris County Tax Appraisal District. Such presumption may be appropriately rebutted by the weight of the evidence.
 - (5) Principals of sound engineering practices shall be respected.

(Ord. No. 2009-01, § 2, 2-3-2009; Ord. No. 2017-40, § 2, 10-3-2017)

Sec. 18-395. Building and standards commission hearing—Burden of proof.

In a public hearing to determine whether a building complies with the standards set out in this article the owner, lienholder, mortgagee, manager or occupant has the burden of proof to demonstrate the scope of work that may be required to comply with this article and the time it will take to reasonably perform the work. After a public hearing, if a building is found to be in violation of this article, the building and standards commission may:

- (1) Enter on the minutes its findings that the building, or use thereof:
 - a. Is in violation of the minimum standards of this article in specified instances;
 - b. Is dilapidated, substandard, or unfit for human habitation and a hazard to the public health, safety and welfare;
 - c. 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;
 - d. Is boarded up, fenced, or secured but constitutes a danger to the public even though secured from entry; or the means used to secure the building are inadequate to prevent unauthorized entry or use of the building by vagrants, children, or other uninvited persons;
 - e. Violates the minimum standards of this article and is unoccupied or is occupied only by persons who do not have a right of possession; or
 - f. Is dangerously damaged or deteriorated or is likely to endanger persons or property; or
 - g. The condition, use or appearance of the property is in violation of the minimum standards herein; or
 - h. Determine that a building fails to meet the requirements necessary to retain a certificate of occupancy;
- (2) Make an order that:
 - a. Declares that the building is substandard;

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- b. The owner, lienholder or mortgagee of a building;
 - 1. Secure it; or
 - 2. Repair, remove or demolish the building;
 - c. Persons or property be immediately removed from a building and designate the city to enter on the property to secure the removal if it is determined that conditions exist on the property that constitute a violation of this ordinance;
 - d. Any or all occupants be relocated;
 - e. Such other requirements deemed reasonably necessary, including the abatement of any nuisances caused by accumulations of refuse, vegetation, or other matter that creates breeding and living places for insects, and rodents.
- (3) Time limits.
- a. An order shall require that a building shall be secured within 30 days.
 - b. An order shall require that a building must be repaired, removed or demolished within 30 days unless the owner or lienholder establishes at the hearing that the work cannot reasonably be performed within 30 days.
 - c. If the building and standards commission allows the owner, lienholder, mortgagee, manager or occupant more than 30 days to repair, remove or demolish the building, the building and standards commission shall establish specific time schedules for the commencement and performance of the work and shall require the owner, lienholder, mortgagee, manager or occupant to secure the property in a reasonable manner from unauthorized entry while the work is being performed.
 - d. The building and standards commission may not allow the owner, lienholder, mortgagee, manager or occupant more than 90 days to repair, remove or demolish the building or fully perform all work required to comply with the order of the building and standards commission unless the owner, lienholder, mortgagee, manager or occupant:
 - 1. Submits a detailed plan and time schedule for the work at the hearing; and
 - 2. Establishes at the hearing that the work cannot reasonably be completed within 90 days because of the scope and complexity of the work.
 - e. If the building and standards commission allows the owner, lienholder, mortgagee, manager or occupant more than 90 days to complete any part of the work required to repair, remove or demolish the building, the building and standards commission shall require the owner, lienholder, mortgagee, manager or occupant to regularly submit progress reports to the building and standards commission to demonstrate that the owner, lienholder, mortgagee, manager or occupant complied with the time schedules established by the building and standards commission for commencement and performance of the work. The order may require that the owner, lienholder, mortgagee, manager or occupant appear before the hearing panel to demonstrate compliance with the schedules.
 - f. In a public hearing to determine whether a building complies with the standards set out in this article the owner, lienholder, mortgagee, manager or occupant has the burden of proof to demonstrate the scope of work that may be required to comply with this article and the time it will take to reasonably perform the work.
 - g. Should an owner fail to comply with an order of the building and standards commission to repair, remove or demolish a building the commission may assess civil penalties against such owner

upon notice and hearing. Such notice shall be given at least ten days prior to the hearing to determine whether or not civil penalties should be assessed.

(Ord. No. 2009-01, § 2, 2-3-2009; Ord. No. 2011-04, § 1(Exh. A), 4-5-2011; Ord. No. 2017-40, § 2, 10-3-2017)

Sec. 18-396. Procedure after hearing.

After the hearing before the building and standards commission, the city shall deliver a copy of the order by personal delivery, by certified mail, return receipt requested, or by the United States Postal Service using signature confirmation service, to the record owners of the affected property and to any lienholder or mortgagee of the affected property. Within ten days after the date the order from the building and standards commission is issued the city will:

- (1) File a copy of the order in the office of the city secretary; and
- (2) Publish in the city's official newspaper 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 hearing or order; and
 - d. Instructions stating where a complete copy of the order may be obtained.

(Ord. No. 2009-01, § 2, 2-3-2009; Ord. No. 2017-40, § 2, 10-3-2017)

Sec. 18-397. Enforcement—Expenses.

- (a) If an owner does not take the action ordered by the building and standards commission within the allotted time the code enforcement official shall promptly mail by certified mail, return receipt requested, a copy of the order to any lienholder or mortgagee of the building not previously served with the order.
- (b) If the owner, lienholder, mortgagee, manager or occupant should fail to comply with an order of the building and standards commission, the building and standards commission may, in addition to any other actions or remedies in this article, authorize the city to:
 - (1) Vacate, secure, remove or demolish the building.
 - (2) Relocate the occupants.
 - (3) Repair the building to the extent necessary to bring the building into compliance with the minimum standards.
- (c) The building and standards commission may authorize the code enforcement official to secure a building that violates the minimum standards and is unoccupied or is occupied only by persons who do not have a right of possession before notice and hearing.
- (d) The building and standards commission may assess all expenses incurred by the city pursuant to the foregoing provisions against the owner of the property and the property. Said assessment of expenses shall constitute a privileged lien on the property subordinate only to tax liens and previously recorded bona fide mortgage liens, unless the property is a homestead protected by the Texas Constitution in accordance with V.T.C.A., Local Government Code ch. 214 and ch. 54.
- (e) The building and standards commission by order, may assess and recover a civil penalty against the property owner in an amount not to exceed \$1,000.00 per day for each violation or, if the owner shows that the

property is the owner's lawful homestead, in an amount not to exceed \$10.00 per day for each violation, if the city proves:

- (1) The property owner was notified of the requirements of this chapter and the owner's need to comply with the requirements; and
 - (2) After notification, the property owner committed an act in violation of this article or failed to take an action necessary for compliance with this article.
 - (3) The commission may not order conditional civil penalties.
 - (4) A determination of civil penalties made by the building and standards commission is final and binding and constitutes prima facie evidence of the penalty in any court of competent jurisdiction in a civil suit brought by the city for final judgment in accordance with established penalty.
- (f) The city council hereby finds and declares that the general administrative expenses of inspecting buildings, conducting hearings, issuing notices and orders, together with associated administrative functions, require the reasonable charge of \$500.00 for each lot, adjacent lots under common ownership or tract of land. Such minimum charge is hereby established and declared to be the charge for such administrative expenses to be assessed in each instance where the building and standards commission determines that the building or structure is a dangerous building and the city has been required to proceed with notice and hearing as provided for in section 18-392, together with any additional charges as delineated in section 18-397(g). Notwithstanding any tabulation of recorded costs, a charge of \$500.00 is hereby expressly stated to be the minimum charge, unless otherwise determined by the building and standards commission. Further, the cost of securing, repairing, demolishing the building or buildings, either by the city or by persons doing so under contract with the city, shall be separately calculated and assessed in each instance where the city secures, repairs, demolishes or causes the demolition of a building or buildings pursuant to this article. Nuisance abatement, as determined by the commission, may also be included in the assessment of cost.
- (g) Any case referred to the building and standards commission for consideration shall also have attached as costs all expenses incurred by the city to research ownership and mortgagee/lienholder interests, as such research is required by state law to fix enforceable orders and liens. The city shall certify all administrative expenses and costs of securing, repairing, or demolishing a building or buildings by the city or by persons doing so under contract with the city, as a charge which shall be assessed the owner thereof, and which shall constitute a lien on the land on which the building or buildings are or were situated.
- (h) Civil penalties and expenses assessed herein shall constitute a personal liability of the property owner and a lien against the property and shall accrue interest at the rate of ten percent per annum.
- (i) If an order has been issued pursuant to this article for the repair, securing or demolition of a building or buildings and the city has let a contract for such work, and the building or buildings are subsequently repaired, secured or demolished by the owners prior to completion of the contracts let by the city, the administrative expenses and all costs for cancellation of the contract shall be certified as a charge which shall be assessed against the owners thereof, and which shall constitute a lien on the land on which the building or buildings are or were situated. Such charge shall bear interest at the rate of six percent per annum until paid.
- (j) Upon a finding by the building and standards commission that a building is dangerously damaged or deteriorated, or is likely to endanger persons or property, the code enforcement official may place a placard notice on all dwelling units which the building and standards commission has determined to be dangerously damaged or deteriorated, or likely to endanger persons or property, with the following language:

DO NOT ENTER
UNSAFE TO OCCUPY
IT IS A MISDEMEANOR TO OCCUPY THIS
BUILDING, OR TO REMOVE OR DEFACE THIS NOTICE.

BUILDING OFFICIAL
CITY OF SEABROOK, TEXAS

(Ord. No. 2009-01, § 2, 2-3-2009; Ord. No. 2011-04, § 1(Exh. A), 4-5-2011; Ord. No. 2017-40, § 2, 10-3-2017)

Sec. 18-398. Offenses.

It is unlawful for the owner, occupant, lessees or manager of a building governed by this division to:

- (1) Permit a building to be in violation of any provision of this division;
- (2) Permit a building to exist in a dilapidated or substandard condition, or condition unfit for human habitation and a hazard to the public health, safety, and welfare;
- (3) Permit a building to be unoccupied and 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;
- (4) Permit a building that is boarded up, fenced or otherwise secured to:
 - a. Constitute a danger to the public; or
 - b. Have inadequate means to secure the building from unauthorized entry or use.
- (5) Permit a building to be occupied only by persons who do not have a right of possession and violate any provision of this division;
- (6) Permit a building to exist in a dangerously damaged or deteriorated condition or in a condition likely to endanger persons or property;
- (7) Without authority from the code enforcement official or the fire marshal, he or she removes or destroys a placard placed pursuant to subsection 18-397(i) by such officials; or
- (8) As owner, operator, or manager of a building, he or she permits a person to occupy a building or room on which the code enforcement official or the fire marshal has placed a placard pursuant to subsection 18-397(i), or he or she occupies a building or room on which the code enforcement official or the fire marshal has placed such a placard, absent express authorization of the subject official(s).

(Ord. No. 2009-01, § 2, 2-3-2009; Ord. No. 2011-04, § 1(Exh. A), 4-5-2011; Ord. No. 2017-40, § 2, 10-3-2017)

Sec. 18-399. Demolition regulations

extended to cover site clearance, leveling and grading.

- (a) In addition to the building regulations contained in this article, the regulations concerning the demolition of buildings and permits therefore are extended to cover and include that:
 - (1) All debris must be removed from the property, all holes or depressions in the ground must be filled to grade level.
 - (2) The grading and leveling and clearance of the site of the demolition where the removal of structures makes such grading, leveling or clearance necessary, or where such grading, leveling or clearance is necessary to protect adjacent property for the public safety. The grading and leveling shall include appropriate fill to insure proper drainage, and a permit shall be secured for any fill work if provided by city code.

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- (3) All lumber, pipes and all other building materials must be removed from the property.
 - (4) All pipes and conduits must be removed from above grade and must be removed or sealed below grade.
 - (5) All piers, pilings, steps, foundations, and other appurtenances must be removed from the property.
 - (b) Each person having an interest in the building or control over the property on which the building stood prior to removal or demolition is individually responsible for completing this work.
- (Ord. No. 2009-01, § 2, 2-3-2009; Ord. No. 2011-04, § 1(Exh. A), 4-5-2011)

Sec. 18-400. Disconnecting public utilities.

The code enforcement official may request that public utilities be disconnected in order that demolition, other nuisance abatement or code compliance actions may be accomplished without delay in those cases where the structure is open, vacant, dilapidated, or subject to any of the conditions defining public nuisance in this article.

(Ord. No. 2009-01, § 2, 2-3-2009; Ord. No. 2011-04, § 1(Exh. A), 4-5-2011; Ord. No. 2017-40, § 2, 10-3-2017)

Sec. 18-401. Authority for summarily securing unoccupied buildings.

- (a) *Purpose; no emergency required.* An owner or person in control of an unoccupied building shall ensure that the building is in such condition that an unauthorized person cannot enter into it through missing or unlocked doors or windows, or through other openings into the building. The city may secure unoccupied, unsecured structures after the owner(s) fail to do so after reasonable notice, or, in the case of an unsecured, unoccupied building located within 1,000 feet of a public or private elementary school, middle school, or high school, or a state recognized day care center, at the discretion of the code compliance director, the city may secure without prior notice, as prescribed by V.T.C.A., Local Government Code § 214.0011. Subsequent notice of discretionary, summary abatement shall be provided as set forth in subsection (i)(1) and (2) below and as provided by law. A lien may be filed on non-homestead residential structures to assure recovery of the cost of securing.
- (b) *Definition.* An unsecured, unoccupied building is hereby defined to be any structure that currently has no legitimate occupant or tenant, or is occupied by persons who have no right to possession, and which has missing or unlocked doors or windows, or other unsecured openings into the building through which an unauthorized person, including a child, could enter. Any unoccupied, unsecured building is hereby declared to be a danger to the public health and safety and a public nuisance.
- (c) *Notice.* Whenever it is found that an unoccupied building is in such condition that an unauthorized person or child could enter it through missing or unlocked doors or windows or other openings, the code enforcement officer or the fire marshal may cause a written "Notice To Secure" to be given to the owner of the property or to any person having control over the property. Such notice shall inform the addressee that the building is a public nuisance, and must be secured in compliance with this section within ten days of the receipt of the notice, or that the city has already secured the structure. The notice shall be served to the addressee by first class mail or by personal delivery, and by posting the notice on or near the front door of the building by a code compliance investigator, fireman, peace officer, or other persons authorized by the city manager. When the city has already secured the structure, notice shall be given no later than the eleventh day after the date the structure is secured.
- (d) *Appeal.* Any property owner who believes that the code enforcement officer or the fire marshal has erroneously identified his or her structure as an unsecured, unoccupied structure, shall have the opportunity

to appear before a hearing of the commission or board charged with declaring such public nuisances, in person or by attorney, to present any relevant facts as to the condition of the premises upon submitting a written request for such hearing within 30 days after the structure is secured. A hearing shall be held within 20 days after the date a request is filed. Details concerning the right to appeal shall appear on the notice to secure or notice of accomplished securing. The commission/board may require the posting of a performance bond not to exceed \$1,000.00 to ensure performance of any agreement that may be reached with the owner of the property in question and which results in the postponement of a pending civil order to secure and/or clean.

- (e) *Offense.* It is unlawful for any building owner or person having control of any premises to cause, permit, or allow a public nuisance as defined in this article or to fail to timely comply with a notice to secure ordered by the code enforcement officer or fire chief given pursuant to this section. Violation shall be punishable by a fine of not less than \$50.00 nor more than \$1,000.00 unless otherwise provided in the Code (e.g., chapter 55). Each day's failure to comply after the expiration of the notice period shall constitute a separate offense.
- (f) *City may secure structures.* If the owner fails to comply with the notice to secure, the code enforcement officer or fire marshal may order the boarding up of all openings to the building so as to prevent entry, or the securing of the structure in any other reasonable fashion.
- (g) *Method of securing.* The securing of windows, doors, or any other opening allowing access to an unsecured, unoccupied structure shall be done with such materials and technique to effectively bar entrance to the structure. Such materials include, but are not limited to, plywood, lumber, steel, replacement glass, nails, screws, and bolts. The use of cardboard, tar paper, window and door screens, or any other material that will not effectively prevent entrance shall not be sufficient to meet the requirements of this section. Upon receipt of a notice to secure, each and every accessible means of entry must be secured.
- (h) *Method of cleaning.* The cleaning of an unoccupied building shall include maintenance of said structure and its lot free and clear of garbage, trash, debris, rubbish, waste, wood and metal scrap, inoperative or abandoned appliances and furniture. All weed and grass cuttings shall be removed from the premises in accordance with the provisions of chapter 55 of the city Code and state statutes.
- (i) *Collections and liens.* If the city secures a structure pursuant to authority granted by the Texas Local Government Code and in accordance with this article IV, the city shall proceed to secure payment for said actual costs of securing the property plus an administrative fee of \$180.00 by the following:
 - (1) Residential property of ten dwelling units or less: If after 30 days from billing for the securing of a structure, payment in full has not been made, the city may proceed to collect the amount due including the costs of securing, plus all associated costs and fees by filing a lien to be recorded in the real estate records of Harris County, Texas, pursuant to authority granted by law.
 - (2) All other structures: If after 30 days from billing for the securing of a structure, payment in full has not been made, the city may bring suit in a court of competent jurisdiction to collect the amount due including the cost of securing plus all associated costs and fees. The city attorney is hereby further authorized to make use of whatever legal or equitable remedies are available to collect said monies due, including filing and foreclosure of liens as appropriate.
- (j) *Fee and cost payable date.* The cost of securing, plus the attendant administrative cost shall attach and become an account receivable on the date completion of the boarding-up, fencing, or other method of securing any structure.
- (k) *Other remedies available.* The remedies provided in this section shall be available in addition to others provided by law or equity. The issuance of a notice to secure or imposition of a fine pursuant to another section of this Code shall not be required as a prerequisite to the initiation of abatement action, nor shall the issuance of a notice to secure or imposition of a fine under this section preclude any other or additional abatement remedies.

(l) *Danger posed by unsecured structure:*

- (1) Where the code enforcement official find that an unsecured building, regardless of the date of its construction, poses such a danger to public, health, safety, and welfare that in the officer's judgment summary abatement is necessary, or where an unsecured building is located within 1,000 feet of a public or private grammar school, middle school, or high school, or a state recognized day care center, he/she may cause the structure to be secured and cleaned.
 - (2) Notice to the owner(s) shall be provided before the 11th day, after the structure is secured, by personal service, or notice by first class U.S. Mail at the owner's post office address. If personal service cannot be obtained and the owner's post office address is unknown, notice may be performed by either publishing the notice twice within a ten-day period in a newspaper of general circulation in the county in which the building is located, or posting the notice on or near the front door of the building. The notice shall contain the information required by applicable state law, and as such law may from time to time be amended, at least: (i) a description of the building and the property on which it is located (need not be legal description); (ii) description of the violation; (iii) statement of owner's need to secure or that city has secured, as the case may be; and (iv) explanation of owner's right to request a hearing on the matter, if within 30 days of securing, owner files written request for hearing. The commission must hear the matter within 20 days after the date request is filed.
 - (3) It shall be unlawful for any person to enter such premises or remove the posted notice without written permission from the director of development services.
 - (4) The city's costs may be recovered and a lien filed in the same manner as to secure city expenses incurred to remediate other premises violations.
- (m) *Assessment of expenses.* The commission has the same authority to assess expenses under this section as it has to assess expenses under section 18-397 herein. A lien created under this section is subject to the same conditions as a lien created in 18-397.

(Ord. No. 2017-40, § 2, 10-3-2017)

Sec. 18-402. Building and standards commission other remedies; chapters 54 and 214, Texas Local Government Code.

Nothing in this chapter shall preclude the city's pursuit of any and all other remedies allowed under civil and criminal law, or in equity, to address conditions which are treated in this chapter, under the theory of public nuisance and the abatement of dangerous buildings or structures. Neither shall the city be required, nor prohibited, to issue criminal citations before, after, or during any proceeding prescribed in this chapter.

Specifically, in addition to the provisions in this chapter and remedies afforded under V.T.C.A., Local Government Code ch. 54, Municipal Regulation of Structures, the city further asserts full authority to exercise its right to remedy under all provisions of the V.T.C.A., Local Government Code including, but not limited to, ch. 214, subchapter B, Municipal Health and Safety Ordinances, and ch. 342, Municipal Fire Protection, subchapter B, in prosecution of civil suits for enforcement, removal or destruction of buildings and structures, injunctive relief, and civil penalties to remedy conditions of public concern described in this chapter.

(Ord. No. 2009-01, § 2, 2-3-2009; Ord. No. 2011-04, § 1(Exh. A), 4-5-2011; Ord. No. 2017-40, § 2, 10-3-2017)

Ord. No. 2017-40, § 2, adopted Oct. 3, 2017, repealed former § 18-402 which pertained to appeal to district court under substantial evidence rule; lien priority, and derived from Ord. No. 2009-01, § 2, adopted Feb. 3, 2009. Ord. No. 2017-40 subsequently renumbered former § 18-401 as § 18-402.

Sec. 18-403. Judicial review of a building and standards commission order.

- (a) Any owner, lienholder or mortgagee of record, jointly or severally aggrieved by an order of the commission, may file in Harris County District Court a verified petition setting forth that the decision is illegal, in whole or in part, and specifying the grounds of the illegality. The petition must be filed with the court within 30 calendar days after the respective dates a copy of the order of the commission is personally delivered, mailed by first class mail, certified return receipt requested or delivered to them by the United States Postal Service using signature confirmation service to all persons to whom notice is required to be sent under V.T.C.A. Government Code § 54.035. Notice of the order shall be as directed by law. If a petition is not filed within the 30-calendar day period by an owner, lienholder or mortgagee, the order of the commission shall become final as to that owner, lienholder or mortgagee upon the expiration of such 30-calendar day period.
- (b) On filing of the petition, the district court may issue a writ of certiorari directed to the commission to review the decision and order of the commission and shall prescribe in the writ the time within which a return on the writ must be made, which must be longer than ten days and served on the relator or the relator's attorney.
- (c) The commission may not be required to return the original papers acted on by it, but it is sufficient for the commission to return certified or sworn copies of the papers or of parts of the papers as may be called for by the writ.
- (d) The return must concisely set forth other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.
- (e) The allowance of the writ does not stay proceedings on the commission decision appealed from.
- (f) The district court's review of the order of the commission shall be in accordance with V.T.C.A. Local Government Code §§ 214.0012 and 54.039.

(Ord. No. 2017-40, § 2, 10-3-2017)

Sec. 18-404. Municipal court enforcement.

Proceedings by the building and standards commission do not affect proceedings under the jurisdiction of the municipal court.

(Ord. No. 2017-40, § 2, 10-3-2017)

Secs. 18-405—18-415. Reserved.

Editor's note(s)—Section 1(Exh. A) of Ord. No. 2011-04, adopted April 5, 2011, repealed former div. 10, § 18-409, which pertained to energy conservation code adopted and derived from Code 1996, § 18-409 and Ord. No. 2002-02, § 2, adopted March 5, 2002.



Substandard Structure Inspection Report

**204 Waterfront DR
Seabrook, TX 77586**

Date of Inspection: April 21, 2025

The Seabrook Building Department inspected the structure located at 204 Waterfront Dr, Seabrook, TX 77586. It was found to be in violation of the City of Seabrook Code of Ordinances, Chapter 18 "Building and Building Regulations", Article IV "Standards", Division 12, "Substandard, Unsafe Buildings-Dangerous Buildings", Section 18-389 "Dangerous Buildings, Structures and Nuisances Defined", Numbers 1, 2, 3, 6, 10, 11, 12 13, and 14. The Building Official deemed the structure to be a public nuisance.

During the inspection the following violations were noted:

- Structure had become deteriorated and damaged such that its roof, walls, and flooring is not weather tight and waterproof. (1)
- Structure had become deteriorated and damaged such that it is a danger of collapse and it cannot be expected to withstand reasonably anticipated weather conditions, such as storms or hurricanes. (2)
- Conditions within the building/structure were found that violates the City's building, electrical, plumbing, and fire codes. (3)
- Structure was found to be dilapidated, decayed, unsafe, unsanitary, and in a substandard condition. The structure fails to provide amenities essential for human habitation. (6)
- Inadequate facilities for egress in case of fire or panic or insufficient stairways, elevators, or fire escapes. (10)
- When a building which is partially constructed has not had any significant construction work done on it in the preceding six months. (11)
- Parts of buildings and structures that may fall and injure a person or property. (12)
- The condition, use, or appearance of the property violates the minimum standards of this division, specifically including the property maintenance code. (13)
- The building fails to meet the requirements necessary to retain a certificate of occupancy. (14)
- In Addition, the building is substantially damaged by definition based on NFIP Regulation and CH38 Flood

Staff has scheduled a public hearing to be held on July 29, 2025 at 6:00 p.m. before the Building and Standards Commission to hear testimony and receive evidence as to the condition of the above mentioned structure.

Nicholas Kondejewski
Building Official / Floodplain Administrator
CFM, TSBPE I-2833
City of Seabrook



Substandard Structure Inspection Photos

Violation Sections: 1, 2, 3, 6, 10, 11, 12, 13, and 14





Substandard Structure Inspection Photos
Violation Sections: 1, 2, 3, 6, 10, 11, 12, 13, and 14





Substandard Structure Inspection Photos

Violation Sections: 1, 2, 3, 6, 10, 11, 12, 13, and 14





July 7, 2025

VIA CERTIFIED MAIL RRR: 7022 3330 0001 5260 9250/7022 3330 0001 5260 9274/7022 3330 0001 5260 9267

Alfredo and Teresita T. Bartolome
P.O. Box 1064
Seabrook, Texas 77586-1064
HCAD: 032-157-045-0005

Re: NOTICE OF HEARING

0 Waterfront Drive also known as 204 Waterfront Dr., Seabrook, TX 77586.

Legal Description: Lot Five (5), in Block One Hundred Forty-Five (145), of Town of Seabrook, a subdivision in, Harris County, Texas, according to the map or plat thereof record in Volume 1, page 50, of the map of records of Harris County, Texas.

Dear Alfredo and Teresita T. Bartolome:

The above-referenced property upon inspection has been identified as a dangerous building by the Department of Community Development due to the fact that it constitutes a hazard to the health, safety, and welfare of its occupants and citizens of this City. The building official has found it to be in violation of the City of Seabrook Code of Ordinances, Chapter 18 "Building and Building Regulations", Article IV "Standards", Division 12, "Substandard, Unsafe Buildings-Dangerous Buildings", Sec. 18-388 Minimum building standards adopted – Investigation, and Section 18-389 " Dangerous Buildings, Structures and Nuisances Defined", Subsections (1), (3), (4), (5), (6), (7), (8), (10), (11), (12), (13), (14). A copy of the inspection report, listing the specific conditions or defects that render the building/structure a substandard and/or dangerous building is attached for your reference.

A hearing concerning the condition of your property will be held at the Seabrook City Hall on July 29, 2025, at 6:00 p.m. before the Building and Standards Commission (Commission), during which the Commission will consider and, if deemed appropriate, adopt an order providing that the building or structure be vacated, secured, repaired, removed and/or demolished. Under the provisions of Section 18-387 et. seq. of the Seabrook Code of Ordinances and 214.001(l) of the Texas Local Government Code, the owner, lien holder or mortgagee will be required to submit at the hearing at the time indicated in this notice, proof of the scope of any work that may be required to comply with the provisions of the Code of Ordinances of the City of Seabrook and the time it will take to reasonably perform the work. The City will vacate, secure, remove, or demolish the building or relocate the occupants of the building if the ordered action is not taken within a reasonable time in conformity with the determinations of the Commission. All persons having an interest in the property may appear in person at the hearing and/or be represented by an attorney who may at that time present testimony and may cross-examine all witnesses.



According to the real property records of Harris County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office not later than the 20th calendar day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not. This notice is being provided to you pursuant to Texas Local Government Code 54.005. Additionally, if to your knowledge, there are other owners of this property, please complete the information as provided in Attachment "A" and return this notice by mail in the self-addressed envelope enclosed.

All persons having an interest in the property are advised that the City may by order, after the time allotted for repair, removal, or demolition of a building, seek an assessment of lien against the property for City expenses, or a civil penalty against the property for failure to repair, remove, or demolish, in an amount not to exceed \$1000.00 a day for each violation, together with interest at the annual rate of 10% until paid in full. Additionally, the City may seek foreclosure of all liens, costs and attorney's fees in accordance with law.

If this notice is not returned within five (5) calendar days after receipt, the City of Seabrook will proceed on the assumption that our records are correct and that you are the sole owner of the subject property.

Sincerely,

Nicholas Kondejewski
Building Official
Floodplain Admin.
CFM, TSBPE-I 2833
City of Seabrook

Posting on or near the Front Door of the Building

Cc: Janina Wojtkowski, Waldron & Schneider, PLLC Attorney, 15150 Middlebrook Dr., Houston, TX 77058
Kimberly Bartley, Waldron & Schneider, PLLC Attorney, 15150 Middlebrook Dr., Houston, TX 77058



AFTER FILING RETURN TO:

City of Seabrook
Attn: Code Enforcement
1100 Red Bluff Rd.
Seabrook, Texas 77586

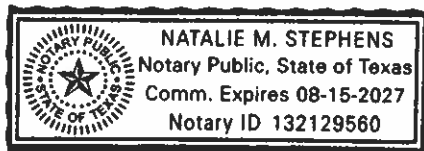
Enclosure: Inspection Report, Seabrook's Substandard, Unsafe Buildings Ordinance

cc: Gayle Cook, City Manager w/out enclosures
Andrea Chan, Olson & Olson, City Attorney w/out enclosures
Rachel Lewis, City Secretary with enclosures
Harris County Clerk, Official Public Records of Real Property
Alfredo and Teresita T. Bartolome, PO Box 1064, Seabrook, TX 77586-1064
VIA CERTIFIED MAIL RRR: 7022 3330 0001 5260 9250
Kimberly A. Bartley, Waldron & Schneider, PLLC Attorney 15150 Middlebrook Dr., Houston, TX 77058
VIA CERTIFIED MAIL RRR: 7022 3330 0001 5260 9267
Janina Wojtkowski, Waldron & Schneider, PLLC, 15150 Middlebrook Dr., Houston, TX 77058
VIA CERTIFIED MAIL RRR: 7022 3330 0001 5260 9274

State of Texas
County of Harris

Before me, Natalie Stephens notary public, State of Texas, on this day, personally appeared Nicholas Kondejewski known to me, to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed, and in the capacity therein and herein set out.

Given under my hand and seal of office this 8 day of July, 2025.



Natalie Stephens
Signature of Notary Public

Natalie Stephens
Printed Name of Notary
Notary Public, State of Texas
My Commission Expires: 8-15-27



Agenda Briefing

Date of Meeting: July 29, 2025

Responsible Department: Community Development

Presenter: Nick Kondejewski, Chief Building Official | Floodplain Administrator

Briefing Prepared By: Sean Landis

Strategic Focus Area:

General Information:

Discussion, consideration and possible action concerning the current condition of the building/structure located at 537 Baywood Dr, Seabrook, Texas, 77586 and issue any order(s) determined necessary to address such conditions.

Executive Summary / Background:

The above-referenced property, upon inspection, has been identified as a dangerous building by the Department of Community Development due to the fact that it constitutes a hazard to the health, safety, and welfare of its occupants and citizens of this City. The building official has found it to be in violation of the City of Seabrook Code of Ordinances, Chapter 18 “Building and Building Regulations”, Article IV “Standards”, Division 12, “Substandard, Unsafe Buildings-Dangerous Buildings”, Section 18-389 “Dangerous Buildings, Structures and Nuisances Defined”, Numbers (1), (2), (3), (12), (13), and (14).

Funding / Fiscal Information:

Supporting Materials Attached:

- 1.DIVISION_12. __SUBSTANDARD__UNSAFE_BUILDINGS_DANGEROUS_BUILDINGS (3)
- 2.Substandard Structure Inspection Report
- 3.Substandard Structure Notice

Prior Action / Review by Council, Boards, Commissions:

Staff Recommendation:

Staff request that an order be issued requiring the owner to repair the structure within 30 calendar days of the date of this hearing. The order should also include a statement that the structure shall be immediately secured and posted with signage reading “No Trespassing – Structure Condemned.” Furthermore, the order should state that, if, for any reason, the owner fails to repair the structure within the allotted time, the City shall proceed with demolition and removal of the structure, clearing of the site, and the filing of liens as necessary.

DIVISION 12. SUBSTANDARD, UNSAFE BUILDINGS—DANGEROUS BUILDINGS¹

Sec. 18-386. Created, composition—Building and standards commission.

There is hereby created the building and standards commission, composed of five members, which shall consist of the members of the zoning board of adjustment, and alternate members of the board of adjustment appointed by city council, who shall serve in the absence of one or more regular members when requested to do so by the city manager/designee. Persons appointed to the zoning board of adjustment shall also automatically be appointed to the building and standards commission, and such appointment shall constitute one position. Persons appointed to the zoning board of adjustment/building and standards commission shall hold no other position in the city government, and shall serve without pay. Each member shall be a qualified voter at the time of appointment and shall be a resident within the corporate limits of the City of Seabrook and shall have been a resident for a period of 12 months prior to appointment. The appointment of the members shall be for a term of two years or until replacements are appointed corresponding and indistinguishable with the requirements for the zoning board of adjustment.

(Ord. No. 2009-01, § 2, 2-3-2009)

Sec. 18-387. Authority and purpose.

This division is remedial and essential to the public interest, safety, health, and welfare and it is intended that it be liberally construed to effectuate its purposes. It establishes minimum standards for the continued use and occupancy of all buildings regardless of the date of their construction; materials or methods used to construct a building or improvements, including the foundation, structural elements, electrical wiring, plumbing, fixtures, entrances, or exits; addresses conditions caused by accumulations of refuse, vegetation, or other matter that creates breeding and living places for insects and rodents; and incorporates the building codes or other city codes and statutory provisions relating to the condition, use, or appearance of property within the city. The provisions of this division are hereby adopted pursuant the City Charter, the Texas Constitution, Article XI, Section 5, and in accordance with V.T.C.A., Local Government Code chs. 54, 214 and 342.

The purposes of this division include, but are not limited to, utilization of a building and standards commission to hear and determine cases concerning the alleged violation of ordinances and related law concerning the following:

- (1) For the preservation of public safety, relating to the materials or methods used to construct a building or improvement, including the foundation, structural elements, electrical wiring or apparatus, plumbing and fixtures, entrances, or exits, including, but not limited to, the building codes as adopted and the minimum standards for buildings in this chapter;
- (2) Relating to the fire safety of a building or improvement, including, but not limited to, provisions in the International Fire Code as adopted in chapter 34 herein, relating to materials, types of construction or

¹Editor's note(s)—Former div. 9. See Code Comparative Table for complete derivation.

State law reference(s)—General enforcement authority of municipalities regarding substandard buildings, V.T.C.A. Local Government Code § 214.001 et seq.

design, or fire suppression devices, availability of water supply for extinguishing fires, or location, design, or width of entrances or exits;

- (3) Relating to dangerously damaged or deteriorated buildings or improvements, including, but not limited to, provisions in the property maintenance code, sections 18-360 through 18-361 in this chapter;
- (4) Relating to conditions caused by accumulations of refuse, vegetation, or other matter that creates breeding and living places for insects and rodents, as provided in this division and the code of ordinances, including the comprehensive zoning code and nuisance provisions, when such nonconformity constitutes a danger to the public health, safety, and welfare;
- (5) Relating to a building code or to the condition, use, or appearance of property in the city including, but not limited to, provisions regarding the minimum standards for buildings in this division;
- (6) 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.
- (7) To provide, to the fullest extent of the law, 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 is 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, and/or demolished by the owner and/or the occupants thereof to be relocated.
- (8) To provide fire safety of buildings or improvements, including provisions related to materials, types of construction or design, warning devices, fire suppression devices, availability of water supply for extinguishing fires, location, design or width of entrances or exits, and enforcement of all city building and fire codes.

(Ord. No. 2009-01, § 2, 2-3-2009; Ord. No. 2011-04, § 1(Exh. A), 4-5-2011; Ord. No. 2017-40, § 2, 10-3-2017)

Sec. 18-388. Minimum building standards adopted—Investigation.

Any building or structure whose condition violates the minimum standards in this chapter, including, but not limited to a building or structure that has deteriorated or is operated or maintained in violation of the minimum standards for the continued use and occupancy of all types of buildings and structures within the city, as adopted and established in this chapter, is hereby subject to investigation upon presentation of evidence of probable cause to a magistrate by a peace officer, code enforcement official, fire marshal, or health officer in accordance with Article 18.05 of the Texas Code of Criminal Procedure.

(Ord. No. 2009-01, § 2, 2-3-2009; Ord. No. 2011-04, § 1(Exh. A), 4-5-2011; Ord. No. 2017-40, § 2, 10-3-2017)

Sec. 18-389. Dangerous buildings, structures and nuisances defined.

Any building or structure, regardless of date of its construction, that after a public hearing is found by the commission to be in violation of the minimum standards of this division, including having any of the following defects, may be deemed to be substandard and/or unfit for human habitation and as a result, a danger to the public health, safety and welfare and thus, declared to be a dangerous building or structure:

-
- (1) Any building or structure that has become deteriorated or damaged such that its roof, walls, or flooring is not weathertight and waterproof such that it violates the minimum standards of this article;
 - (2) Any building or structure that is so structurally deteriorated or damaged that it is in danger of collapse or that cannot be expected to withstand reasonably anticipated weather conditions, such as storms or hurricanes;
 - (3) Conditions within any building or structure that violate any provision of the city's building, electrical, plumbing, fire, maintenance or other such codes;
 - (4) A building or improvement that does not meet the fire safety standards as adopted by city code, including materials or methods used to construct the building or improvement, including the foundation, structural elements, electrical wiring or apparatus, plumbing, and fixtures, entrances or exits do not meet the standards set forth in this article in regards to preservation of public safety;
 - (5) A building or use thereof that violates the city code nuisance provisions in that there exist conditions caused by accumulations of refuse, vegetation, or other matter that creates breeding and living places for insects and rodents;
 - (6) A building or improvement that is dilapidated, decayed, unsafe, unsanitary, or has substandard conditions or any condition that fails to provide amenities essential to decent living so that the premises are unfit for human habitation, or are likely to cause sickness or disease, so as to cause injury to the public health, safety, and welfare;
 - (7) Buildings and structures, regardless of their structural condition, that have been, during times that they were not actually occupied by their owners, lessees or other legal invitees, been left unsecured from unauthorized entry to the extent that they may be entered by vagrants or other uninvited persons as a place of harborage or could be entered by children.
 - (8) Buildings and structures, which are secured by a means inadequate to prevent unauthorized entry or use in the manner described in subsection (7).
 - (9) A wall or other vertical member that lists, leans or buckles to such an extent that a plumb line passing through the center of gravity falls outside the middle third of its base.
 - (10) Inadequate facilities for egress in case of fire or panic or insufficient stairways, elevators, or fire escapes.
 - (11) When a building which is partially constructed has not had any significant construction work done on it in the preceding six months, and it is not secured by a fence or other means to prevent children and vagrants from entering the building.
 - (12) Parts of buildings and structures that may fall and injure a person or property.
 - (13) The condition, use, or appearance of the property is in violation of the minimum standards of this division, specifically including the property maintenance code;
 - (14) The building fails to meet the requirements necessary to retain a certificate of occupancy.

(Ord. No. 2009-01, § 2, 2-3-2009; Ord. No. 2011-04, § 1(Exh. A), 4-5-2011; Ord. No. 2017-40, § 2, 10-3-2017)

Editor's note(s)—Section 1(Exh. A) of Ord. No. 2011-04, adopted April 5, 2011, changed the title of § 18-389 from "Dangerous buildings or structures defined" to "Dangerous buildings, structures and nuisances defined."

Sec. 18-390. Declaration of nuisance; conduct prohibited.

Any building or structure which has any or all of the conditions or defects described above in section 18-389, where such condition or conditions pose a threat or potential threat to life, health, property, or human safety; or

conditions caused by accumulations of refuse, vegetation, or other matter that creates breeding and living places for insects, and rodents, is hereby declared to be a public nuisance, is prohibited as unlawful, and shall be abated according to provisions of this division. It is an offense for an owner or occupant or other person having control of the building, structure or property to fail to abate such public nuisance. Therefore failure to abate such condition may also be prosecuted as a criminal misdemeanor offense. It is a further offense and unlawful for any person to cause, permit, or allow a dangerous building after the 30th day after the date on which the building and standards commission finds a condition of nuisance and orders abatement, or after such extended date as may be lawfully permitted by the building and standards commission.

(Ord. No. 2009-01, § 2, 2-3-2009; Ord. No. 2011-04, § 1(Exh. A), 4-5-2011)

Sec. 18-391. Commencement of proceedings.

When the code enforcement official has determined that a building is a dangerous building, he/she will set a date and time for a public hearing before the building and standards commission to determine if the building complies with the minimum standards established in this article. The code enforcement official may seek voluntary compliance with the owner, lienholder or mortgagee of the building before seeking a hearing before the commission. If the code enforcement official receives voluntary compliance from the owner, lienholder or mortgagee, a public hearing is not required.

(Ord. No. 2009-01, § 2, 2-3-2009; Ord. No. 2011-04, § 1(Exh. A), 4-5-2011; Ord. No. 2017-40, § 2, 10-3-2017)

Sec. 18-392. Notice of hearing before the building and standards commission.

Notice of all proceedings before the building and standards commission shall be given on or before the tenth day before the date fixed for hearing:

- (1) By personal delivery, by certified mail, return receipt requested, or by delivery by the United States Postal Service using signature confirmation to the record owners of the affected property sent to the last known address, and each mortgagee, lienholder and each holder of a recorded lien against the affected property, as shown by the records of the county clerk in which the affected property is located if the address of the lienholder can be ascertained from the deed of trust establishing lien or other applicable instruments on file in the office of the county clerk;
- (2) To the owner or manager shown on the current license on file with the city, if applicable;
- (3) To all unknown owners by posting a copy of the notice on the front door of each improvement situated on the affected property or as close to the front as practicable.
- (4) The notice shall be given and posted before the tenth day preceding the date of the hearing before the building and standards commission and must state the date, time, and place of the hearing. In addition, the notice must be published in a newspaper of general circulation in the city on one occasion before the tenth day preceding the date fixed for the hearing.
- (5) The notice shall contain the following:
 - a. The name and address of the owner of the affected property if that information can be determined from a reasonable search of the instruments on file in the Office of the Harris County Clerk.
 - b. An identification, which is not required to be a legal description, of the building and the property on which it is located.
 - c. A description of the violation of the municipal standards/code that is present at the building.

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- d. A statement that the city will vacate, secure, remove, repair or demolish the building or relocate the occupants of the building if the ordered action is not taken within a reasonable time.
 - e. A statement that the owner, lienholder, or mortgagee will be required to submit proof, at the hearing, of any work that may be required to comply with the ordinance and the time it will take to reasonably perform the work.
 - f. The time, date, and place of the hearing.
- (6) In addition, the city may file a notice in the official public records of real property for Harris County, Texas, or where the real property is primarily situated, pertaining to the hearing, as set forth above, and the notice shall bind all subsequent grantees, lienholders, or other transferees of interest in the property, who acquire such interest after the filing of the notice of hearing 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, according to state law.
 - (7) When the city mails a notice in accordance with this section to a property owner, lienholder, or mortgagee, and the United States Postal Service returns the notice as "refused" or "unclaimed," the validity of the notice is not affected, and the notice is considered delivered.

(Ord. No. 2009-01, § 2, 2-3-2009; Ord. No. 2011-04, § 1(Exh. A), 4-5-2011; Ord. No. 2017-40, § 2, 10-3-2017)

Sec. 18-393. Functions.

The building and standards commission panel may:

- (1) Order the repair, within a fixed period, of buildings found to be in violation of an ordinance.
- (2) Declare a building substandard in accordance with the powers granted by this article.
- (3) Order, in an appropriate case, the immediate removal of persons or property found on private property, enter on private property to secure the removal if it is determined that conditions exist on the property that constitute a violation of an ordinance, and order action to be taken as necessary to remedy, alleviate, or remove any substandard building found to exist.
- (4) Issue orders or directives to any peace officer of the state, including a sheriff or constable or the chief of police of the municipality, to enforce and carry out the lawful orders or directives of the building and standards commission panel.
- (5) Determine the amount and duration of the civil penalty the city may recover in accordance with V.T.C.A., Local Government Code § 54.017. A determination of the subject civil penalty is final and binding and constitutes prima facie evidence of such penalty in a court of competent jurisdiction in a civil suit brought by the city for final judgment and may be enforced by the city secretary filing with the District Clerk of Harris County, Texas, a certified copy of the order of the building and standards commission panel establishing the amount and duration of the penalty.

(Ord. No. 2009-01, § 2, 2-3-2009)

Sec. 18-394. Standards for repair, vacation or demolition.

The following standards shall guide the code compliance official in his discretion in ordering a hearing to repair, vacate, secure, and/or demolish a dangerous building and these standards shall be observed and applied by the hearing officers who comprise the building standards board.

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- (1) The code compliance official, at his/her discretion, may allow, prior to submittal to the commission, or recommend to the commission additional time to develop a rehabilitation plan for occupied homesteads under special circumstances faced by the owner including, but not limited to, mental and/or physical hardships; age; income; length of occupancy; and veteran status.
 - (2) If the alleged dangerous building can be feasibly repaired or the condition remedied so that it will no longer exist in violation of the terms of this article, it shall first be ordered remedied or repaired by the hearing officers. Demolition shall be regarded as a remedy of last resort.
 - (3) If the building is in such condition as to make it dangerous to the health or safety of its occupants, it shall be ordered by the commission to be vacated.
 - (4) In any case where a dangerous building is 50 percent or more damaged or decayed or deteriorated in its structure, or 50 percent or more diminished in its value due to damage, decay, or deterioration, a presumption shall arise that the building cannot be repaired. Value may be evidenced by comparing the valuation of the building by the Harris County Tax Appraisal District. Such presumption may be appropriately rebutted by the weight of the evidence.
 - (5) Principals of sound engineering practices shall be respected.

(Ord. No. 2009-01, § 2, 2-3-2009; Ord. No. 2017-40, § 2, 10-3-2017)

Sec. 18-395. Building and standards commission hearing—Burden of proof.

In a public hearing to determine whether a building complies with the standards set out in this article the owner, lienholder, mortgagee, manager or occupant has the burden of proof to demonstrate the scope of work that may be required to comply with this article and the time it will take to reasonably perform the work. After a public hearing, if a building is found to be in violation of this article, the building and standards commission may:

- (1) Enter on the minutes its findings that the building, or use thereof:
 - a. Is in violation of the minimum standards of this article in specified instances;
 - b. Is dilapidated, substandard, or unfit for human habitation and a hazard to the public health, safety and welfare;
 - c. 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;
 - d. Is boarded up, fenced, or secured but constitutes a danger to the public even though secured from entry; or the means used to secure the building are inadequate to prevent unauthorized entry or use of the building by vagrants, children, or other uninvited persons;
 - e. Violates the minimum standards of this article and is unoccupied or is occupied only by persons who do not have a right of possession; or
 - f. Is dangerously damaged or deteriorated or is likely to endanger persons or property; or
 - g. The condition, use or appearance of the property is in violation of the minimum standards herein; or
 - h. Determine that a building fails to meet the requirements necessary to retain a certificate of occupancy;
- (2) Make an order that:
 - a. Declares that the building is substandard;

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- b. The owner, lienholder or mortgagee of a building;
 - 1. Secure it; or
 - 2. Repair, remove or demolish the building;
 - c. Persons or property be immediately removed from a building and designate the city to enter on the property to secure the removal if it is determined that conditions exist on the property that constitute a violation of this ordinance;
 - d. Any or all occupants be relocated;
 - e. Such other requirements deemed reasonably necessary, including the abatement of any nuisances caused by accumulations of refuse, vegetation, or other matter that creates breeding and living places for insects, and rodents.
- (3) Time limits.
- a. An order shall require that a building shall be secured within 30 days.
 - b. An order shall require that a building must be repaired, removed or demolished within 30 days unless the owner or lienholder establishes at the hearing that the work cannot reasonably be performed within 30 days.
 - c. If the building and standards commission allows the owner, lienholder, mortgagee, manager or occupant more than 30 days to repair, remove or demolish the building, the building and standards commission shall establish specific time schedules for the commencement and performance of the work and shall require the owner, lienholder, mortgagee, manager or occupant to secure the property in a reasonable manner from unauthorized entry while the work is being performed.
 - d. The building and standards commission may not allow the owner, lienholder, mortgagee, manager or occupant more than 90 days to repair, remove or demolish the building or fully perform all work required to comply with the order of the building and standards commission unless the owner, lienholder, mortgagee, manager or occupant:
 - 1. Submits a detailed plan and time schedule for the work at the hearing; and
 - 2. Establishes at the hearing that the work cannot reasonably be completed within 90 days because of the scope and complexity of the work.
 - e. If the building and standards commission allows the owner, lienholder, mortgagee, manager or occupant more than 90 days to complete any part of the work required to repair, remove or demolish the building, the building and standards commission shall require the owner, lienholder, mortgagee, manager or occupant to regularly submit progress reports to the building and standards commission to demonstrate that the owner, lienholder, mortgagee, manager or occupant complied with the time schedules established by the building and standards commission for commencement and performance of the work. The order may require that the owner, lienholder, mortgagee, manager or occupant appear before the hearing panel to demonstrate compliance with the schedules.
 - f. In a public hearing to determine whether a building complies with the standards set out in this article the owner, lienholder, mortgagee, manager or occupant has the burden of proof to demonstrate the scope of work that may be required to comply with this article and the time it will take to reasonably perform the work.
 - g. Should an owner fail to comply with an order of the building and standards commission to repair, remove or demolish a building the commission may assess civil penalties against such owner

upon notice and hearing. Such notice shall be given at least ten days prior to the hearing to determine whether or not civil penalties should be assessed.

(Ord. No. 2009-01, § 2, 2-3-2009; Ord. No. 2011-04, § 1(Exh. A), 4-5-2011; Ord. No. 2017-40, § 2, 10-3-2017)

Sec. 18-396. Procedure after hearing.

After the hearing before the building and standards commission, the city shall deliver a copy of the order by personal delivery, by certified mail, return receipt requested, or by the United States Postal Service using signature confirmation service, to the record owners of the affected property and to any lienholder or mortgagee of the affected property. Within ten days after the date the order from the building and standards commission is issued the city will:

- (1) File a copy of the order in the office of the city secretary; and
- (2) Publish in the city's official newspaper 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 hearing or order; and
 - d. Instructions stating where a complete copy of the order may be obtained.

(Ord. No. 2009-01, § 2, 2-3-2009; Ord. No. 2017-40, § 2, 10-3-2017)

Sec. 18-397. Enforcement—Expenses.

- (a) If an owner does not take the action ordered by the building and standards commission within the allotted time the code enforcement official shall promptly mail by certified mail, return receipt requested, a copy of the order to any lienholder or mortgagee of the building not previously served with the order.
- (b) If the owner, lienholder, mortgagee, manager or occupant should fail to comply with an order of the building and standards commission, the building and standards commission may, in addition to any other actions or remedies in this article, authorize the city to:
 - (1) Vacate, secure, remove or demolish the building.
 - (2) Relocate the occupants.
 - (3) Repair the building to the extent necessary to bring the building into compliance with the minimum standards.
- (c) The building and standards commission may authorize the code enforcement official to secure a building that violates the minimum standards and is unoccupied or is occupied only by persons who do not have a right of possession before notice and hearing.
- (d) The building and standards commission may assess all expenses incurred by the city pursuant to the foregoing provisions against the owner of the property and the property. Said assessment of expenses shall constitute a privileged lien on the property subordinate only to tax liens and previously recorded bona fide mortgage liens, unless the property is a homestead protected by the Texas Constitution in accordance with V.T.C.A., Local Government Code ch. 214 and ch. 54.
- (e) The building and standards commission by order, may assess and recover a civil penalty against the property owner in an amount not to exceed \$1,000.00 per day for each violation or, if the owner shows that the

property is the owner's lawful homestead, in an amount not to exceed \$10.00 per day for each violation, if the city proves:

- (1) The property owner was notified of the requirements of this chapter and the owner's need to comply with the requirements; and
 - (2) After notification, the property owner committed an act in violation of this article or failed to take an action necessary for compliance with this article.
 - (3) The commission may not order conditional civil penalties.
 - (4) A determination of civil penalties made by the building and standards commission is final and binding and constitutes prima facie evidence of the penalty in any court of competent jurisdiction in a civil suit brought by the city for final judgment in accordance with established penalty.
- (f) The city council hereby finds and declares that the general administrative expenses of inspecting buildings, conducting hearings, issuing notices and orders, together with associated administrative functions, require the reasonable charge of \$500.00 for each lot, adjacent lots under common ownership or tract of land. Such minimum charge is hereby established and declared to be the charge for such administrative expenses to be assessed in each instance where the building and standards commission determines that the building or structure is a dangerous building and the city has been required to proceed with notice and hearing as provided for in section 18-392, together with any additional charges as delineated in section 18-397(g). Notwithstanding any tabulation of recorded costs, a charge of \$500.00 is hereby expressly stated to be the minimum charge, unless otherwise determined by the building and standards commission. Further, the cost of securing, repairing, demolishing the building or buildings, either by the city or by persons doing so under contract with the city, shall be separately calculated and assessed in each instance where the city secures, repairs, demolishes or causes the demolition of a building or buildings pursuant to this article. Nuisance abatement, as determined by the commission, may also be included in the assessment of cost.
- (g) Any case referred to the building and standards commission for consideration shall also have attached as costs all expenses incurred by the city to research ownership and mortgagee/lienholder interests, as such research is required by state law to fix enforceable orders and liens. The city shall certify all administrative expenses and costs of securing, repairing, or demolishing a building or buildings by the city or by persons doing so under contract with the city, as a charge which shall be assessed the owner thereof, and which shall constitute a lien on the land on which the building or buildings are or were situated.
- (h) Civil penalties and expenses assessed herein shall constitute a personal liability of the property owner and a lien against the property and shall accrue interest at the rate of ten percent per annum.
- (i) If an order has been issued pursuant to this article for the repair, securing or demolition of a building or buildings and the city has let a contract for such work, and the building or buildings are subsequently repaired, secured or demolished by the owners prior to completion of the contracts let by the city, the administrative expenses and all costs for cancellation of the contract shall be certified as a charge which shall be assessed against the owners thereof, and which shall constitute a lien on the land on which the building or buildings are or were situated. Such charge shall bear interest at the rate of six percent per annum until paid.
- (j) Upon a finding by the building and standards commission that a building is dangerously damaged or deteriorated, or is likely to endanger persons or property, the code enforcement official may place a placard notice on all dwelling units which the building and standards commission has determined to be dangerously damaged or deteriorated, or likely to endanger persons or property, with the following language:

DO NOT ENTER
UNSAFE TO OCCUPY
IT IS A MISDEMEANOR TO OCCUPY THIS
BUILDING, OR TO REMOVE OR DEFACE THIS NOTICE.

BUILDING OFFICIAL
CITY OF SEABROOK, TEXAS

(Ord. No. 2009-01, § 2, 2-3-2009; Ord. No. 2011-04, § 1(Exh. A), 4-5-2011; Ord. No. 2017-40, § 2, 10-3-2017)

Sec. 18-398. Offenses.

It is unlawful for the owner, occupant, lessees or manager of a building governed by this division to:

- (1) Permit a building to be in violation of any provision of this division;
- (2) Permit a building to exist in a dilapidated or substandard condition, or condition unfit for human habitation and a hazard to the public health, safety, and welfare;
- (3) Permit a building to be unoccupied and 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;
- (4) Permit a building that is boarded up, fenced or otherwise secured to:
 - a. Constitute a danger to the public; or
 - b. Have inadequate means to secure the building from unauthorized entry or use.
- (5) Permit a building to be occupied only by persons who do not have a right of possession and violate any provision of this division;
- (6) Permit a building to exist in a dangerously damaged or deteriorated condition or in a condition likely to endanger persons or property;
- (7) Without authority from the code enforcement official or the fire marshal, he or she removes or destroys a placard placed pursuant to subsection 18-397(i) by such officials; or
- (8) As owner, operator, or manager of a building, he or she permits a person to occupy a building or room on which the code enforcement official or the fire marshal has placed a placard pursuant to subsection 18-397(i), or he or she occupies a building or room on which the code enforcement official or the fire marshal has placed such a placard, absent express authorization of the subject official(s).

(Ord. No. 2009-01, § 2, 2-3-2009; Ord. No. 2011-04, § 1(Exh. A), 4-5-2011; Ord. No. 2017-40, § 2, 10-3-2017)

Sec. 18-399. Demolition regulations

extended to cover site clearance, leveling and grading.

- (a) In addition to the building regulations contained in this article, the regulations concerning the demolition of buildings and permits therefore are extended to cover and include that:
 - (1) All debris must be removed from the property, all holes or depressions in the ground must be filled to grade level.
 - (2) The grading and leveling and clearance of the site of the demolition where the removal of structures makes such grading, leveling or clearance necessary, or where such grading, leveling or clearance is necessary to protect adjacent property for the public safety. The grading and leveling shall include appropriate fill to insure proper drainage, and a permit shall be secured for any fill work if provided by city code.

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- (3) All lumber, pipes and all other building materials must be removed from the property.
 - (4) All pipes and conduits must be removed from above grade and must be removed or sealed below grade.
 - (5) All piers, pilings, steps, foundations, and other appurtenances must be removed from the property.
 - (b) Each person having an interest in the building or control over the property on which the building stood prior to removal or demolition is individually responsible for completing this work.
- (Ord. No. 2009-01, § 2, 2-3-2009; Ord. No. 2011-04, § 1(Exh. A), 4-5-2011)

Sec. 18-400. Disconnecting public utilities.

The code enforcement official may request that public utilities be disconnected in order that demolition, other nuisance abatement or code compliance actions may be accomplished without delay in those cases where the structure is open, vacant, dilapidated, or subject to any of the conditions defining public nuisance in this article.

(Ord. No. 2009-01, § 2, 2-3-2009; Ord. No. 2011-04, § 1(Exh. A), 4-5-2011; Ord. No. 2017-40, § 2, 10-3-2017)

Sec. 18-401. Authority for summarily securing unoccupied buildings.

- (a) *Purpose; no emergency required.* An owner or person in control of an unoccupied building shall ensure that the building is in such condition that an unauthorized person cannot enter into it through missing or unlocked doors or windows, or through other openings into the building. The city may secure unoccupied, unsecured structures after the owner(s) fail to do so after reasonable notice, or, in the case of an unsecured, unoccupied building located within 1,000 feet of a public or private elementary school, middle school, or high school, or a state recognized day care center, at the discretion of the code compliance director, the city may secure without prior notice, as prescribed by V.T.C.A., Local Government Code § 214.0011. Subsequent notice of discretionary, summary abatement shall be provided as set forth in subsection (i)(1) and (2) below and as provided by law. A lien may be filed on non-homestead residential structures to assure recovery of the cost of securing.
- (b) *Definition.* An unsecured, unoccupied building is hereby defined to be any structure that currently has no legitimate occupant or tenant, or is occupied by persons who have no right to possession, and which has missing or unlocked doors or windows, or other unsecured openings into the building through which an unauthorized person, including a child, could enter. Any unoccupied, unsecured building is hereby declared to be a danger to the public health and safety and a public nuisance.
- (c) *Notice.* Whenever it is found that an unoccupied building is in such condition that an unauthorized person or child could enter it through missing or unlocked doors or windows or other openings, the code enforcement officer or the fire marshal may cause a written "Notice To Secure" to be given to the owner of the property or to any person having control over the property. Such notice shall inform the addressee that the building is a public nuisance, and must be secured in compliance with this section within ten days of the receipt of the notice, or that the city has already secured the structure. The notice shall be served to the addressee by first class mail or by personal delivery, and by posting the notice on or near the front door of the building by a code compliance investigator, fireman, peace officer, or other persons authorized by the city manager. When the city has already secured the structure, notice shall be given no later than the eleventh day after the date the structure is secured.
- (d) *Appeal.* Any property owner who believes that the code enforcement officer or the fire marshal has erroneously identified his or her structure as an unsecured, unoccupied structure, shall have the opportunity

to appear before a hearing of the commission or board charged with declaring such public nuisances, in person or by attorney, to present any relevant facts as to the condition of the premises upon submitting a written request for such hearing within 30 days after the structure is secured. A hearing shall be held within 20 days after the date a request is filed. Details concerning the right to appeal shall appear on the notice to secure or notice of accomplished securing. The commission/board may require the posting of a performance bond not to exceed \$1,000.00 to ensure performance of any agreement that may be reached with the owner of the property in question and which results in the postponement of a pending civil order to secure and/or clean.

- (e) *Offense.* It is unlawful for any building owner or person having control of any premises to cause, permit, or allow a public nuisance as defined in this article or to fail to timely comply with a notice to secure ordered by the code enforcement officer or fire chief given pursuant to this section. Violation shall be punishable by a fine of not less than \$50.00 nor more than \$1,000.00 unless otherwise provided in the Code (e.g., chapter 55). Each day's failure to comply after the expiration of the notice period shall constitute a separate offense.
- (f) *City may secure structures.* If the owner fails to comply with the notice to secure, the code enforcement officer or fire marshal may order the boarding up of all openings to the building so as to prevent entry, or the securing of the structure in any other reasonable fashion.
- (g) *Method of securing.* The securing of windows, doors, or any other opening allowing access to an unsecured, unoccupied structure shall be done with such materials and technique to effectively bar entrance to the structure. Such materials include, but are not limited to, plywood, lumber, steel, replacement glass, nails, screws, and bolts. The use of cardboard, tar paper, window and door screens, or any other material that will not effectively prevent entrance shall not be sufficient to meet the requirements of this section. Upon receipt of a notice to secure, each and every accessible means of entry must be secured.
- (h) *Method of cleaning.* The cleaning of an unoccupied building shall include maintenance of said structure and its lot free and clear of garbage, trash, debris, rubbish, waste, wood and metal scrap, inoperative or abandoned appliances and furniture. All weed and grass cuttings shall be removed from the premises in accordance with the provisions of chapter 55 of the city Code and state statutes.
- (i) *Collections and liens.* If the city secures a structure pursuant to authority granted by the Texas Local Government Code and in accordance with this article IV, the city shall proceed to secure payment for said actual costs of securing the property plus an administrative fee of \$180.00 by the following:
 - (1) Residential property of ten dwelling units or less: If after 30 days from billing for the securing of a structure, payment in full has not been made, the city may proceed to collect the amount due including the costs of securing, plus all associated costs and fees by filing a lien to be recorded in the real estate records of Harris County, Texas, pursuant to authority granted by law.
 - (2) All other structures: If after 30 days from billing for the securing of a structure, payment in full has not been made, the city may bring suit in a court of competent jurisdiction to collect the amount due including the cost of securing plus all associated costs and fees. The city attorney is hereby further authorized to make use of whatever legal or equitable remedies are available to collect said monies due, including filing and foreclosure of liens as appropriate.
- (j) *Fee and cost payable date.* The cost of securing, plus the attendant administrative cost shall attach and become an account receivable on the date completion of the boarding-up, fencing, or other method of securing any structure.
- (k) *Other remedies available.* The remedies provided in this section shall be available in addition to others provided by law or equity. The issuance of a notice to secure or imposition of a fine pursuant to another section of this Code shall not be required as a prerequisite to the initiation of abatement action, nor shall the issuance of a notice to secure or imposition of a fine under this section preclude any other or additional abatement remedies.

(l) *Danger posed by unsecured structure:*

- (1) Where the code enforcement official find that an unsecured building, regardless of the date of its construction, poses such a danger to public, health, safety, and welfare that in the officer's judgment summary abatement is necessary, or where an unsecured building is located within 1,000 feet of a public or private grammar school, middle school, or high school, or a state recognized day care center, he/she may cause the structure to be secured and cleaned.
- (2) Notice to the owner(s) shall be provided before the 11th day, after the structure is secured, by personal service, or notice by first class U.S. Mail at the owner's post office address. If personal service cannot be obtained and the owner's post office address is unknown, notice may be performed by either publishing the notice twice within a ten-day period in a newspaper of general circulation in the county in which the building is located, or posting the notice on or near the front door of the building. The notice shall contain the information required by applicable state law, and as such law may from time to time be amended, at least: (i) a description of the building and the property on which it is located (need not be legal description); (ii) description of the violation; (iii) statement of owner's need to secure or that city has secured, as the case may be; and (iv) explanation of owner's right to request a hearing on the matter, if within 30 days of securing, owner files written request for hearing. The commission must hear the matter within 20 days after the date request is filed.
- (3) It shall be unlawful for any person to enter such premises or remove the posted notice without written permission from the director of development services.
- (4) The city's costs may be recovered and a lien filed in the same manner as to secure city expenses incurred to remediate other premises violations.

(m) *Assessment of expenses.* The commission has the same authority to assess expenses under this section as it has to assess expenses under section 18-397 herein. A lien created under this section is subject to the same conditions as a lien created in 18-397.

(Ord. No. 2017-40, § 2, 10-3-2017)

Sec. 18-402. Building and standards commission other remedies; chapters 54 and 214, Texas Local Government Code.

Nothing in this chapter shall preclude the city's pursuit of any and all other remedies allowed under civil and criminal law, or in equity, to address conditions which are treated in this chapter, under the theory of public nuisance and the abatement of dangerous buildings or structures. Neither shall the city be required, nor prohibited, to issue criminal citations before, after, or during any proceeding prescribed in this chapter.

Specifically, in addition to the provisions in this chapter and remedies afforded under V.T.C.A., Local Government Code ch. 54, Municipal Regulation of Structures, the city further asserts full authority to exercise its right to remedy under all provisions of the V.T.C.A., Local Government Code including, but not limited to, ch. 214, subchapter B, Municipal Health and Safety Ordinances, and ch. 342, Municipal Fire Protection, subchapter B, in prosecution of civil suits for enforcement, removal or destruction of buildings and structures, injunctive relief, and civil penalties to remedy conditions of public concern described in this chapter.

(Ord. No. 2009-01, § 2, 2-3-2009; Ord. No. 2011-04, § 1(Exh. A), 4-5-2011; Ord. No. 2017-40, § 2, 10-3-2017)

Ord. No. 2017-40, § 2, adopted Oct. 3, 2017, repealed former § 18-402 which pertained to appeal to district court under substantial evidence rule; lien priority, and derived from Ord. No. 2009-01, § 2, adopted Feb. 3, 2009. Ord. No. 2017-40 subsequently renumbered former § 18-401 as § 18-402.

Sec. 18-403. Judicial review of a building and standards commission order.

- (a) Any owner, lienholder or mortgagee of record, jointly or severally aggrieved by an order of the commission, may file in Harris County District Court a verified petition setting forth that the decision is illegal, in whole or in part, and specifying the grounds of the illegality. The petition must be filed with the court within 30 calendar days after the respective dates a copy of the order of the commission is personally delivered, mailed by first class mail, certified return receipt requested or delivered to them by the United States Postal Service using signature confirmation service to all persons to whom notice is required to be sent under V.T.C.A. Government Code § 54.035. Notice of the order shall be as directed by law. If a petition is not filed within the 30-calendar day period by an owner, lienholder or mortgagee, the order of the commission shall become final as to that owner, lienholder or mortgagee upon the expiration of such 30-calendar day period.
- (b) On filing of the petition, the district court may issue a writ of certiorari directed to the commission to review the decision and order of the commission and shall prescribe in the writ the time within which a return on the writ must be made, which must be longer than ten days and served on the relator or the relator's attorney.
- (c) The commission may not be required to return the original papers acted on by it, but it is sufficient for the commission to return certified or sworn copies of the papers or of parts of the papers as may be called for by the writ.
- (d) The return must concisely set forth other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.
- (e) The allowance of the writ does not stay proceedings on the commission decision appealed from.
- (f) The district court's review of the order of the commission shall be in accordance with V.T.C.A. Local Government Code §§ 214.0012 and 54.039.

(Ord. No. 2017-40, § 2, 10-3-2017)

Sec. 18-404. Municipal court enforcement.

Proceedings by the building and standards commission do not affect proceedings under the jurisdiction of the municipal court.

(Ord. No. 2017-40, § 2, 10-3-2017)

Secs. 18-405—18-415. Reserved.

Editor's note(s)—Section 1(Exh. A) of Ord. No. 2011-04, adopted April 5, 2011, repealed former div. 10, § 18-409, which pertained to energy conservation code adopted and derived from Code 1996, § 18-409 and Ord. No. 2002-02, § 2, adopted March 5, 2002.



Substandard Structure Inspection Report

537 Baywood Dr
Seabrook, TX 77586

Date of Inspection: June 3, 2025

The Seabrook Building Department inspected the structure located at 537 Baywood Dr, Seabrook, TX 77586. It was found to be in violation of the City of Seabrook Code of Ordinances, Chapter 18 “Building and Building Regulations”, Article IV “Standards”, Division 12, “Substandard, Unsafe Buildings-Dangerous Buildings”, Section 18-389 “Dangerous Buildings, Structures and Nuisances Defined”, Numbers 1, 2, 3, 12, 13, and 14. The Building Official deemed the structure to be a public nuisance.

During the inspection, the following violations were noted:

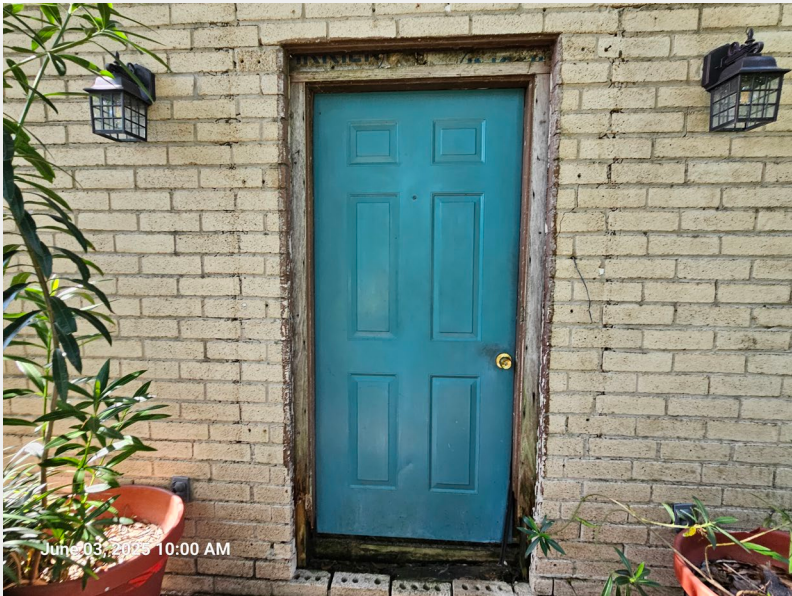
- Structure had become deteriorated and damaged such that its roof, walls, and flooring is not weather tight and waterproof. (1)
- Structure had become deteriorated and damaged such that it is a danger of collapse and it cannot be expected to withstand reasonably anticipated weather conditions, such as storms or hurricanes. (2)
- Conditions within the building/structure were found that violates the City’s building, electrical, plumbing, and fire codes. (3)
- Parts of buildings and structures that may fall and injure a person or property. (12)
- The condition, use, or appearance of the property is in violation of the minimum standards of this division, specifically including the property maintenance code. (13)
- The building fails to meet the requirements necessary to retain a certificate of occupancy. (14)
- The building is substantially damaged by definition based on NFIP Regulation and CH38 Flood

Staff has scheduled a public hearing to be held on July 29, 2025 at 6:00 p.m. before the Building and Standards Commission to hear testimony and receive evidence as to the condition of the above mentioned structure.

Nicholas Kondejewski
Building Official / Floodplain Administrator
CFM, TSBPE I-2833
City of Seabrook

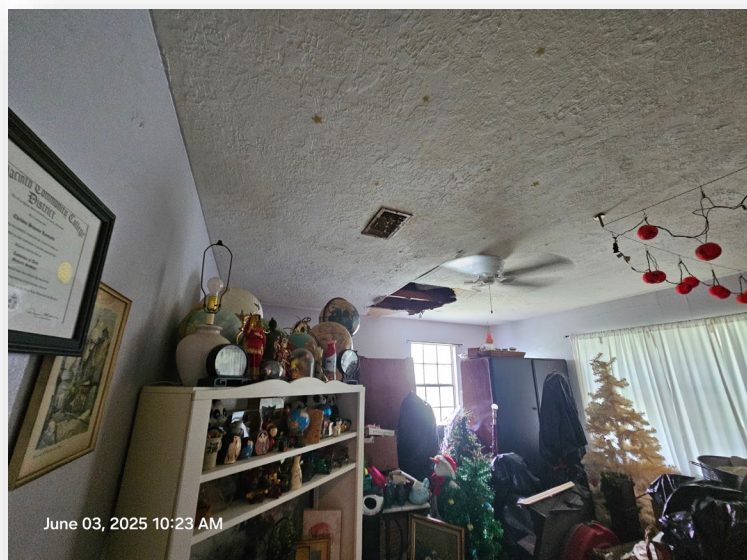
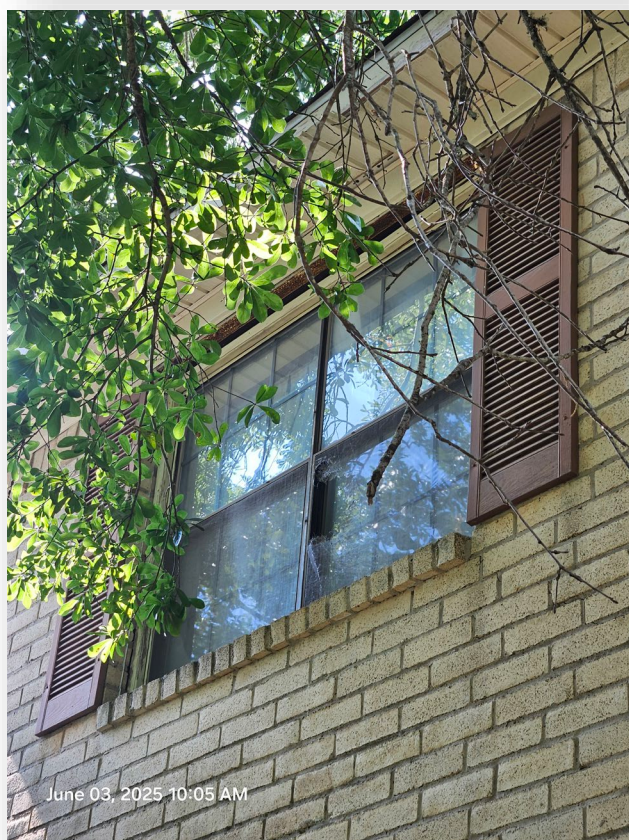


Substandard Structure Inspection Photos
Violation Sections: 1, 2, 3, 12, 13, and 14



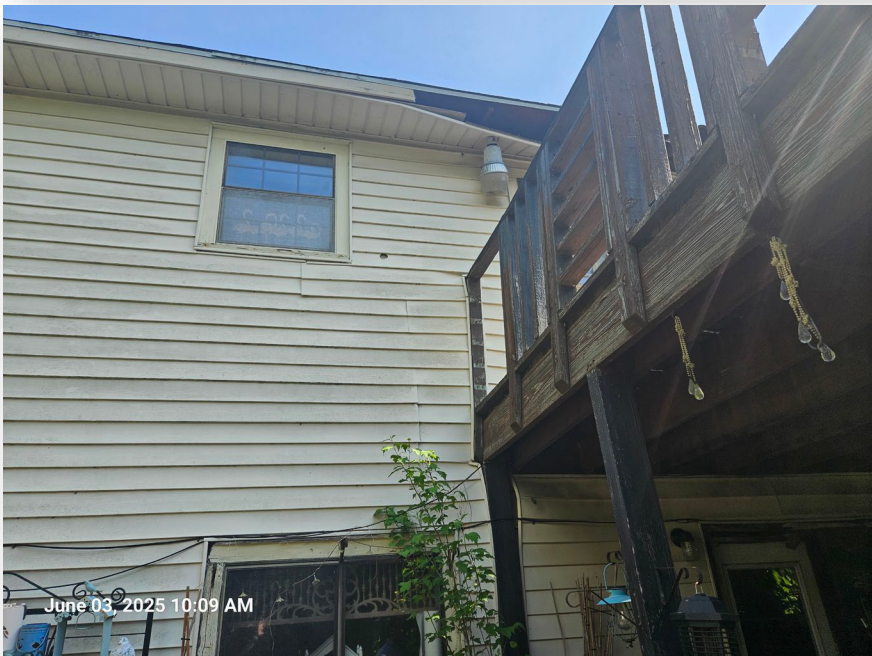


Substandard Structure Inspection Photos
Violation Sections: 1, 2, 3, 12, 13, and 14





Substandard Structure Inspection Photos
Violation Sections: 1, 7, 10, 13, and 14





Substandard Structure Inspection Photos
Violation Sections: 1, 2, 3, 12, 13, and 14





Substandard Structure Inspection Photos
Violation Sections: 1, 7, 10, 13, and 14





Substandard Structure Inspection Photos
Violation Sections: 1, 7, 10, 13, and 14





July 7, 2025

VIA CERTIFIED MAIL RRR: 7022 3330 0001 5260 9281, 7022 3330 0001 5260 9298

Samuel Crowell IV & Elizabeth Crowell
537 Baywood Dr.
Seabrook, TX 77586
HCAD: 0922480000031

Re: NOTICE OF HEARING

537 Baywood Dr., Seabrook, TX 77586

A parcel of land known as Tract Thirty-one (31) being approximately 100'x 151.92' out of a part of a twenty-six (26) acre tract known as Baywood Tract, an unrecorded subdivision in the Ritson Morris Survey, Abstract No. 52, Harris County, Texas

Dear Mr. & Mrs. Crowell:

The above-referenced property upon inspection, has been identified as a dangerous building by the Department of Community Development due to the fact that it constitutes a hazard to the health, safety, and welfare of its occupants and citizens of this City. The building official has found it to be in violation of the City of Seabrook Code of Ordinances, Chapter 18 "Building and Building Regulations", Article IV "Standards", Division 12, "Substandard, Unsafe Buildings-Dangerous Buildings", Section 18-389 "Dangerous Buildings, Structures and Nuisances Defined", Numbers (1), (2), (3), (12), (13), and (14). A copy of the inspection report, listing the specific conditions or defects that render the building/structure a substandard and/or dangerous building, is attached for your reference.

A hearing concerning the condition of your property will be held at the Seabrook City Hall on July 29, 2025, at 6:00 p.m. before the Building and Standards Commission (Commission), during which the Commission will consider and, if deemed appropriate, adopt an order providing that the building or structure be vacated, secured, repaired, removed and/or demolished. Under the provisions of Section 18-387 et. seq. of the Seabrook Code of Ordinances and 214.001(l) of the Texas Local Government Code, the owner, lien holder or mortgagee will be required to submit at the hearing at the time indicated in this notice, proof of the scope of any work that may be required to comply with the provisions of the Code of Ordinances of the City of Seabrook and the time it will take to reasonably perform the work. The City will vacate, secure, remove, or demolish the building or relocate the occupants of the building if the ordered action is not taken within a reasonable time in conformity with the determinations of the Commission. All persons having an interest in the property may appear in person at the hearing and/or be represented by an attorney who may at that time present testimony and may cross-examine all witnesses.



According to the real property records of Harris County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office not later than the 20th calendar day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not. This notice is being provided to you pursuant to Texas Local Government Code 54.005. Additionally, if to your knowledge, there are other owners of this property, please complete the information as provided in Attachment "A" and return this notice by mail in the self-addressed envelope enclosed.

All persons having an interest in the property are advised that the City may by order, after the time allotted for repair, removal, or demolition of a building, seek an assessment of lien against the property for City expenses, or a civil penalty against the property for failure to repair, remove, or demolish, in an amount not to exceed \$1000.00 a day for each violation, together with interest at the annual rate of 10% until paid in full. Additionally, the City may seek foreclosure of all liens, costs, and attorney's fees in accordance with law.

If this notice is not returned within five (5) calendar days after receipt, the City of Seabrook will proceed on the assumption that our records are correct and that you are the sole owner of the subject property.

Sincerely,

Nicholas Kondejewski
Building Official
Floodplain Admin.
CFM, TSBPE-I 2833
City of Seabrook

Posting on or near the Front Door of the Building

CC: BoRain Capital Fund, 5,Ltd, 8445 Freeport Pkwy, Suite 175, Irving, Texas 75063



AFTER FILING RETURN TO:

City of Seabrook
Attn: Code Enforcement
1100 Red Bluff Rd.
Seabrook, Texas 77586

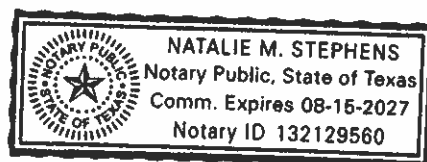
Enclosure: Inspection Report, Seabrook's Substandard, Unsafe Buildings Ordinance

cc: Gayle Cook, City Manager, w/out enclosures
Andrea Chan, Olson & Olson, City Attorney w/out enclosures
Rachel Lewis, City Secretary, with enclosures
Harris County Clerk, Official Public Records of Real Property
Samuel & Elizabeth Crowell IV, 537 Baywood Dr., Seabrook, TX 77586
VIA CERTIFIED MAIL RRR: 7022 3330 0001 5260 9281
BoRain Capital Fund, 5,Ltd, 8445 Freeport Pkwy, Suite 175, Irving, Texas 75063
VIA CERTIFIED MAIL RRR: 7022 3330 0001 5260 9298

State of Texas
County of Harris

Before me, Natalie Stephens notary public, State of Texas, on this day, personally appeared Nicholas Kondejewski known to me, to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed, and in the capacity therein and herein set out.

Given under my hand and seal of office this 8 day of July, 2025.



Natalie Stephens
Signature of Notary Public

Natalie Stephens
Printed Name of Notary
Notary Public, State of Texas
My Commission Expires: 8-15-27



SEABROOK BOARD OF ADJUSTMENT/BUILDING
STANDARDS COMMISSION
MEETING

Sue Thomey called the Seabrook Board of Adjustments to order at 6:00 p.m. in the Council Chambers in Seabrook City Hall. Present were Sue Thomey, Tin Ngo, Terry Moore, Glen Halbison, Jeffrey Larson. Also in attendance were: Deputy City Manager Sean Landis and Board Secretary Kiarra Bellow.

1. PUBLIC COMMENTS AND ANNOUNCEMENTS

There were no citizen comments.

2. PRESENTATIONS

2.1 Administer the Oath of Office for all newly appointed or reappointed Board of Adjustment members and review state-mandated training requirements.

City Secretary, Rachel Lewis administered the Oath of Office to Sue Thomey, Terry Moore, and Glen Halbison, then reviewed training requirements.

3. SPECIFIC PUBLIC HEARING

3.1 Conduct a Specific Public Hearing on a request for a variance to the Seabrook Code of Ordinances, Appendix A, "Comprehensive Zoning", Article 9, "Nonconformance", Section 9.07, "Right-of-Way Acquisition by Governmental Agency".

Chair Sue Thomey opened the public hearing at 6:05 PM.

There were no public comments.

Chair Sue Thomey closed the public hearing at 6:05 PM.

4. NEW BUSINESS

4.1 Consider and take all appropriate action on a request for a variance to the Seabrook Code of Ordinances, Appendix A, "Comprehensive Zoning", Article 9, "Nonconformance", Section 9.07, "Right-of-Way Acquisition by Governmental Agency".

David Dillard gave a presentation on behalf of the applicant, Dynasty Investments, at the request. See Exhibit A.

Motion:	To Approve
Made By:	Member of BOA/BSC Moore
Seconded By:	Member of BOA/BSC Ngo
Vote:	Passed unanimously by all present

5. ROUTINE BUSINESS

5.1 Approve the minutes from the May 13, 2024, BOA meeting.

Motion:	To Approve
Made By:	Member of BOA/BSC Ngo
Seconded By:	Member of BOA/BSC Halbison
Vote:	Passed unanimously by all present

Motion:	To Adjourn
Made By:	Member of BOA/BSC Larson
Seconded By:	Member of BOA/BSC Halbison
Vote:	Passed unanimously by all present

The BOA meeting was adjourned at 6:48 PM.

APPROVED:	_____	DATE: _____
	Chair	

ATTEST:	_____
	Kiarra Bellow
	Administrative Coordinator