



AGENDA

Building and Standards Commission Meeting and Training Session

July 27, 2022 | 6:30 PM

Council Chambers

City Hall | 665 Country Club Road, Lucas, Texas

Notice is hereby given that a meeting of the City of Lucas Building and Standards Commission will be held on Tuesday, July 27, 2022 at 6:30 pm at Lucas City Hall, 665 Country Club Road, Lucas, Texas 75002-7651, at which time the following agenda will be discussed.

If you would like to watch the meeting live, and not participate via Zoom, you may go to the City's live streaming link at <https://www.lucastexas.us/live-streaming-videos/>.

How to Provide Input at a Meeting:

Speak In Person: Request to Speak forms will be available at the meeting. Please fill out the form and give to the Interim City Secretary prior to the start of the meeting. This form will also allow a place for comments.

Submit Written Comments: If you are unable to attend a meeting and would like to submit written comments regarding a specific agenda item, email Interim City Secretary Kent Souriyasak at kent@lucastexas.us by no later than 3:30 pm the day of the meeting. The email must contain the person's name, address, phone number, and the agenda item(s) for which comments will be made. Any requests received after 3:30 pm will not be included at the meeting.

Call to Order

- Roll Call
- Determination of Quorum
- Reminder to turn off or silence cell phones
- Pledge of Allegiance

Regular Agenda

1. Consider the appointment of a Chairman and Vice Chairman of the Building and Standards Commission to serve for a term of two years ending on December 31, 2023. (Assistant to the City Manager/Interim City Secretary Kent Souriyasak)
2. Building and Standards Commission training to be conducted with the City Attorney. (City Attorney Courtney Morris)
3. Adjournment.

Certification

I do hereby certify that the above notice was posted in accordance with the Texas Open Meetings Act on the bulletin board at Lucas City Hall, 665 Country Club Road, Lucas, Texas 75002 and on the City's website at www.lucastexas.us on or before 5:00 p.m. on July 22, 2022.

Kent Souriyasak, Assistant to the City Manager/Interim City Secretary

In compliance with the American with Disabilities Act, the City of Lucas will provide for reasonable accommodations for persons attending public meetings at City Hall. Requests for accommodations or interpretive services should be directed to Kent Souriyasak at 972-912-1213 or by email at kent@lucastexas.us at least 48 hours prior to the meeting.



City of Lucas
Building and Standards Commission
Request
July 27, 2022

Item No. 01

Requester: Assistant to the City Manager/Interim City Secretary Kent Souriyasak

Agenda Item Request

Consider the appointment of a Chairman and Vice Chairman of the Building and Standards Commission to serve for a term of two years ending on December 31, 2023.

Background Information

Per the City's Code of Ordinances under Article 3.02 Building and Standards Commission, persons appointed to the Board of Adjustment shall also automatically be appointed to the Building and Standards Commission. The Building and Standards Commission has the authority to enforce the enumerated health and safety ordinances authorized by Texas Local Government Code Chapter 54 Subchapter C. The Building and Standards Commission consist of the five members and two alternates of the Board of Adjustment. The Building and Standards Commission shall appoint a Chairman and Vice Chairman to serve for a term of two years. The Board of Adjustment shall not assume or perform any duties or responsibilities of the Building and Standards Commission. Each board is separate and distinct.

Staff has provided an attachment of Article 3.02 Building and Standards Commission of the Code of Ordinances which includes information regarding the commission's creation, composition, powers, duties, procedures, notice of proceedings, conduct of hearings, and appeals.

Attachments/Supporting Documentation

1. Article 3.02 Building and Standards Commission from City of Lucas Code of Ordinances

Budget/Financial Impact

NA

Recommendation

NA

Motion

I make a motion to appoint _____ as Chairman of the Building and Standards Commission for a term ending December 31, 2023.

I make a motion to appoint _____ as Vice Chairman of the Building and Standards Commission for a term ending December 31, 2023.

ARTICLE 3.02 BUILDING AND STANDARDS COMMISSION

Sec. 3.02.001 Created; composition

There is hereby created the building and standards commission, composed of five members and two alternates, which shall consist of the members of the zoning board of adjustment. The alternates shall serve in the absence of one or more of the regular members. Persons appointed to the zoning board of adjustment shall also automatically be appointed to the building and standards commission. The zoning board of adjustment shall not assume or perform any duties or responsibilities of the building and standards commission, nor shall the building and standards commission assume or perform any duties or responsibilities of the zoning board of adjustment, each such board being separate and distinct boards. Members must be residents of the city. Their appointment is for a term of two years or until replacements are appointed and qualified.

Sec. 3.02.002 Powers and duties

(a) The building and standards commission has the authority to enforce the enumerated health and safety ordinances authorized by V.T.C.A., Local Government Code ch. 54, subch. C, as amended. Specifically, the commission shall have the following powers and duties:

- (1) To require the reduction in occupancy load of an overcrowded structure or vacation of a structure that is reasonably dangerous to the health, safety or welfare of the occupants.
- (2) To require, as an alternative to demolition of a structure found to be substandard, the repair of the structure by the owner or by the city.
- (3) To require the demolition of a structure found to be substandard.
- (4) To require the removal of personal property from a structure ordered vacated or demolished. Removal may be accomplished by use of city forces or a private transfer company if the owner of the personal property is not known, or the whereabouts of

the owner cannot be ascertained, or the owner fails to remove the personal property. The commission may cause any personal property removed to be stored in the care and custody of a bonded warehouse facility. Cost of removal and storage are the responsibility of the owner of the personal property.

(5) To require a vacant structure or vacant portion of a structure constituting a dangerous condition or nuisance to be securely closed and made safe.

(6) To require or cause the correction of a dangerous condition on the land. Correction of a dangerous condition may be accomplished by city forces or private contract. Costs of correction are the responsibility of the owner.

(7) To assess a civil penalty, not to exceed \$1,000.00 a day, against a property owner for each day or part of a day that he fails to repair or demolish a structure in compliance with a commission order issued under this article.

(8) To cause an act to be brought in district court in accordance with V.T.C.A., Local Government Code § 214.003, as amended, for the appointment of a receiver for property found to be an urban nuisance.

(9) To declare a building substandard in accordance with the powers granted by V.T.C.A., Local Government Code ch. 54, subch. C (§54.031 et seq.), as amended.

(10) To issue orders or directives to any peace officer of the state, including a sheriff or constable, to enforce and carry out the lawful orders or directives of the commission.

(11) To enforce ordinances relating to the condition caused by the accumulations of refuse, vegetation, or other matter that creates breeding and living places for insects and rodents.

(12) To enforce ordinances relating to a building code or to the condition, use, or appearance of property within the city.

(13) Any other powers granted by V.T.C.A., Local Government Code ch. 54, subch. C (§54.031 et seq.), as amended.

(b) The authority granted in this section is in addition to that granted by V.T.C.A., Local Government Code §214.001.

Sec. 3.02.003 Procedure

(a) The building and standards commission may adopt rules not inconsistent with this article. Meetings of the commission will be held at the call of the chairman, or in his absence the acting chairman, or as the board may determine from time to time. The chairman or in his absence, the acting chairman may administer rolls and compel the attendance of witnesses. All meetings are open to the public. The development services director or designee shall present the cases to the commission.

(b) A designated representative shall act as secretary to the commission, but shall not be a member. The secretary shall keep a record of the cases, activities, and actions of the commission and its determinations, give notice of the date and time of hearings, and perform such other duties as are consistent with or may be necessary for the enforcement of this article.

Sec. 3.02.004 Notice of proceedings; conduct of hearings

(a) Notice of all proceedings before the building and standards commission shall be given:

(1) By personal delivery, by certified mail with return receipt requested, or by delivery by the United States Postal Service using signature confirmation service, to the record owners of the affected property and each holder of a recorded lien against the affected property, as shown by the records of the office 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 the lien or other applicable instruments on file in the office of the county clerk.

(2) 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.

(3) The notice must be posted and either personally delivered or mailed on or before the tenth day before the date of the hearing before the 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 on or before the tenth day before the date fixed for the hearing.

(4) The notice shall contain the following:

(A) An identification, which is not required to be a legal description of the building and the property on which it is located.

(B) A description of the violation of the municipal standards that is present at the building.

(C) 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.

(5) If the notice sent to the last known address of the person being notified is returned undelivered, the development services director or designee may serve the notice personally if the person to be notified can be found in Dallas or Collin County, Texas. If notice sent to an owner is returned undelivered, and after diligent search, the development services director or designee is unable to discover a correct address for the owner or is unable to serve the owner personally, then the development services director or designee shall give notice by publication in the official newspaper of the city at least five days before the hearing.

(b) At each hearing of the commission an owner, lessor, occupant, or lienholder may present witnesses in his own behalf and is entitled to cross-examine any witnesses appearing against him.

(c) After a public hearing, the decision of the commission is final as to the administrative remedies.

Sec. 3.02.005 Appeals

(a) Any owner, lienholder, or mortgagee of record, jointly or severally aggrieved by any final decision of the commission may appeal such decision by filing a verified petition in state district court setting forth that the commission's decision is illegal, in whole or in part, and specifying the grounds of the illegality. The petition must be filed by an owner, lienholder, or mortgagee of record within 30 calendar days after the date(s) a copy of the commission's order is personally delivered in the manner required by V.T.C.A., Local Government Code ch. 54, as amended, to all persons to which notice is required to be sent in compliance with V.T.C.A., Local Government Code ch. 54, as amended. Such appeal shall be as set forth in V.T.C.A., Local Government Code ch. 54, except that an appeal in state district court shall be trial de novo.

(b) This article does not affect the ability of the municipal court to proceed under the jurisdiction of the municipal court.

Sec. 3.02.006 Failure to comply with order

(a) A person commits an offense if he fails to correct a violation of this article in compliance with a building and standards commission order that has become final.

(b) It is a defense to prosecution under subsection (a) of this section that the commission order has been appealed to the state district court.

(Ordinance 2017-04-00851 adopted 4/6/17)



City of Lucas
Building and Standards Commission
Request
July 27, 2022

Item No. 02

Requester: City Attorney Courtney Morris

Agenda Item Request

Building and Standards Commission training to be conducted with the City Attorney.

Background Information

NA

Attachments/Supporting Documentation

NA

Budget/Financial Impact

NA

Recommendation

NA

Motion

NA