

**BUILDING BOARD OF APPEALS**  
**AGENDA**  
**REGULAR MEETING**  
**April 4, 2017**  
**CITY HALL COUNCIL CHAMBERS, 405 MUNICIPAL DRIVE**  
  
**REGULAR SESSION - 7:00 PM**

**I. CALL TO ORDER**

*\*NOTE: Pursuant to Section 551.071, Texas Government Code, the City Council reserves the right to adjourn into Executive Session at any time during the Work Session or the Regular Session to discuss posted Executive Session items or to seek legal advice from the City Attorney on any item posted on the agenda.*

**II. ROLL CALL**

**III. MINUTES APPROVAL**

- A. The minutes from the February 2016 meeting are attached for your consideration.

**IV. REGULAR ITEMS**

- A. Case BBA # 17-01 Public hearing and consideration of demolition approval regarding a city-initiated request for demolition of an R-3 single family residential home located on approximately 2.2 acres at 904 Shady Oaks Dr., legal description of Hilldale Addn Lot 5 Block 3.

1. Staff Presentation
2. Property Owner Presentation
3. Public Hearing
4. Property Owner Response
5. Staff Response and Summary
6. Action by the Building Board of Appeals

**V. ADJOURNMENT**

In compliance with the Americans with Disabilities Act, the City of Kennedale will provide for reasonable accommodations for persons attending City Council meetings. This building is wheelchair accessible, and parking spaces for disabled citizens are available. Requests for sign interpreter services must be made forty-eight (48) hours prior to the meetings. Please contact the City Secretary at 817.985.2104 or (TDD) 1.800.735.2989

**CERTIFICATION**

*I certify that a copy of the April 4, 2017, Board of Adjustment & Building Board of Appeals agenda was posted on the City Hall bulletin board next to the main entrance of the City Hall building, 405 Municipal Drive, of the City of Kennedale, Texas, in a place convenient and readily accessible to the general public at all times and said agenda was posted at least 72 hours preceding the schedule time of said meeting, in accordance with Chapter 551 of the Texas Government Code.*



Alicia Santos  
Board Secretary

## **BOARD OF ADJUSTMENT & BUILDING BOARD OF APPEALS**

### **Minutes**

### **REGULAR MEETING**

**February 7, 2017**

**CITY HALL COUNCIL CHAMBERS, 405 MUNICIPAL DRIVE**

#### **I. CALL TO ORDER**

Chairman Clark called the meeting to order at 7:00 P.M.

| Place | Member                    | Present | Absent |
|-------|---------------------------|---------|--------|
| 1     | John Clark, Chair         | x       |        |
| 2     | Brian Cassady             | x       |        |
| 3     | Patrick Vader, Vice Chair | x       |        |
| 4     | Martin Young              | x       |        |
| 5     | Jeff Madrid               |         | x      |
| 6     | Jeff Nevarez, Alternate   | x       |        |
| 7     | Kelli Rod, Alternate      |         | X      |
| 8     | Josh Altom, Alternate     |         |        |
| 9     | Lana Sather, Alternate    | x       |        |

Staff present: Sandra Johnson (building official); Rachel Roberts (community development director serving as board secretary). City attorney Ashley Dierker was also present.

Mr. Nevarez was asked to serve as a regular member.

#### **II. ROLL CALL**

Mr. Clark noted which members were present. A quorum was present.

#### **III. SWEARING IN OF SPEAKERS**

Mr. Clark deferred this item until consideration of the case on the agenda.

#### **IV. MINUTES APPROVAL**

A. Consider approval of minutes from the March 1, 2016 Building Board of Appeals regular meeting

Mr. Cassady made a motion to approve the minutes, seconded by Mr. Vader. The motion passed with all in favor.

#### **V. VISITOR/CITIZENS FORUM**

No one registered to speak.

Since the property owner for Case BBA 17-01 had notified staff he was stuck in traffic and may arrive about ten minutes late, Chairman Clark called for a recess until 7:10 to allow Mr. De la

Rosa time to arrive. At 7:11 PM, the chairman reconvened the meeting. Mr. Clark gave an overview of the proceedings for building board of appeals meetings for the benefit of anyone in the audience.

Ms. Roberts swore in the members of the public who wished to speak. The property owner was not yet present.

## **VI. REGULAR ITEMS**

**A. Case BBA # 17-01** Public hearing and consideration of demolition approval regarding a city-initiated request for demolition of an R-3 single family residential home located on approximately 2.2 acres at 904 Shady Oaks Dr, legal description of Hilldale Addn Lot 5 Block 3.

### **1. Staff Presentation**

Sandra Johnson gave the staff presentation. She said that violations for this property began in March 2004. In January 2010, the building board of appeals granted the owner 30 days to come up with a plan and begin to bring the property up to code. In 2015, the city tried to bring the property before the board but couldn't do so because property owner had filed for bankruptcy. Ms. Johnson said the city now has an order from the court saying the bankruptcy stay does not apply to the city. She said the owner, Harvey De La Rosa, recently obtained permits for electrical, plumbing and fence work, but so far only the fence work had passed inspection. She added that the most recent inspection was on January 31. She said she has provided the board with a list of outstanding violations, and then she showed the board pictures dating from December 2009 through December 2016. The pictures depicted various substandard elements of the property, including the burnt structure, trash and debris accumulation, busted windows, deteriorated soffit, siding gone from part of the house, and the swimming pool, which Ms. Johnson notes was in bad shape throughout with stagnant water on an ongoing basis.

Mr. Vader said one of the pictures shows the electrical meter was that installed recently? Ms. Johnson said they have replaced that completely, so the meter is gone but the box is still there.

Mr. Nevarez asked if there had been any improvement. Ms. Johnson said yes, the work has been going gung-ho since the case was coming up. Mr. Nevarez said that if he remembered correctly, that's what Mr. De La Rosa did the last time his property came before the board.

Mr. De La Rosa, the property owner, arrived at 7:16 PM.

Ms. Johnson continued with showing pictures, showing the lack of sheetrock and insulation, how the duct work was not complete, and mentioning that the swimming pool has been an ongoing issue for the neighborhood because of the stagnant water. She also said the plumbing was not complete and showed pictures of incomplete work on the electrical and HVAC systems.

Mr. Clark informed Mr. De La Rosa that the board had waited until 7:10 PM to start and that he'd have a chance to present, and to please try to keep the presentation to 15 minutes. Mr. Clark also said that Mr. De La Rosa would have a chance to ask questions of anyone who speaks for or against the presentation. He asked if Mr. De La Rosa had had a chance to see city's slides. Mr. De La Rosa said yes, he's been talking with Ms. Johnson.

Mr. Clark asked Ms. Johnson if she had any concerns about the structural integrity of the house. She said the structure was in good shape but is not habitable.

Mr. Nevarez asked how much work was left if they proceeded without demolition. Ms. Johnson said that if they worked every day, it would probably take 60 to 90 days, but that hasn't been the case here; the work has been very sporadic. She said the work had been very gung-ho in the last few weeks, but nothing had been done before that. Mr. Vader asked if there was still trash on the property. Ms. Johnson said there was trash in the backyard and in the house the last time she was there, on January 31. She added that the electrical rough was not complete, the

plumbing was not complete, and the duct work was not up to code. Mr. Nevarez asked if in the last year, there had been any criminal activity on the grounds. Ms. Johnson said not to her knowledge. She said we'd just had a lot of complaints about the swimming pool. Mr. Vader asked if, the last few weeks aside, the general condition of the property has been the same. Ms. Johnson said since 2009, yes. Mr. Clark asked if when the determination was made in 2009 that the structures didn't meet minimum standards, has that condition changed? Ms. Johnson said no, it was still substandard.

## **2. Property Owner Presentation**

Ms. Roberts swore in Harvey De La Rosa, 206 Stewart, Lancaster, owner of the property in question. Mr. De La Rosa addressed the board, saying he's made a list of expenses that he's incurred in repairs, which he then distributed to the board members. He said they've pulled permits for electrical and plumbing, the floor has been repaired, and the general contractor is working on the property. He said it will take an additional 60 to 90 days to complete the whole project, but they're well under way. He told the board he's invested about \$40,000. He said they've done landscaping, and they've reframed half the structure. He said he has a list of items to be done that Ms. Johnson gave him during a recent framing inspection, which they're addressing issue by issue. He said that everyone he's using is registered with Kennedale and has pulled permits. He told the board he's put in new fencing, and he now has a general contractor handling all the issues, and he would like to be able to continue and finish the house and move back to Kennedale. He added that they've cleaned up the place considerably, with a new roof, new plumbing, and new electrical. He said there is no ductwork because they're using window units for now. He said that basically everything is on track, and he just wants a little time. He said that Ms. Johnson's right, the property sat dormant, but he's finally back where he's not away all the time and can work on the place. He also gave the board a copy of the list Ms. Johnson had given him that listed all the issues to be addressed. He said they've patched the floor, and hopefully next week everything will be done on that list so they will get permission to do the sheetrock. He said he lived there before, and it was a great place to live, and he'd very much like to live there again.

Mr. Cassady asked if the pool had been drained. Mr. De La Rosa said they're draining it weekly. He said Ms. Johnson gave him the requirements, and his pool contractor can't get to it until next month but has given him some estimates. He said he was having it power washed next week. Mr. Cassady said he was sure the neighbors will appreciate that. Mr. De La Rosa said the code enforcement office had offered for several years to give him mosquito tablets for the pool, and he's now going to take him up on that.

Mr. Cassady said it would be a big chore to finish in 90 days. He referenced another property nearby on Harrison that was recently brought up to code, and Mr. De La Rosa said he'd seen it. He said Ms. Johnson has been really patient with him; he's got nothing but good to say about her, and he knows she's got a job to do.

Mr. Vader asked about the new roof, wanting to know if they replaced the fascia or the soffit? Mr. De La Rosa said they're doing it now. Mr. Vader asked if they're doing it after the new roof went on? Mr. De La Rosa said yes, Ms. Johnson said they needed to replace it. He said it looks 100% better, and they're going to do the fascia and the soffit. He added that he wanted to do the roof before the rainy season set in, that he didn't have any leaks but just wanted to make sure it was okay. He said he's pulled permits for everything Ms. Johnson asked him to. Mr. Vader said he was sure the house sitting for nine years is pushing it for the neighbors. Mr. Vader then asked for clarification if it had been vacant for ten years. Mr. De La Rosa said yes, sure, that during the dope phase of the neighborhood people broke in and stole things and tore the wiring out. Mr. Vader asked if he had insurance, and Mr. De La Rosa said yes. Mr. Vader said they don't usually like to insure vacant houses.

Mr. Nevarez noted that Mr. De La Rosa went before the City Council to ask for extension and has been doing due diligence. He said it had been a few years since Mr. De La Rosa came

before the board before and asked what happened. Mr. De La Rosa said he's been on the road a lot for his job. He said he doesn't have any excuses for the past, and all he can say is what he's doing now and is going to do. Mr. Nevarez said Mr. De La Rosa had said he works for cities and asked what he does for a living. Mr. De La Rosa says he's a millwork contractor for all the major hotel. Mr. Nevarez asked if the bankruptcy case is still open, and Mr. De La Rosa said yes, he's in the 4<sup>th</sup> year of a 5-year plan. Mr. Nevarez asked who the general contractor is. Mr. De La Rosa said it's the person who owns Lonestar Fencing. He said the city has approved electric and plumbing permits; he added that he hasn't discussed work on the pool with Ms. Johnson. Mr. Nevarez asked about the timeline. Mr. De La Rosa said he's done electrical and plumbing rough-in, and as soon as he gets permission to insulate, he can drywall. He said he has a few items to finish before he can drywall and insulate. He said they've pulled out dead trees and cleared out the trash from the old roof, and he's put up new fencing. He added that they're going to fix a small patch of siding that needs to be replaced, and he's thinking of tearing out the old vinyl siding and painting house.

Mr. Nevarez said this is almost the thing Mr. De La Rosa said last time; what assurance can Mr. De La Rosa give that he's going to move forward this time? Mr. De La Rosa said the expense list he gave the board is his assurance. Mr. Nevarez said that last time he said he'd spent money, so what assurance does the board have this time he'll really do it? Mr. De La Rosa said he just wants to move back and live in peace this time.

Mr. Vader asked Mr. De La Rosa if he was saying the electrical and plumbing are finished and waiting to be sheetrocked. Mr. De La Rosa said no, they're roughed in. Mr. Vader indicated the pictures taken of the property a week ago and Ms. Johnson's notes don't reflect that. He said he was concerned about Mr. De La Rosa's perception about what he has left to do.

Mr. Vader said he's been in construction a long time; if you didn't get a green tag, it's not ok to cover it up. He then asked Mr. De La Rosa if he had received a green tag for his electrical work. Mr. De La Rosa said yes, but then looked to Ms. Johnson to confirm that, and she said no. Mr. Vader asked if Mr. De La Rosa had received a green tag for the plumbing work, and Mr. De La Rosa said no. Mr. Vader said it didn't sound like his contractors have gotten him where he needs to be.

Mr. De La Rosa said he would ask Ms. Johnson what work to do. Mr. Clark said it's not the city's job to say how to construct the house; it's their job to inspect. Mr. De La Rosa said he didn't expect that from the city.

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Mr. Clark asked if the work were not completed in 90 days, will Mr. De La Rosa ask for additional time? Mr. De La Rosa said no. Mr. Clark asked if Mr. De La Rosa had any other information he'd like the board to hear or review, or did he have any witnesses? Mr. De La Rosa said he did not at that time.

### **3. Public Hearing**

Mr. Clark told Mr. De La Rosa that one person had registered to speak and that he would have a chance to question them.

Debbie Camp, 500 W 3<sup>rd</sup> St, told the board she owns the property next door. She said Mr. De La Rosa has never kept up his property. She said in 2004, he had someone who didn't know what they were doing work on the pool, and the pool collapsed, and it's been a cesspool ever since. She said she's pumped it, and Mr. De La Rosa's brother-in-law pumped it, and she's mowed the property. She said the property has gone downhill and she can't keep a tenant in the house she rents out next door because of it. She said Mr. De La Rosa won't keep the property mowed. She said that other properties have been a problem, and they've taken some time, but they've

improved, but this one hasn't. She said he's had ample time to improve it, and no one can live in this house.

Mr. De La Rosa had no questions for Ms. Camp.

#### **4. Property Owner Response**

Mr. De La Rosa said there's some personal bad blood he doesn't want to discuss, but one of the reasons he's coming back is because Ms. Camp doesn't live next door anymore. Mr. Clark said why don't we stay focused on the issues?

#### **5. Staff Response and Summary**

Ms. Johnson said she has a few concerns, mostly concerning the swimming pool; she said the property's been the same from 2009 to today. She added that she doesn't know if Mr. De La Rosa has the same understanding on the inspection as she does, because he seems to think the work is okay, but it's not. She said that also, where the garage was burned in a fire, it has some alligator pattern wood, and she doesn't know if that's okay, so Mr. De La Rosa is going to have to get a professional to let her know that wood is okay. She said she didn't understand why Mr. De La Rosa didn't change out the decking when he got a new roof. She added that the water heater location also had to be taken care of. She said she's heard there are plans to convert the garage, but it has to remain a garage.

Ms. Johnson told the board she strongly recommends demolition. She said the city has put a lot of time and money into this issue. Staff might recommend giving 30 days to see if he can do enough work, but she doesn't know that giving him 60 to 90 days is fair since he's had nine years already. She said the pool is the main problem, and if he could do something with that, she might be able work with him on a longer timeline.

Mr. Nevarez if the board does approve 30 days, would she like to see pool taken care of in that 30 days? Ms. Johnson said she would like see to all of it done then. Mr. Cassidy said that was impossible. Ms. Johnson said then at least the pool should be done in 30 days, and the rest in 90 days, with the house being move-in ready at that time. Mr. Nevarez asked if she could pick one other thing that needed to be addressed in that time, what would it be? Ms. Johnson said it would be the burned wood. Mr. Nevarez said he thought she'd said the building was structurally sound. Ms. Johnson said the house is, but the garage is not.

Mr. Vader said he would have thought that if Mr. De La Rosa was serious, he would have hired a general contractor and not a fence contractor who doesn't even understand a green tag. He said Mr. De La Rosa doesn't seem to be taking the proper steps to find a person to do the work. He added that Mr. De La Rosa has a background in millwork and construction, so he knows to find someone.

Ms. Johnson said she didn't know at what point the general contractor came on board, as she hadn't dealt with him. Mr. Nevarez asked if she thought shortcuts were being taken, and she replied that in the matter of the roof, yes. As for the rest, the jobs just aren't complete, and that's why he hasn't received a green tag.

There being no one else registered to speak, the public hearing was closed.

#### **6. Action by the Building Board of Appeals**

Mr. Clark reminded the board that the first act of the board should be to determine if the structure is substandard. If they find it is not substandard, then the board doesn't do anything. If they find it is substandard, then they can give the owner time to act on it, although they generally aren't supposed to give more than 90 days. He said there was a prior determination of substandard going back to 2009, which staff suggests hasn't been remedied. To act, we have to continue to find that it is still substandard, then we can act. If we grant 90 days, we'll need to

specify what needs to be done within that 90 says, if that's the time frame the board want to talk about. He asked if there is any dispute among the board members that it is not meeting the minimum standards.

Mr. Clark said the board's options if they determined the structure is substandard are to either go to demolition or give the property owner time. Mr. Cassady said he didn't think there was any doubt the property was substandard. Mr. Clark said the residents have dealt with this for nine years, and he was concerned that without a very specific schedule, they'll be in the same place in 90 days. He appreciated Mr. Cassady wanted to give the owner a chance, but it has been nine or ten years. Mr. Cassady said if the owner can come up with what he can complete in 30 days and the city can verify it, they can come back in a month and see if he's on schedule; then the board could give him a total of 90 days.

Mr. Vader said if this was a serious effort, Mr. De La Rosa would have a serious contractor, and he could have had it whipped into shape, with electrical, plumbing, sheetrock, and floors finished in 30 days. He said he would settle for nothing less than that being done in 30 days, or go with the staff recommendation to demolish. He said the owner should also get a report from an engineer on the garage, and that's easily doable in 30 days, as is fixing the windows. He said at same time they could be bulldozing the pool. In 30 days, they would be able to get to a point where it was way beyond question as to whether Mr. De La Rosa can be finished in 90 days.

Mr. Nevarez said he agreed with both Mr. Cassady and Mr. Vader, and that they have to have progress on this. He said Sandra said she would give 30 days.

Mr. Clark asked if there was any further discussion, and if not, the board should make a motion. Mr. Vader made a motion to give an additional 30 days to Mr. De La Rosa provided he demolishes or fills in the pool, completes the electrical and plumbing to green tag inspection, and does the sheetrock, tape bed, and texture, within 30 days. Ms. Dierker suggested modify the motion to make a finding on the substandard status. Mr. Nevarez made a motion to determine the property is substandard, seconded by Mr. Vader and passed unanimously. Returning to Mr. Vader's motion, Mr. Young asked about the alligator wood on the garage. Mr. Vader amended his motion to include city approval of any repairs made in the burned garage area. Mr. Young seconded the motion, and with no discussion, Mr. Vader's amended motion passed with all in favor.

Mr. Clark told Mr. De La Rosa that the motion passed and explained what was required. He said Mr. De La Rosa should provide city staff with whatever is necessary to show the burned area is sufficiently sound. Mr. De La Rosa asked if he needed to hire an engineer, and Mr. Clark said the board couldn't tell him that part, just that it needs to be something city staff would approve.

## **VII. REPORTS/ANNOUNCEMENTS**

Mr. Nevarez said Bark in the Park would be held a bit later this year. He said the library is now part of an electronic database that has movies and books. He said they're getting ready for Art in the Park this year. Mr. Cassady asked when Dickey's would be finished, and Ms. Johnson said in three to six months.

## **VIII. ADJOURNMENT**

Mr. Nevarez made a motion to adjourn, seconded by Mr. Young. The motion passed with all in favor, and the board adjourned at 8:13 P.M.



**Date:** April 4, 2017

**Agenda Item No:** REGULAR ITEMS - B.

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**I. Subject:**

**CASE BBA # 17-01** Public hearing and consideration of approval regarding a city-initiated request for demolition of an R-3 Single Family residential home located on approximately 2.2 acres at 904 Shady Oaks Dr., legal description of Hilldale Addition-Lot 5 Block 3.

**II. Originated by:**

Sandra Johnson, Building Official

**III. Summary:**

**Request:** Request demolition of the residence, swimming pool, and all buildings/debris located on the property.

**Location:** 904 Shady Oaks Dr.

**Background.**

On February 7, 2017 BBA met and decided to allow Mr. De Larosa 30 days to meet specific requirements of getting his house into an acceptable living condition and to fill in or demolish the swimming pool. Mr. De Larosa has not met the boards requirements in the time allowed.

**STAFF REVIEW.**

A current list of Code violations has been attached as a separate document as well as photos regarding the code issues.

**STAFF RECOMMENDATION.**

Staff recommends demolition.

**IV. Recommendation:**

Staff recommends that the Building Board of Appeals find that the building is substandard in violation of the standards in section 15-49 of the City of Kennedale ordinances and either:

1) order the property owner to repair it within 30 days and if not repaired within 30 days then the city may demolish and charge the property owner; or

2) order the property owner to demolish the building within 30 days if it is infeasible to repair and if not demolished within 30 days then the city may demolish and charge the property owner.

#### **Action by the Building Board of Appeals.**

- The Board must determine whether the building meets the minimum standards outlined in Section 15-49 of City ordinances and thus determine whether the building is substandard.
- If the Board determines that the building meets the City's minimum building standards then the Board will make that determination and no further action should be taken.
- If the Board determines that the building does not meet the City's minimum standards and the owner, lienholder, or mortgagee has not established that the work cannot reasonably be performed within thirty (30) days, then the Board may either"
  - Order the property owner, lienholder, or mortgagee to repair it within 30 days and if not repaired within 30 days then the city may demolish and charge the property; or
  - Order the property owner, lienholder, or mortgagee to demolish the building within 30 days if it is infeasible to repair and if not demolished within 30 days then the city may demolish and charge the property.
- If the Board determines that the building does not meet the City's minimum standards and the owner, lienholder, or mortgagee has established that the work cannot reasonably be performed within thirty (30) days, then the Board may:
  - Order the property owner to repair it within 90 days and establish specific time schedules for the commencement and performance of the work and if not repaired within 90 days then the city may demolish and charge the property; or
  - Order the property owner to demolish the building within 90 days if it is infeasible to repair and establish specific time schedules for the commencement and performance of the work and if not demolished within 90 days then the city may demolish and charge the property.
- The Board may not allow the owner, lienholder, or mortgagee more than ninety (90) days to repair, remove or demolish the building or fully perform all work required to comply with the order unless the owner, lienholder, or mortgagee:
  - Submits a detailed plan and time schedule for the work at the hearing; and
  - Establishes at the hearing that the work cannot be reasonably completed within ninety (90) days because of the scope and complexity of the work.

Sample motions are provided below for your reference, please note that you are not required to use one of the sample motions.

Approve

I find that the building does not meet the City's minimum building standards and make a motion to order the owner to repair the property within 30 days to avoid demolition by the city and be charged; or

I find that the building does not meet the City's minimum building standards and make a motion to order the owner to demolish within 30 days to avoid demolition by the city and be charged.

Deny

I find that the building does meet the City's minimum building standards and make a motion to deny the request for demolition or repair.

**VI. Attachments:**

1. Building Board of Appeals Agenda
2. Staff Report to the Boards of Directors
3. Current List of Code Violations
4. Exhibit A
5. Exhibit B
6. Exhibit C

01-31-2017

CURRENT CODE VIOLATIONS FOR  
904 Shady Oaks Dr., Kennedale Texas

Pool needs to be repaired or removed

Repair or replace all exterior siding and soffits

Replace or repair all broken windows

Need (3x3) foot landing at back door from garage

Need vacuum breakers for all hose bibs-exterior of house

Repair or replace garage door

Clean up property inside and outside

Hole in kitchen floor must be repaired

A/C duct not installed thru-out house

Plumbing not complete inside and outside house

Need exhaust fan for hall bathroom

Electric rough not complete inside and outside house

Electric panel not complete

Water heater installation not complete

Burnt roof decking with alligator pattern needs to be replaced or proof that it is still good wood in garage

Do not insulate or sheetrock until framing inspection has passed



No soffit

## EXHIBIT A

- (1) Any building that is dilapidated, substandard, or unfit for human habitation and a hazard to the public health, safety and welfare.
- (2) Any building that, regardless of its structural condition, is unoccupied by its owners, lessees or other invitees and is unsecured from unauthorized entry to the extent that it could be entered or used by vagrants or other uninvited persons as a place of harborage or could be entered or used by children.

03/10/2017

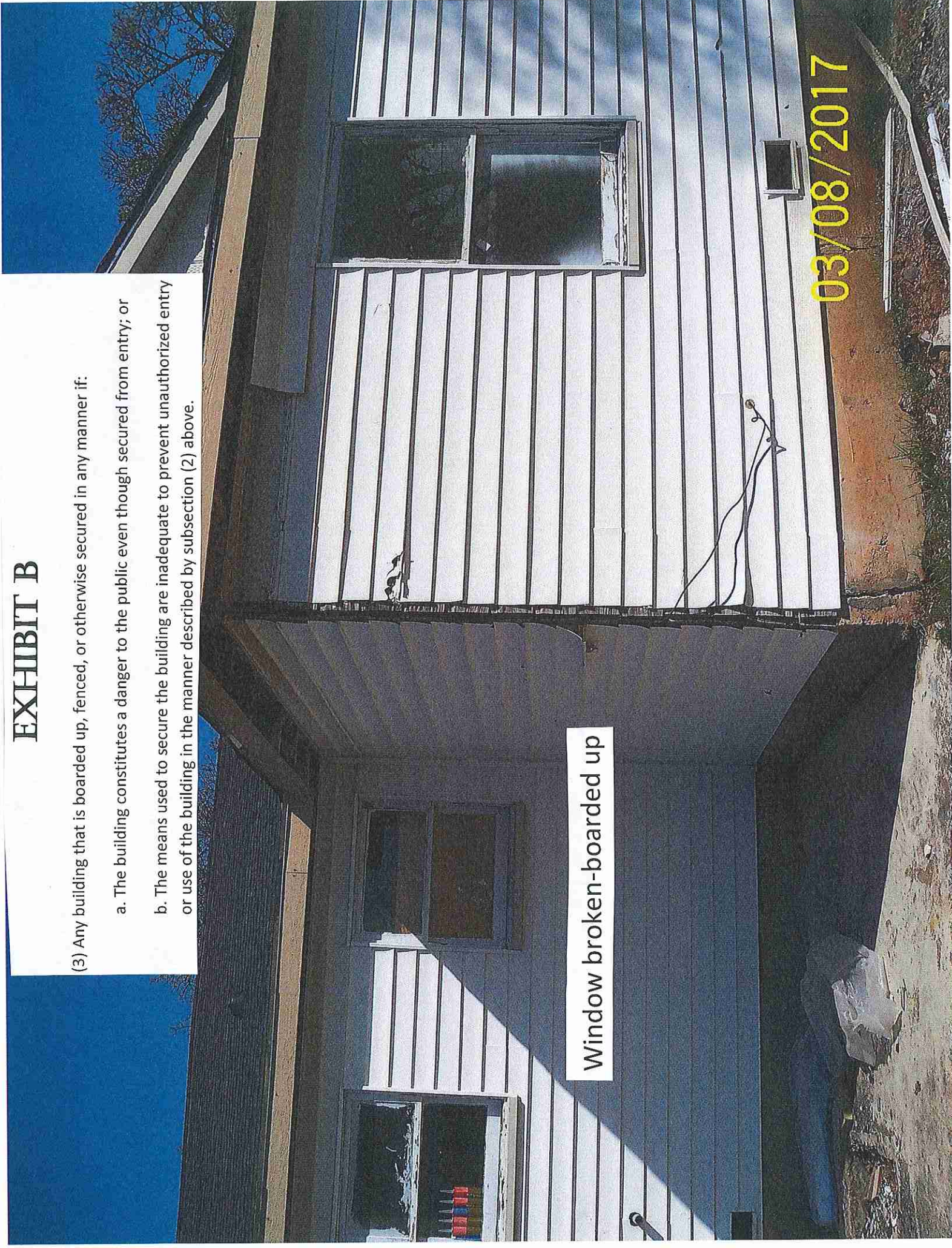
## EXHIBIT B

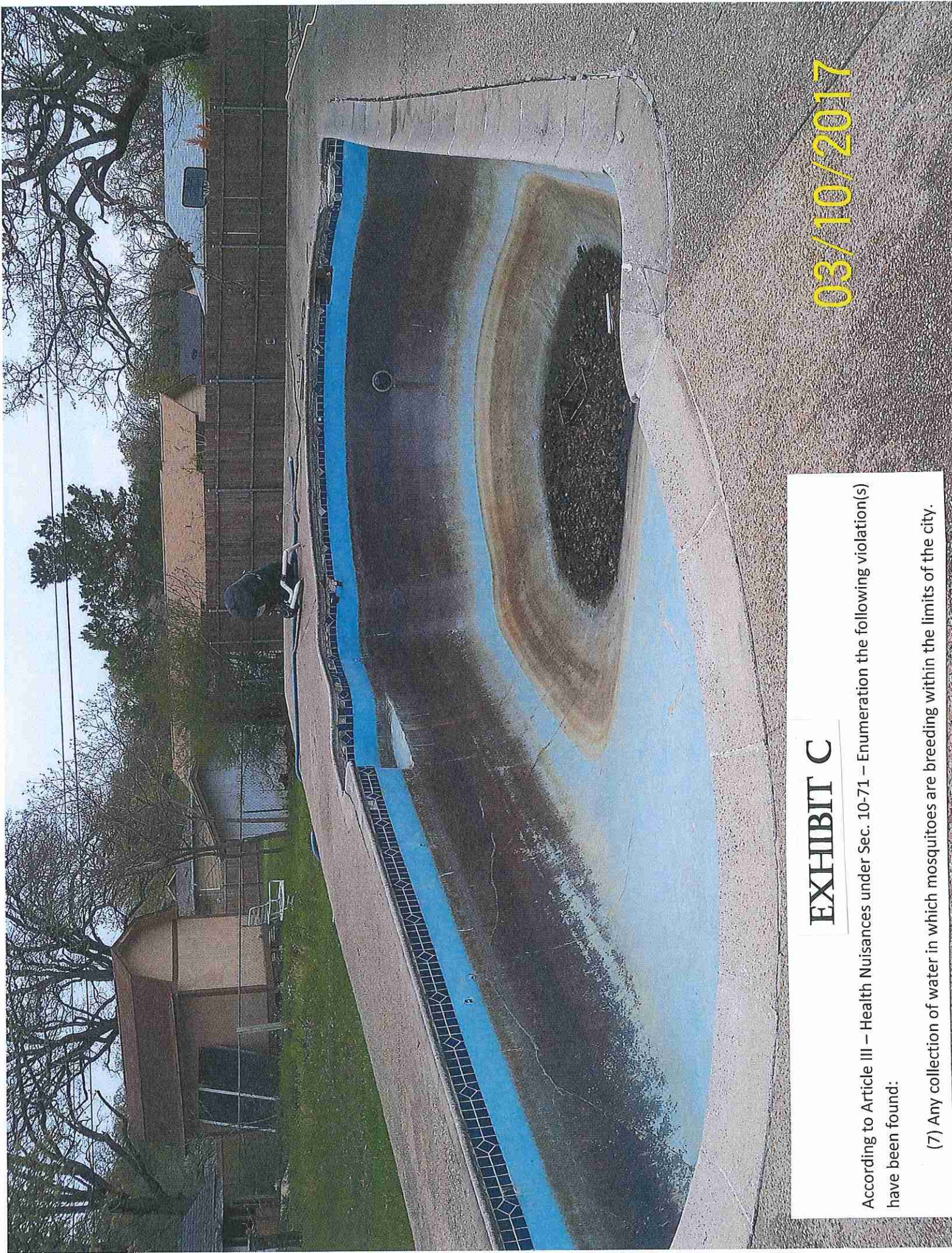
(3) Any building that is boarded up, fenced, or otherwise secured in any manner if:

- a. The building constitutes a danger to the public even though secured from entry; or
- b. The means used to secure the building are inadequate to prevent unauthorized entry or use of the building in the manner described by subsection (2) above.

Window broken-boarded up

03/08/2017





## EXHIBIT C

According to Article III – Health Nuisances under Sec. 10-71 – Enumeration the following violation(s) have been found:

- (7) Any collection of water in which mosquitoes are breeding within the limits of the city.