

## Chapter 18 - MOBILE LIVING PARKS{4}

### ARTICLE I. - IN GENERAL

#### **Sec. 18-1. - ~~Compliance.~~**

~~No person shall create or operate or allow the creation or operation of any mobile living park within the city except in conformance with the provisions of this chapter.~~

~~(Ord. No. 85609, § 1, 2-13-97)~~

#### **~~Sec. 18-2. - Short title.~~**

This City Code Chapter 18 shall be known and captioned as: "Mobile Living Parks."

(Ord. No. 85609, § 1, 2-13-97)

#### **Sec. 18-~~3~~2. - Interpretation and purpose.**

~~In their interpretation and application, the provisions of this chapter shall be deemed to be minimal in nature, and whenever the principles, standards or requirements of any other applicable provision of the City Code are higher or more restrictive, the latter shall control.~~ The mobile living parks have all of the potential environmental, sanitation, and safety problems of a small, compact, permanent residential subdivision, while existing on the private property of the park owner, who is responsible for the upkeep of the private streets, roads, utilities, and common facilities throughout the park. The purpose of these regulations ~~are~~is to assure the park community residents an environment in accordance with the City Code of San Antonio, and to protect and promote the health, safety and general welfare of park residents and those living near the parks. If the standards or requirements of any other applicable provision of the City Code are more restrictive, the latter shall control.

(Ord. No. 85609, § 1, 2-13-97)

#### **Sec. 18-~~4~~3. - Definitions.**

The definitions herein apply only to this chapter regulating park operations; ~~and~~ They are related to the environmental, sanitation, and safety of its residents, with particular attention to water supply hookups and sewer line hookups, and are not to be used interchangeably with definitions in other ordinances in the Unified Development Code, or in statutes of the State of Texas or the federal government.

For the purposes of this chapter, the following terms, phrases, words and their derivations shall have the following meanings:

*Camping trailer* shall mean a portable unit mounted on wheels and constructed of collapsible partial side walls which fold for towing by another vehicle and unfold to provide living quarters.

*Comfort Station* means a public restroom and/or wash facilities

*Dependent mobile living unit* shall mean a mobile living unit (1) without its own sewer and/or water connections to accommodate a flush water closet, or (2) without a tub and/or shower, or (3) without a lavatory and/or sink within the unit, making the mobile living unit "dependent" upon outside facilities for these comforts.

*Director of health* shall mean the ~~director~~ [Director](#) of ~~health~~ [Development Services](#) of the city or his [an](#) authorized representative.

*Health department* ~~Department~~ [Department](#) is the public health department of the City of San Antonio.

*HUD-Code manufactured home* means a structure constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred and twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems.

*Licensee* shall mean any person or other legal entity licensed to operate and maintain a mobile living unit park under the requirements and provisions of this chapter.

*Mobile home* means a structure that was constructed before June 15, 1976, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred and twenty (320) or more square feet, and which is built on a permanent chassis designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems.

*Mobile living unit* shall mean a HUD-code manufactured home, mobile home, camping trailer, dependent mobile living unit, motor home, recreational vehicle, self-contained mobile living unit, travel trailer, truck camper, and collectively means and refers to all.

*Mobile living park* ~~Living Park~~ [Living Park](#) means a contiguous development of land that has been separated into two (2) or more mobile living home sites which may or may not be contiguous, which are platted or designed for the accommodation or placement of mobile living units, and which are rented or offered for rent by the site owner.

*Mobile living park operator* is the park owner, manager, agent, or employee who is in charge of the day to day operations or maintenance of the park facilities and utilities.

*Mobile living park license board* shall mean the ~~three-member administrative due process hearing panel of city staff members consisting of the fire chief, the building inspections director, and the code compliance director, or their authorized representative from their respective city departments, the~~

purpose of which is to make final administrative determination of 1) any appeal of the health department's denial of an annual park license, and 2) any appeal of a park license revocation issued by the health department.

*Mobile living home site* is a plot of ground within a mobile living park which is apparently designed for and designated as the location for only one (1) mobile living unit and not apparently designed to be used for accommodating any other purpose other than the customary accessory structures.

*Motor home* shall mean a mobile living unit that is a vehicular unit apparently designed to provide living quarters for recreational, camping or travel use, built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van which is an integral part of the vehicle.

*Recreational ~~vehicle~~ Vehicle* shall mean a type of mobile living unit that is a vehicle (1) built on a single chassis; (2) four hundred (400) square feet or less when measured at the largest horizontal projections; (3) self-propelled or permanently towable by a car or light duty truck; and (4) ~~apparently~~ designed primarily for recreational, camping, travel, or seasonal use.

*Self-contained mobile living unit* shall mean a mobile living unit having a water-flush toilet, lavatory, tub or shower, and kitchen sink, all of which are connected to water storage and sewage holding tanks located within the unit and which facilities are also capable of being connected to outside utilities. A mobile living unit shall not be considered self-contained unless all plumbing fixtures and electrical outlets are both capable of being operated independent of outside utilities and capable of being connected to outside utilities.

*Travel trailer* shall mean a type of mobile living unit that is a vehicular portable structure built on a permanent chassis, ~~apparently~~ designed by the manufacturer to be towed by another vehicle and used as a dwelling, and which:

- (1) In the traveling mode does not require a special highway permit;
- (2) Is less than eight (8) feet in width; and
- (3) Is less than forty (40) feet in length exclusive of pulling or towing equipment;

*Truck camper* shall mean a mobile living unit ~~apparently~~ constructed to provide living quarters for recreation travel, or camping use, consisting of a roof, floor, and sides ~~apparently~~ designed to fit onto the bed of a truck. Such units are, for the purpose of this chapter, considered a dependent type of mobile living unit because they do not have a water supply line hookup or a sewer hookup.

(Ord. No. 85609, § 1, 2-13-97)

#### [Sec. 18-4 Reserved.](#)

#### **Sec. 18-5. – [Authority of the director.](#)**

The Director shall coordinate with the Health Department, Department of Human Services, and any other City or County department as necessary to implement and enforce this chapter. This may, by written order, establish such procedures, not inconsistent with this chapter or other city, state, or federal rules or regulations, as the director determines are necessary to discharge any duty under this chapter.

**Sec. 18-6. General prohibition against mobile living unit being parked outside licensed parks.**

It shall be unlawful for a mobile living park owner, operator, or licensee to cause or allow to be parked, a mobile living unit in violation of the zoning requirements of the Unified Development Code of the ~~city~~ City, and other applicable regulations in ~~chapter 19~~ of the City Code.

(Ord. No. 85609, § 1, 2-13-97)

**Sec. 18-67. - Nonconforming uses.**

Any mobile living unit park in violation of the provisions of this chapter constitutes a public nuisance, and the city attorney is hereby authorized to institute litigation to restrain the operation of the park until the cessation of the public nuisance. Licensees of mobile living parks existing prior to September 3, 1970 shall bring the mobile living park into conformance with respect to the public health and safety provisions of this chapter not later than October 1, 1997. Any suit seeking a court order for the cessation of park operations shall also seek termination of all utilities after reasonable notice to all residents by posting a letter of notice in a prominent place at all entrances, and at one or more places of gathering or at a comfort station in the park.

(Ord. No. 85609, § 1, 2-13-97)

**Sec. 18-78. - Registration of park owner/manager/agent required.**

Each mobile living park shall be under the direct, day to day management of the owner or his designated agent operator, or an employee manager. The full name, address and date of birth and contact telephone number of the owner, and designated agent operator or employee manager shall be registered with the ~~director of health~~ Director by the park owner, and any change of ownership or management or operator shall be reported to update said registration within thirty (30) days of any change. Failure by the park owner to register the name and address of said owner, and the name and address of the park manager or agent operator shall constitute good cause for the revocation of the mobile living park license on the tenth day after notice is deposited with the United States Postal Service by certified mail to the park owner at the park owner's registered address or last known address. Automatic revocation shall occur on the tenth (10th) day, unless a hearing is requested by the park owner in writing. If the park owner fails to comply with this section, he or she ~~and the park owner~~ shall thereafter be in violation of this chapter, ~~a misdemeanor crime subject to prosecution for each day such park operation continues without a license, and upon each conviction shall be subject to a fine of not more than five hundred dollars (\$500.00).~~

(Ord. No. 85609, § 1, 2-13-97)

**Sec. 18-~~89~~. - Records required.**

Copies of all records generated by from the daily operation, management, supervision, repair, and maintenance of the mobile living park and other records related to the protection of health or safety shall be available for inspection by the ~~director of health~~ Director during normal business hours. These records shall also include a listing of sites being used at any time during the licensing period. The original records or complete copies thereof shall be maintained by the registered park manager or registered park owner, in the park's business office or where rents are paid in the park. Failure of the park manager or operator to maintain auditable records is hereby declared to be a separate and distinct misdemeanor crime, subject to a fine of not more than five hundred dollars (\$500.00) upon conviction.

(Ord. No. 85609, § 1, 2-13-97)

**Sec. 18-~~910~~. - Rules of conduct for ~~mobile living park.~~ Mobile Living Park.**

It shall be the duty of the owner of a mobile living park to prescribe rules and regulations for residents, consistent with this chapter, and to make adequate contract provisions for the enforcement of such rules.

(Ord. No. 85609, § 1, 2-13-97)

**Sec. 18-~~1011~~. - Duties of owner regarding health and safety.**

It shall be the duty of both the 1) owner and 2) the operator or manager or agent in charge of the day to day operation of a mobile living park, to comply strictly with the following requirements:

(1) To take such emergency measures as deemed necessary by the ~~director of health~~ Director to preserve the immediate health and safety of all persons residing in the mobile living park;

(2) To report to the ~~director of health~~ Director all known cases of communicable disease affecting any resident, guest or employee of the mobile living park; and

(3) To facilitate City Code inspections and audits requested by the ~~director of health~~ Director to determine compliance with this chapter.

(4) To comply with all City Code requirements and standards which relate to public health and safety, to assist and cooperate with any city official in the investigation of alleged violations of any city ordinances within the park, and to facilitate the officials' ingress into the park to the alleged violation site.

(5) In the event that the Mobile Living Park, in whole or in part, is closed for health reasons, is subject to an Immediate Vacate order by the Director, or has been declared a nuisance by the City due to health and safety concerns, the owner shall be responsible for all moving costs and related expenses for the tenants and renters on the property as are affected by the nuisance conditions, and shall finalize and execute all arrangements to move them by a date certain, as determined by the City.

(a) The owner shall immediately post a performance bond of \$100,000.00, payable to the City, for the costs to remediate and cure the nuisance conditions, as well as to move such tenants and renters as are affected.

(b) In the event that the City has to move the owner's tenants and renters from the property, the performance bond of \$100,000.00 shall be forfeit to the City and the amount paid in full. If the costs to the City exceed \$100,000.00, the owner shall be strictly liable to the City for the additional costs and shall pay the remainder no later than thirty (30) days after notice has been mailed to the owner.

(Ord. No. 85609, § 1, 2-13-97)

~~Sec. 18-11. - Presumption of rental consideration and site rentability.~~

~~(a) Rental consideration. If the owner of the mobile living park site is not the owner or occupant of the mobile living unit thereon; the presumption shall be that a rental consideration is being paid for use of the site, unless a signed and sworn statement to the contrary is given by the site owner to the director of health and confirmed by the city's auditor or health inspector.~~

~~(b) Unusable sites. If an identifiable site has not been reported by the owner to be unusable by sworn statement to the director of health prior to the beginning of the licensing year, the site shall be presumed to be in useable and rentable condition for the purpose of determining the annual mobile living park license fees.~~

~~(c) Disputes. Any disputed claim by the park licensee of a site's condition or rental status shall be determined by the mobile living park license board after an administrative hearing and consideration of evidence.~~

~~(Ord. No. 85609, § 1, 2-13-97)~~

## **ARTICLE II. - LICENSES AND INSPECTIONS**

### **Sec. 18-12. - Licenses required.**

It shall be unlawful for any person to establish, maintain or operate within the city City a mobile living park by the day, week, month, or for a longer period of time, for compensation, unless there has been obtained by the owner or operator of the mobile living park a license issued by the ~~director of health~~ Director. The license is non-transferable; upon sale or transfer of ownership, the new owner shall apply for a license within thirty (30) days of the sale or change of ownership.

(Ord. No. 85609, § 1, 2-13-97)

### **Sec. 18-13. - Application for license; plans required; late charge.**

~~After the subdivision plans have been approved as specified under the Unified Development Code, Article IV, Division 8, any person desiring to establish and~~ All applications for licenses to operate a mobile living park ~~shall make application~~ must be made in writing to the ~~director of health,~~ Director

upon forms on a form prescribed and furnished by the said director Director for a license to operate a mobile living park within the jurisdictional limits of the city. Any license fee payment submitted later than October 31st shall incur a late payment penalty of one percent to be added thereto on the 1st day of November and each month thereafter; and the late payment shall be first applied to the penalty and then to the license fee. and shall, among other things, contain:

The name, residence, business address, contact phone number, and email address of the applicant (this information shall be listed for each member of a partnership or each officer of a corporation);

The name and nature of the proposed operation; and

The present zoning, address, and legal description of the premises for which application is being applied.

All applications must contain the following statement:

The license applied for shall be subject to all provisions of the codes and ordinances of the City relating to mobile living parks as well as all state and federal regulations relating to such operations. All applications must be signed and sworn to by the party applying for the license (by a general partner of a partnership and by an officer of a corporation) before a notary public or other official authorized to administer oaths.

The application must include:

A zoning verification letter stating that the proposed new use of the property complies with the City's Unified Development Code.

If a septic system is in use on the property a letter from Bexar County Development Services a licensed plumber will be required providing proof that the system is in sound condition.

The Director may require code enforcement officers to physically ascertain that supportive documents of all permits are kept on file at the operate a mobile living park. In such cases, the application shall not be approved until the officers have ascertained the documents' existence and validity. Enforcement of federal or state requirements shall remain the responsibility of the appropriate agencies.

A statement that, by filing the application, the applicant swears or affirms under penalty of perjury that to the best of the applicant's knowledge, all information contained in the application is true and correct and that the application is complete and includes all information required to be disclosed under this section.

(Ord. No. 85609, § 1, 2-13-97)

#### **Sec. 18-14. - License fee.**

~~In order to defray a part of the expense necessary to provide surveillance and supervision of mobile living parks under the provisions of this chapter, and other applicable ordinances of the city, there is hereby established~~ There shall be a license fee of thirty five dollars (\$35.00) per annum for each useable

mobile living park site, occupied or unoccupied. The license fee shall be payable by the park owner. The license fee shall be collected by the ~~public health department~~ [Development Services Department](#) before a license or any renewal thereof is issued to operate such mobile living park. The license fee shall be based upon the number of useable sites as of October 1st, which is the first day of each licensing year, plus any additional sites that are made useable on any day of the license year, and shall be payable annually, in advance, not later than the last day of October of the new licensing year or upon making the site useable. The ~~public health department~~ [Development Services Department](#) shall issue a receipt therefor on a form to be prepared [prescribed](#) for that purpose. No sites may be made useable during the licensing year which are not licensed on October 1st without first paying the ~~thirty five dollar (\$35.00)~~ annual license fee per space. If one structure or combination of structures on one site overlaps onto a second site, regardless of the nonuse of the second site's utility hookups, the second site shall incur the license fee. If the park owner also owns the structure on a site, the leasing of the structure constitutes leasing of the site on which it is situated for purposes of this chapter.

[\(1\) Upon issuance or renewal of the license, the owner or operator shall attend a mandatory training class, to be completed within thirty \(30\) days after the license date is issued or renewed.](#)

(Ord. No. 85609, § 1, 2-13-97; Ord. No. 94584, §§ 21, 22, 9-20-01; Ord. No. 98187, § 17, 9-18-03; Ord. No. 2008-09-11-0777C, § 3, 9-11-08)

#### **Sec. 18-15. - Issuance or denial of license.**

- [1.](#) Following the receipt of an application for a license required by this article together with the list of identified usable sites and the payment of the prescribed annual license fee based upon the number of usable sites, the ~~director of health~~ [Director](#) shall conduct such investigation as he [or she](#) deems necessary to determine whether the applicant's mobile living park and the sites therein meet the minimum requirements of this chapter.
  - [a.](#) [In determining whether to grant or renew the license the Director shall take into account the global legal history of the owner\(s\) and operator\(s\). Said legal history shall include all civil and criminal actions which have been taken against the owner\(s\) and operator\(s\), specifically as they relate to Code, Environmental, and Health violations of local, state and federal laws.](#)
- [2.](#) ~~and~~ [The Director](#) shall issue or deny a license to operate the mobile living park or any of the site(s) therein within ten (10) working days. Failure to issue a denial of a license for the park or denial of the right to use any mobile living park sites therein within the ten (10) day time limit shall constitute license approval of the subject park or approval of the subject sites.

(Ord. No. 85609, § 1, 2-13-97)

#### **Sec. 18-16. – Inspections; [declaration of a public nuisance.](#)**

- [1.](#) The ~~director of health~~ [Director](#) and each inspector of the city [City](#) acting under his [or her](#) authority, for the purpose of protecting the public health, safety, and general welfare, is hereby authorized and directed at any or all reasonable times to make quarterly [and/or yearly](#)



inspections of mobile living park and each mobile living park site therein to determine compliance with this chapter and all other applicable ordinances of the city ~~City~~. To ensure continued compliance with the requirements of this section a Mobile Living Park may be inspected in the following methods:

- a. Proactive inspections. The city's Development Services Department will perform regular inspections for compliance with this chapter;
  - b. Quarterly inspections will focus on continued compliance with the San Antonio Property Maintenance Code, Chapter 6 Building Code, Chapter 10 Building code, Chapter 11 Fire code and the Health code; and/or
  - c. Annual inspections will be conducted for all exterior maintenance of mobile living units trailers
2. Inspections will include, but are not limited to:
- a. Private roadways, electric, water, and sewer connections. All plumbing fixtures shall be properly connected to either the public sanitary sewer or to an approved private sewage disposal system
  - b. Septic systems must be properly registered with Bexar County and should be regularly maintained.
  - c. Maintenance includes proper anchorage trailers and decks, porches, rails, and stairs.
  - d. Recreational Vehicle Parks will be inspected in accordance with local codes and NFPA standard 1194
3. A code enforcement officer, sanitarian, fire inspector, or peace officer may inspect mobile living parks upon reasonable suspicion of a violation of an activity or required performance regulated under this chapter. A form shall be prescribed by the respective department to be completed at the time of such inspection indicating the date the inspection occurred and will be provided in person, posted on property, mailed CMRRR or regular mail if posted to the representative and/or mailed to permittee.
4. Conditions maintained in violation of this division which impact public health, safety, or welfare, or which deprive neighbors of their safe or peaceful use of nearby properties are unlawful and a public nuisance. Further, a failure to allow inspections as required is unlawful.

(Ord. No. 85609, § 1, 2-13-97)

#### **Sec. 18-17. - Suspension and revocation of license.**

1. (a) Suspension. Any license to operate a mobile living park issued under the provisions of this ~~article~~ chapter may be suspended by the ~~director of health~~ Director, or his designated representative, for the violation of any of the provisions of this ~~article~~ division which constitutes an immediate health or safety hazard. Such suspension notice, hand delivered or mailed by certified mail, "return receipt requested", shall take effect immediately upon said written notice ~~being delivered to the owner, registered manager, or registered employee, or any agent of the owner.~~ The suspension of the license may be lifted by the ~~director of health~~ Director as soon as he or she deems the park to be in compliance with this chapter, with or without re-inspection. In the event of suspension by the ~~director~~ Director, the licensee shall have the right to appeal per section 18-20 of this chapter. ~~to the mobile living park license~~

~~board by written notice to the director of health if done within (10) ten working days. The board shall make a recommendation to the director to continue with the suspension or to drop the suspension pending final determination on the issue of revocation, based upon evidence presented at the administrative hearing.~~

~~2. (b)-~~Revocation. For failure to comply with the terms of this chapter, ~~codified as Chapter 18 of the City Code, the director of health~~ [Director](#), or his designated representative, may revoke any license issued under provisions of this article [division](#) after an administrative due process hearing ~~before the above mentioned administrative board~~ [pursuant to 18-20](#), at which the license holder shall be given an opportunity to be heard and present evidence relevant to the issue in question.

~~3. (c)-~~Notice. If after the administrative hearing, the ~~director of health~~ [Director](#) makes the determination to permanently revoke or temporarily suspend the mobile living park license, the ~~director of health~~ [Director](#) shall post a public notice in a conspicuous place at each entrance to the mobile living park, ~~which~~ [The](#) notice shall state: "Public Health [Violation](#) Notice: This is an unlicensed park, and is not available for new occupancy by order of the Director of Health [Development Services](#)." The removal or destruction of this notice shall constitute a misdemeanor crime, ~~punishable by a fine of not more than five hundred dollars (\$500.00) upon conviction.~~

(Ord. No. 85609, § 1, 2-13-97)

#### **Sec. 18-18. - Comfort stations.**

~~1. (a)-~~Each mobile living park that provides accommodations for dependent mobile living units shall provide one or more comfort stations in the park.

~~2. (b)-~~Each comfort station shall have separate facilities for male and female residents which contain not less than:

~~a. (1)-~~One flush toilet each sex.

~~b. (2)-~~One lavatory for each sex, supplied with hot and cold running water under pressure.

~~c. (3)-~~One shower for each sex, supplied with hot and cold running water under pressure.

~~d. (4)-~~One laundry sink or washing machine supplied with hot and cold running water under pressure.

~~e. (5)-~~One mop sink, at least fourteen (14) by fourteen (14) inches square and fourteen (14) inches deep supplied with hot and cold running water under pressure.

~~f. (6)-~~Plumbing fixtures shall be maintained in working order and proper repair, and in full compliance with ~~Appendix E of the Uniform Plumbing Code~~ [applicable City codes](#).

~~3. (c)-~~The plumbing fixtures listed in this subsection ~~(b)~~ [\(2\)](#) will accommodate up to twelve (12) dependent mobile living units. For each additional ten (10) dependent mobile living units or fraction

thereof, one flush toilet, one shower and one lavatory shall be provided for each sex, with laundry facilities as described in subsection ~~(b)(4)~~ [\(2\)\(d\)](#).

~~4.(d)~~ If the mobile living park does not accept any dependent mobile living units, then the requirements of subsection ~~(b)~~ [\(2\)](#) shall be waived.

~~5.(e)~~ Comfort stations shall meet the following requirements prior to license issuance or renewal:

~~a.(1)~~ The interior shall be lighted with a minimum of forty (40) foot candles of illumination at lavatories and laundry facilities, if applicable.

~~b.(2)~~ The interior finish shall be of moisture resistant material which shall withstand frequent washing and cleaning. Floors shall be constructed of concrete or other equally impervious, easily cleanable material.

~~c.(3)~~ Water heaters shall be of adequate size to supply a minimum of three (3) gallons of water per hour per useable mobile living park site.

~~d.(4)~~ All rooms shall be well ventilated with all openings effectively screened with size sixteen (16) mesh screen ~~screen~~ [screens](#).

~~e.(5)~~ Comfort stations, dressing rooms, toilets, showers stalls, plumbing fixtures, and surrounding areas shall at all times be kept clean, sanitized, well dried, and in useable working condition.

**Sec. 18-19. - ~~Mobile living park license board created; function.~~ [Reserved.](#)**

~~The mobile living park license board, as defined in section 18-4 herein, is hereby established. It shall be chaired by the director of building inspections or his representative, and shall hear any appeal by a registered park owner who has been denied a license or whose current park license has been revoked, or suspended pending corrective action, or suspended pending a hearing on the question of permanent revocation of the license because of an alleged health and safety related violation. The health department shall give prior notice of any hearing, and notice of the board's determination, as due process requires.~~

(Ord. No. 85609, § 1, 2-13-97)

**[Sec. 18-20. Appeals.](#)**

[If the Director denies issuance or renewal of a permit or suspends or revokes a permit issued under this article, the action is final unless the permit applicant or holder files a written appeal within ten \(10\) business days to the Director, or his designee. Appeals regarding technical matters will be reviewed by the Building Related and Fire Codes Appeals and Advisory Board. Appeals regarding the maintenance of a property will be heard by the Building Standards Board \(BSB\).](#)

Sec. 18-2021. - ~~Violations punished.~~ Enforcement provisions.

It is unlawful for a person to do or perform any act prohibited by this division, and it shall be unlawful for a person to fail to do or perform any act required by this division. Anyone who violates any provision of this Act shall be liable to be prosecuted in criminal and civil courts by the City of San Antonio, under all applicable provisions and laws as authorized by the City of San Antonio and the State of Texas, and will be strictly accountable for any penalties and punishments accrued therefrom.

Criminal Enforcement: A violation of this Act is a strict liability offense, and no mental state is necessary for proof of the Defendant's culpability. A violation of ~~any provision of this chapter~~ division is shall constitute a Class C misdemeanor crime offense, and, upon Upon conviction finding of culpability, a person shall be punishable by a fine of fined an amount not less than one hundred dollars (\$100.00), nor more than five hundred dollars (\$500.00). Each day in which a violation occurs shall constitute a separate violation.

Administrative Hearing Officer Enforcement: All violations of the provisions of this chapter and of the rules and regulations established by the director, determined to be related to health and safety violations may be enforced by administrative adjudication.

The total fines, costs, and fees per violation shall not be less than three hundred dollars (\$300.00) and shall not exceed one thousand dollars (\$1000.00). The total fines, costs, and fees shall not be less than five hundred dollars (\$500.00); for the second violation of said sections. The total fines, costs, and fees shall not exceed one thousand dollars (\$1000.00) for the third violation of said sections. Fines assessed shall be paid before a new license will be issued each year. Violators shall be issued a summons. The summons must provide information as to the time and place of an administrative adjudication hearing.

The designated administrative hearing officer may question witnesses and review documents presented by the parties before issuing an order. The order shall be in writing and shall state whether the person charged is liable for the violation, and the amount of any fines assessed against the person or company charged. The fines shall be assessed in accordance with this section. The failure of any person charged with a violation to appear at the hearing shall be an admission of liability for the charged violation, and will result in default judgment.

Fines, costs, or fees assessed by the hearing officer may be levied against the license/permit holder, if the person summoned or the holder for whom such person works, fails to pay such fines, costs, or fees within thirty (30) days after the order is filed.

A person determined by the administrative hearing officer to be in violation may appeal the decision to municipal court by filing an appeal petition with the San Antonio Municipal Court Clerk not later than thirty (30) days after the order is filed and by paying the a twenty-five dollar (\$25.00) appeal filing fee. The appeal hearing must be held within ten (10) days of the filing of the appeal petition. The appeal hearing before a municipal court judge shall be pursuant to the pure substantial evidence rule and limited to affirming, reversing, or modifying the order issued by the administrative hearing officer, based upon the evidence presented to the administrative hearing officer as reflected in the court records and

transcripts. It is the sole responsibility of the person appealing the administrative hearing officer's decision, to formally request in writing that a record be made of the hearing prior to the actual hearing. The record of witness testimony may be preserved for appellate review by the use of an audio tape recording or a video tape recording. All costs, including costs to transcribe audio or video recordings to written documents, all other transcripts and all court records, shall be paid for by the person appealing the administrative hearing officer's decision, and must be fully paid upon notice of appeal, or notice of cost from the court clerks, whichever is later.

Neither a notice of intent to appeal nor the filing of an appeal petition shall stay the enforcement and collection of the judgment order unless the service of the notice of appeal is preceded by the posting of a cash bond in the same amount of the adjudged penalty. However, the bond may not in any case be for a sum less than fifty dollars (\$50.00).

Appeals of Default Judgments before an Administrative Hearing officer are defined as follows. Default Judgment means that which is defined in §239, et seq. of the Texas Rules of Civil Procedure. Upon appeal of a Default Judgment, the standard rules apply. Because these cases are fine-only civil enforcement actions taken before an administrative hearing officer, for an appeal, no transcript of a hearing is necessary, nor is it necessary for any evidence to be presented or preserved before the Administrative Hearing Officer. Additionally, a correct copy of the original petition or affidavit of the Code officer shall be adequate proof of the underlying charges or claims, so long as the same are legally sufficient.

Civil Injunction Enforcement: Violations of the provisions of this chapter which rise to the level of a common or public nuisance will be liable to being enjoined by the City of San Antonio in an injunctive lawsuit in state district court. In addition to being restrained by Order of the court, the violators may be subject to further penalties – both monetary and injunctive – as well as being held responsible to pay the City for the City's attorneys' fees and all such costs for pursuing this lawsuit against them.

(Ord. No. 85609, § 1, 2-13-97)