

**ORDINANCE NO. 2014-04**

**AN ORDINANCE OF THE CITY OF BURNET, TEXAS, AMENDING CHAPTER 22—BUILDINGS AND BUILDING REGULATIONS, ARTICLE IV—DANGEROUS BUILDING ABATEMENT CODE OF THE CITY OF BURNET'S CODE OF ORDINANCES; REPEALING CHAPTER 22—BUILDING AND BUILDING REGULATIONS, ARTICLE V—HOUSING CODE; PROVIDING FOR PENALTIES FOR VIOLATIONS; PROVIDING FOR A CUMULATIVE, AND SEVERABILITY CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Section 217.042 of the Local Government Code authorizes a home-rule municipality to define and prohibit any nuisance within the limits of the municipality and within 5,000 feet outside the city limits and further authorizes the City to enforce all ordinances necessary to prevent and summarily abate and remove a nuisance; and

**WHEREAS**, Section 214.001 further authorizes a municipality, by ordinance, to require the vacation, relocation of occupants, securing, repair, removal, or demolition of a building that is dilapidated, substandard, or unfit for human habitation and a hazard to the public health, safety, and welfare; and

**WHEREAS**, the City of Burnet is a home-rule municipality; and

**WHEREAS**, in order to preserve and protect the public health, safety and welfare it is necessary for the City of Burnet (the City) to establish minimum standards for the upkeep of property;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, THAT:**

**Section 1. Findings.** The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

**Section 2. Code Amended.** Chapter 22-Buildings and Building Regulations, Article IV – Dangerous Building Abatement Code shall be amended in its entirety with the language set out in Exhibit "A" attached hereto and incorporated for all purposes herein.

**Section 3. Article Repealed.** Chapter 22—Buildings and Building Regulations, Article V – Housing Code is hereby repealed.

**Section 4. Cumulative and Conflicts.** This Ordinance shall be cumulative of all provisions of ordinances of the City of Burnet, Texas, except where the provisions of the Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed. Any and all previous versions of this Ordinance to the extent that they are in conflict herewith are repealed.

**Section 5. Severability.** It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

**Section 6. Effective Date.** This Ordinance shall become effective immediately upon its passage, approval and publication as provided by law.

**Section 7. Open Meetings.** That it is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meeting Act, Chapter. 551, Local Government Code.

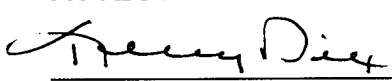
**PASSED AND APPROVED** on First Reading this 24 day of February, 2015.

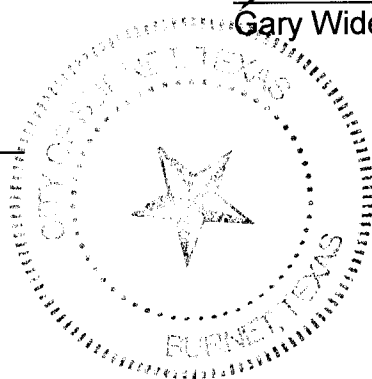
**FINALLY PASSED AND APPROVED** on this 10 day of March, 2015.

**CITY OF BURNET, TEXAS**

  
\_\_\_\_\_  
Gary Wideman, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Kelly Dix, City Secretary



**EXHIBIT "A"**

## ARTICLE IV. DANGEROUS BUILDING ABATEMENT CODE

### Sec. 22.76 - Definitions.

As used in this article the following terms shall have the meanings given below:

*Alterations* means any change, addition, or modification in construction; any change in the structural members of a building, such as walls or partitions, columns, beams or girders; and may be referred to as "altered" or "reconstructed."

*Approved* means having the approval of the building inspector as the result of an investigation and tests that the officer conducted or by reason of accepted principles or tests by national authorities, technical, or scientific organizations; or having the approval of the appropriate enforcement official of the city as being represented by the applicant in compliance with the standards and requirements of this code or ordinance of the city that applies specifically to the item in question; or other customary approvals reserved to the city by state law or city ordinance.

*Board of Appeals* means the City Council of the City of Burnet, Texas.

*Building* means any structure, either temporary or permanent, having a roof or other covering, that is designed or used for the shelter or enclosure of any person, animal, or property of any kind, including tents, awnings, or vehicles situated on private property and used for purposes of a building.

*Building official* shall refer to the building official, or the building inspector designated to issue permits and inspect buildings or construction including permits and inspections related to the enforcement of this chapter.

*City* means the City of Burnet.

*Code Official* means the official who is charged with the administration and enforcement of this code, or any duly authorized representative.

*Code* means the edition of the International Property Maintenance Code published by the International Code Council and currently adopted by the City.

*Commercial building* means any building or structure that is used or designed to be used, in whole or in part, for retail or wholesale business, industrial, manufacturing, storage, religious, educational, amusement, entertainment, health, professional, scientific, office, or other business purposes. "Commercial buildings" are a type of nonresidential building.

*Construction* means any clearing of land, excavation, or other action that would adversely affect the natural environment of the site. This definition does not include uses in securing survey or geological data such as necessary borings to ascertain subsurface conditions.

*Dangerous building, Unsafe building, and unfit dwelling* means any structure or building located within the incorporated limits of the City that fails to comply with the general requirements for exterior structures, interior structures, or component serviceability as established by the currently adopted edition of the Code.

*Dwelling* means the entirety or any portion of any building that is not an "apartment house," or "lodging house," and that contains one or more "dwelling units" or "guest rooms" that are used, intended, or designed to be built, used, rented, leased, let, or hired out to be occupied, or which are occupied for living purposes.

*Dwelling unit* means a single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation.

*Erected* means built, constructed, altered, reconstructed, poured, laid, moved upon, excavated, site cleared, land filled, or any physical operations on the premises that are required for construction.

*Nuisance* means any of the following conditions:

- (1) Any condition of real property, building or other structure that fails to meet the minimum standards set forth in the International Property Maintenance Code as adopted by the City of Burnet and local amendments made thereto.
- (2) Any attractive nuisance that may prove detrimental to children whether in a building; or attached to or grounded from the premises of a building; or upon, attached to or grounded from an unoccupied lot. This includes, but is not limited to, any abandoned wells, shafts, cellars, basements, excavations, abandoned refrigerators, abandoned, junked or inoperative boats, houseboats, motor vehicles or motor vehicle parts, broken down or dilapidated docks, or lumber, trash, fences, debris or vegetation that may prove a hazard for inquisitive minors.
- (3) Whatever condition is dangerous to human life or is detrimental to health or property.
- (4) Overcrowding or occupancy in violation of this chapter.
- (5) Insufficient ventilation or illumination.
- (6) Inadequate or unsanitary sewerage or plumbing facilities.
- (7) Uncleanliness.

- (8) Whatever renders air, food, or drink unwholesome or detrimental to the health of human beings or animals.
- (9) Divergence of run-off to other private or public property.

*Occupant* means any person who rents, leases or appears to reside, rent or lease a building, structure or property through custody of the premises or who has the legal right to possession of such premises.

*Owner* means any person who holds any interest in the legal title of a building, structure or property or who has the legal right of possession thereof.

*Permit* means a written document or certification issued by the building official permitting the specific construction, alteration, or extension requiring a permit under the provisions of this chapter, the technical codes and regulations stated herein.

*Person* shall mean and include an individual human, partnership, co-partnership firm, company, limited liability partnership or other partnership or other such company, joint venture, joint stock company, trust, estate, governmental entity, association or corporation or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

*Repair* means the reconstruction, renovation, or renewal of any part of an existing building for the purpose of its maintenance. This term shall not apply to any change or construction, alteration, or additions to a building other than for the purpose of reconstruction, renovation, or renewal.

*Responsible parties* or responsible party means the owner or occupant, including the person in custody of the building, property or structure and any mortgagee or lien holder.

*Shall* is a mandatory term.

#### **Sec. 22-77. Dangerous Buildings, Unsafe Structures and Unfit Dwellings**

1. The requirements established by the most recent edition of the International Property Maintenance Code currently adopted and locally amended by the City are hereby declared to the minimum standards for the continued use and occupancy of all buildings located within the corporate limits of the City regardless of the date of their construction.
2. A building or structure shall be deemed to be dangerous, unsafe and/or unfit for human habitation if:

- a. Said building or structure fails to comply with any one or more of the requirements established by the International Property Maintenance Code or the local amendments made thereto.
- b. Said building or structure, regardless of its structural condition, is unoccupied by its owners, lessees, or other invitees and is:
  - i. 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; or
  - ii. boarded up; fenced, or otherwise secured in any manner if:
    - 1. the building or structure constitutes a danger to the public even though secured from entry; or
    - 2. the means used to secure the building or structure are inadequate to prevent unauthorized entry or use of the building.

**Sec. 22-78. Public Nuisances Declared**

- 1. A building or structure deemed to be a Dangerous building, an Unsafe structure, and/or an Unfit dwelling under the terms of this chapter is hereby declared to be a public nuisance and is unlawful.
- 2. It shall be the responsibility of the owner[s] or occupants of any unsafe building, unfit dwelling or dangerous building to abate public nuisances associated with said building by means of repair, rehabilitation, demolition, or removal in accordance with the procedures provided in this chapter.

**Sec. 22-79. Duties of the Code Official**

The Code Official shall report to the Building Official of the City of Burnet and is authorized to inspect, or cause to be inspected, every building, or portion thereof, reported to be unsafe. If such building, or any portion thereof, is determined to be

unsafe, the code official shall give the responsible parties notice in accordance with the requirements set forth in this article. The Code Official shall further:

1. Inspect or cause to be inspected, when necessary, any building or structure within the incorporated limits of the city, including public buildings, schools, halls, churches, theaters, hotels, tenements, or apartments, multifamily residences, single-family residences, garages, warehouses, and other commercial and industrial structures of any nature whatsoever for the purpose of determining whether any conditions exist which render such places a "dangerous building" as defined herein.
2. Inspect any building, wall or structure about which complaints have been filed by any person to the effect that a building, wall or structure is or may be existing in violation of this article.
3. Report to the Board of Appeals, any noncompliance with the minimum standards set forth in this article. The Code Official shall obtain from the secretary of the Board of Appeals a hearing date for a public hearing by the Board of Appeals on any building or structure believed to be a dangerous building and shall provide the secretary of the Board of Appeals with copies of the written notice to persons with interests in the property.
4. Appear at all hearings conducted by the Board of Appeals and testify as to the conditions of dangerous buildings within the city.
5. Place a notice on any dangerous building found to be out of compliance with the general requirements of the International Property Maintenance Code.
6. Make an effort to identify each owner, mortgagee or lienholder, and their respective addresses, by searching the following: the real property records of Burnet County; the tax appraisal district records; the records of the secretary of state; the assumed name records of Burnet County; the tax records of the city; and the utility records of the city.
7. Perform the other requirements with respect to notification of public hearings as are set forth more specifically in this article.



**Sec. 22-80. Notice to Repair.**

1. Should the code official determine that any building or structure within the incorporated limits of the city is a dangerous building, unsafe building, or unfit dwelling, the official shall cause written notification to be sent, by certified mail, to each owner, mortgagee, and lienholder identified through an effort to discover such owner, mortgagee, and lienholder. Such notice shall:
  - a. Contain a description of the building or structure deemed unsafe and its location;
  - b. Contain a statement of the specific conditions which make the building or structure a dangerous building, unsafe structure or unfit dwelling;
  - c. Contain a statement that it shall be illegal to occupy or utilize said building for any purpose until such time as the premises have been brought into compliance with the applicable provisions of the International Property Maintenance Code.
  - d. Include notice of the date and time of a public hearing before the board of appeals to determine whether the building complies with the standards set out in this article;
  - e. Include a statement that the owner, lienholder, mortgagee, or persons with a legal interest in the building will be required to submit at the hearing, proof of the scope of any work that may be required to comply with this article and the amount of time it will take to reasonably perform the work: and
  - f. Be served upon the responsible parties as set out in this article.
2. Sufficiency of notice. Notwithstanding any other term or provision of this article or the Code, notice given pursuant to this article shall be sufficient and deemed properly served upon the responsible parties if a copy thereof is:

- a. Served upon him/her personally; or
  - b. Sent by registered or certified mail, return receipt requested, to the last known address of such person as shown on the records of the city and the tax appraisal district; and posted in a conspicuous place in or about the building affected by the notice.
3. Compliance with notice. The parties responsible for the dangerous building, shall have ten days from the date of service of the notice to bring the dangerous building, unsafe structure, or unfit dwelling into compliance with the provisions of this article.
4. Further Occupancy Prohibited. Once a building is determined to be dangerous, the Code Official shall affix a placard on or near the front door of said building. The placard shall note the date of posting, provide the name and signature of the City official who determined the building to be dangerous, provide an identification, that is not required to be a legal description, of the building and the property on which it is located, and shall state following:
- THIS BUILDING HAS BEEN FOUND TO BE A DANGEROUS BUILDING UNDER THE TERMS OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE. OCCUPANY OR USE OF THIS BUILDING BY ANY PERSON OR FOR ANY PURPOSE IS HEREBY PROHIBITED UNTIL SUCH TIME AS THE PREMESIS HAVE BEEN BROUGHT INTO COMPLIANCE WITH THE APPLICABLE PROVISIONS OF THE INTERNATIONAL PROPERTY MAINTENENACE CODE AND THIS PLACARD REMOVED BY THE CODE OFFICIAL. REMOVAL OF THIS PLACARD BY ANY PERSON OTHER THAN THE UNDERSIGNED OFFICER OF THE CITY SHALL BE UNLAWFUL.
5. Refused or unclaimed mail. All mailed notices shall be deemed sufficient and delivered if returned "refused" or "unclaimed."
6. Notices sent pursuant to this article shall be sent to the address of the owner, lienholder, mortgagee or persons with legal interests in the building as determined by a reasonable search of records to include:
- a. County real property records;

- b. Appraisal district records;
- c. Records of the Secretary of State, if the property owner or lienholder is a corporation, partnership, or other business association;
- d. Assumed name records;
- e. Tax records, and utility records of the City.

**Sec. 22-81. City Council to Serve as Board of Appeals**

In order to conduct public hearings and to hear and decide appeals of orders, decisions or determinations made by the Code Official or Building Official relative to the application and interpretation of this article, the City Council shall serve as the board of appeals to pass upon matters pertaining to building standards. The board of appeals may adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the property owner and lien holders, with a duplicate copy to the Code Official. Appeals to the board shall be processed in accordance with the provisions established by this article.

**Sec. 22-82. Duties of the Board of Appeals.**

The board of appeals shall:

1. Schedule and hold a public hearing and hear testimony from the Code Official, the owner and other persons having an interest in the dangerous building, and any person desiring to present factual evidence relevant to the unsafe building. Such testimony shall relate to the determination of the question of whether the building or structure in question is a dangerous building and the scope of any work that may be required to comply with this article and the amount of time it will take to reasonably perform the work. The owner or a person having an interest in the dangerous building shall have the burden of proof to demonstrate the scope of any work that may be required to comply with this article and the time it will take to reasonably perform the work.
2. Upon conclusion of the hearing, the Board of Appeals shall determine by majority vote whether the building or structure in question is a dangerous or unsafe building. Upon a determination that the building or structure in question constitutes a dangerous or unsafe building, the board of appeals shall issue an order:

- a. Containing an identification of the building and the property on which it is located;
  - b. Making written findings of the violations of the minimum standards that are present at the building;
  - c. Requiring the owner and persons having an interest in the building to repair, vacate, or demolish the building within 30 days from the issuance of such order, unless the owner or a person with an interest in the building establishes at the hearing that the work cannot reasonably be performed within 30 days, in which instance the Board of Appeals shall specify a reasonable time for the completion of the work;
  - d. Containing a statement that the city will vacate, secure, remove or demolish the dangerous building and relocate the occupants of the building if the ordered action is not taken within the time specified by the Board of Appeals; and
3. The Code Official or City Secretary shall deliver a copy of said order by hand delivery or certified mail to the owner and all persons having an interest in the property, as such persons appear in the official records described herein, including all identifiable mortgagees and lienholders, as soon as is practicable after the hearing, which order shall include an identification and address of the building and the property on which it is located; a description of the violation of this article that are found to be present at the building; and a statement that the municipality 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.
4. If the Board of Appeals allows the owner or a person with an interest in the dangerous building more than 30 days to repair, remove, or demolish the building, the Board of Appeals in its written order shall establish specific time schedules for the commencement and performance of the work and shall require the owner or person to secure the property in a reasonable manner from unauthorized entry while the work is being performed. The securing of the property shall be in a manner found to be acceptable by the building official.

5. The Board of Appeals shall not allow the owner or person with an interest in the dangerous building more than 90 days to repair, remove, or demolish the building or fully perform all work required to comply with the written order unless the owner or person:
  - a. Submits a detailed plan and time schedule for the work at the hearing; and
  - b. Establishes at the hearing that the work cannot reasonably be completed within 90 days because of the scope and complexity of the work.
6. If the value of a property subject to a Board of Appeals order exceeds \$100,000, the Board, at its election, may require the owner, lienholder, or mortgagee to post a cash or surety bond in an amount adequate to cover the cost of repairing, removing, or demolishing a building. In lieu of a bond, the Board may require the owner, lienholder, or mortgagee to provide a letter of credit from a financial institution or a guaranty from a third party approved by the City. If required by the Board, the bond must be posted, or the letter of credit or third party guaranty provided not later than the 30<sup>th</sup> day after the date the Board of Appeals issues its order.
7. If the Board of Appeals allows the owner or person with an interest in the dangerous building more than 90 days to complete any part of the work required to repair, remove, or demolish the building, the Board of Appeals shall require the owner or person to regularly submit progress reports to board of appeals to demonstrate that the owner or person has complied with the time schedules established for commencement and performance of the work. The written order may require that the owner or person with an interest in the building appear before the city Code Official to demonstrate compliance with the time schedules.
8. **Appeals.** In the event the owner fails to appeal an order issued by the Board of Appeals under this article within 30 days of the date said order was personally delivered to them, mailed to them by first class mail with certified return receipt requested, or delivered to them by United States Postal Service using signature confirmation service, the order shall become final and unappealable. In the event an owner fails to comply

with the order within the time frame specified therein, following the expiration of 30 days from the date the order was personally delivered to them, mailed to them by first class mail with certified return receipt requested, or delivered to them by United States Postal Service using signature confirmation service , the City will be authorized to take action to abate the public nuisance and affix a lien against the Property.

9. After the public hearing, if a building is found in violation of the minimum requirements of this article , the Board of Appeals may order that the occupants be relocated within a reasonable time.
10. In addition to the authority granted to the Board of Appeals under this chapter, the City may also pursue any and all other remedies provided by state law including filing suit in the appropriate court of competent jurisdiction to enforce this article.
11. If the building is not vacated, secured, repaired, removed, or demolished, or the occupants are not relocated within the allotted time, the city may vacate, secure, remove, repair or demolish the building or relocate the occupants at its own expense after the timeframe for appealing the Board's order pursuant to subsection 8 of this section has expired.
12. If the city incurs expenses as result of enforcing the provisions of this article, said expenses may be assessed against the property and the city has a lien against the property, unless it is a homestead as protected by the Texas Constitution. The lien is extinguished if the property owner or another person having an interest in the legal title to the property reimburses the city for the expenses. The lien arises and attaches to the property at the time of the notice of the lien is recorded and indexed in the office of the Burnet County clerk. The notice must contain in the name and address of the owner if that information can be determined by a reasonable effort, a legal description of the real property on which the building was located, the amount of expenses incurred by the city, and the balance due. A lien filed in accordance with the terms of this article is a privileged lien subordinate only to tax liens and all previously recorded bona fide mortgage liens attached to the real property to which the city's lien attaches.
13. Notice. If repair or demolition is ordered, the board of appeals shall send a copy of the order by certified mail to the owner and all persons having an

interest in the property, including all identifiable mortgagees and lienholders within ten days after the hearing. Within ten days after the date that the order is issued, the city shall:

- a. File a copy of the order in the office of the municipal secretary or clerk; and
  - b. Publish in a newspaper of general circulation in the municipality in which the building is located a notice containing:
    - i. The street address or legal description of the property;
    - ii. The date of the hearing;
    - iii. A brief statement indicating the results of the order (may be a copy of the order); and
    - iv. If not provided in the notice, instructions stating where a complete copy of the order may be obtained.
  - c. If repair or demolition is ordered and notice of public hearing was not filed in the Official Public Records of Real Property of Burnet County, the city may file and record a copy of the order in such records of Burnet County.
15. Secure property. If the Board of Appeals allows the owner or a person with an interest in the dangerous building more than 30 days to repair, remove, or demolish the building, the board of appeals in its written order shall establish specific time schedules for the commencement and performance of the work and shall require the owner or person to secure the property in a reasonable manner from unauthorized entry while the work is being performed. The securing of the property shall be in a manner found to be acceptable by the city building inspector.

**Sec. 22-83 Assessment of expenses and penalties.**

1. If the board of appeals has held a hearing in accordance with the terms of this article, and the time allotted for the repair, removal or demolition of a building has expired, then the board of appeals may, in addition to the authority granted under Ch. 214, Local Government Code and this article:

- a. Order the repair of the building at the city's expense and assess the expenses on the land on which the building stands or to which it is attached, or
  - b. Assess a civil penalty against the responsible party for failure to repair, remove, or demolish the building.
2. The City, at its election, may use City resources or contract with appropriate service providers to demolish a building that is subject to a Board of Appeals demolition order. Should the City choose to retain an outside demolition contractor, the Code Official shall invite at least two or more building contractors to make estimates pertaining to the needed repair, removal or demolition of a building. The Code Official shall cause to be made an assessment of expenses or civil penalty based on such estimates. The Code Official shall endeavor to minimize the expenses of any building repairs, removal or demolitions order pursuant to this subchapter.
3. The City may repair a building subject to a Board of Appeals order only to the extent necessary to bring the building into compliance with the general requirements of the International Property Maintenance Code and only if the building is a residential building with ten or fewer dwelling units. The repairs may not improve the building to the extent that the building exceeds minimum standards prescribed by the Code.
4. The City's lien to secure the payment of a civil penalty or the costs of repairs, removal, or demolition is inferior to any previously recorded bona fide mortgage lien attached to the real property to which the City's lien attaches if the mortgage lien was filed for record in the office of the Burnet County Clerk before the date the civil penalty is assessed or the repair, removal, or demolition is begun by the city. The City's lien is superior to all other previously recorded judgment liens.
5. Any civil penalty or other assessment imposed under this section accrues interest at the rate of ten percent a year from the date of assessment until paid in full.



6. 7. A lien acquired under this section by the City for repair expenses may not be foreclosed if the property on which the repairs were made is occupied as a residential homestead by a person 65 years of age or older.

**Sec. 22-84 Violations.**

1. The owner of any unsafe building or dangerous building who shall fail to comply with any notice or order to repair, vacate or demolish said building or structure, such notice or order given by the authority of the board of appeals, or the city council, shall be guilty of a misdemeanor.
2. An occupant, or lessee in possession of any unsafe building or dangerous building who fails to comply with any notice or order to vacate such building and fails to repair such building in accordance with an order given by the Board of Appeals shall be guilty of a misdemeanor.
3. Any person removing the notice of a dangerous building as provided for by this article, shall be guilty of a misdemeanor.
4. The violation of any provision of this article shall be unlawful and a misdemeanor offense punishable by a fine not exceeding \$500.00. Each day a violation of this article continues shall constitute a separate offense.
5. In any prosecution charging a violation of this article governing the failure to comply with any notice or order to repair, vacate, remove, or demolish any building or structure, proof that the particular property described in the complaint was substandard in violation of this article, together with proof that the defendant named in the complaint was, at the time of such notice or order, the registered owner of such property, shall constitute in evidence a prima facie presumption that the registered owner of such property was the person who failed to comply with the notice or order to repair, vacate, remove, or demolish, and for the time during which, such violation occurred.