

ORDINANCE NO. 99-04-13-B
SUBSTANDARD BUILDING ORDINANCE

AN ORDINANCE ESTABLISHING THE MINIMUM STANDARDS FOR CONTINUED USE AND OCCUPANCY THAT APPLY TO ALL BUILDINGS REGARDLESS OF DATE OF CONSTRUCTION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; THE PROVISION OF PROPER NOTICE TO THE PROPERTY IF REMOVED BY THE CITY; AND THE SETTING OF A FINE FOR VIOLATION OF THE PROVISIONS HEREOF.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DILLEY, TEXAS:

SECTION 1. Any building or erection that is inhabited or partially inhabited, and continues to be occupied or in normal use, or considered to be fit for human habitation by the City Administrator or its designee or Fire Marshall, in investigation and report to the City Council, regardless of date of construction, and not a hazard to the health, safety and welfare of citizens, or is structurally standing in whole and not dilapidated, dangerous, a fire hazard, a nuisance or violation of any normal building codes, will not be considered substandard or declared to be in violation of the provisions of this Ordinance.

SECTION 2. To order, whenever the City Administrator, Fire Marshall, and Chief of Police shall after investigation be of the opinion that any building or dangerous as to endanger persons or property or so as to be a fire hazard by reason of defective construction, overloaded floors, deterioration caused by fire or natural decay, defective condition of foundation, walls, or other parts thereof, or for any other reason, he shall immediately report a description of such building or structure and its location and stating wherein said building or structure, or parts thereof, is unsafe and dangerous or is a fire hazard. Upon receiving such report the City Council shall set a date for a hearing before it to determine whether such building or structure, or part thereof, is unsafe and dangerous or is a fire hazard and thereby constituting a nuisance, and shall order the City Administrator/Secretary to notify by personal service or by one publication in the local newspaper of the City , at least ten(10) days prior to the date of such hearing, the record owners of such building or structure and the property on which it is located and all persons, if any with recorded liens thereon, to appear before the City Council on the date of such hearing to show cause why such building or structure should no be declared a nuisance by reason of being unsafe and dangerous or fire hazard, and the nuisance by reason of being unsafe and dangerous or fire hazard, and the nuisance ordered adapted by repair or removal. Personal service of such notice shall be hand where practicable and any official or police officer of the City shall be qualified to serve such notice and shall make his return showing service on a copy of such notice, setting out therein the time and place of such service. A member of the staff of the newspaper publishing such notice, if same be published, shall certify when such publication was had and shall attach thereto a copy of the notice as published in such paper.

At such hearing the City official, reporting that such building or structure is unsafe and dangerous or a fire hazard, shall present to the City Council all information and evidence which has been gathered with regard thereto showing the condition of such building or structure alleged to be unsafe and dangerous or a fire hazard, and shall specify wherein such building or structure, or part thereof, is unsafe and dangerous or is a fire hazard and thereby constituting a nuisance, and shall order the City Administrator/Secretary to notify by personal service or by one publication in the local newspaper of the City, at least ten (10) days prior to the date of such hearing, the record owners of such building or structure and the property on which it is located and all persons, if any, with record liens thereon, to appear before the City Council in the date of such hearing to show cause why such building or structure should not be declared a nuisance by reason of being unsafe and dangerous or a fire hazard, and the nuisance ordered abated by repair or removal. Personal service of such notice shall be had where practicable and any official or police officer of the City shall be qualified to serve such notice, setting out therein the time and place of such service. A member of the staff of the newspaper publishing such notice, if same be published, shall certify when such publication was had shall attach thereto a copy of the notice as published in such paper.

At such hearing the City official, reporting that such building or structure is unsafe and dangerous or a fire hazard, shall present to the City Council all information and evidence which has been gathered with regard thereto showing the condition of such building or structure alleged by to be unsafe and dangerous or a fire hazard, and shall specify wherein such building or structure is unsafe and dangerous and shall state whether such building or structure can be repaired and the unsafe and dangerous it in a safe condition. Such owners and lienholders, if any, and any person who may show an interest in such building or structure shall have the evidence offered by the City Council any evidence tending to disprove the evidence offered by the City official or tending to show that such building or structure if safe.

SECTION 3. After the hearing, if the building or erection is found to be in violation of the standards set forth in the Ordinance, the City will direct that the building be repaired or removed within fifteen (15) days from said order issued by the City Council, with said order also stating that should the owners fail to comply with such order within the time specified, the City will remove or cause to be removed such building or structure, such parts thereof, at its own expense, but for and on the account, however, of the owner of such real property, Such work shall be done under the direction of the City Administrator or its designee, reporting to the City Council

the cost of the same and the approval of such cost by the City Council, the owners of such property shall become personally liable which such building or structure or part thereof, has removed, such sum becoming due and payable within thirty (30) days from the date of the official in the notification wither by personal service or publication, and identification of the record owners of any building or structure and any recording of liens properly made in accordance with these provisions.


SECTION 4. Any person who shall wilfully refuse or fail to leave a building which has been ordered vacated under the terms of this Ordinance, or who shall enter an area around such building that has been declared to be dangerous and notice of which declaration shall have been posted and/or demolition of any building under the terms of this ordinance shall be deemed guilty of a misdemeanor and shall be subject to a fine of not less than five dollars (\$5.00), nor more than Two Hundred Dollars (\$200.00), and upon conviction shall be fined in any sum not exceeding days violation shall constitute a separate and distinct offence.

SECTION 5 This ordinance shall be in full force and effect immediately following its passage, approval and publication, as provided by law.

In the event that any section, clause, sentence, or paragraph, or part of this Ordinance shall, for any reason be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such invalidity or unconstitutionality shall no affect, impair, or invalidate the reminder of this Ordinance.

PASSED AND APPROVED this the 13th day of April, 1999

ATTEST:


Mary Ann Obregon, Mayor


Irma Rodriguez, City Secretary