

AN ORDINANCE MAKING DANGEROUS BUILDINGS ILLEGAL, DEFINING "BUILDING" AND THOSE THAT ARE DEEMED DANGEROUS, PROVIDING THAT THIS ORDINANCE IS CUMULATIVE OF OTHERS ON THIS SUBJECT, MAKING DANGEROUS BUILDINGS A NUISANCE SUBJECT TO ABATEMENT, PROVIDING FOR INSPECTIONS BY THE CITY BUILDING OFFICIAL, PROVIDING FOR NOTICE TO THE OWNER AND OPPORTUNITY FOR REPAIR, ESTABLISHING THE MEANS OF ABATING SUCH NUISANCE BY DEMOLITION OR REPAIR BY THE CITY AND THE IMPOSITION OF A LIEN FOR COSTS INCURRED, ESTABLISHING REASONABLE REPAIR COSTS, PROVIDING FOR PUBLICATION, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the existence of dangerous buildings constitutes a threat to life and other properties; NOW THEREFORE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF ROPESVILLE, TEXAS.

Section I. Definitions:

(a) Building: As used in this article, the term "building" shall mean any structure of any kind or character or any part thereof which has been erected upon any land within the city, irrespective of the material from which such structure has been built.

(b) Dangerous Building: For the purposes of this article, a "dangerous building" is defined as a building which possesses one or more of the following qualities:

- (1) Any building with roof, ceiling, floors, sills, or foundation, or any combinations thereof, rotted or decayed and falling apart; windows out, uninhabitable, untenable, and unsightly, due to obsolescence and deterioration caused by neglect or vandalism or fire damage or old age or the elements; or

- (2) Any building in danger of falling and injuring any person or property which might be on and about said premises; or
- (3) Any building which is a fire menace by virtue of containing in or near said building accumulations of trash, rubbish and debris; or which, by virtue of its abandonment or neglect, is likely to attract children or transients who may start fires on said premises; or which contains accumulations of combustible material which may take fire either by accident or on purpose; or
- (4) Any building which is in any of the conditions described in (1), (2), and (3) above; which is damp or in an unsanitary condition which is likely to create disease and sickness; or which is likely to provide breeding places and habitat for snakes, rats, mice and other vermin which are detrimental to the public health.

Section II. Ordinance Cumulative:

The provisions of this article are to be cumulative of all other ordinances, or parts thereof, governing or regulating the same subject matter as that covered herein, and which are consistent herewith.

Section III. Declaration of illegality and nuisance:

It shall be unlawful for any person to own or maintain, or permit to stand upon any premises within the city any dangerous building, and all such dangerous buildings are hereby declared to be unlawful, and are hereby declared to be public nuisances.

Section IV. Inspections-To determine violations:

An inspection shall be made of every building located within the city which is suspected of being in violation of this article. The building official and his assistants are hereby authorized after lawfully securing a search warrant when necessary, to conduct inspections of all such buildings suspected of being in violation of this article.

Section V. Same-To determine compliance with notice; issuance of notice:

Whenever a violation of this article has been discovered and reported by an inspector, the owner of the premises involved, and the occupant, if any, shall be given written notification of the nature of the violation and the date on which a reinspection shall be made to determine if the violation has been eliminated. No reinspection shall be made until the person responsible for a violation under the provisions of this article has been given a reasonable time to eliminate the conditions constituting the violation.

Section VI. Remedial action by the city-Procedure:

Whenever a dangerous building has been found to exist, and whenever the owner or occupant thereof has failed to correct the conditions which make such building a dangerous building within the meaning of this article, and when reinspection of such premises by the building official reveals that the building constitutes danger of injury to the occupants of said premises or to adjoining property or persons to the public, and the cost of alleviating the conditions which go to make said building a dangerous building is not reasonably related to the value of the building, a notice of intent to order the demolition of the building shall be served on the owner by the building official, by certified mail, to his post office address as shown on the city tax roll; or, if his address is unknown and cannot by the exercise of reasonable diligence, be ascertained, such notice shall be served by publication for not less than two (2) times within ten (10) consecutive days, in the official newspaper; and in the event the violation is not eliminated within thirty (30) days from the date of said notice, the city may demolish and remove said building, or cause the same to be done, and charge the expenses incurred in doing such work or having the same done, to the owner of said land; and if such work is done at the expense of the city, said expense may be assessed on the lot, tract or parcel of land, or to the premises upon which the expense was incurred.

For the purposes of this section, any repair, alteration or improvement which is determined by the building official to cost more than fifty (50) per cent of the gross assessed valuation of the building, exclusive of land value, shall be deemed not to be reasonably related to the value of the building.

Section VII. Appeal:

Within the thirty (30) day notice period an owner may request that the decision of the building official be appealed for a determination by a majority of the City Council. Such appeal must be in writing and filed with the office of the City Secretary within such thirty (30) day period.

Section VIII. Same-Collection of expenses:

The city administrator of the building official shall file a statement of such expenses incurred, giving the amount of such expenses, the date on which said work was done or improvements made, with the county clerk; and the city shall have a privileged lien on such lots or other premises or real estate upon which said building was located, to secure the repayment of the expenditures so made, which said lien shall be second only to tax liens and liens for street improvements; the amount shall bear nine (9) per cent interest from the date said statement was filed. Further, suit may be filed by the City for the recovery of the expenses so incurred, and for the foreclosure of said lien, and the statement of expenses so made, as aforesaid, or a certified copy thereof, shall be prima facie proof of the amount for such work.

Section IX. That the violation of the Code of Ordinances of the City of Ropesville is hereby declared a misdemeanor offense punishable by a fine of not more than \$2,000.00.

Section X. That the City Secretary shall cause the publication of such Code, together with the caption and Section I of this Ordinance in a newspaper of general circulation.

Section XI. If any portion of this ordinance shall be declared unconstitutional by a Court of Law, such shall not affect the remaining portions.

Section XII. This ordinance shall become effective thirty (30) days from final passage.

PASSED on first reading this 14 day of August, 1989.
PASSED on second reading this 14 day of August, 1989.

THE CITY OF ROPESVILLE, TEXAS

BY: Alton Pettit
MAYOR

ATTEST:

Doris M. Hill
CITY SECRETARY