

SUBSTANDARD BUILDINGS ORDINANCE, CITY OF WALLIS

AN ORDINANCE DEFINING SUBSTANDARD BUILDINGS WITHIN THE TERMS OF THIS ORDINANCE, ESTABLISHING A BUILDING STANDARDS COMMISSION, PROVIDING FOR THE CONDEMNATION OF SUBSTANDARD BUILDINGS OR STRUCTURES, AND PROVIDING FOR THE EVACUATION, REPAIR, AND/OR DEMOLITION OF SUBSTANDARD BUILDINGS; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; CONTAINING A SAVINGS CLAUSE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR THE METHOD OF PUBLICATION OF THIS ORDINANCE; AND PROVIDING FOR THE METHOD OF PASSAGE; AND DECLARING AN EMERGENCY.

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

SECTION I. All buildings or structures which have any or all of the following defects or lack of facilities shall be deemed substandard buildings:

A. All buildings or structures which do not have the number of water closets, urinals and lavatories required by the Plumbing Ordinance of the City of Wallis, or which have pit privies where the same are not permitted by law, or which are not connected to the City sewer when required by law, or where inadequate and insanitary pit privies or septic tanks are maintained.

B. All buildings or structures that have become deteriorated through natural causes or by damage through exposure to the elements, especially wind, hail, or rain, or damage through fire, to the extent that the roof, windows and doors, or portions of the house, building, or structure which protect from the weather, will no longer reasonably protect from the weather.

C. All buildings or structures which constitute, or in which are maintained, fire hazards, as that term is defined through the Fire Prevention Code of the City of Wallis, Texas as the same exists or is herewith adopted.

D. All buildings or structures which are so structurally deteriorated that they are in danger of collapse, or which cannot be expected to withstand the reasonably anticipated storms and/or hurricanes.

E. All buildings or structures not wired in conformity with the Electrical Code of the City as the same now exists or as hereafter amended or adopted.

F. All buildings or structures not constructed in conformity with the City Building Code as the same now exists or as hereafter amended or adopted.

G. All buildings or structures so constructed or permitted to be so constructed as to constitute a menace to health or safety including all conditions conducive to the harboring of rats or mice or other disease carrying animals or insects reasonably calculated to spread disease, and including such conditions hazardous to safety as inadequate bracing or the use of deteriorated materials.

SECTION II. All substandard buildings or structures within the terms of this ordinance which shall constitute a menace to the health, morals, safety, or general welfare of its occupants or of the public are declared to be public nuisances and shall be ordered to be vacated, repaired, or demolished as hereinafter provided.

SECTION III. The City Council shall act as a Building Standard Commission to act under this ordinance but may create a Building Standards Commission to be composed of three (3) members, each of whom shall be a resident of the City of Wallis. They shall hold office for a period of two (2) years, or until their successors are appointed. As near as practical they shall be qualified in one or more of the fields of fire prevention, building construction, sanitation, health and public safety. The Council or Commission shall except in cases of emergency as hereinafter set forth, notify the proper party of the intention of such Commission to hold its hearing and follow the procedure hereinafter provided.

SECTION IV. Substandard buildings or structures may be ordered to be, and shall be, vacated, repaired, or demolished under the following conditions, regulations, and procedure:

A. EMERGENCY MEASURES: When there exists an emergency as defined in Paragraph 1 of this Subsection A, certain measures may be taken, notification given and procedure followed as is in this subsection set forth:

1. When it shall appear that a building or structure in the City of Wallis is a substandard building under the terms of this ordinance and that such building or structure or the manner of its use constitutes an immediate and serious danger to life or property, the condition shall be deemed a condition justifying the use of emergency measures, and such commission or a majority of the commissioners may order any of the following emergency measures to be taken: (a) immediate vacation of such building, structure, and/or adjoining buildings or structures, (b) vacation of the danger area around such building or structures, (c) such emergency shoring-up and bracing of walls, roofs, and supports as are required to render such buildings or

structure safe, or (d) the destruction of such walls, roofs and supports or the entire structure of so much thereof as cannot be braced or made secure with safety, or (e) post notices on or near such building or structure, or buildings or structures, notifying the public of such orders and ordering all persons to keep out of such building, buildings; structures, or structure and the areas of danger surrounding it or them.

2. When any of the above mentioned measures are ordered to be taken, notice of such order shall be directed to the owner of such substandard building or structure, or his authorized representative, if the same shall be known. Where notification can be accomplished without increasing the danger to life or property, notice shall be given by personal service on the owner of the building or structure, or his said representative;

In the event that such notification would create such a delay as would materially increase the danger of life or property, then such notice need not be given;

3. In the event that such notification is unnecessary or in the event such notice is given and the owner or his representative shall refuse or fail to carry out the orders of the City Council or shall fail to carry out such order satisfactorily, then, in either such event the City Council may proceed to carry out such orders either by private contract or through an agency of the City, and the cost thus incurred shall constitute a valid lien against the property so repaired.

B. NORMAL PROCEDURE: Where an emergency does not exist, the following steps may be taken in the condemnation of a substandard building:

1. When it shall come to the notice of the City Council that a building or structure in the City of Wallis is substandard under the terms of this ordinance, the said commission may cite said owner of such building or structure, or his authorized agent or representative, to appear, and show cause why such building should not be declared to be a substandard building and why he should not be ordered to vacate, repair, or destroy such building or structure. The date of such hearing shall be not less than ten (10) days after such citation shall have been made.
2. Such citation may be served by delivery of a copy thereof to the owner, or the person in possession, or, if such premises be unoccupied, by attaching a copy of such citation in a place of prominence on such building or structure.

3. On the day set in such citation for hearing, hearing shall be had and on the basis of such hearing the City Council shall determine whether or not such building or structure is a substandard building or structure, then, in that event, the City Council shall issue such orders as shall appear reasonably necessary to prevent the said building or structure from being a hazard to life or property and to eliminate the said building or structure's substandard qualities.

SECTION V. The following standards may be followed in substance by the City Council in ordering repair, vacation or demolition:

A. If the substandard building or structure can reasonably be repaired so that it will no longer be in a condition which is in violation of the terms of this ordinance it shall be ordered repaired.

B. If the substandard building or structure is in such condition as to make it dangerous to the health, morals, safety, or general welfare of its occupants or of the public it shall be ordered to be vacated.

C. In any case where a substandard building or structure is fifty percent damaged or decayed, it shall be demolished, and in all cases where a building cannot be repaired so that its existence will no longer be in violation of the terms of this ordinance it shall be demolished.

SECTION VI. Neither the City nor any authorized agent acting under the terms of this ordinance shall be liable or have any liability by reason of orders issued or work done in compliance with the terms of this ordinance.

SECTION VII. It shall be the duty of the City Attorney of the City of Wallis to enforce the orders of the City Council by filing action in the appropriate court of this State, when so authorized by the City Council.

SECTION VIII. 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 any person who shall interfere with or hinder the vacation, repair, 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 Two Hundred Dollars (\$200.00), and each and every day's violation shall constitute a separate and distinct offense. In case the owner or occupant of any substandard building ordered vacated, repaired, or demolished under the terms of this ordinance,

shall be a corporation, and shall violate any provision of this ordinance, the president, vice-president, secretary, treasurer of such corporation, or any manager, agent, or employee of such corporation shall be also severally liable for the penalties therein provided.

SECTION IX. That if any article, paragraph, subdivision, clause, phrase or provision of this ordinance shall be adjudged invalid, or to be held unconstitutional, the same shall not affect the validity of the ordinance as a whole or any part or provision thereof other than the part so decided to be invalid or held to be unconstitutional.

SECTION X. That all other ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION XI. This ordinance shall take effect from and after the date of its publication in the official publication of the City of Wallis, which publication shall be sufficient if it contains the title of this ordinance and state the penalty provided for the violation thereof.

SECTION XII. The presence of substandard housing in the City of Wallis requiring the enactment of a comprehensive and effective condemnation ordinance creates an emergency and an imperative public necessity requiring that this ordinance be passed finally on the date of its introduction and take effect and be in full force and effect from and after its passage, IT IS ACCORDINGLY SO ORDAINED.

PASSED AND APPROVED, this the 12th day of October, 1982.

Frank B. Petter
MAYOR OF THE CITY OF WALLIS,
TEXAS

ATTEST:

Betty March
CITY SECRETARY

APPROVED:

[Signature]
CITY ATTORNEY