

ORDINANCE NO. 193-84

AN ORDINANCE AMENDING ORDINANCE NO. 129A-84, THE ORDINANCE ADOPTING THE UNIFORM BUILDING CODE, AND PROVIDING A PROCEDURE OF ENFORCEMENT INCLUDING NOTICE OF VIOLATIONS, APPROPRIATE TIMES TO BRING STRUCTURES WITHIN COMPLIANCE, PENALTIES FOR FAILURE TO REMEDY AND COMPLY, PROCEDURES FOR APPEALS BY THE OWNER TO THE BOARD OF APPEALS, AND PROVIDING FOR FORCEFUL REMOVAL OF OFFENDING STRUCTURES, PENALTIES FOR VIOLATION AND INJUNCTIVE RELIEF; CONTAINING A SEVARABILITY CLAUSE AND PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WILLOW PARK, TEXAS:

SECTION 1

Ordinance No. 129A-84 as amended is hereby amended and supplemented to incorporate the following provisions:

1. The Building Inspector for the City of Willow Park, Texas, shall have the right to enter upon private property at all reasonable times to conduct inspections and investigations with regard to any structure or building which he reasonably believes to be not in conformity with the Uniform Building Code of the City of Willow Park and shall be guilty of no trespass in the performance of his official duties in conjunction therewith. Whenever the Building Inspector shall find any building or structure or portion thereof to be unsafe, unsanitary or unfit for human habitation, he shall provide and furnish to the true and lawful owner by Certified Mail a written notice of each and every violation noted. by him of Ordinance No. 129A-84 as amended. This notice so furnished shall require the owner to initiate the required rehabilitation or demolition according to the requirements of the Building Inspector within thirty (30) days from the receipt of the notification by Certified Mail. The Building Inspector shall have; however, the right and prerogative to grant an additional time period, not exceeding one hundred twenty (120) days, in which to initiate the rehabilitation or demolition as required by him in those instances where the owner can demonstrate to the satisfaction of the Building Inspector that he is then making application for a loan or is taking other definite steps toward compliance with the requirements set forth by the Building Inspector. Failure by the owner to initiate rehabilitation measures within the time frame of thirty (30) days from the receipt of the notification by Certified Mail. The Building Inspector shall have, however, the right and prerogative to grant an additional time period, not

exceeding one hundred twenty (120) days, in which to Initiate the rehabilitation or demolition as required by him in those instances where the owner can demonstrate to the satisfaction of the Building Inspector that he is then making application for a loan or is taking other definite steps toward compliance with the requirements set forth by the Building Inspector. Failure by the owner to initiate rehabilitation measures within the time frame of thirty (30) days and/or one hundred twenty (120) days (if allowed by the Building Inspector) shall, absent an appeal from the directive of the Building Inspector to the Board of Appeals, constitute due and just cause for the City of Willow Park, Texas, to initiate demolition and removal of the offending structure in order to protect the public health, morals, safety and welfare.

Assuming that the City of Willow Park effectuates the demolition and, removal of an offending structure or causes the same to be accomplished, then, in such instance, the City of Willow Park shall have the right and shall have a lien against the property so involved for the full expense and cost of the forceful demolition and removal. Such lien shall be perfected by filing with the County Clerk of Parker County, Texas, a Notice of Lien in appropriate legal form that would embody the basis, of such lien, the amount, the owner's name and a description of the property with the date that such lien was effectuated. Thereafter, failure to pay such expense by the true owner shall form an adequate basis for the continuation of such lien as a charge against the realty and a personal obligation of the true owner thereof.

SECTION 2

There is hereby established a board to be called the Housing Board of Adjustments and Appeals comprised of five (5) members appointed by the City Council to serve for a term of two (2) years each. Such Housing Board of Adjustments and Appeals shall have the right to adopt such rules of procedure not inconsistent with the terms of this ordinance setting for the times and dates of their meetings, the rules incident to the conduct of such meetings and other matters of a procedural nature. The Housing Board of Adjustments and Appeals shall have the right, power, responsibility and authority to receive and consider appeals from the owners of real property relating to any order or directive of the Building Inspector as the same would notice and directive of the Building Inspector. Such Notice of Appeal shall set forth the date of the notice from the Building Inspector, the full description of the real property, the name or names of all true owners, and shall specify those portions of the Building Inspector's notice appealed from and complained of.

All such Notices of Appeal shall be in writing and directed to the Housing Board of Adjustments and Appeals and shall state with sufficient particularity the portion of the Building inspectors notice and requirement appealed from and complained of The Housing Board of Adjustments and Appeals shall within ten (10) days from the receipt of

such Notice of Appeal set a time and date certain for the hearing of such appeal, such hearing, to be held not later than thirty (30) days from the receipt of the Notice of Appeal by the Housing Board of Adjustments and Appeals. The notification of the time, date and place of such hearing shall be sent by the Housing Board of Adjustments and Appeals to the true owner by Certified Mail. At such hearing, the owner shall have the right to present such evidence as he deems pertinent and shall be given the opportunity to cross-examine any witness whose testimony is heard and considered. The Housing Board of Adjustments and Appeals shall have five (5) days from and after the date of such hearing to affirm, overrule or affirm in part the decision of the Building Inspector and the appeal from the same. The owner of the property shall thereafter have twenty (20) days from the decision rendered by the Housing Board of Adjustments and Appeals to initiate an action in the District Court of Parker County, Texas, to enjoin or restrain the City of Willow Park from enforcement of the Building Inspector's order and directive. The decision of the Housing Board of Adjustments and Appeals shall be in writing and mailed by Certified Mail to the owner of the property involved within five (5) days from the date of the hearing of such appeal. All such enforcement procedures by the City of Willow Park shall be suspended during the appellate process. Failure by the owner to comply with any of the time provisions set forth herein shall give the City of Willow Park, Texas, the immediate right to initiate forceful removal and demolition of the offending structure and the placement of the expense and cost lien as hereinabove provided.

SECTION 4

This amendment to the Uniform Building Code is declared to be remedial and shall be construed to secure the beneficial interest and purposes thereof, which are public safety, morals, health, and general welfare through structural strength, stability, sanitation and adequate light and ventilation as well as safety to life and the property from fire and other hazards.

SECTION 5

In addition to the remedies hereinabove provided, any person, firm, or corporation violating any portion of this amendment, as well as any other section of the Uniform Building Code, shall be guilty of a separate offense for each and every day or portion thereof during which any violation of the provisions of this amendment or the Code is committed or continued, and upon conviction of any such violation such person, firm or corporation shall be subject to a fine of not less than Five Dollars (\$5.00) nor more than Two Hundred Dollars (\$200.00) for each and every separate offense.

SECTION 6

The Building Inspector shall at the very outset and after his inspection in addition to providing notice of violation "red tag" the offending structure, thus providing notice to all parties that such structure is unsafe. The placement of such red tag on the exterior of the building shall thereafter and until either compliance or other ultimate resolution of the offenses be accomplished, prohibit the inhabitation of such structure or any other use

thereof by individuals or parties and such red tag shall remain in place and shall not be removed by any person other than the Building Inspector until such final compliance is accomplished and/or the building is removed or demolished. No person shall be permitted to remove or alter the red tag until either such eventuality has occurred.

SECTION 7

Severability clause: This ordinance shall become effective immediately upon its publication as required by law.

PASSED AND ADOPTED this the 13th day of August, 1984.

Jimmie Jordan

Mayor

ATTEST:

Bernadette Wright

City Secretary