



ORDINANCE NO. 2022.04.1

AN ORDINANCE PROHIBITING THE MAINTAINING OF DANGEROUS BUILDINGS WITHIN THE CITY OF FRUITVALE, TEXAS; DEFINING "DANGEROUS OR SUBSTANDARD BUILDINGS"; DECLARING SAID BUILDINGS TO BE NUISANCES AND UNLAWFUL; PROVIDING FOR NOTICE TO REPAIR OR REMOVE; PROVIDING FOR DEMOLITION THEREOF IN THE EVENT OF FAILURE TO COMPLY WITH SUCH NOTICES; PROVIDING FOR THE ASSESSMENT OF THE COST OF SUCH WORK AS A LIEN AGAINST THE PROPERTY; PROVIDING A PENALTY FOR VIOLATION OF THIS ORDINANCE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING THAT THE PROVISIONS OF THIS ORDINANCE ARE CUMULATIVE OF ALL OTHER ORDINANCES COVERING THE SAME SUBJECT MATTER, BUT EXPRESSLY REPEALING THOSE IN CONFLICT HERewith; AND PROVIDING FOR PUBLICATION.

WHEREAS, the City Council of the City of Fruitvale finds that there are many obsolete, deteriorated and dangerous buildings within the City of Fruitvale which constitute fire hazards or are in such condition as to constitute hazards to those going in and about said buildings, or are unsanitary and in such filthy condition as to constitute public health menaces; and

WHEREAS, the Council finds that the repair or removal of such buildings is essential to the safety, health and general welfare of the citizens of Fruitvale, Texas; and

WHEREAS, Chapter 214 of the Texas Local Government Code authorizes municipalities, by ordinance, to order the repair, removal or demolition of such dangerous or substandard structures and prescribes the process by which notice is to be given and hearings are to be conducted; and

WHEREAS, the Council finds that existing regulations or ordinances of the City of Fruitvale are insufficient to provide for the satisfactory abatement of nuisances occasioned by the existence of such buildings;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRUITVALE, TEXAS:

I.

Any buildings as described and defined herein below are defined as Dangerous or Substandard and shall be, and the same are, hereby declared to be public nuisances and unlawful.

(A) Any building with roof, ceiling, floors, sills or foundations, or any combination 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

(B) Any building in danger of falling and injuring any person, persons or property which might be on and about said premises; or

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 vandals 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, thereby endangering persons or the property of others;

Any building which is in the condition of conditions described herein 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;

(E) Any building or dwelling which shall be found by the Building Inspector or Building Official to violate the standards for minimum housing and thereby designated "unfit for human habitation";

As used in this ordinance, 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 limits of Fruitvale, Texas, irrespective of the material from which such structure has been built.

## II.

The Building Official or Building Inspector and designees are hereby authorized to conduct inspections of any and all such buildings suspected of being in violation of this ordinance.

## III.

Whenever a violation of this ordinance has been discovered and reported by the Building Official or Building 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 public hearing will be held to determine whether the building is dangerous, dilapidated, substandard or unfit for human habitation and a hazard to the public health, safety or welfare. The City may use any and all authority, including that relating to notice, the repair, demolition or removal of a structure and the assessment of liens, as granted pursuant to Chapter 214 of the Texas Local Government Code.

## IV.

Any person, firm or corporation who shall own or maintain any dangerous building as that term is defined herein, and who shall, after notice as provided in Section III hereof, fail to repair or eliminate the conditions which cause such building to be a dangerous building, shall be guilty of a misdemeanor, and upon conviction shall be fined in any sum not exceeding \$500.00, and each and every day's violation shall constitute a separate and distinct offence. In the event the owner or occupant of any dangerous building shall be a corporation, president, vice president, secretary and treasurer of such corporation, or the manager, agent or employee of such corporation shall be also severally liable for the penalties herein provided.

## V.

The provisions of this ordinance are to be cumulative of all other ordinances, or parts thereof, governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent or in conflict with of the provisions of this ordinance are hereby expressly repealed to the extent of any such inconsistency or conflict.

## VI.

If any section, sub-section, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this ordinance. The Council of the City of Fruitvale hereby declares at it would have passed this ordinance and each section, sub-section, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, sub-sections, sentences, clauses or phrases be declared unconstitutional or invalid.

VII.

The City Secretary is hereby authorized and directed to publish the descriptive caption of this ordinance, together with the penalty provision contained herein, in the manner and for the length of time prescribed by law.

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Vicki Ferguson, Mayor

ATTEST:

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Susan Murre, City Secretary