

CITY OF COMO
ORDINANCE
2017-6

AN ORDINANCE DEFINING SUBSTANDARD STRUCTURES; ESTABLISHING THE CONDITIONS, CONSTITUTING SUBSTANDARD BUILDING OR STRUCTURES, DECLARING ALL SUBSTANDARD BUILDING AND STRUCTURES AS DEFINED BY THIS ORDINANCE TO BE PUBLIC NUISANCES; PROVIDING FOR INSPECTIONS AND REPORTS BY THE CITY BUILDING OFFICIAL OR MAYOR; PROVIDING FOR PROCEDURES IN ORDERING THE REPAIR, VACATING OR DEMOLITION OF SUBSTANDARD BUILDINGS OR STRUCTURES, PROVIDING FOR NOTICE TO THE OWNERS AND OCCUPANTS OF SUCH SUBSTANDARD BUILDINGS AND STRUCTURES, PROVIDING FOR THE CITY'S RIGHT TO DEMOLISH AND REMOVE ANY SUBSTANDARD BUILDING OR STRUCTURE; PROVIDING FOR A NOTICE OF ASSESSMENT OF A LIEN; PROVIDING FOR A PENALTY FOR ANY VIOLATIONS OF THIS ORDINANCE; AND PROVIDING FOR THE ENFORCEMENT OF THIS ORDINANCE.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF COMO, TEXAS;

SECTION 1; FOR THE PURPOSE OF THIS ARTICLE, THE FOLLOWING DEFINITIONS SHALL APPLY;

BUILDING: ANY STRUCTURE DESIGNED OR BUILT FOR THE SUPPORT, ENCLOSURE, SHELTER, OR PROTECTION OF PERSONS, ANIMALS, CHATTEL, OR PROPERTY OF ANY KIND.

STRUCTURE: ANYTHING CONSTRUCTED OR ERECTED WHICH REQUIRES LOCATION ON THE GROUND OR IS ATTACHED TO SOMETHING HAVING A LOCATION ON THE GROUND INCLUDING, BUT NOT LIMITED TO, SIGNS, FENCES, WALLS, POLES, AND BUILDINGS, WHETHER OF A TEMPORARY OR PERMANENT NATURE.

SECTION 2; ANY BUILDING OR STRUCTURE WHICH HAS ANY OF THE FOLLOWING DEFECTS SHALL BE DEEMED A SUBSTANDARD BUILDING OR STRUCTURE AND CONSTITUTE A HAZARD TO THE HEALTH, SAFETY, AND WELFARE OF THE CITIZENS.

- A. ANY BUILDING OR STRUCTURE THAT HAS BECOME DETERIORAATED OR DAMAGED THROUGH EXPOSURE TO THE ELEMENTS INCLUDING, WITHOUT LIMITATION: FLOOD, WIND, HAIL OR RAIN, OR DAMAGE THROUGH FIRE, OR DAMAGE BY ANY OTHER CAUSE TO THE EXTENT THAT EITHER THE ROOF, WINDOWS OR DOORS, OR PORTIONS OF THE HOUSE, BUILDING OR STRUCTURE WHICH PROTECTION FROM THE WEATHER WILL NO LONGER PROTECT THE OCCUPANTS.
- B. ANY BUILDING OR STRUCTURE WHICH IS SO STRUCTURALLY DETERIORATED OR DAMAGED THAT IT IS IN DANGER OF COLLAPSE OR WHICH CANNOT BE EXPECTED TO WITHSTAND THE REASONABLE ANTICIPATED STORMS OR SEVERE WEATHER
- C. ANY BUILDING USED FOR OCCUPANCY OF ONE OR MORE PERSONS WHICH IS NOT CONNECTED TO AN APPROVED PUBLIC SANITARY SEWER OR DOES NOT PROVIDE CONNECTION TO A PROPERLY INSTALLED AND APPROVED SEPTIC SYSTEM.
- D. ANY BUILDING OR STRUCTURE OR ANY PORTION THEREOF THAT HAS SETTLED TO SUCH AN EXTENT THAT THE WALLS OR OTHER STRUCTURAL PORTIONS HAVE MATERIALLY LESS RESISTANCE TO WINDS OR SEVERE STORMS THAN IS REQUIRED IN THE CASE OF NEW CONSTRUCTION.

E. ANY BUILDING OR STRUCTURE BY REASON OF OBSOLESCENCE, DILAPIDATED CONDITION, DETERIORATION, DAMAGE, ELECTRIC WIRING, GAS CONNECTIONS, HEATING APPARATUS, OR OTHER CAUSES, IS IN SUCH CONDITION TO BE A FIRE HAZARD AND IS SO SITUATED AS TO ENDANGER LIFE OR OTHER BUILDINGS OR PROPERTY IN THE VICINITY OR PROVIDE A READY FUEL SUPPLY TO AUGMENT THE SPREAD AND INTENSITY OF FIRE ARISING FROM ANY CAUSE.

F. ANY BUILDING OR STRUCTURE SO CONSTRUCTED OR MAINTAINED AS TO CONSTITUTE A MENANCE TO HEALTH OR SAFETY, INCLUDING;

1. ALL CONDITIONS CONDUCTIVE TO THE HARBORING OF RATS, SNAKES, MICE, OTHER DISEASE-CARRYING ANIMALS, OR INSECTS REASONABLY CALCULATED TO SPREAD DISEASE.
2. CONDITIONS HAZARDOUS TO THE SAFETY OF PERSONS OR PROPERTY, SUCH AS INADEQUATE BRACING, STRUCTURAL SUPPORT, CONSTRUCTION, OR THE PRESENCE OF DETERIORATED MATERIALS, OR
3. CONDITIONS CONSTITUTING AN ATTRACTIVE NUISANCE CREATING A HAZARD TO THE HEALTH OR SAFETY OF MINORS.

SECTION 3. DECLARATION OF NUISANCE; ALL SUBSTANDARD BUILDINGS OR STRUCTURES WITHIN THE PROVISIONS OF THIS ARTICLE WHICH SHALL CONSTITUTE A HAZARD TO THE HEALTH, SAFETY, OR GENERAL WELFARE OF ITS OCCUPANTS, THE CITIZENS OF THE CITY OF COMO, TEXAS, OR TO THE PUBLIC ARE DECLARED TO BE PUBLIC NUISANCES AND SHALL BE ORDERED TO BE REPAIRED, VACATED, OR DEMOLISHED AS HERE-IN-AFTER PROVIDED.

SECTION 4. INSPECTIONS AND REPORT; IT SHALL BE THE DUTY OF THE MAYOR, OR OTHER REPRESENTATIVE DESIGNATED BY THE CITY COUNCIL, TO INSPECT ALL BUILDINGS OR STRUCTURES REPORTED TO BE, OR BELIEVED TO BE, SUBSTANDARD, TO PRESENT A REPORT OF SUCH INSPECTION TO THE CITY COUNCIL, AND TO GIVE NOTICE OF THE INTENTION OF THE CITY COUNCIL TO HOLD HEARINGS AND FOLLOW THE PROCEDURES HERE-IN-AFTER PROVIDED.

SECTION 5. PROCEDURES; SUBSTANDARD BUILDINGS OR STRUCTURES MAY BE ORDERED TO BE, AND PURSUANT TO ORDERS, SHALL BE REPAIRED, VACATED, OR DEMOLISHED UNDER THE FOLLOWING CONDITIONS, REGULATIONS, AND PROCEDURES;

A. EMERGENCY MEASURES; WHEN THERE EXISTS AN EMERGENCY AS DEFINED IN PARAGRAPH I OF THIS SUBSECTION, CERTAIN MEASURES MAY BE TAKEN, NOTIFICATION GIVEN, AND PROCEDURES FOLLOWED AS SET FORTH IN THIS SUBSECTION;

1. WHEN IT SHALL APPEAR THAT A BUILDING OR STRUCTURE IN THE CITY OF COMO IS A SUBSTANDARD BUILDING OR STRUCTURE UNDER THE TERMS OF THIS ARTICLE 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 HAZARD JUSTIFYING THE USE OF EMERGENCY MEASURES, AND THE CITY COUNCIL MAY ORDER ANY OF THE FOLLOWING EMERGENCY MEASURES TO BE TAKEN;

B. IMMEDIATE VACATION OF SUCH BUILDING, STRUCTURE, ADJOINING BUILDINGS OR STRUCTURES.

C. VACATING OF THE DANGER AREA AROUND SUCH BUILDING OR STRUCTURE.

D. SUCH TEMPORARY EMERGENCY SHORING AND BRACING OF WALLS, ROOFS, AND SUPPORTS AS ARE REQUIRED TO ELIMINATE THE IMMEDIATE AND SERIOUS THREAT OF DAMAGE TO LIFE OR PROPERTY.

E. POST NOTICES ON OR NEAR SUCH BUILDING OR STRUCTURE, NOTIFYING THE PUBLIC OF SUCH ORDERS AND ORDERING ALL PERSONS TO KEEP OUT OF SUCH BUILDING OR STRUCTURE AND THE SURROUNDING AREAS OF DANGER.

2. WHEN ANY OF THE ABOVE EMERGENCY MEASURES ARE ORDERED TO BE TAKEN NOTICE OF SUCH ORDER SHALL BE GIVEN BY PERSONAL SERVICE UNTO OWNER AND OR OCCUPANT OF THE BUILDING OR STRUCTURE OR HIS REPRESENTATIVE, OR IF SUCH PREMISES IS UNOCCUPIED, BY ATTACHING A COPY OF SUCH NOTICE IN A PLACE OF PROMINENCE ON SUCH BUILDING OR STRUCTURE AND CAUSING A COPY OF SUCH NOTICE TO BE MAILED TO THE OWNER OR HIS REPRESENTATIVE BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED. UPON THE ADOPTION OF SUCH EMERGENCY ORDERS THE CITY COUNCIL SHALL SCHEDULE A PUBLIC HEARING BEFORE THE MUNICIPAL COURT JUDGE, CITY OF COMO, TEXAS. THE OWNER OR HIS REPRESENTATIVE TO APPEAR AND SHOW CAUSE WHY SUCH BUILDING OR STRUCTURE SHOULD NOT BE DECLARED A SUBSTANDARD BUILDING OR STRUCTURE AND WHY HE SHOULD NOT BE ORDERED TO REPAIR, VACATE, OR DEMOLISH SUCH BUILDING OR STRUCTURE. SUCH CITATION SHALL BE SERVED WITH THE NOTICE OR EMERGENCY ORDER IN ACCORDANCE WITH THE PROVISIONS OF THE PARAGRAPH. SUCH HEARING SHALL BE CONDUCTED IN ACCORDANCE WITH PROVISIONS OF SUBSECTION "B" HEREOF;

B. NORMAL PROCEDURE;

WHEN IT SHALL COME TO THE ATTENTION OF THE CITY COUNCIL THAT A BUILDING OR STRUCTURE IN THE CITY IS SUBSTANDARD UNDER THE PROVISIONS OF THE ARTICLE, THE CITY COUNCIL SHALL SCHEDULE A PUBLIC HEARING AND SEND NOTICE TO THE OWNER OF THE BUILDING OR STRUCTURE OR HIS REPRESENTATIVE OF THE DATE, PLACE AND TIME TO APPEAR AND SHOW CAUSE WHY SUCH BUILDING OR STRUCTURE SHOULD NOT BE DECLARED TO BE A SUBSTANDARD BUILDING OR STRUCTURE AND WHY HE SHOULD NOT BE ORDERED TO REPAIR, VACATE, OR DEMOLISH THE BUILDING OR STRUCTURE. THE DATE OF SUCH HEARING SHALL BE NOT LESS THAN (10) TEN DAYS AFTER SUCH NOTICE SHALL HAVE BEEN MADE. A COPY OF THE BUILDING INSPECTOR'S REPORT SHALL ACCOMPANY THE NOTICE.

SUCH NOTICE MAY BE SERVED BY DELIVERY OF A COPY THEREOF TO THE OWNER AND OCCUPANT, OR IF SUCH PREMISES IS UNOCCUPIED, BY ATTACHING A COPY OF SUCH NOTICE IN A PLACE OF PROMINENCE ON SUCH BUILDING OR STRUCTURE AND CAUSING A COPY OF SUCH NOTICE TO BE MAILED TO THE OWNER OR HIS REPRESENTATIVE BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED.

IN ADDITION TO THE NOTICE PROVIDED TO THE OWNER OR OWNERS, NOTICE SHALL LIKEWISE ALSO BE GIVEN TO THE OWNERS OF ANY LIENS INTEREST IN THE PROPERTY. NOTICE OF THE PUBLIC HEARING SHALL BE PUBLISHED IN THE NEWSPAPER ONE TIME, AT LEAST 15 DAYS PRIOR TO THE DATE SET FOR THE HEARING IN MUNICIPAL COURT. ON THE DATE SET IN SUCH NOTICE THE HEARING SHALL BE CONDUCTED AND ON THE BASIS OF SUCH HEARING, THE MUNICIPAL COURT JUDGE SHALL DETERMINE WHETHER OR NOT THE BUILDING OR STRUCTURE IS A SUBSTANDARD BUILDING OR STRUCTURE, AND SHALL ISSUE SUCH ORDERS AS SHALL APPEAR PERSONALLY NECESSARY TO PREVENT THE BUILDING OR STRUCTURE FROM BEING A HAZARD TO LIFE OR PROPERTY AND TO ELIMINATE THE SUBSTANDARD QUALITIES.

SECTION 6. STANDARD FOR ORDERS;

THE FOLLOWING STANDARDS MAY BE FOLLOWED BY THE MUNICIPAL COURT IN ORDERING THE REPAIR, VACATING, DEMOLITION OF A SUBSTANDARD BUILDING OR STRUCTURE;

- 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 PROVISIONS 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, SAFETY, OR GENERAL WELFARE OF ITS OCCUPANTS, THE CITIZENS OF THE CITY OF COMO, TEXAS, OR TO THE PUBLIC, IT SHALL BE ORDERED TO BE VACATED.
- C. IN ANY CASE WHERE A SUBSTANDARD BUILDING OR STRUCTURE CANNOT BE REPAIRED SO THAT ITS EXISTENCE WILL NO LONGER BE IN VIOLATION OF THE PROVISIONS OF THIS ORDINANCE, IT SHALL BE ORDERED DEMOLISHED.

SECTION 7. NOTICE OF ORDERS;

AFTER THE MUNICIPAL COURT MAKES ITS ORDERS IN ACCORDANCE WITH SECTION 6 ABOVE. IT SHALL CAUSE COPIES OF SUCH ORDER TO BE (1) POSTED ON THE SUBSTANDARD BUILDING OR STRUCTURE, AND (2) SENT TO THE OWNER AND OCCUPANT AND ANY LIEN HOLDER BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED.

SECTION 8. REMEDIAL ACTION;

- A. AFTER THE HEARING, IF THE BUILDING OR STRUCTURE IS FOUND TO BE SUBSTANDARD, THE COURT MAY DIRECT THAT THE BUILDING OR STRUCTURE BE REPAIRED OR REMOVED WITHIN A REASONABLE TIME. IF SUCH REPAIR OR REMOVAL HAS NOT BEEN MADE AT THE EXPIRATION OF THE ALLOWED TIME, THE CITY MAY DEMOLISH AND REMOVE THE BUILDING OR STRUCTURE AT THE EXPENSE OF THE CITY AND TO ASSESS THE EXPENSES BY FILING A LIEN ON THE LAND ON WHICH THE BUILDING OR STRUCTURE STOOD OR TO WHICH IT WAS ATTACHED. THIS ACTION WILL BE ACCOMPLISHED THROUGH THE MUNICIPAL COURT.
- B. NOTICE OF THE ASSESSMENT OF THE LIEN SHALL BE SIGNED IN THE NAME OF THE CITY BY THE MUNICIPAL COURT JUDGE. IT SHALL STATE THAT THE CITY COUNCIL ALONG WITH THE MUNICIPAL JUDGE HAS ORDERED OR DIRECTED THE REMOVAL OF A BUILDING OR STRUCTURE DETERMINED TO BE SUBSTANDARD, AFTER NOTICE TO THE OWNER AND THAT A PUBLIC HEARING WAS CONDUCTED IN ACCORDANCE WITH THE ORDINANCES OF THE CITY, AND THAT THE FAILURE OF THE OWNER TO REMOVE SUCH SUBSTANDARD BUILDING OR STRUCTURE HAS RESULTED IN THE REMOVAL THEREOF AT THE EXPENSE OF THE CITY, WHICH EXPENSE HAS BEEN ASSESSED BY THE MUNICIPAL COURT ON THE LAND ON WHICH THE BUILDING OR STRUCTURE STOOD OR TO WHICH IT WAS ATTACHED. SUCH NOTICE SHALL FURTHER DESIGNATE AND DESCRIBE THE PROPERTY AGAINST WHICH THE LIEN IS ASSESSED AND THE AMOUNT OF THE ASSESSMENT.
- C. SUCH LIEN NOTICE SHALL BE FILED WITH THE CLERK OF THE COURT IN WHICH SUCH PROPERTY IS LOCATED WITH A COPY SERVED ON THE OWNER OF SUCH PROPERTY OR HIS REPRESENTATIVE BY PERSONAL SERVICE OR CERTIFIED MAIL, RETURN RECEIPT REQUESTED.

SECTION 9. SERVES;

ANY AND ALL NOTICES OR SERVICE REQUIRED HEREIN BY CERTIFIED MAIL. RETURN RECEIPT REQUESTED, SHALL BE COMPLETE WHEN SUCH NOTICE IS DEPOSITED IN THE UNITED STATES MAIL, POSTAGE PREPAID. ANY AND ALL NOTICES OR SERVICE REQUIRED HEREIN UPON AN OWNER OR HIS REPRESENTATIVE SHALL BE DEEMED COMPLIED WITH WHEN SUCH NOTICE IS SENT TO SUCH OWNER OR REPRESENTATIVE AS SHOWN ON THE LATEST TAX RECORDS OF THE CITY OF COMO., TEXAS, AT THE ADDRESS AS SHOWN ON SUCH TAX RECORDS.

SECTION 10. PENALTY;

ANY PERSON OR PERSONS WHO REFUSES OR FAILS TO REPAIR OR DEMOLISH A BUILDING OR STRUCTURE WHEN ORDERED TO REPAIR OR DEMOLISH SUCH BUILDING OR STRUCTURE UNDER THE TERMS OF THIS ORDINANCE OR WHO REFUSES OR FAILS TO LEAVE A BUILDING WHICH HAS BEEN ORDERED VACATED UNDER THE TERMS OF THIS ORDINANCE, OR WHO ENTERS AN AREA AROUND SUCH BUILDING THAT HAS BEEN DECLARED TO BE DANGEROUS AND NOTICE OF WHICH DECLARATION SHALL HAVE BEEN POSTED, OR WHO INTERFERES WITH OR HINDERS THE REPAIRS, VACATING, OR DEMOLITION OF ANY BUILDING UNDER THE TERMS OF THIS ORDINANCE, OR WHO OTHERWISE VIOLATES ANY ORDER OF THE MUNICIPAL COURT CONCERNING THIS ORDINANCE PROVIDED FOR HEREIN, SHALL BE DEEMED GUILTY OF A MISDEMEANOR AND UPON CONVICTION THEREOF, SHALL BE SUBJECT TO A FINE IN AN AMOUNT NOT TO EXCEED TWO HUNDRED (\$200.00) DOLLARS, AND EACH DAY IN WHICH ANY VIOLATION SHALL OCCUR OR EACH OCCURRENCE OF ANY VIOLATION, SHALL CONSTITUTE A SEPARATE OFFENSE.

SECTION 11. ENFORCEMENT, COURT ACTION;

IT SHALL BE THE DUTY OF THE MAYOR, CITY OF COMO, TEXAS, TO ENFORCE THE ORDERS OF THE CITY COUNCIL BY BRINGING AN ACTION WITHIN, THE MUNICIPAL COURT, AND CITY OF COMO, TEXAS.

PASSED AND APPROVED 3-14-17

Ron Walker Mayor

Patsy Evans Commissioner

Don Mills Commissioner

Attest:
[Signature]
City Secretary