

TOWN OF ANGUS, TEXAS

ORDINANCE NO. 22

AN ORDINANCE TO PROTECT THE PUBLIC HEALTH AND PROMOTE THE PUBLIC WELFARE OF THE TOWN OF ANGUS, TEXAS, BY DEFINING DILAPIDATED AND SUBSTANDARD BUILDINGS, STRUCTURES, AND PREMISES; PROVIDING FOR THE VACATION, REPAIR, OR DEMOLITION OF SUCH SUBSTANDARD BUILDINGS, STRUCTURES, AND PREMISES; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR PUBLICATION OF THIS ORDINANCE; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR A PENALTY FOR VIOLATION NOT TO EXCEED ONE HUNDRED DOLLARS (\$100.00).

WHEREAS, it is deemed by the Town Council of the Town of Angus, Texas, that it is dangerous for the public health, safety, and welfare of its citizens for buildings, structures, or premises deemed dilapidated and substandard to exist within its jurisdiction; and

WHEREAS, in order to eliminate such dilapidated and substandard buildings, structures, or premises, it is deemed necessary to adopt certain regulations and procedures providing for their vacation, repair, or demolition,

THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ANGUS, TEXAS:

SECTION 1: DILAPIDATED AND SUBSTANDARD STRUCTURES DEFINED

That buildings or structures, as hereinafter described, shall be deemed to be dilapidated, substandard, or unfit for human habitation.

- A. 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.
- B. All vacant buildings or structures which are unsecured, deteriorated, or contain accumulations of flammable materials, and as such represent a fire hazard to surrounding property.
- C. 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.
- D. All buildings, structures, or premises permitted to exist 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.

- E. The term premises shall include all areas surrounding buildings and structures as well as vacant lots, and the term menace to health and safety shall include weeds, underbrush, trash, debris, and personal property of no reasonable value.

SECTION 2: ABATEMENT OF BUILDINGS OR STRUCTURES DEFINED AS DILAPIDATED AND SUBSTANDARD

That buildings or structures described in Section 1 hereinbefore shall constitute dilapidated, substandard, and unfit for human habitation structures and buildings, and shall be ordered to be vacated, repaired, or demolished.

SECTION 3: CONDITIONS FOR VACATING, REPAIRING, OR DEMOLISHING DILAPIDATED, SUBSTANDARD, AND UNFIT FOR HUMAN HABITATION STRUCTURES

That substandard buildings or structures may be ordered to be, and shall be vacated, repaired, or demolished under the following conditions, regulations, and procedures:

- A. When it shall come to the notice of the town council that a building or structure in the City is substandard under the terms of this Ordinance, the council may cite the 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 citation shall have been made.
- B. Such citation may be served by delivery of a copy thereof to the owner or the person in possession or depositing such citation to the address of the owner as shown on the County Appraisal District tax rolls in the U. S. Mail by certified or registered letter, or, if such premises be unoccupied, and the ownership unknown, by attaching a copy to such building or structure, and advertising same by publication thereof in a newspaper of general circulation in the City.
- C. On the day set in such citation for hearing, hearing shall be had and on the basis of such hearing, the town council shall determine whether or not such building or structure is a substandard building or structure. Upon making a determination that such building or structure is substandard, the town council shall instruct the city attorney to institute a suit, within thirty (30) days after determination and failure by the appellant to comply with such decision, in the appropriate court of the state, to show that such structure is a hazard and thereby enforce the action taken by the town council. Upon final judgment

by the court that such structure is a hazard, and on a failure of such owner to take steps to remedy same, within thirty (30) days after rendering such final judgment, then the City is authorized to proceed with the necessary repair, vacating, or demolishing of such building or structure, and the costs of such repair, vacation, or demolition shall be a lien charged against the land on which said structure existed, in favor of the City.

SECTION 4: STANDARDS WHICH MAY BE FOLLOWED IN REPAIRING, VACATING, OR DEMOLISHING

That the following standards may be followed in substance by the town 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. If the substandard building or structure is in such deteriorated condition that it cannot be reasonably repaired, then it shall be demolished.
- D. In any case, where a substandard building or structure is fifty percent (50%) 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 5: OWNER'S VOLUNTARY REQUEST FOR DEMOLITION OR CLEAN-UP

That the owner of a substandard building, structure, or premise, as defined herein, may voluntarily execute an agreement requesting the demolition of such building or the clean-up of such premises. If the town council authorizes said demolition or clean-up, then the procedures set forth herein for notice and hearing shall not be required. The town council may authorize the expenditure of public funds for such demolition and/or clean-up if, in its judgment, the same is justified and necessary.

SECTION 6: DUTY OF TOWN ATTORNEY TO ENFORCE ORDERS

That it shall be the duty of the town attorney of the Town of Angus to enforce the orders of the town council, by filing action in the appropriate court of this state, when so authorized by the town council.

SECTION 7: LIABILITY OF TOWN UNDER SECTION

That neither the Town of Angus 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 8: CONFLICTING ORDINANCES

That all Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed to the extent of the conflict.

SECTION 9: PENALTY

That any person violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor, and, upon conviction, shall be subject to a fine of not more than One Hundred Dollars (\$100.00); provided, however, that no penalty shall be greater or less than the penalty provided for the same or similar offense under the laws of the state. Each transaction in violation of any of the provisions hereof shall be deemed a separate offense.

SECTION 10: SEVERABILITY

That it is hereby declared to be the intention of the town council that the sections, paragraphs, sentences, clauses, and phrases are separable, and, if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional or invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Ordinance, since the same would have been enacted by the town council without the incorporation in this Ordinance of unconstitutional or invalid phrases, clauses, sentences, paragraphs, or sections.

SECTION 11: EFFECTIVE DATE

That this Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law in such cases provides.

PASSED AND APPROVED this 5 day of April, 1982.

Tom Keating
Mayor

ATTEST:

Betty McCain
Town Secretary

APPROVED AS TO FORM:

Jimmy Morris
Town Attorney

STATE OF TEXAS
COUNTY OF NAVARRO
TOWN OF ANGUS

I, Betty Mc.Cain, Secretary of the Town of Angus, Navarero County, Texas, hereby certify that the above and foregoing is a true and correct copy of Ordinance No. 22 passed and approved on the 5 day of April, 1982, at a Angus City Commission Meeting Held on the 5 day of April, 1987.

WITNESS MY HAND AND SEAL OF SAID TOWN, this the 5 day of April, 1982.

*See Ordinance
No 22 for Publication
Notice*

Betty Mc Cain
Betty Mc Cain, Town Secretary
Town Of Angus