

ORDINANCE 2014-B

AN ORDINANCE FOR THE CITY OF LIVERPOOL PROVIDING THE STANDARDS DETERMINING UNSAFE BUILDINGS AND DWELLINGS; SETTING STANDARDS FOR DWELLINGS AND PROPERTY; SETTING PROVISIONS FOR SECURING BUILDING AND DWELLINGS; SETTING STANDARDS FOR CLEANING AND MAINTAINING PROPERTY; AND THE ENFORCEMENT OF REPAIRING, AND/OR SECURING OF BUILDINGS AND MAINTAINING PROPERTY; AND PROVIDING THE CITY THE RIGHT TO CHARGE AND/OR FINE THE PROPERTY OWNER; AND TO SET LIENS ON PROPERTY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LIVERPOOL, BRAZORIA, TEXAS:

SECTION 1: PURPOSE

WHEREAS the upkeep and maintenance of all dwellings/buildings and property in the city limits of Liverpool, for the safety and welfare of the public.

WHEREAS to keep the City of Liverpool free of hazardous abandoned dwellings/buildings, and the hazards and nuisance of unmaintained property.

SECTION 2: DETERMINATION

For the purpose of this ordinance, any dwelling, building or structure which has been abandoned, or has not been occupied for a year or longer; or has become dilapidated, or deteriorated as to become:

- A. An attractive nuisance to children,
- B. A harbor for vagrants, criminals or immoral persons, or
- C. As to enable person to resort thereto for the purpose of committing unlawful or immoral acts.

Whenever the dwelling, building, or structure intended to be used for habitation, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light and air (artificial or natural) or inadequate sanitary facilities, or otherwise is determined by the City, to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.

Whenever the building, dwelling or structure, or any portion thereof, is likely to be partially or completely collapsed because of:

- A. Dilapidation, deterioration or decay;
- B. Faulty construction;
- C. The removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building.
- D. The deterioration, decay or inadequacy of its foundation;
- E. Any other cause;

Whenever any building, dwelling or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire resistive construction, faulty

electric wiring, gas connections or heating apparatus, or other cause, is determined by the City to be a fire hazard.

Whenever any portion of the building, dwelling or structure remains on a site after the demolition or destruction of the building, dwelling or structure by natural causes or otherwise, so as to constitute such building, dwelling or structure, or portion thereof, an attractive nuisance to children or hazard to the public of their property.

A controlling factor of definition will be that all buildings, dwellings, or structures designated as dilapidated, substandard, and unfit for human habitation or a hazard to the health, safety and welfare of the City must be clearly in substantial violation of City construction or housing codes.

The final determination on a building/dwelling and property will be made by City Council. When a building/dwelling and/or property is being questioned as to needing to be secured or maintained it shall be addressed by City Council at a regular scheduled council meeting. City Council must agree that the building/dwelling and/or property be addressed and that the City can move forward in contacting the property owners.

SECTION 3: PROPERTY CONDITIONS

All property must be maintained, which includes but not limited to, mowed, clean of garbage, debris and any fallen trees, limbs, or piles of trash, so that it does not become a nuisance or attract rodents.

All property should be kept to the standards as set out in Ordinance 2012-H.

SECTION 4: COMPLIANCE REQUIRED

All buildings (including but not limited to, dwellings, apartment houses, rooming houses, or any other buildings, dwellings or structures) within the City, which are dilapidated, substandard, unfit for human habitation, or a hazard to the health, safety and welfare of the citizens of the City, shall be rectified or secured as provided by this ordinance.

All property within the City that is creating a nuisance or creating a hazard to the health, safety and welfare of the citizens of the City, shall be maintained as provided by this ordinance.

SECTION 5: NOTICE OF VIOLATION

Whenever the City determines that there are reasonable grounds to believe that any building/dwelling within the City is dilapidated, substandard, unfit for human habitation, or a hazard to the health, safety and welfare of the citizens of the City, the City shall give notice of such alleged violation to the person responsible therefore and to the owner of the building indicating that there is an alleged violation of this ordinance, and the such violation in the cities opinion constitutes a nuisance.

Whenever the City determines that a property is not maintained to standards, whether the grass is too high, or there is down trees, or debris and is determined to be a hazard to the safety and welfare to the citizens of the city, the City shall give notice of such alleged violation to the person responsible therefore and to the owner of the property indicating that there is an alleged violation of this ordinance, and the such violation in the cities opinion constitutes a nuisance.

Such notice shall:

1. Be put in writing.
2. Include a statement of the reasons why it is being issued.
3. Provide that a public hearing before the City Council shall be held at a time, date and place specified which shall be at least 10 days following the date of service of the notice.

SECTION 6: ORDER TO SECURE, REPAIR, MAINTAIN, ETC.

After the public hearing provided for in Section 6, if a building is found in violation of standards in Section 2, the City Council may order that the building be secured, repaired, removed, or the property maintained by the owner within a reasonable time, 10 to 60 days, depending on the order. If the owner does not take the ordered action in the allotted time, the City shall make a diligent effort to discover each mortgagee and lienholder having a interest in the building or the property. The City shall send to each identified mortgagee and lienholder a notice containing:

1. An identification, which is not required to be a legal description, of the building and the property on which it is located;
2. A description of the violation of City Standards that is present at the building or property;
3. A statement that the city will secure, or maintain the building or property if the ordered action is not taken within a reasonable time.

As an alternative to the procedure prescribed, the City may make a diligent effort to discover each mortgagee and lienholder before conducting the public hearing and may give them a notice of an opportunity to comment at the hearing. If the City operates under this subsection, the order issued by the City may specify a reasonable time for the building/dwelling or property to be secured, repaired, removed or maintained by the owner and an additional reasonable time for the ordered action to be taken by any of the mortgagees, or lienholders in the event the owner fails to comply with the order within the time provided. Under this subsection, the City is not required to furnish any notice to a mortgagee or lienholder other than a copy of the order in the event the owner fails to timely take the ordered action. (State Law reference – Similar provisions, V.T.C.A. Local Government code § 214.001 (c), (d)).

SECTION 7: COMPLIANCE WITH ORDER

The property owner shall in all respect comply with the order of the City Council within the specified time allotted.

SECTION 8: ENFORCEMENT AT CITY EXPENSE

The property owner will be sent a written notice via mail regarding the problems with the property and will have 10 to 60 days to address and secure, repair, remove or maintain the building/dwelling or property.

If the building/dwelling or property is not secured, repaired, removed or maintained within the allotted time, the City will, after determining the costs may secure, repair or maintain the building/dwelling or property at the Cities expense.

If the City incurs expenses under this section, the City will invoice the property owner. The property owner will pay the City for any expenses that the City is out due to securing, repairing or maintaining the building/dwelling or property. If the property owner does not reimburse the City, the City will then put a lien against the property on which the building is located, unless it is a homestead as protected by the State Constitution. The lien is extinguished if the property owner or another person having an interest in the legal title of the property reimburses the City for the expenses. The lien arises and attaches to the property at the time the notice of the lien is recorded and indexed in the office of the County Clerk. The notice must contain the name and address of the owner if the information can be determined with a reasonable effort, a legal description of the real property on which the building was located, the amount of expenses incurred by the City, and the balance due.

If the Notice is given and the opportunity to secure, repair, remove, or maintain the building/dwelling or property is afforded to each mortgagee and lienholder as authorized by Section 6, the lien is a privileged lien subordinate only to all liens and all previously recorded bona fide mortgage liens attached to the real property to which the City's lien attaches. (State Law Reference – Similar provisions, V.T.C.A. Local Government Code § 214.001 (f), (g).

SECTION 9: SEVERABILITY

Should any section, provision, or part of this ordinance be declared unconstitutional or void by a court of competent jurisdiction, such decision shall in no way affect the validity of the remaining parts, and for this purpose said parts are severable. The City Council hereby declares that it would be passed those parts of this ordinance which are valid and omitted any parts which may be unconstitutional at the time of the passage of this ordinance.

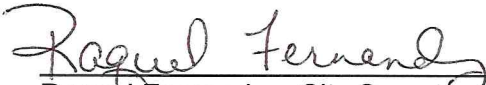
ORDINANCE NUMBER: 2013-F

PASSED AND APPROVED THIS 3rd **DAY OF** September, 2014.



Bill Strickland, Mayor

ATTEST:



Raquel Fernandez, City Secretary