

Motion was made by Gayle Carter, seconded by Linda McClain

that the following Ordinance be passed:

NO. 9B-002

AN ORDINANCE REPEALING ORDINANCE NO. 89-4 AND ADOPTING AN ORDINANCE ENTITLED "AN ORDINANCE TO ESTABLISHING REQUIREMENTS FOR VACATING, RELOCATING OF OCCUPANTS, SECURING REPAIR, REMOVAL OR DEMOLITION OF DILAPIDATED, SUBSTANDARD AND/OR UNOCCUPIED BUILDINGS CONSTITUTING A HAZARD TO THE PUBLIC HEALTH, SAFETY AND WELFARE; PROVIDING FOR CONDITIONS CONSTITUTING A HAZARD TO PUBLIC HEALTH SAFETY AND WELFARE; ADOPTING THE PROVISIONS OF TEXAS LOCAL GOVERNMENT CODE, CHAPTER 54, SUBCHAPTER C; ESTABLISHING A BUILDING AND STANDARDS COMMISSION; PROVIDING FOR A PUBLIC HEARING; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SAVINGS CLAUSE; AND DECLARING AN EMERGENCY."

THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WOODLOCH, TEXAS;

SECTION I.

That certain Ordinance No. 89-4 is hereby repealed in its entirety and this Ordinance is adopted for the purpose of protecting the public health, safety and general welfare of the citizens of the Town of Woodloch by providing requirements for vacating, relocating occupants, securing repair or demolition of dilapidated substandard and/or unoccupied buildings.

SECTION II.

UNSAFE BUILDINGS

Section 2.1. Requirements for vacation, etc., of building

In conformity with the provisions of this section, the Town may require the vacation,

relocation of occupants, securing, repair, removal, or demolition of a building that is:

- (1) Dilapidated, substandard, or unfit for human habitation and a hazard to the public health, safety and welfare.
- (2) Regardless of its structural condition, unoccupied by its owners, lessees, or other invitees and is unsecured from unauthorized entry to the extent that it could be entered or used by vagrants or other persons as a place of harborage or could be entered or used by children; or
- (3) Boarded up, fenced, or otherwise secured in any manner if:
 - a. The building constitutes a danger to the public even though secured from entry; or
 - b. The means used to secure the buildings are inadequate to prevent unauthorized entry or use of the building in the manner described by subdivision (2) of this section.

Section 2.2 Conditions constituting a hazard to public health, safety and welfare.

- (a) Regardless of the date of construction, the continued use or occupancy of any building which by virtue of one (1) or more of the following conditions constitutes a hazard to the public health, safety and welfare is hereby prohibited.
 - (1) Any means of egress or portion thereof is not of adequate size or is not arranged to provide a safe path of travel in case of fire or panic,
 - (2) Any means of egress or portion thereof, such as but not limited to fire doors, closing devices and fire restrictive ratings, is in disrepair or in a dilapidated or nonworking condition such that the means of egress could be rendered unsafe in case of fire or panic.
 - (3) The stress in any material, member or portion thereof, due to all imposed loads including dead loads exceeding the stresses allowed in the building code provisions applicable to new buildings.
 - (4) The building, structure or portion thereof has been damaged by fire, flood, earthquake, wind or other cause to the extent that the structural integrity of the building or structure is less than it was prior to the damage and is less than the minimum requirements established by the building code for new buildings.
 - (5) Any exterior appendage or portion of the building or structure is not securely fastened, attached or anchored such that it is capable of resisting wind, seismic or similar loads as required by the building code for new

buildings.

- (6) If, for any reason, the building, structure or portion thereof is manifestly unsafe or unsanitary for the purpose of or which it is being used.
 - (7) The building structure or portion thereof as a result of decay, deterioration or dilapidation is likely to fully or partially collapse.
 - (8) The building, structure or portion thereof has been constructed or maintained in violation of a specific requirements of the building code or of any applicable federal, state or local law.
 - (9) Any building structure or portion thereof that is in such a condition as to constitute a public nuisance.
 - (10) Any building, structure or portion thereof that is unsafe, unsanitary or not provided with adequate egress, or which constitutes a fire hazard, or is otherwise dangerous to human life, or, which in relation to existing use, constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence or abandonment.
- (b) Regardless of its structural condition, each buildings which is unoccupied by its owners, lessees, or other invitees must be secured from unauthorized entry or use by children, or by vagrants or other persons as a place of harborage.
- (c) Any building possessing one (1) or more of such conditions or characteristics is a substandard building.

SECTION III

PROVISIONS ADOPTED

Section 3.1 The provisions of Texas Local Government Code, Chapter 54, Subchapter C, are hereby implemented and adopted and the provisions thereof are hereby incorporated herein by reference, the same as if fully set out herein.

SECTION IV

BUILDING AND STANDARDS COMMISSION

- (a) There is hereby established a buildings and standards commission which shall meet from time to time as required to hear and determine cases concerning alleged violations

of this ordinance.

(b) The commission shall consist of a single panel of five (5) members, such members to be appointed for a term of two (2) years. The terms of such members shall be staggered so as to provide for the appointment of two (2) members in one (1) year and three (3) members in the following year.

(c) There may be appointed not more than eight (8) alternate members, such alternate members to be appointed for a term of two (2) years and who shall serve in the absence of one (1) or more regular members when requested to do so by the Mayor.

(d) Each member and alternate of the commission shall be a resident of the Town and shall be appointed by the Mayor, subject to the approval of the Town Council.

(e) All cases to be heard by the commission must be heard by at least four (4) members or alternates. The concurring vote of four (4) members of the commission is necessary to take any action.

SECTION V

PUBLIC HEARING

Section 5.1

(a) A public hearing shall be conducted by the commission to determine whether a building complied with the minimum standards for continued use and occupancy established by this Ordinance.

(b) The code enforcement officer shall present all cases before the commission. The code enforcement officer may be assisted in the presentation of such cases by any other municipal officer or employee.

SECTION VI.

REPEALING ALL ORDINANCES IN CONFLICT

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION VII

SAVINGS CLAUSE

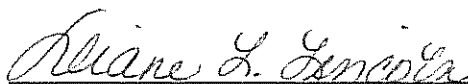
That if any section, sub-section, sentence, clause, phrase or word of this Ordinance is for any reason held to be unconstitutional or invalid such decision shall not affect the remaining portions of this Ordinance.

SECTION VIII.

Whereas an emergency being in effect which threatens the public peace, health, safety and general welfare, necessitating that this Ordinance become effective at once and it is accordingly ordained that this Ordinance shall become effective immediately upon its passage.

PASSED AND APPROVED this the 13th day of March, 1998.

TOWN OF WOODLOCH



DIANE LINCOLN, Mayor

ATTEST:



ELLEN A. NORMAN, City Secretary

APPROVED AS TO FORM:



R. A. DEISON, City Attorney