

ORDINANCE NO. 0041

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AN ORDINANCE REQUIRING THE REPAIR OR DEMOLITION AND REMOVAL OF ANY BUILDING, MOBILE HOME, INCLUDING ATTACHED STRUCTURES, MODULAR HOME, RECREATION VEHICLE AND OUT BUILDINGS (HEREAFTER TERMED "BUILDING") WITHIN THE TOWN OF INDIAN LAKE, TEXAS THAT IS DILAPIDATED, SUBSTANDARD, UNFIT FOR HUMAN HABITATION, OR A HAZARD TO HEALTH, SAFETY AND WELFARE OF THE CITIZENS OF THE TOWN OF INDIAN LAKE, TEXAS. ALSO TO ESTABLISH MINIMUM STANDARDS FOR CONTINUED USE AND OCCUPANCY OF SUCH BUILDINGS; PROVIDING FOR PROPER NOTICE TO THE OWNER; PROVIDING FOR A PUBLIC HEARING, AFTER WHICH THE TOWN COUNCIL MAY ORDER THE BUILDING TO BE REPAIRED OR DEMOLISHED AND REMOVED BY THE OWNER; AUTHORIZING THE TOWN TO DEMOLISH AND REMOVE SUCH BUILDING AT ITS EXPENSE AND FIXING A LOAN AGAINST THE PROPERTY FOR EXPENSES INCURRED BY THE TOWN OF INDIAN LAKE.

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SECTION 1. Any building within the Town of Indian Lake which is determined under the provisions of this ordinance to be dilapidated, substandard, unfit for human habitation, or a hazard to the health, safety and welfare of the citizens shall be repaired or demolished and removed. For purposes of this ordinance, the term "building" as used herein shall include any structure authorized to be used as a family residence, garage, carport or out building within the Town of Indian Lake, Texas.

SECTION 2. The minimum standards for continued use and occupancy of any building within the Town of Indian Lake regardless of the date of construction, shall be the minimum standard specified in the Standard Building Code, 1985 Edition, as amended, and Manufactured Housing Specifications, which minimum standards are hereby made a part hereof as fully as if set out at length herein.

SECTION 3. Whenever the Town Building Inspector finds a building to be dilapidated, substandard, unfit for human habitation, or a hazard to the health, safety and welfare of the citizens, he shall submit a written report to the Board of Aldermen for approval and evaluation. If deemed necessary the Board of Aldermen shall serve notice along with the building inspector's report to the owner of the property. Such notice shall be in writing; shall include a description of the real estate sufficient for identification; shall include a copy of the building inspector's report on the condition of the building, including specific repairs required to meet minimum standards, or a statement that the building cannot be repaired to meet minimum standards and must be demolished and removed; shall require the owner, within a reasonable time specified in the notice, to complete the specific repairs required to meet minimum standards to restore the building, or, if the building cannot be repaired to meet such standards, to demolish and remove the building; shall state that if owner fails to repair or demolish and remove the building within

the time specified, the Building Inspector will request a public hearing before the Town Council of the Town of Indian Lake to determine if the building is dilapidated, substandard, unfit for human habitation, or a hazard to the health, safety and welfare of the citizens and the owner ordered to repair or demolish and remove the building.

SECTION 4. such notice may be served by delivering a copy of the notice to the owner, or his agent, either in person or by certified mail postage prepaid, return receipt requested, to the owner's last known address.

SECTION 5. After service of such notice, if the owner fails to repair or demolish and remove the building within the time specified in the notice, the Building Inspector shall file with the Town Council his request for a public hearing before the Town Council to determine if the building is dilapidated, substandard, unfit for human habitation, or a hazard to the health, safety and welfare of the citizens, and that the owner be ordered to repair or demolish and remove the building. A copy of the Building Inspector's report on the condition of the building and copy of his notice to the owner shall be filed with such request for a public hearing.

SECTION 6. The Town Council, upon considering such request for a public hearing and finding that the request, report and notice to the owner comply with the requirements of this Ordinance, shall grant such request and fix the date, time and place for such hearing.

SECTION 7. Notice of such public hearing shall be given by the Town Secretary to the owner, which may be served on the owner, or his agent, either in person or by certified mail postage prepaid, return receipt requested, to the owner's last known address. Notice to the public shall be given by publication in a newspaper of general circulation in Cameron County once each week for two (2) consecutive weeks prior to the hearing, with an affidavit being returned to the Town Secretary showing publication of same.

SECTION 8. The Town Council shall hold a public hearing at the time and place specified in said notices and a determination made in the form of a written decision to be sent to the owner by certified mail postage prepaid, return receipt requested, within seven (7) days of the hearing, whether or not the owner appeared at the public hearing. The Mayor shall preside at the public hearing and the Town Council shall hear evidence presented by the Town Building Inspector and any other witnesses on behalf of the Town as to the condition of the building. The owner, his agent or his attorney appearing therein, shall have the opportunity to present evidence to show cause why the Town Council should not order the building repaired or demolished and removed, and shall have the opportunity to cross


examine witnesses for the Town. A determination shall be made as to whether or not the building is dilapidated, substandard, unfit for human habitation, or a hazard to the health, safety and welfare of the citizens of Indian Lake and, if so, a determination shall be made as to what corrective action shall be necessary, and shall order the owner to repair the building, or to demolish and remove it, as the decision shall require, and shall order such action to be taken within a reasonable time to be specified in the decision.

SECTION 9. If, after the specified time for the owner to repair or demolish and remove the building, the owner has failed to do so, the Town may demolish and remove the building at its expense. The Town shall have a lien against the property to which the building was attached, which lien shall be released only when the owner reimburses the Town for the expenses incurred by the Town in demolishing and removing the building.

SECTION 10. This ordinance shall become effective immediately upon its adoption, approval and publication.

Adopted and approved this 8th day of May, 1989.

  
Secretary

  
Mayor

