

ORDINANCE NO. 0059

An Ordinance establishing minimum standards of habitation for dwellings within the Town of Indian Lake, delegating enforcement authority to the building official, establishing procedures for the condemnation of dwelling units deemed to be uninhabitable, providing penalties for violation of the ordinance, and related matters.

Be it ordained by the Board of Alderman of Indian Lake, Texas:

HOUSING CODE

CHAPTER 1

ADMINISTRATION

Title and Scope

101.1 - Title

Provisions in the following chapters and sections shall constitute and be known and may be cited as "The Housing Code of Indian Lake" hereinafter referred to as "this code."

101.2 - Code Remedial

This code is hereby declared to be remedial, and shall be construed to secure the beneficial interests and purposes thereof which are public safety, health, and general welfare through structural strength, stability, sanitation, adequate light and ventilation, and safety to life and property from fire and other hazards incident to the construction, alteration, repair, removal, demolition, use or occupancy of residential buildings and accessory structures.

101.3 - Scope

101.3.1 The provisions of this code shall apply to all buildings or portions thereof, all accessory structures or portions thereof located on residential property, used or unused, designed or intended to be used for human habitation or the storage of materials associated with human habitation.

101.3.2 In the event of any direct conflict between this code and The Texas Manufactured Housing Standards Act, Art. 5221f of the Texas Revised Civil Statutes as same may be in effect from time to time, The Texas Manufactured Housing Standards Act shall prevail to the extent of any such direct conflict.

Organization

102.1 - Enforcement Officer

The Board of Aldermen hereby establishes these provisions for the enforcement of this code by the building official. The building official shall be appointed by the mayor of Indian Lake, subject to confirmation by the Board of Alderman and may be the mayor or a member of the Board of Alderman. When the mayor or a member of the Board of Alderman serves as building official, ^{IN EMERGENCY CASES} that person shall receive no compensation for service as building official. The building official may be removed at any time by the mayor ^{or COUNCIL} with or without cause.

102.2 - Restrictions on Employees

The building official shall not be financially interested in the furnishing of labor, material, or appliances for the construction, alteration, or maintenance of a building, or in the making of plans or of specifications therefore, unless he is the owner of such building.

102.3 - Records

The building official shall keep, or cause to be kept, a record of business of his office. The records of the office shall be open to public inspection. *USE O.P.CITY SEC. IS AUTHORIZED.*

Powers and Duties of Building Official

103.1 - Right of Entry

The building official shall enforce the provisions of this code, and he, or his duly authorized representative upon presentation of proper identification to the owner, agent, or tenant in charge of such property, may enter any building, structure, dwelling, or premises, during all reasonable hours, except in cases of emergency where extreme hazards are known to exist which may involve the potential loss of life or severe property damage, in which case the above limitations shall not apply.

103.2 - Liability

No officer or employee, charged with the enforcement of this code shall render himself liable personally on account of the discharge of his duties, and he is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties. Any suit brought against any said officer or employee with respect to the discharge of his duties under this code shall be defended by the Town until the final termination of the proceedings.

103.3 - Letter of Compliance

A letter indicating compliance with the provisions of this code may be issued by the building official.

Inspections

104.1 The building official shall make or cause to be made inspections to determine the condition of residential buildings and premises in the interest of safeguarding the health and safety of the occupants of such buildings and of the general public. For the purpose of making such inspections, the building official, or his agent, is hereby authorized to enter, examine, and survey at all reasonable times all residential buildings and premises. The owner or occupant of every residential building or the person in charge thereof shall give the building official free access to such residential building and its premises, at all reasonable times for the purpose of such inspection, examination, and survey.

CHAPTER 2

DEFINITIONS

General

201.1 - Tense, Gender and Number

For the purpose of this code, certain abbreviations, terms, phrases, words, and their derivatives, shall be construed as set forth in this chapter. Words used in the present tense include the future. Words in the masculine gender include the feminine and neuter. Words in the feminine and neuter gender include the masculine. The singular number includes the plural and plural number includes the singular.

201.2 - Special Meaning and Words Not Defined

201.2.1 Words not defined herein shall have the meanings stated in the Standard Building Code, Standard Mechanical Code, Standard Plumbing Code, Standard Gas Code or Standard Fire Prevention Code.

201.2.2 Whenever the words "dwelling" and "premises" are used in this code, they shall be construed as though they were followed by the words, "or any part thereof."

Definitions

202.1

ADDITION - An extension or increase in floor area or height of a building or structure.

ALTER OR ALTERATION - any change or modification in construction or occupancy.

BUILDING - any structure built for the support, shelter or enclosure of persons, animals, chattels, or property of any kind which has enclosing walls for 50% of its perimeter. The term "building" includes HUD-Code Manufactured Homes and shall be construed as if followed by the words "or part thereof."

DWELLING - a single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

EXTERMINATION - the control and extermination of insects, rodents, or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying,

fumigating, trapping; or by any other recognized and legal pest elimination methods.

GARBAGE - the animal and vegetable waste resulting from the handling, preparation, cooking, and consumption of food.

HABITABLE ROOM - a space in a building for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas are not considered habitable space.

"HUD-CODE MANUFACTURED HOME" - has the meaning ascribed to it in the Texas Manufactured-Housing Standards Act, Article 5221 of the Texas Revised Civil Statutes as same may be in effect from time to time.

INOPERABLE MOTOR VEHICLE - one which cannot be driven upon the public streets for reasons including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

NUISANCE - the following shall be defined as nuisances:

1. Any public nuisance known at common law or in equity jurisprudence.
2. Any attractive nuisance which may prove detrimental to children whether in a building, on the premises of a building, or upon an unoccupied lot. This includes any abandoned wells, shafts, or excavations; abandoned refrigerators and motor vehicles; any structurally unsound fences or structures; or any lumber, trash, fences, debris or vegetation which may prove a hazard for inquisitive minors.
3. Whatever is dangerous to human life or is detrimental to health, as determined by the building official.
4. Inadequate or unsanitary sewage or plumbing facilities.

5. Uncleanliness, as determined by the building official.
6. Whatever renders air, food or drink unwholesome or detrimental to the health of human beings, as determined by the building official.

OWNER - the holder of the title in fee simple and any person, group of persons, company, association or corporation in whose name tax bills on the property are submitted. It shall also mean any person who, alone or jointly or severally with others:

1. shall have legal title to any dwelling, with or without accompanying actual possession thereof; or
2. shall have charge, care or control of any dwelling as owner, executor, executrix, administrator, trustee, guardian of the estate of the owner, mortgagee or vendee in possession, or assignee of rents, lessee, or other person, firm, or corporation in control of a building; or their duly authorized agents. Any such person thus representing the actual owner shall be bound to comply with the provisions of this code, and of rules and regulations adopted pursuant thereto, to the same extent as if he were the owner. It is his responsibility to notify the actual owner of the reported infractions of these regulations pertaining to the property which apply to the owner.

PERSON - any individual, firm, corporation, association or partnership.

PLUMBING - the practice, materials, and fixtures used in the installation, maintenance, extension, and alteration of all piping, fixtures, appliances, and appurtenances in connection with any of the following: sanitary drainage or storm drainage facilities, the venting system and the public or private water supply systems, within or adjacent to any building, structure, or conveyance; also the practice and materials used in the installation, maintenance, extension, or alteration of stormwater, liquid waste, or sewerage, and water supply systems

of any premises to their connection with any point of public disposal or other acceptable terminal.

PREMISES - a lot, plot or parcel of land including the buildings or structures thereon.

REPAIR - the replacement of existing work with the same kind of material used in the existing work, not including additional work that would change the structural safety of the building, or that would affect or change required exit facilities, plumbing, gas piping, wiring or heating installations, or that would be in violation of a provision of law or ordinance. The term "repair" or "repairs" shall not apply to any change of construction.

REQUIRED - required by some provision of this code.

RUBBISH - combustible and noncombustible waste materials, except garbage, including the residue from the burning of wood, coal, coke or other combustible material, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metal, mineral matter, glass crockery, and dust.

STRUCTURE - that which is built or constructed, an edifice or building of any kind, or any piece or work artificially built up or composed of parts joined together in some definite manner. The terms "structure" shall be construed as if followed by the words "or part thereof."

YARD - an unoccupied open space other than a court.

CHAPTER 3

MINIMUM STANDARDS FOR BASIC EQUIPMENT AND FACILITIES

General

301.1 No person shall occupy as owner-occupant or let or sublet to another for occupancy any dwelling designed or intended to be used for the purpose of living, sleeping, cooking, or eating therein, nor shall any vacant dwelling building be permitted to exist which does not comply with the following requirements.

301.2- Maintenance

All buildings or structures, both existing and new, and all parts thereof, shall be maintained in a safe and sanitary condition and in compliance with the Texas Manufactured Housing Standards Code, 10 Texas Administrative Code, Section 80.65 as same may be in effect from time to time. All devices or safeguards which are required by this code in building when erected, altered, or repaired, shall be maintained in good working order. The owner, or his designated agent, shall be responsible for the maintenance of buildings, structures and premises.

301.3-Maximum Occupancy

No dwelling shall be occupied by more than 2 adults or 3 children per a bedroom as the term bedroom is used or incorporated into Texas Manufactured Housing Standards Code.

Facilities Required

302.1 - Sanitary Facilities

Every dwelling shall contain not less than a kitchen sink, lavatory, tub or shower, and a water closet all in good working condition and properly connected to an approved water and sewer system. Every plumbing fixture and water and waste pipe shall be properly installed and maintained in good sanitary working condition free from defects, leaks, and obstructions.

302.2 - Location of Sanitary Facilities

All required plumbing fixtures shall be located within the dwelling and be accessible to the occupants of same. The water closet, tub or shower and lavatory shall be located in a room affording privacy to the user. Bathrooms shall be accessible from habitable rooms, hallways, corridors or other protected or enclosed area.

302.3 - Hot and Cold Water Supply

Every dwelling shall have an adequate supply of both cold and hot water connected to the kitchen sink, lavatory, and tub or shower. All water shall be supplied through an approved distribution system connected to a potable water supply.

302.4 - Water Heating Facilities

Every dwelling shall have water heating facilities which are properly installed and maintained in a safe and good working condition and are capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub or

shower at a temperature of not less than 120°F (49°C). Such water heating facilities shall be capable of meeting the requirements of 302.4 when the dwelling heating facilities required under the provisions of this code are not in operation.

302.5 - Heating Facilities

Every dwelling shall have heating facilities which are properly installed, are maintained in safe and good working conditions, and are capable of safely and adequately heating all habitable rooms and bathrooms.

302.6 - Kitchen Facilities

Every dwelling shall contain a kitchen equipped with the following minimum facilities:

1. Food preparation surfaces impervious to water and free of defects which could trap food or liquid.
2. Shelving, cabinets or drawers for the storage of food and cooking and eating utensils, all of which shall be maintained in good repair.
3. Freestanding or permanently installed cookstove. Portable electric cooking equipment shall not fulfill this requirement. Portable cooking equipment employing flame shall be prohibited.
4. Mechanical refrigeration equipment for the storage of perishable foodstuffs.

EXCEPTION: Nothing herein shall preclude a written agreement between an owner and tenant that the tenant will furnish mechanical refrigeration equipment and/or a cookstove as required in this section. It shall be an affirmative defense available to an owner charged with a violation of this section if such an agreement exists.

302.7 - Garbage Disposal Facilities

Every dwelling shall have adequate garbage disposal facilities or garbage storage containers, of a type and location approved by the Board of Aldermen.

Minimum Requirements for Walls and Roofs

303.1 - Exterior Walls

Every exterior wall shall be free of holes, breaks, loose or rotting boards or timbers, and any other conditions which might admit rain, or dampness to the interior portions of the walls or to the occupied spaces of the building. All siding material shall be kept in repair.

303.2 - Roofs

303.2.1 Roofs shall be structurally sound and maintained in a safe manner and have no defects which might admit rain or cause dampness in the walls or interior portion of the building.

305.2.2 All portions, additions or sections of a roof including, but not limited to, the fascia, eave, soffit, sheathing, rafter tail, barge rafter, vent screening, gutter, downspout, roof jack, lead or metal flashing, shall be complete with all trim strips, moldings, brackets, braces and supports in accordance with Texas Manufactured Housing Code. No item shall display signs of deterioration, abuse or improper installation that could be construed to affect the purpose of that item or cause damage to the immediate area or roof structure, that could allow dampness or admit rain to the interior of that building.

303.3 - Stairs, Porches and Appurtenances

Every stair, porch and any appurtenance thereto shall be safe to use and capable of supporting the load that normal use may cause to be placed thereon and shall be kept in sound condition and good repair.

303.4 - Protective Railings

Protective railings shall be required on any unenclosed structure over 30 inches (762mm) above the ground level or on any steps containing four risers or more.

303.5 - Windows

Every window shall be substantially weathertight, watertight and rodentproof, and shall be kept in sound working condition and good repair.

303.6 - Windows to be Openable

Every window required for light and ventilation for habitable rooms shall be capable of being easily opened and secured in position by window hardware.

303.7 - Exterior Doors

303.7.1 Every exterior door shall be substantially weathertight, watertight, and rodentproof, and shall be kept in sound working condition and good repair.

303.7.2 Every exterior door shall be provided with properly installed hardware that is maintained to insure reasonable ease of operation to open, close and secure in an open or closed position, as intended by the manufacturer of the door and the attached hardware.

303.8 - Exterior Door Frames

303.8.1 Exterior door frames shall be properly maintained and shall be affixed with weatherstripping and thresholds as required to be substantially weathertight, watertight and rodent and insect resistant when the door is in a closed position.

303.8.2 Exterior door jambs, stops, headers and moldings shall be securely attached to the structure, maintained in good condition without splitting or deterioration that would minimize the strength and security of the door in a closed position.

303.9 - Screens

303.9.1 Dwellings which do not have a central air conditioning system shall have screens on all exterior openable windows and doors used or required for ventilation. Screens on windows and doors shall be stretched and fitted and maintained without open rips or tears.

303.9.2 A closing device shall be installed on all screen doors.

303.10 - Protective Treatment

All exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. All siding shall be weather resistant and water tight. All masonry joints shall be sufficiently tuck pointed to insure water and air tightness.

303.11 - Interior Floors, Walls, and Ceilings

303.11.1 Every floor, interior wall and ceiling shall be substantially rodent proof, shall be kept in sound condition and good repair and shall be safe to use and

capable of supporting the load which normal use may cause to be placed thereon.

303.11.2 Every toilet, bathroom and kitchen floor surface shall be constructed and maintained so as to be substantially impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition.

303.12 - Structural Supports

Every structural element of the dwelling shall be maintained structurally sound and show no evidence of deterioration which would render it incapable of carrying normal loads.

303.13 - Skirting

303.13.1 Existing skirting shall be maintained free from broken or missing sections, pieces or cross members. Skirting shall be securely attached and sized from the ground to the lower outside perimeter of the structure.

303.13.2 Replacement or new skirting shall be constructed of materials intended for exterior use and properly sized and mounted to prevent free access to the crawl space of the structure.

Sanitation Requirements

304.1 - Cleanliness

Every occupant of a dwelling shall keep the dwelling and the premises on which it is situated in a clean and sanitary condition.

304.2 - Garbage Disposal

Every occupant of a dwelling shall dispose of all his garbage and any other organic waste which might provide food for rodents and all rubbish in a

clean and sanitary manner by placing it in the garbage disposal facilities or garbage or rubbish storage containers.

304.3 - Care of Premises

It shall be unlawful for the owner or occupant of a dwelling to use the premises of such dwelling for the open storage of any inoperable motor vehicle, ice box, refrigerator, stove, glass, building material, building rubbish or similar items. It shall be the duty and responsibility of every such owner or occupant to keep the premises of such dwelling clean and to remove from the premises all such abandoned items as listed above, including but not limited to weeds, dead trees, trash, garbage, etc., upon notice from the building official.

304.4 - Extermination

Every occupant of a dwelling shall be responsible for the extermination of any insects, rodents, or other pests within the building or premises.

304.5 - Use and Operation of Supplied Plumbing Fixtures

Every occupant of a dwelling shall keep all plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.

CHAPTER 4

DESIGNATION OF UNFIT DWELLINGS AND LEGAL PROCEDURE FOR CONDEMNATION

401.1 - Dangerous Structures Defined

Any dwelling which shall be found to have any of the following defects shall be condemned as unfit for human habitation and declared to be such and shall be so designated and placarded by the building official.

1. One which is so damaged, decayed, dilapidated, unsanitary, unsafe, or vermin-infested that it creates a serious hazard to the health or safety of the occupants or the public.
2. One which lacks illumination, ventilation, or sanitation facilities adequate to protect the health or safety of the occupants or the public.
3. One which 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, are considered unsafe buildings.
4. One which is a nuisance.

401.2 - Form of Notice

Whenever the building official has declared a dwelling as unfit for human habitation, he shall give notice to the owner of such declaration. Such notice shall:

1. Be in writing;
2. Include a description of the real estate sufficient for identification;
3. State the time occupants must vacate the dwelling units; and

4. State that, if such repairs, reconstruction, alterations, removal or demolition are not voluntarily completed within the stated time as set forth in the notice, the building official will request a public hearing before the Board of Aldermen in accordance with Sections 5 through 9 of Ordinance 0041.

403.3 - Service of Notice

Service of the notice shall be as follows:

1. By delivery to the owner personally, or by leaving the notice at the usual place of abode of the owner with a person of suitable age and discretion; or
2. By depositing the notice in the United States Post Office addressed to the owner at his last known address with postage prepaid thereon; or
3. By posting and keeping posted for 24 hours a copy of the notice in placard form in a conspicuous place on the premises to be vacated.

401.4 - Vacating of Condemned Building

Any dwelling which has been condemned as unfit for human habitation by the Board of Aldermen pursuant to Ordinance 0041, and so placarded by the building official, shall be vacated within 30 days after notice of such condemnation has been given by the building official to the owner and/or occupant of the building.

401.5 - Occupancy of Building

No dwelling which has been condemned and placarded as unfit for human habitation shall again be used for human habitation until approval is secured from and such placard is removed by the building official. The building official shall remove such placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated.

401.6 - Removal of Placard or Notice

No person shall deface or remove the placard from any dwelling which has been condemned as unfit for human habitation and placarded as such, except as provided in 401.5.

CHAPTER 5

VIOLATIONS, PENALTIES, SAVINGS CLAUSE

501.1 - Validity

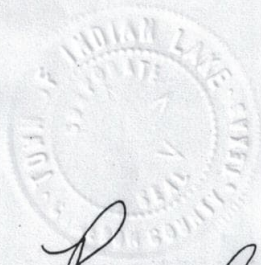
If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, invalid, inoperative, or unenforceable, such decision shall not affect the validity of the remaining portions of this code.

502 - Violations and Penalties

502.1 A person commits an offense by violating Chapter 3 of this code, failing to vacate a condemned building as required by Article 401.4 of this code; occupying a condemned and placarded dwelling contrary to Article 401.5 of this code; or defacing or removing a placard in violation of Article 401.6 of this code. Each day for which the offense continues shall be deemed a separate offense. An offense is punishable by a fine not to exceed \$250.00 or by a civil penalty not to exceed \$500.00.

502.2 The penalties provided herein are in addition to and cumulative of the condemnation procedures set forth in Chapter 4 of this ordinance.

Passed and Approved this 8th day of DEC 1997



Mildred B. Gilmore
Mildred Gilmore, Mayor

Rosalee Davis
Rosalee Davis, City Secretary

ORDINANCE NO. 59-A


An Amendment to Ordinance No. 59 establishing minimum standards of habitation for dwellings with the Town of Indian Lake, delegating enforcement authority to the building official, establishing procedures for the condemnation of dwelling units deemed to be uninhabitable, requiring inspection of mobil homes before ownership change by deed, transfer or contract for deed providing for an inspection fee, penalties for violation of the ordinance and related matters.

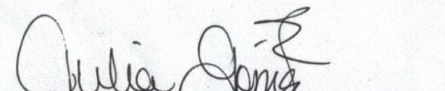
Be it ordained by the Board of Aldermen of Indian Lake Texas that Chapter 1, Section 104.1 is hereby amended:

Inspections

104.1 The building official shall make or cause to be made inspections before any home is sold by deed or contract for deed or when deemed necessary by the building official to determine the condition of residential buildings and premises in the interest of safeguarding the health and safety of the occupants of such buildings and of the general public. For the purpose of making such inspections, the building official or his agent is hereby authorized to enter, examine and survey at all reasonable times all residential buildings and premises. The owner or occupant of every residential building or the person in charge thereof shall give the building official free access to such residential building and its premises, at all reasonable times for the purpose of such inspection, examination and survey. The owner of said property shall apply and pay the fees necessary for the inspection necessary to transfer ownership of property by deed or contract for deed.

PASSED AND APPROVED THIS 10th DAY OF MARCH 2003.


Irene Romero, Mayor


Town Secretary