



AGENDA ITEM SUMMARY FORM

MEETING DATE: April 12, 2022

PREPARED BY: Lindsay Koskiniemi, CPM, CGFO, Assistant Director of Development Services

AGENDA CONTENT: Request for approval of ordinance to conduct a public hearing for the demolition of substandard structure at 316 Rogers Street within the City of Angleton, Texas.

AGENDA ITEM SECTION: Regular Agenda

BUDGETED AMOUNT: \$45,740 budgeted
FY21/22, remaining
balance \$42,340

FUNDS REQUESTED: \$7,500 (estimated
cost to demolish and
haul away)

FUND: General Fund, Development Services Department, Account No. 01-535-465

EXECUTIVE SUMMARY:

In January 2021, the Development Services Department conducted a city-wide substandard building identification effort to begin correspondence with property owners of identified substandard structures to initiate enforcement action. The approved Fiscal Year 2021-2022 budget included \$45,740 for demolition of substandard structures. Now that the City's Code Enforcement staff have been conducting enforcement efforts for the identified substandard structures and has worked with Legal, staff is ready to approach Council to request public hearings required by statutory law to move toward condemnation and demolition.

316 Rogers Street:

This is a single-family structure that has been deemed to exceed more than fifty percent (50%) of the value of the home to bring the property into compliance with the City's Code of Ordinances. The structure has several holes in the siding on all sides of the structure, which has resulted in external elements intrusion into the structure. City staff has issued warnings to the property owner for various Code violations. The property owner has made no attempt to communication timelines for repairs to bring the structure into compliance with all applicable Codes. City staff has determined that enforcement to demolish the structure is appropriate.

Complaints received by City staff and verification of communication attempts from City staff are included. Specific Code non-compliance issues include the following International Property Maintenance Code (IPMC 2015) violations: observed rotting eaves and holes in roof, leaning structure, broken windows, holes in walls due to severely rotted siding on exterior of the structure.

Because this structure has been deemed to cost more than fifty percent (50%) of the value of the home to repair to the point of meeting code compliance standards, in addition to the threat the dilapidated state of the structure presents to the public, city staff has deemed it necessary to demolish the structure. City staff has worked closely with the City's legal counsel to navigate the process to make sure all statutory compliance is met throughout the process.

An ordinance is provided that, if approved by City Council, will allow staff to advertise and hold a public hearing open to public to gather comment concerning the condemnation and possible demolition of the structure located at 316 Rogers Street. A lien will be filed with the County against the property to recuperate expenditures incurred for demolition, advertisement of public hearing, and any other associated costs with interest.



Siding rotted and holes in siding observed



Holes in roof, rotted door frame, collapsed eaves



Rotted exterior siding, broken windows



RECOMMENDATION:

Staff recommends approval of the attached ordinance to conduct a public hearing to condemn and possibly demolish the dilapidated, substandard structure at 316 Rogers Street.

ORDINANCE NO. 20220412-000

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF ANGLETON, TEXAS, REGARDING THE POSSIBLE DETERMINATION OF A SUBSTANDARD BUILDING LOCATED AT 316 ROGERS STREET, ANGLETON, BRAZORIA COUNTY, TEXAS 77515; PROVIDING A DATE FOR A PUBLIC HEARING TO MAKE SUCH A DETERMINATION; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 54.004 of the Local Government Code, a home-rule municipality may enforce ordinances necessary to protect health, life, and property and to preserve the good government, order, and security of the municipality and its inhabitants; and

WHEREAS, Chapter 5 – Buildings and Building Regulations, Article XII. – Substandard Buildings, Sec. 5-572. – “Authority regarding substandard building” of the City of Angleton’s Code of Ordinances (the “Code of Ordinances”), requires, in part, the demolition of a building that is (1) dilapidated, substandard, or unfit for human habitation and a hazard to the public health, safety, and welfare or, (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 uninvited persons as a place of harborage or could be entered or used by children; and

WHEREAS, Development Services of the City of Angleton, Texas (the “City”), after inspection, believes it has identified a structure located on the property at **316 Rogers Street, Angleton, Brazoria County, Texas 77515** (the “Property”), that violates the Code of Ordinances and requires demolition pursuant to Chapter 5 – Buildings and Building Regulations, Article XII. – Substandard Buildings, Sec. 5-572. – “Authority regarding substandard building” of the Code of Ordinances; and

WHEREAS, Development Services notified the homeowner of the Property of such potential violations of the Code of Ordinances on or about **February 21, 2021**, requesting that the homeowner of the Property address such violations listed in the notice, attached and incorporated hereto as Exhibit A; and

WHEREAS, the City, in accordance with Section 214.001 of the Local Government Code, wishes to hold a public hearing, pursuant to Chapter 5 – Buildings and Building Regulations, Article XII. – Substandard Buildings, Sec. 5-575. – “Public hearing” of the Code of Ordinances, to determine whether a structure located on the Property complies with the Code of Ordinances, specifically those in Chapter 5 – Buildings and Building Regulations and Chapter 11 – Housing of the City’s Code of Ordinances, and whether such structure shall be demolished in accordance with Chapter 5 – Buildings and Building Regulations, Article XII. – Substandard Buildings, Sec. 5-572. – “Authority regarding substandard building” of the Code of Ordinances.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ANGLETON, TEXAS:

SECTION 1. All the facts recited in the preamble to this Ordinance are found by the City Council of the City of Angleton, Texas (the “City Council”), to be true and correct and are incorporated by reference herein and expressly made a part hereof, as if copied herein verbatim.

SECTION 2. A public hearing, in accordance Section 214.001 of the Local Government Code and pursuant to Chapter 5 – Buildings and Building Regulations, Article XII. – Substandard Buildings, Sec. 5-575. – “Public hearing” of the Code of Ordinances, shall be held by City Council on May 24, 2022, at 6:00 p.m. in order to determine whether the structure located on the property at **316 Rogers Street, Angleton, Brazoria County, Texas 77515** complies with the Code of Ordinances, specifically those in Chapter 5 – Buildings and Building Regulations and Chapter 11 – Housing, and whether such structure shall be demolished in accordance with Chapter 5 – Buildings and Building Regulations, Article XII. – Substandard Buildings, Sec. 5-572. – “Authority regarding substandard building” of the Code of Ordinances.

SECTION 3. The City shall send a copy of this Ordinance, along with the notice of public hearing described in Chapter 5 – Buildings and Building Regulations, Article XII. – Substandard Buildings, Sec. 5-575. – “Public hearing” of the Code of Ordinances, to an owner, lienholder, or mortgagee of the Property.

SECTION 4. At the public hearing, an owner, lienholder, or mortgagee of the Property shall be required to submit proof of the scope of any work that may be required to comply with the Code of Ordinances and the time it will take to reasonably perform the work in order to comply.

SECTION 5. Repeal. All ordinances or parts of ordinances inconsistent or in conflict are, to the extent of such inconsistency or conflict, hereby repealed.

SECTION 6. Severability. In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Angleton, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional whether there be one or more parts.

SECTION 7. Effective Date. This Ordinance shall take effect immediately upon execution, with passage and approval by the City Council of the City of Angleton, Texas, and shall be in full force immediately upon its adoption.

SECTION 8. It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED AND APPROVED THIS THE 12TH DAY OF APRIL 2022.

CITY OF ANGLETON, TEXAS

Jason Perez
Mayor

ATTEST:

Frances Aguilar, TRMC, MMC
City Secretary

EXHIBIT A

1. On February 03, 2021, City staff received a complaint through the City's E-Gov system concerning rotting wood siding on house and rotting wood around door and window frames.
2. On February 03, 2021, Code Enforcement Officer Follin received the complaint and responded. Code violations were observed, so a letter detailing the Code violations was generated and sent regular and certified mail to property owner detailing observed Code violations.
3. On May 2, 2021, a written warning was mailed certified and regular mail.
4. On June 01, 2021, property owner had phone call discussion with Code Enforcement Officer Follin and communicated a plan to update the property.
5. On October 01, 2021, Officer Follin attempted to contact property owner, as no work has been done to repair the structure. The property owner stated they had been hospitalized due to an illness the week prior.
6. As of April 5, 2022, no communication from property owner concerning repairs to structure have been received by City staff.