

**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 320 W. PEACH 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 **320 W. Peach 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 8, 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 **320 W. Peach 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

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Jason Perez  
Mayor

ATTEST:

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Frances Aguilar, TRMC, MMC  
City Secretary

**EXHIBIT A**

1. Case opened on February 08, 2021. City received E-Gov system ticket complaint of unoccupied residential structure with numerous holes in roof and broken windows.
2. Case assigned to Code Enforcement Officer Follin. Investigation conducted on Code violations, and a letter detailing the observed Code violations was mailed to property owner via regular USPS mail and certified USPS mail.
3. On May 18, 2021, Officer Follin contacted property owner to instruct property owner to mow grass in front yard observed to be in violation of the City's Code of Ordinances.
4. On May 27, 2021, Officer Follin contacted property owner to instruct property owner to mow grass in front yard observed to be in violation of the City's Code of Ordinances.
5. On August 17, 2021, property owner contacted Officer Follin and stated repairs to patch roof were in progress to stop water intrusion.
6. As of April 05, 2022, no repairs to roof have been made. Property is further deteriorated since Code Enforcement case was opened on February 08, 2021, and water intrusion from several holes in roof including an approximate 5' in diameter hole has resulted in the collapse of the interior ceiling and extensive mold.