

CITY OF BELLS

BELLS, TEXAS

ORDINANCE NO. 201

HOUSING CODE

AN ORDINANCE PROVIDING FOR THE VACATION, REMOVAL, REPAIR, OR DEMOLITION OF ANY BUILDING OR STRUCTURE INTENDED FOR USE AS A DWELLING WHICH IS OR THREATENS TO BE A PUBLIC NUISANCE, DANGEROUS TO THE HEALTH, MORALS, SAFETY OR GENERAL WELFARE OF THE PEOPLE OF THE CITY OF BELLS OR WHICH MIGHT TEND TO CONSTITUTE A FIREMENACE; AND FOR THE ASSESSMENT OF THE COST OF VAGTION, REMOVAL, REPAIR, OR DEMOLITION THEREOF AS A MUNICIPAL LIEN OR ASSESSMENT AGAINST SUCH PREMISES, AND TO PROVIDE FOR THE RECOVERY OF SUCH COSTS IN AN ACTION AT LAW, AND PROVIDING REGULATIONS TO PROMOTE THE HEALTH, SAFETY AND GENERAL WELFARE OF THE PEOPLE OF THE CITY OF BELLS WITH REFERENCE TO SANITATION, VENTILATION, MAINTAINENCE, ALTERATION IMPROVEMENT, CONSTRUCTION AND MOVING DWELLING INTO BOUNDARIES OF THE CITY, PRESCRIBING A PENALTY, AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BELLS.

SECTION 1. There is hereby adopted by the city of Bells for the purpose of establishing rules and regulations for the vacation, removal, or demolition of any building or structure intended for use as dwelling which is or threatens to be a public nuisance, dangerous to the health, morals, safety or general welfare of the people of the city of Bells, including permits and penalties, that certain housing code known as the Uniform Housing Code, being particularly the latest edition, by the International Conference of Building Officials, thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended, of which not less than one copy has been and now is filed in the office of the Clerk of the City of Bells and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this ordinance shall take effect, the provisions thereof shall be controlling in the construction of all buildings and other structures within the corporate limits of the City of Bells.

Section 2. Sub-standard buildings used or intended for use as a dwelling defined, all structures used or intended for use as dwellings and for human habitation which have any or all of the following defects and lack of facilities shall be deemed "sub-standard building":

a. Those having no sanitary sewerage facilities or septic tank facilities or not presently equipped with pit toilets approved by the Health Department.

b. Those having no running water facilities under pressure from public supply for drinking and household purposes within each dwelling or housekeeping unit where City water mains are within 150 feet of the premises to be served.

c. Those that have become deteriorated through natural causes, or through damage by wind, hail or fire to extent that the roof, windows and doors or portions of the houses which protect from the weather, to the extent that it will no longer reasonably protect from the weather.

d. Those having inadequate facilities for ingress and egress in case of fire.

e. Those which have become, through natural causes, insanitary, and in which conditions exist in violation of the sanitary laws of this State or ordinance of the City of Bells.

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Section 3. Sub-standard Building used or intended for use as Dwellings-Nuisances. All "sub-standard buildings" within the terms of Section 1 of this ordinance are hereby declared to be public nuisances and shall be repaired, vacated, or demolished as hereinafter provided.

Section 4. It shall be unlawful for any person controlling, renting, or managing either as owner, agents, or otherwise, any building for a dwelling or dwellings in the City of Bells to permit the same or any part thereof to be used or occupied, and it shall be unlawful for any person to use or occupy the same as a place of human habitation unless such dwelling, housekeeping unit, or multiple dwelling and the premises thereof or the parts so used or occupied shall be used, occupied, constructed, arranged, maintained, kept and cared for in accordance with the following rules, regulations and requirements:

A. SANITATION:

1. Water. an adequate supply of water under pressure from the public supply for drinking and household purposes shall be provided within each dwelling or housekeeping unit; provided, the City water mains are available within 150 feet of the Premises to be served. Provided, further, that the failure, inability, or refusal of the occupant to use the water provided for said dwelling or dwelling unit shall be in no manner held chargeable to or the neglect of the owner, agent or otherwise.

2. Plumbing Fixtures. Each dwelling or housekeeping unit shall have the following fixtures:

a. In Kitchen, one sink properly connected to the Public water supply and not less than 30 inches from the floor to the bottom of the sink; said sink to be installed in kitchen so that the same is connected to sanitary sewer where same is available.

b. One toilet and one tub or shower located in each dwelling unit.

c. Installation of all plumbing work shall comply with the Plumbing Code of the City of Bells.

d. Sewer Connection. Every dwelling erected or maintained on any lot or parcel of ground where the property line of such land is situated such that it extends within 150 feet of any sewer shall have its plumbing system connected to said sewer. Any dwelling within the City of Bells that is not available to a sanitary sewer shall its plumbing system connected to a septic tank constructed according to ordinances of the City of Bells governing the installation of septic tanks.

Section 5. It shall be unlawful for any person renting, any house or building in the City of Bells where persons reside, board or lodge, or any private residence, to permit the same or any part thereof to be used or occupied as a place of human habitation unless such building, or private residence has at least one water closet connected with the City's sewer within 30 days after notification from the Health Officer, if such building is situated within 150 feet from any sewer of the city; and it shall be unlawful to fail to have a suitable sink or hopper for the reception of wastewater in any such building or dwelling. In those instances where the Health Department of the City has already approved the installation of pit toilets where the sewer mains are not available, such pit toilets can be maintained in accordance with the rules and regulations of the Health Department and the ordinance of the City of Bells provided, they do not create a nuisance and until such distances as services will become available for such property and provided, further,

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that the same conditions shall apply to septic tanks that are now installed or that may be hereinafter installed. Provided, further, that the failure, inability or refusal of the occupant to maintain the functional use of said water closet in a reasonable and sanitary manner shall in no manner be held chargeable to or the neglect of the owner and that it shall be unlawful for any person to use a water closet without having a connection with running water from the water mains.

Section 6. Infected and uninhabitable Dwelling to be vacated. Wherever it is brought to the attention of the Building Inspector that a building used or intended to be used for human habitation does not conform to the provisions of this ordinance with references to its in safety and state of repair, it shall be the duty of the Building Inspector to immediately make an inspection of such building; If in truth and fact such building does not conform to the standard set forth in this ordinance, it shall be the duty of the Building Inspector to at once issue an order to the owner or agent to remedy the particular defect, or defects, existing, and unless such owner or agent shall take steps to have these conditions remedied to conform to this ordinance within ten days of such order the building so used shall be vacated, if occupied, and remain vacant until it is repaired or demolished as the case may be, and provided, further, that if the owner or agent shall not have remedied the conditions complained of the occupant, or occupants shall be notified by the Building Inspector to vacate the premises within three days and it shall be unlawful and an offense for any occupant to fail to comply with the notice or order so issued.

Whenever it shall be called to the attention of the Director of Public Health that a dwelling is infected with a contagious disease or that it is dangerous due to inadequate ventilation and otherwise insanitary and likely to cause sickness among the occupants of said dwelling, the Director of Public Health shall make an inspection of such building and if he finds that such building is in truth and fact infected with contagious disease or that it is dangerous due to lack of ventilation, or is otherwise in an unsanitary condition and likely to cause disease, then the Director of Public Health shall issue an order to the owner, or agent, directing such owner, or agent, to fumigate such building and to otherwise remedy such defects as he may find and provided for by this ordinance and failure on the part of the owner, or agent, to conform with this order within ten days, the Director of Public Health shall direct such building to be vacated, if occupied, and to remain vacant until the conditions set forth in the order are corrected in conformity with this ordinance or any ordinances of the City, and provided, further, that if the owner or agent shall not have remedied the conditions complained of the occupant, or occupants, shall be notified by the Director of Public Health shall quarantine the entire premises and the occupants thereof, and it shall be unlawful and an offense for any occupant to fail to comply with the notice so issued.

Section 8. In the event any building used for human habitation, or intended for such use, shall have window lights missing, or doors removed, or the roof is such state of repair that it will not reasonably keep out rain, or any other portion of the building is defective or in bad state of repair as not to be sufficient protection against the weather, or is in a dilapidated and unsafe condition through damage or deterioration to the foundation or supporting walls, it shall be the duty of the Building Inspector, after an examination of said premises to order the repair thereof in conformity with this ordinance and with the general building code of the City of Bells where not in conflict herewith.

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Section 9. Any person or persons, affected by any of the orders or notions provided for herein shall have the right to appeal to the City Council within five days from the giving of such notice for the opportunity of having a full and fair hearing of the reasonableness of the order and notice issued and the extent of the compliances and the determination by the council after an opportunity to be heard, shall be final and conclusive and not subject to review by the courts in the absence of fraud or arbitrary action on the part of said council.

Section 10. If the owner, occupant, mortgagee, or leasee fails to comply with the order, or orders, within thirty days, the City Council may cause such building or structure to be repaired, vacated, or demolished as the facts may warrant, under the standards herein before prescribed in Section 3 of this ordinance, and assess the cost of such repair and demolition against the owner and his land and make such charge a lien against the property so improved. The determination, after an opportunity to be heard, of the reasonableness of said proposed charges and assessment, shall be final and conclusive and not subject to review by the courts and when such charge has been so determined, the City Council shall by ordinance levy said assessment, and it shall have all the rights and remedies that are not available in enforcing an assessment, available to enforce and collection of this charge and foreclosure of the lien.

Section 11. Whenever violates any of the provisions of the ordinance shall be deemed guilty of a misdemeanor and shall be fined in any sum of not less than \$1.00 nor more than One Hundred (\$100.00) Dollars and each separate violations shall constitute a separate offense, and everywhere the offenses continued in cases where the offense is a continuous one shall constitute a distinct and separate offense.

Section 12. This ordinance, where not expressly in conflict with the general zoning ordinance of the City of Bells, is passed subject thereto. In the event this ordinance is in conflict with the general building code ordinance of the City of Bells, then to that extent, the building code is superseded and in all other respects is subject thereto and shall be considered cumulative thereof. In all other respects where this ordinance is in conflict with any other ordinances, or ordinance, such ordinances are repealed to the extent of the existence of such conflict, or conflicts, and in all respects this ordinance shall be cumulative of the existing ordinances.

Section 13. Unconstitutionality Clause. Should any section, paragraph, sentence, clause, or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of said ordinance shall not be affected thereby shall remain in full force and effect and to this end the provisions of this ordinance are declared to be severable.

Section 14. Whereas, the present ordinances of the City of Bells are inadequate insofar as providing for sanitary or standard housing conditions and the absence of such regulations create and urgency and emergency in the immediate preservation of public health, peace and safety and requires that this ordinance shall take effect from and after its passage and it is effective so ordained.

Section 15. Hereafter, all dwellings constructed or moved in to the city limits shall

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AMENDMENT OF SECTION 11:


Whatever violates any of the provisions of the Ordinance shall be deemed guilty of a misdemeanor and shall be fined in any sum of not less than \$1.00 nor more than ONE THOUSAND (\$1,000.00) DOLLARS and each separate violations shall constitute a separate offense, and everywhere the offenses continued in cases where the offense is a continuous one shall constitute a distinct and separate offense.

PASSED AND ADOPTED this 7 day of February,
A. D. 1984.



Mayor

ATTEST:



City Secretary

"THE CROSSROADS OF FRIENDLINESS"

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conform to all codes and regulations that are in force at that time. Each dwelling shall be at least 5 feet from street, alley and Property line.

Passed and Approved this the 21st day of JANUARY, 1963.

C. C. Haliburton
Mayor

H. C. Young
Secretary