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**ORDINANCE 07-06
STRUCTURAL MAINTENANCE ORDINANCE**

AN ORDINANCE AMENDING ORDINANCE NO. 84-3 ESTABLISHING MINIMUM STANDARDS GOVERNING THE USE, OCCUPANCY AND MAINTENANCE OF BUILDINGS, DWELLINGS, DWELLING UNITS AND STRUCTURES; ESTABLISHING MINIMUM STANDARDS GOVERNING SUPPLIED UTILITIES, FACILITIES, AND OTHER PHYSICAL THINGS AND CONDITIONS ESSENTIAL TO MAKE BUILDINGS SAFE, SANITARY AND FIT FOR HUMAN HABITATION; ESTABLISHING MINIMUM STANDARDS GOVERNING THE CONDITION AND MAINTENANCE OF BUILDINGS, DWELLINGS AND STRUCTURES; FIXING CERTAIN RESPONSIBILITIES AND DUTIES OF OWNERS AND OCCUPANTS OF BUILDINGS; FIXING PENALTIES FOR VIOLATIONS AND SETTING EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEWTON, TEXAS:

WHEREAS, within the area of jurisdiction of the City of Newton, Texas, there are or may be buildings, dwellings, dwelling units and structures which are unfit for human habitation or use due to inadequate maintenance, obsolescence or abandonment; containing defects which increase the hazards of fire, accident, or other calamities, and which by reason of the lack of maintenance, inadequate ventilation, light and sanitary facilities or other conditions render such buildings, dwellings or structures, unsanitary and dangerous or detrimental to the health, safety, morals and general welfare of the community.

WHEREAS, experience and accepted national housing surveys have clearly demonstrated that such conditions result in a large measure from improper maintenance, unavailable or insufficient financing, inadequate sanitary facilities, overcrowded condition in residential occupancies, buildings, and premises and from general neighborhood neglect; and

WHEREAS, it has become common knowledge that these conditions can be relieved, in a measure prevented, and often eliminated through planned and properly enforced minimum structural standards, resulting thereby in the upgrading of living conditions, improving the quality of life, and an overall enhancement of the general health, safety, and welfare of all residents and property owners of the community;

NOW, THEREFORE, BE IT ENACTED, THAT:

The provisions herein shall be controlling in the use, maintenance and occupancy of all dwellings (permanent, movable, and mobile), dwelling units and/or structures within area of jurisdiction of City of Newton, Texas.

Section 1. Title and Scope:

The provisions embraced in the following sections shall constitute and be known as THE STRUCTURAL STANDARDS CODE of the City of Newton, Texas.

The code establishes minimum standards for occupancy, and does not replace or modify standards otherwise established for the construction, replacement or repair of buildings. Every building, structure or dwelling; permanent, moveable or mobile; shall conform to the requirements of this code regardless of the primary use of such building, structure or dwelling, and regardless of when such building, structure, or dwelling may have been constructed, altered, or repaired.

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 and occupancy of buildings, dwellings and structures in cases where there exists imminent danger to human life or health.

Section 2. Existing Buildings:

The provisions of this Code shall apply to any building, dwelling, or structure regardless of when said building, dwelling, or structure was constructed, altered or repaired.

Section 3. Maintenance:

All buildings or structures, both existing and new, and all parts thereof, shall be maintained in a safe and sanitary condition. All devices or safeguards which are required by this Code in a 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 to the extent set out in this Code. The tenant shall be responsible for the maintenance of buildings, structures, and premises to the extent set out in this Code.

Section 4. Moving Dwelling and Structure:

No structure or building shall be moved from one lot to another or erected within the City Limits until a permit shall have been issued and no permit shall be issued for the removal if the structure is not in conformity with this ordinance.

Any structure hereafter erected or moved without a permit and not in conformity with this ordinance will constitute a violation of this ordinance.

Section 5. Pending Actions:

Nothing in this ordinance or in the code hereby adopted shall be construed to affect any suit or proceeding now pending in any court, or any rights acquired or liability incurred, nor any cause or causes or action accrued or existing, under any act or ordinance repealed hereby. Nor shall any right or remedy or any character be lost, impaired, or affected by this ordinance.

Section 6. Minimum Standards for Base Equipment and Facilities:

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

A. SANITARY FACILITIES REQUIRED:

Every dwelling unit 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.

B. LOCATION OF SANITARY FACILITIES:

All required plumbing fixtures shall be located within the dwelling unit and be accessible to the occupants of same. The owner or his designated agent, or the tenant if the premises is leased, shall be further responsible for the sanitary maintenance of the entire premises owned, leased, or occupied by the operator.

C. MINIMUM STANDARDS:

The minimum standard for the continued use and occupancy of all buildings or structures, regardless of the date of their construction, are that buildings or structures shall not be in a condition or have a defect which constitutes a dangerous structure as defined in Ordinance 07-07, Section 1.C.

Section 7. Regulation of Utility Services:

If a building or structure is found to be below the minimum standards as defined in Section 6, the City may deny utility services, including but not limited to garbage, water, and electricity service, to the building or structure until the building or structure is brought into compliance with the minimum standards as defined in Section 6. Nothing in this section precludes the City from authorizing temporary utility service to the substandard building or structure for the purpose of bringing the building or structure into compliance with the minimum standards defined in Section 6.

Section 8. Penalties:

Any person violating the terms of this ordinance shall be deemed guilty of a misdemeanor and shall be subject to a fine of not less than five dollars nor more than two hundred dollars; and upon conviction shall be fined in any sum not exceeding two hundred dollars; and each and every day's violation shall constitute a separate and distinct offense. Nothing in this ordinance precludes the City's enforcement of ordinance 84-1 in conjunction with the enforcement of this ordinance.

Section 9. Severability:

If any article, paragraph, subdivision, clause, phrase, or provision of this ordinance shall be adjudged invalid, or be held unconstitutional, the same shall not affect the validity of the ordinance as a whole or any part of the provision thereof, other than the part so decided to be invalid or held to be unconstitutional.

Section 10. Liability:

Neither the City nor any authorized agent or employee of the City acting under the terms of this ordinance shall be liable or have any liability by reason or orders issued or work done in compliance with the terms of this ordinance.

Section 11. Effective Date.

This Ordinance shall be effective upon adoption by the City Council and publication of the Ordinance as required by §52.011, Texas Government Code.

PASSED, APPROVED AND ADOPTED, this 8th day of October, 2007

Signed:



Rachel Martin, Mayor

Attest:



Mertice Weeks, City Secretary