

ORDINANCE NO. 692

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST COLUMBIA, TEXAS, FINDING THAT THE STRUCTURES ON OR ABOUT THE PROPERTY LOCATED AT 314 BELL ST., WEST COLUMBIA, TEXAS, 77486 (THE “PROPERTY”) TO BE SUBSTANDARD AND A PUBLIC NUISANCE; ORDERING THE OWNER OF THE PROPERTY TO ABATE THE SUBSTANDARD STRUCTURES AND PUBLIC NUISANCE ON THE PROPERTY; AUTHORIZING THE CITY OF WEST COLUMBIA, TEXAS TO DEMOLISH THE STRUCTURES ON THE PROPERTY IF THE OWNER OF THE PROPERTY FAILS TO ABATE THE SUBSTANDARD STRUCTURES AND PUBLIC NUISANCE ON THE PROPERTY; AUTHORIZING THE CITY OF WEST COLUMBIA, TEXAS TO ASSESS A LIEN AGAINST THE PROPERTY FOR THE COSTS OF THE DEMOLITION; AND, MAKING OTHER FINDINGS AND PROVISIONS RELATED THERETO.**

**WHEREAS**, the Building Official of the City of West Columbia, Texas (the “City”) produced a report (the “Report”) providing that the buildings and structures on or about the property located at 314 Bell St., West Columbia, Texas, 77486 (the “Property”), are substandard and a public nuisance, with the Report being attached to this Ordinance as “Exhibit A”; and

**WHEREAS**, the City provided written notice by certified mail to the owner of the Property (the “Owner”) that the Property was substandard and a public nuisance, and that a public hearing would be held on January 10, 2022 at 7:00PM CST at City Hall of the City of West Columbia (the “Public Hearing”); and

**WHEREAS**, in accordance with 2015 International Building Code and Chapter 4 of the Code of Ordinances of the City (the “Code”), the City Council of the City (the “Council”) conducted the Public Hearing so that the Owner or the Owner’s representatives may appear and show cause as to: 1) why such buildings or structures should not be declared to be substandard; and, 2) why the Owner should not be ordered to repair, vacate, or demolish the buildings or structures on the Property; and

**WHEREAS**, the Council finds that all proper notices of the Public Hearing were sent consistent with the Code to the persons asserting or likely to have an ownership in the Property; and

**WHEREAS**, based upon the evidence presented, the Council finds that the Property and the structures on the Property are substandard; and

**WHEREAS**, the Council finds that the conditions of the structures on the Property constitute a nuisance and are a hazard to the health, safety, and welfare of the citizens of the City and are likely to endanger persons and property; and

**WHEREAS**, the Council finds that the Property is in violation of the Code; and **NOW THEREFORE**,

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST COLUMBIA, TEXAS:**

**SECTION 1. THAT** the above-referenced recitals are incorporated herein as if set forth in full for all purposes.

**SECTION 2. THAT** the Council hereby finds, permits, and orders that the Owner, including any lienholder or mortgagee of the Property, shall, by itself or through the action of an agent, satisfy the requirements listed in "Exhibit B" regarding the Property (the "Abatement Requirements"). The Abatement Requirements shall be fully satisfied by a date ninety (90) days from the effective date of this Ordinance.

**SECTION 3. THAT** if the Owner, including any lienholders or mortgagee of the Property, shall fail to satisfy the Abatement Requirements, then the City may demolish the structures on the Property, including cleaning and grading the Property, and place a lien on the Property for the expenses incurred by the City for such work in accordance with the Code and State law.

**SECTION 4. THAT** if the Owner violates the terms of this Ordinance, then the City may seek administrative penalties not to exceed one thousand dollars (\$1,000) per day.

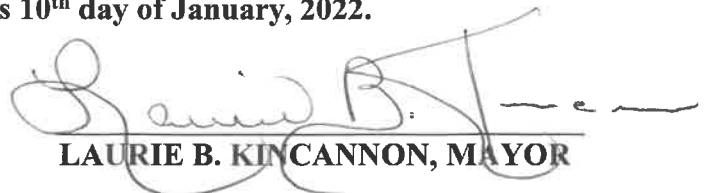
**SECTION 5. THAT** the City Secretary shall file a copy of this Ordinance with the City and shall publish the caption of this Ordinance in accordance with the City's Charter.

**SECTION 6. THAT** in the event any clause phrase, provision, sentence, or part of this Ordinance, or the application of the same, to any person or circumstances, 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 Council hereby 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. THAT** all other ordinances, or parts inconsistent or in conflict herewith, are, to the extent of such inconsistency or conflict, hereby repealed.

**SECTION 8. THAT** this Ordinance shall be in full force and effect from and after its passage.

**PASSED AND APPROVED this 10<sup>th</sup> day of January, 2022.**

  
**LAURIE B. KINCANNON, MAYOR**

**ATTEST:**

  
**Kelli Kuban, City Secretary**

**EXHIBIT A**

**BUILDING OFFICIAL'S REPORT OF THE PROPERTY LOCATED AT:  
314 BELL ST., WEST COLUMBIA, TEXAS, 77486**



## CITY OF WEST COLUMBIA, TEXAS

P.O. Box 487  
512 E. Brazos Avenue  
West Columbia TX 77486

Phone (979) 345-3123  
Fax (979) 345-3178  
www.westcolumbiatx.org

Date : 12/21/2021

RE: City Ordinance Violation Sec. 13-1 (cc)(dd)  
IPMC 2015 Violation Sec 306-6(6.4)

Rex Lane McCall  
% Rebecca Alexander McCall  
1729 S. Columbia Dr.  
West Columbia, Texas 77486

An inspection of your property conducted from public right-of-way on December 20, 2021, at 314 Bell St. West Columbia (property ID # 203633) by the City of West Columbia (the City) building inspector found that the property is unsafe due to dilapidated conditions rendering it unfit for human occupancy and a hazard to the public health, safety, and welfare, as more particularly described by the list of Code violations attached to this letter. Pursuant to sections 4-33 and 4-52 of the city code of ordinances and chapters 54 and 214 of the Texas Local Government Code, you are ordered to perform the required actions.

### **REQUIRED ACTIONS**

Submit a building permit application including scope of work and timeline for repair or demolition of the structure on the property.

Complete demolition or begin repair of the structure on the property.

### **NOTICE OF PUBLIC HEARING**

The City Council will hold a public hearing on January 10, 2022, at 7:00 PM at West Columbia City Hall, 512 E. Brazos Ave., West Columbia, Texas to determine whether the structure is unsafe and whether to order the structure vacated, secured, repaired, removed, or demolished by the owner. At the public hearing you will be required to submit proof of the scope of the work that may be required to comply with the City Code of Ordinances and the time it will take to reasonably perform the work. If, after the public hearing, the City orders actions to be taken regarding your property, and you do not complete those actions prior to the deadline imposed at the public hearing, which will be 30 days from the date of the public hearing unless you appear at the hearing and provide evidence of the time required to complete the required actions, the City may take those actions instead. Any action taken by the City to repair or demolish the unsafe structure on the property pursuant to Council's order shall be charged against the property and shall be a lien upon such property.

If you do not own this property or are not responsible to maintain this property, please advise this department so proper service can be made. If this department does not receive any different information, it will be taken that we have the correct property owner.

Please feel free to contact me to discuss this matter further.  
Respectfully,



Michael Azbell

Building Inspector/ Code Enforcement

(979) 345-3123

[inspector@westcolumbiatx.org](mailto:inspector@westcolumbiatx.org)

## ***LIST OF CODE VIOLATIONS***

**IPMC 2015 306-6(6.4) Unsafe conditions, Wood that has been subjected to fire damage beyond charring.**

**13-1(cc) Unsafe conditions – Any condition that is dangerous to human life or health; whatever renders the ground, water, air, or any food or drink unwholesome or a hazard to human life and health.**

**13-1(dd) Unsafe conditions, any other act or thing done or suffered within the city which may interfere with the enjoyment by any persons, who may thereby be deprived of their right to be free from foul, noxious, offensive, or unpleasant odors or vapors, and to breathe fresh air, and to be free from the sight of foul or offensive objects or substances.**

**1. The structure is vacant and appears abandoned. See Tex. Health and Safety Code Sec. 341.013(e): A person may not permit vacant or abandoned property owned or controlled by the person to be in a condition that will create a public health nuisance or other condition. The structure is unfit for human occupancy. See 2015 IPMC, Sec. 1081.1.3: A structure is unfit for human occupancy whenever the code official finds that such structure, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.**

**2. The structure and premises are dilapidated. See 2015 IPMC, Sec. 1081.1.5: For the purpose of this code, any structure or premises that has any or all the conditions or defects described below shall be considered dangerous: 1. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the approved building or fire code of the jurisdiction as related to the requirements for existing buildings. 2. The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress. 3. Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, deterioration, neglect, abandonment, vandalism or by any other cause to such an extent that it is likely to collapse partially or completely, or to become detached or dislodged. .... 6. The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy. 7. The building or structure is neglected, damaged, dilapidated, unsecured or abandoned to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals, or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act. 8. Any building or structure has been constructed, exists, or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the approved building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety. .... 10. Any building or structure, because of a lack of sufficient or proper fire-resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system, or other cause, is determined by the code official to be a threat to life or health.**

3. **The structure is unoccupied and unsecured.** *See* 2015 IPMC, Sec. 108.1.1: [T]he structure is, 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....

4. **The exterior structure is deteriorated.** *See* IPMC, Sec 304.1: The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety, or welfare. .... 4. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or watertight. .... 7. Exterior walls that are not anchored to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects. 8. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without proper anchorage and incapable of supporting nominal loads and resisting all load effects. 9. Flooring and flooring components that show signs of deterioration or fatigue, affect serviceability or flooring components that show signs of deterioration or fatigue, are not properly anchored or are incapable of supporting nominal loads and resisting all load effects.

5. **Rubbish or garbage has accumulated.** *See* IPMC Sec. 308.1: Exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage. prejudicial to the public health.

**This list may not include all violation of the City Code of Ordinances or the International Property Maintenance Code, as adopted and amended by the City of West Columbia. You may request an inspection of the Property to obtain a complete list of Code violations. Correction of Code violations that cause the Property to be unfit for human occupancy and a danger to the public health and safety is required to comply with this notice and avoid action by the City to abate these conditions.**

**EXHIBIT B**

**CITY COUNCIL REQUIREMENTS FOR ABATEMENT OF SUBSTANDARD  
STRUCTURES AND NUISANCES LOCATED AT:  
314 BELL ST., WEST COLUMBIA, TEXAS, 77486**

**Order: That the burned home and garage structures located on the property located at 314 Bell St., West Columbia, Texas, 77486 be demolished by the property owner or the property owner's agent within 90 days of the effective date of this Ordinance, with such date being April 11, 2022, with such demolition being subject to the terms of this Ordinance and any applicable requirements of the City.**

**Furthermore, the property owner or property owner's agent must give monthly updates of the progress of the demolition at the regular City Council meetings during the 90 day period of this order. The date of those meetings being Monday, February 14, 2022 at 7 pm.; Monday, March 7, 2022, at 7 pm.; and Monday, April 11, 2022 at 7 pm.**

**If the property owner does not demolish, or cause the demolition, of the house and garage, within the timeframe provided herein, then the City may enter the property, demolish the house and garage, and place a lien on the property for the costs of such demolition.**