

CITY OF COOPER, TEXAS

ORDINANCE NO. 04-01-85

AN ORDINANCE DECLARING CERTAIN SITUATIONS AND ACTS A NUISANCE, DECLARING SAME TO BE UNLAWFUL, PROVIDING FOR NOTICE AND ABATEMENT AND THE FIXING OF PENALTIES.

WHEREAS, it has been brought to the attention of the City Commission of the City of Cooper that certain situations exist within said City limits that are dangerous to the public health and welfare of its citizens and that same should be abated. The City Commission under and by virtue of its police powers hereby provided the following ordinance for the control of same.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF COOPER:

Section I - The term "dangerous building" as used in this article is hereby defined to mean and include:

(a) Any building, shed or fence, or other man-made structure which is dangerous to the public health because of its condition and which may cause or aid in the spread of disease or injury to the health of the occupants of it or neighboring structures.

(b) Any building, shed, fence or other man-made structure which because of faulty construction, age, lack of proper repair or any other cause is especially liable to fire and constitutes or creates a fire hazard.

(c) Any building, shed, fence, or other man-made structure, which by reason of faulty construction or other cause is liable to cause injury or damage by collapsing or by a collapse or fall on any part of such structure.

(d) Any building, shed, fence or other man-made structure which because of its condition or because of lack of doors or windows is available to or frequented by malfactors or disorderly persons who are not lawful occupants of such structure.

Section II - Dangerous Buildings

Any such dangerous building in the city is hereby declared to a nuisance. It shall be unlawful to maintain or permit the existence of any dangerous building in the city; it shall be unlawful for the owner, occupant or person in custody of any dangerous building to permit the same to remain in a dangerous condition, or to occupy such building or permit it to be occupied while it is or remains in a dangerous condition.

Section III - Obstruction, Pollution of Watercourses

It shall be unlawful and a nuisance for any person, firm or corporation to obstruct or pollute any watercourse or source of water supply in the city.

Section IV - Pools of Stagnant Water

Any stagnant pool of water in the city is hereby declared to be a nuisance. It shall be unlawful for any person, firm or corporation to permit any such nuisance to remain or exist on any property under his or its control.

Section V - Uncovered refuse, etc.

It shall be unlawful for any person, firm or corporation to deposit anywhere in the city limits of the City of Cooper any uncovered piles of refuse, garbage, offal or carcasses of dead animals. Such refuse must be taken to the City dump or must be buried at least two (2) feet below the surface of the ground or burned in properly constructed incinerators or otherwise properly disposed of. Any uncovered pile of refuse is hereby declared to be a nuisance.

Section VI - Unsheltered Storage of Old, Unused, etc. Object and Equipment.

Unsheltered storage of old, unused, abandoned or discarded objects or equipment such as furniture, stoves, refrigerators, freezers, cans, containers and the like as well as scattered or deposited lumber, junk, trash or debris and other personal property of any kind which is no longer safely usable for the purposes for which it was manufactured, for a period of thirty (30) days or more (except in licensed junk yards) within the corporate limits of this city is hereby declared to be a nuisance, unlawful and dangerous to the public health and welfare.

Section VII - Abatement

(a) Notice. It shall be unlawful for any person, firm or corporation to permit or maintain the existence of any nuisance on any property under his, her or its control. The building inspector, fire marshal or city health officer are each hereby authorized to abate any such nuisance existing in the city, whether such nuisance is specifically recognized by ordinance or not. Provided, however, that whenever the building inspector, fire marshal or the health officer shall be of the opinion that any building or structure in the city is a dangerous building or is of the opinion that a nuisance exists in the city limits, he shall file a written statement to this effect with the Housing Office. The Housing Officer shall thereupon cause written notice to be served upon the owner thereof and upon the occupant thereof, if any, by certified mail. Such notice shall state that the building has been declared to be in a dangerous condition and that such dangerous condition must be removed or remedied by repairing or altering the building or by demolishing it and that the condition must be remedied at once or that such a situation exists that is a nuisance and that same should be remedied at once. Such notice may be in the following terms:

To _____ (owner-occupant of premises) of known and described as _____. You are hereby notified that _____ (description of building) on the premises above mentioned has been condemned as a nuisance and a dangerous building after inspection by _____. Or (as the case may be) you are hereby notified that _____ (describe situation) on the premises above mentioned has been condemned as a nuisance after inspection by _____. The causes for this decision are _____. (here insert the facts as to the dangerous condition). You must remedy this condition or demolish the building immediately (as the case may be) or the City of Cooper will proceed to do so.

(b) Failure to comply with notice or take appeal. If the person receiving the notice has not complied therewith or taken an appeal from the determination of the officer or employee finding that a dangerous building exists or that a nuisance exists as the case may be, within 20 days from the time when this notice is served upon such person by certified mail, the building inspector may, upon the orders of the city commission, after due consideration, proceed to remedy the condition or nuisance and/or to demolish the dangerous building as the case may be. Should said condition or nuisance be remedied by the City of Cooper at its own expense or by contracting the removal or remedy of same, a lien for said cost and expenses of removal or remedy of said nuisances or conditions, is hereby authorized and created to be assessed and levied against the realty upon which said condition or nuisance existed, and the city finance officer or other appropriate official shall cause written notice of said lien in a form required by law, to be duly recorded in the appropriate public records and said lien as long as same remains unpaid shall draw interest at the highest rate of interest allowed by law.

Section VIII - The provisions of this article as set out above shall be deemed cumulative of the provisions and regulations contained in the official City of Cooper Code hereinabove referred to, save and except that where the provisions of this article are in conflict with the provisions elsewhere in said City Code, then the provisions contained herein shall prevail.

PASSED AND ADOPTED by the City Council of the City of Cooper

on the 8th day of April

Richard Hine
MAYOR

ATTEST:

CLERK:

Daphne Blum