



Legislation Details (With Text)

File #: ORD 16-101 **Version:** 1 **Name:**

Type: Ordinance **Status:** Agenda Ready

File created: 9/29/2016 **In control:** City Council

On agenda: 10/3/2016 **Final action:**

Title: Consideration of and action on an ordinance of findings as a result of the public hearing on the buildings, structures or premises located at 1242 Center Street, known as Vega’s Mexican Restaurant, finding and declaring that such buildings, structures or premises are substandard and a nuisance; making certain orders to owners of said buildings.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Substandard-1242 Center Street-07-2016.pdf

Date	Ver.	Action By	Action	Result
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Consideration of and action on an ordinance of findings as a result of the public hearing on the buildings, structures or premises located at 1242 Center Street, known as Vega’s Mexican Restaurant, finding and declaring that such buildings, structures or premises are substandard and a nuisance; making certain orders to owners of said buildings.

Summary:

City of Deer Park Code of Ordinances Sec. 18-20. - Standards for substandard buildings adopted; notice procedures; correction of defects or demolition.

(f) The city council shall hold such hearing at the time, date and place set by it. The city attorney, or one of his assistants, shall be present to advise the committee on legal matters and assist it in the examination of witnesses. During the course of the hearing, or subsequent thereto, the city council may inspect the building, structure or premises in question. The city council shall fully determine the facts relative to such building, structure or premises. The owner shall be entitled at such meeting to be heard on the matters concerning the building, structure or premises, and to present witnesses to the council, and shall be entitled to have the council issue process to summon such witnesses. The city council shall also hear such other witnesses and consider such other facts as may be deemed advisable by them to arrive at proper conclusions concerning such building, structure or premises.

(g) Should the city council conclude that the facts show that the building, structure or premises is substandard and constitutes a hazard to the health, safety or welfare of citizens, but that measures can be taken to remove the hazardous conditions, contents or use and render the building, structure or premises safe, it shall specify the measures necessary to correct the hazardous conditions, contents or use and shall order the owner by ordinance to take such

measures, at his own expense, setting forth a reasonable time in which such work is to be accomplished by him. The owner may, at his discretion, instead of complying with any such order as to a building, structure or premises, demolish the building, structure or premises completely and remove the building, structure or premises.

(h) If the city council should conclude that the facts show that the conditions rendering the building, structure or premises a serious hazard to life, health or property cannot be corrected by any measures, it shall find and declare the building, structure or premises substandard, to be a nuisance, and shall order the owner by ordinance to proceed within a reasonable time, to be specified in the ordinance, to demolish such building, structure or premises and remove such building or structure or premises. A copy of the ordinance embodying the final decision and orders of the city council shall be mailed or delivered to the owner.

(i) If, after the allotted time, the owner fails to comply with the orders of the city council, the city may demolish such building, structure or premises and remove the building, structure or premises from such owner's property at the city's expense, and charge the expense to the account of the owner of such property, and assess the expense against the real estate or lots upon which such expense is incurred. On filing with the county clerk a statement by the mayor or city secretary of such expenses, the city shall have a privileged lien upon such real estate or lots, second only to tax liens and liens for street improvements, to secure the expenditure so made, and ten percent interest on the amount from the date of such payment so made by the city. The city may institute suit and recover such expenses in any court of competent jurisdiction, and the statement so filed with the county clerk, or a certified copy thereof, shall be prima facie proof of the amount expended in any such work to remedy such condition or remove any such building, structure or premises. Notice of such filing with the county clerk shall be mailed to the owner of such property by United States mail.

Fiscal/Budgetary Impact:

TBD

Council to make a determination based on the results of the public hearing.