



Code Enforcement Downtown Property Maintenance

City Code of Ordinances Chapter 3, Article 3.1100 - Downtown Property Maintenance

Title, Purpose, Scope

A. Title. This ordinance shall be known as the Downtown Property Maintenance Code of the City of Corsicana and herein referred to as "this code."

B. Purpose. The purpose of this code is to provide minimum standards and regulations to safeguard life, health, safety, property and public welfare by regulating the use, occupancy, and maintenance of structures and property in the Downtown; where party-walls and proximity create a situation unlike any other area of the city.

C. Scope. This code shall apply only to property and structures located within what is now known as the Downtown; defined as the area bounded on the north by 2nd Avenue, bounded on the east by the Southern Pacific Railroad, bounded on the south by the abandoned Cotton Belt Railroad, and bounded on the west by and including all buildings facing 12th Street.

D. Other Ordinances. If any other ordinances of the City of Corsicana, Texas conflict with this code and the standards reflected here, the stricter standard shall prevail.

E. Purpose and Intent. It is the purpose and intent of this code to regulate and control nuisances, conditions and circumstances, as herein set forth, that adversely affect the health, safety or welfare of the general public; in particular those who live, work, own property and conduct business in the Downtown. Further, it is the intent of this ordinance to alleviate those conditions and circumstances that might reduce property values and discourage economic development in the Downtown.

Definitions

Where not defined, terms shall have their generally accepted meanings within the context of their use herein. Webster's New World Dictionary shall provide accepted meanings. The following terms and definitions shall apply to all sections of this code unless otherwise specified:

A. Abandoned. Any inoperable or dilapidated appliances or motor vehicles; trash or debris; fallen or collapsed awnings or facades; unused or obsolete signs and turnbuckles; unused or obsolete utility connections and conduit; or any other unsightly or potentially dangerous items left on public property for a period of ten (10) days, or on private property for a period of forty-five (45) days shall be considered abandoned.

B. Enforcement Authority. The City Manager of Corsicana, or any person or department to whom he may delegate enforcement responsibility and authority.

C. Downtown. The Downtown being that area comprised of the Central Business District and outlined in the map attached.



- D. Nuisance. The following shall be defined as nuisances and shall be considered herein as having an adverse effect on the welfare of those who live, work, own property or conduct business in the Downtown:
1. Any public nuisance known and established by common law, including but not limited to: Any abandoned or inoperable appliances, motor vehicles, trash or debris; unsightly or unkept vegetation.
 2. Any other nuisance as defined by the codes and ordinances of the City of Corsicana; as well as any activity, lack of maintenance or deliberate neglect that has a negative impact on the health, safety, welfare, appearance and visibility of the Downtown.
- E. Owner. Any person or entity claiming, or in whom is vested the ownership, dominion or title of real or personal property.
- F. Premises. Any parcel, lot or tract of land, with or without improvements, located in the Downtown.
- G. Structure. Any residential, retail or office building; any dwelling, condominium or townhouse; any detached shed, garage or storage building; all awnings, fences, canopies or screens; any facade or edifice; any excavation, erection or material placed on land within the Downtown.
- H. Tenant. Any person or entity who occupies a structure or property, but who is not the owner.
- I. Unsafe Building Code. Refers to the City of Corsicana code for Unsafe buildings.
- J. Welfare. In addition to the ordinary and accepted meaning, welfare shall also mean the appearance, atmosphere, economic viability and overall image of the Downtown as it would affect those living, working, conducting business or owning property in the area.
- K. Public Access. Any public sidewalk and alley adjacent to private property.

Enforcement and Inspection

- A. The enforcement authority for the City of Corsicana shall be the City Manager or any person or department to whom he delegates enforcement responsibility.
- B. Vacant or occupied structures located in the Downtown and suspected of having conditions dangerous to health and safety, or causing damage to adjacent property, are subject to inspection by the enforcement authority during regular business hours.

This would include, but not be limited to: buildings that are suspect of leaking, harboring pests, be structurally unsound, have inadequate or unsanitary plumbing, have unsound or inadequate electrical wiring, contain unsafe or illegal storage, or in some other way compromise the safety of the people or other structures in the immediate area.

(Ordinance 2250 adopted May 16, 2000)

Responsibility

- A. Owner. Every owner of property in the Downtown, shall maintain property in compliance with this code. An owner shall not let, rent or lease property, which does not comply with this code.



B. Owner and Tenant. Every owner and tenant shall maintain property in a clean, sanitary and safe condition. This shall include the proper and lawful disposal of waste, rubbish, unused and unwanted items. Items left on public property, including sidewalks, alleys and empty lots for a period of ten (10) days will be considered unwanted and picked up with trash.

Exterior Grounds

A. Sanitation. All exterior grounds shall be maintained in a safe, sanitary and clean condition; free of rubbish, garbage, waste and unused or unwanted items considered contrary to public health and safety or the overall appearance and visibility of the area.

B. Grading and Drainage. All property must be graded and maintained so as to prevent accumulation of water on, within or beneath any structure or unimproved property.

No improvement or excavation shall occur on any property that will have an adverse effect on drainage in the Downtown.

C. Pest Control. Every owner and every tenant in the Downtown shall maintain property free of insects, bats, rodents, ants, vermin and other pests considered contrary to public health and safety and having an adverse effect on adjacent property.

D. Trees, shrubs and plants. Landscaping or container plants shall not obstruct access to any entrance or exit or block pedestrian or auto traffic or fire hydrant.

Trees, shrubs or plants, in the ground or in containers, that are dead, block ingress or egress to any structure or interfere with pedestrian or auto traffic in any way, are subject to removal.

E. Nuisances. Exterior grounds must be maintained free of nuisances as defined in section 3.1102

F. Weeds and Grass. Weeds, grass and brush shall not be allowed to grow or accumulate on any sidewalk, porch, parking area, or other paved area. Unimproved areas must be maintained with ground cover sufficient to prevent erosion and must be kept cut to less than twelve inches.

G. Animals and pens. Animals will not roam free or be tied in the Downtown. Construction of pens or runs will be prohibited. Those who live or work in the Downtown and who routinely walk pets there shall clean up after them in a clean and sanitary manner.

H. Accumulation of debris. Any old lumber, boxes, brick rubble or similar debris which is unsightly or may harbor pests, or in which evidence of pests is found, shall not be allowed and will be subject to removal.

I. Billboards, Antennas, Stacks and Towers. None may be constructed in the Downtown without authorization and a permit from the proper city authority. All existing billboards, antennas, stacks or towers, as well as those newly constructed, must be maintained sound, free of deterioration and firmly secured.

J. Fences. Fences will not be allowed on any sidewalk, right-of-way or parking area generally considered as being for public use. Fences on private property may only be built after obtaining a permit from the proper city department, and must not impede access or obstruct the view to or from any structure in the Downtown.



A fence deteriorated to such a point that it is apt to fall, or is unsightly, may be removed. Fences may not be externally braced in lieu of replacing posts or other structural members.

K. Accessory Structures. Carports, outbuildings, garages, sheds, porches, awnings, patios and other accessory structures shall only be constructed on private property, and shall observe generally accepted building lines. Existing accessory structures must be maintained in the same manner as primary structures. Accessory structures must not impede access or view to or from another structure, business or entity.

L. Pools and Spas. Pools and spas may only be constructed in the Downtown with permission and permits from the proper city department, and must be maintained clean, safe and sanitary and in accordance with the ordinances of this city.

M. Parking Lots, Drives, Streets and Fire Lanes. All privately owned parking areas, drives, streets, lanes, and public accesses must be maintained in accordance with the ordinances of this city.
(Ordinance 2250 adopted May 16, 2000)

Structure Maintenance Regulations: Exterior

A. Structural Members. All supporting members of any structure in the Downtown must be maintained free of deterioration and decay, and fully capable of bearing the dead and live loads placed upon them.

B. Vermin Access. All exterior surfaces shall be maintained in a manner to exclude rats, bats, birds and other vermin. Broken windows, loose or missing doors or windows, damaged or decayed wood, missing siding, or any other situation allowing ingress to vermin shall be fixed at once.

C. Foundation Walls. Foundation walls in the Downtown shall be able to carry any dead or live weight placed upon them.

D. Exterior Walls. All exterior walls, surfaces and facades must be maintained free of holes, breaks, loose or decayed boards, loose plaster, peeling paint, leaks, or any condition which might admit weather into this structure or an adjacent structure. The exterior structure must be coated with paint or another appropriate treatment to prevent deterioration.

E. Roofs. The roof on every structure in the Downtown must be maintained structurally sound and free of leaks, roof drainage or runoff must not cause leaks, seepage or damp to the interior or exterior of an adjacent structure. Materials and methods used in new roof construction and repair must be of a fire retardant nature. Parapet walls must be capped to prevent leakage and must be kept free of tar and other flammable materials. Parapet walls may not be removed. Roof replacements shall require permitting through the appropriate department and shall be engineered/constructed so as not to cause additional dead weight on the structure and/or drainage on adjacent structures.

F. Decorative Features. Cornices, corbels trim, facings, moldings and other exterior trim shall be maintained free of decay and securely attached and surface coated to prevent decay.



G. Exterior Attachments. All awnings, stairs, marquees, signs, turnbuckles, fire escapes, conduit, standpipes, stacks, gutters, ducts, overhangs and similar attachments or extensions shall be maintained free of decay and damage, securely attached and surface coated to prevent deterioration. Stairs must be able to support live or dead loads they might be subjected to.

Obsolete and unused signs, turnbuckles, conduit, exhausts, ducts and pipes shall be removed within sixty (60) days from the date they are no longer in use.

H. Windows and Doors. Window and door glasses shall be unbroken and shall be fitted into their frames in such a manner as to be weather proof and exclude bats, birds and other vermin. Windows kept open permanently for ventilation must be fitted with screens to exclude vermin.

Door and window hardware must be operable and allow easy egress. Doors and windows must secure the structure from unauthorized occupation of the structure by vagrants or intruders. Burglar bars must be installed in accordance with the building and fire codes of this city.

Structure Maintenance Regulations: Interior

A. General. The interior of any structure in the Downtown, its equipment and fixtures shall be maintained in a sound, safe and sanitary manner, so as not to pose a threat to the health and safety of the occupants, passers by, or adjacent structures.

The structural members of every building in the Downtown shall be maintained sound, and free of any deterioration, and fully able to bear the live and dead weight placed upon them.

B. Interior Surfaces. Floors and flooring, walls, and wall coverings, windows, doors and other interior surfaces shall be maintained in a sound and sanitary manner, so as not to pose a threat to the health and safety of occupants, passers by or adjacent structures.

C. Damp. The entire structure, including cellars, crawl spaces, walls, and floors shall be maintained in such a way that they are kept reasonably free from, and are not conducive to, damp, decay and rot, including rising damp, seepage from party walls and inadequate plumbing.

D. Sanitation, Plumbing, Sewer and Water. Each primary structure must be equipped with a water closet and lavatory; and must be plumbed and connected to an approved water supply and sanitary sewer in accordance with the codes and ordinances of this city.

Further, the interior of every structure shall be maintained free of waste, rubbish, refuse, garbage and unlawful storage as set forth by other codes and ordinances of this city.

E. Electrical Equipment. All electrical wiring and equipment, heating and cooling units and hot water heaters in structures in the Downtown, shall be installed and maintained in a safe manner and in accordance with other codes and ordinances of this city.

F. Pests. All structures in the Downtown must be free of, and maintained in a manner that excludes insects, rodents, bats, rats, birds and other vermin. Where vermin, or evidence of their existence are found, the premises shall be exterminated by processes acceptable according to the codes and ordinances of this city.



G. Exits, Guardrails and Handrails. All exits on or within every structure in the Downtown must be maintained sound and kept free of debris. Exits shall be situated and clearly marked as set forth in other codes and ordinances of this city. Stair treads, risers and handrails shall be firmly attached, free of decay and fully able to bear the live and dead loads placed upon them.

Substandard Property

A. Declaration of Substandard. Failure of an owner to maintain, or see that a tenant maintains, improved or unimproved property located within the Downtown according to the provisions set forth in this ordinance, shall be grounds for the Enforcement Authority to declare the property or structure substandard.

B. Order to Vacate and/or Abate Violations. When an occupied or unoccupied structure or property is declared substandard by the Enforcement Authority, this shall be grounds for the authority to order the owner or tenant to bring the structure or property into compliance with this, and all other codes and ordinances of this city, and/or order the structure vacated.

Enforcement Procedures: Notice and Appeal

A. When the Enforcement Authority has declared a property or structure substandard, according to the provisions set forth in this code, the Enforcement Authority shall give notice in accordance with this city's Unsafe Building Code and shall exercise and perform the rights, duties and functions of the Enforcement Authority as set forth in that code.

B. Appeals of orders issued by the Enforcement Authority shall be made to this city's Board of Adjustment and Appeals, and in accordance with this city's procedure.

C. Enforcement of orders issued by the Enforcement Authority or the Board of Adjustment and Appeals shall be in accordance with the procedures set forth in this city's Unsafe Building Code.

D. Except for emergency vacation orders, enforcement of any notice and order of the Enforcement Authority under this ordinance shall be stayed during the pendency of an appeal that is properly filed. The decision of the Board of Adjustment and Appeals is final.

Authority of the Board of Adjustment and Appeals

At the time of the hearing, the Board of Adjustment and Appeals may:

1. Uphold the declaration of the Enforcement Authority by ordering the property to be brought into compliance, with related expenses being the sole responsibility of the property owner and/or tenant;
2. Give the property owner and/or tenant additional time to abate the violation.
3. Consider accepting minimal variations in the criteria for compliance in cases when, due to peculiarities of the property, a literal enforcement results in undue hardship on the property owner; and only when minimal variations do not adversely effect the health, safety, appearance and viability of the area.
4. Refer the matter to City Council; who may then order the work done at the city's expense; and assess the expenses as a lien against the property.

Notice of Violation and Abatement

A. When a violation of this ordinance is found to exist on any property located within the Downtown, and the property owner and/or tenant fails to comply with the provisions of this ordinance, it shall be the duty of the Enforcement



Authority to give the property owner and/or tenant official notice in writing as set forth in the Unsafe Building Code of this city. If the property owner and/or tenant fail to comply with the provisions of this ordinance within the time allowed following notification, they shall be considered in violation and subject to the actions, fines and penalties set forth in this and all other codes and ordinances of this city.

B. If a property owner and/or tenant fails or refuses to abate the violation within the specified period of time, the city shall be entitled to go upon properties located in the Downtown who are found to be in violation of this, or any other code or ordinance of this city, to do, or cause to be done, any and all work necessary to abate the violation.

C. All costs incurred by the city for the abatement of any such violation, including interest, shall be levied, assessed against, and collected from the property upon which the violation existed at the time costs are incurred. If the property owner fails to pay the costs so assessed within 12 months, the City shall pursue sale of property to recover costs.

Penalty

Any person in violation of this ordinance shall be deemed guilty of a misdemeanor and subject to a fine not to exceed two thousand dollars (\$2,000.00) for each offense; with each day said violation continues being a separate offense or as is permissible under state law.

(Ordinance 2250 adopted May 16, 2000)