

Trini Lopez
Mayor

Sergio Cox
At Large/ Mayor ProTem

Jesus S. Hernandez
District 1



Tommy A. Faulkner
District 2

Jose Hernandez Jr.
District 3

Jesus Gandara Jr.
District 4

ORDINANCE No. 50
AMENDMENT No. 2

***AN AMENDMENT AMENDING ORDINANCE NO. 50, AUTHORIZING THE
ABATEMENT OF NUISANCES THAT MAY INJURE OR AFFECT THE PUBLIC
HEALTH OR COMFORT.***

WHEREAS, there exists within the City of Socorro, Texas various privately owned properties that are in extreme disrepair; and

WHEREAS, these properties present a danger to any person due to possibility of collapse, entrapment, injury, or death; and

WHEREAS, Section 217.002, of the Texas Local Government Code empowers the City of Socorro, Texas with regulatory authority to abate said nuisance;

***NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE
CITY OF SOCORRO, TEXAS:***

Ordinance No. 50 is hereby amended and shall now read as follows:

SECTION I.

This ordinance is hereby enacted pursuant to the regulatory authority granted to the City of Socorro, Texas through its Governing body, under the Texas Local Government Code, Section 217.002, entitled "Nuisance" which states:

"The Governing body of the municipality may:"

1. abate and remove a nuisance and punish by fining the person responsible for the nuisance;
2. define and declare what constitutes a nuisance and authorize and direct the summary abatement of the nuisance; and
3. abate in any manner the governing body considers expedient any nuisance that may injure or affect the public health or comfort"

SECTION II.

Authority to inspect all properties creating a nuisance is hereby vested in the Code Enforcement Officer. The Officer shall appear upon and inspect any properties that he/she believes may present a danger to the public health or comfort. The enforcer is obligated to inspect any properties that may be complained of by any government official, agency, or private citizen or person.

SECITON III.

The Code Enforcer shall conclude that a nuisance exists if he/she finds that:

1. The property consists of an abandoned structure that is in obvious neglect and in need of dramatic repair. Said disrepair must be to such an extent that a clear and present danger must exist to any person entering the structure due, but not limited to, a possibility of collapse.
2. The property consists of an abandoned structure that is in obvious neglect and displays evidence that it is frequented by persons for illegal purposes.
3. The character of the property presents an attractive danger to children or others who may, by its character, be attached to venture upon the property.

SECTION IV.

Upon the conclusion by the Code Enforcer that a nuisance exists the following procedure shall be followed:

1. A notice shall be posted upon the property, singularly or in multiples, in obvious places, by the Code Enforcer, to advise the property owner and other persons that the property has been declared a nuisance. Attached hereto and marked "Exhibit A" is a form of notice, the form and substance of which are hereby passed and approved.
2. The property owner shall immediately be located and directly noticed by the Code Enforcer by way of certified mail, return receipt requested, advising that owner of his findings and declaration. In addition, the Code Enforcer is hereby authorized to issue and include an order to abate said nuisance within a reasonable time. A reasonable time shall be set by the Code Enforcer based upon the character of the nuisance.
3. If the owner of the property creating the nuisance cannot be located or discovered then, the Code Enforcement Officer shall report the Planning and Zoning Director who will file this report with the City Clerk delineating his/her efforts in locating the offending property owner and requesting publication of the notice declaring the nuisance and intent to abate by the City of Socorro, Texas. Attached hereto and marked "Exhibit B" is a form for publication, the form and substance of which are hereby passed and approved.

Thereafter, the City Clerk is hereby directed to cause said notice to be published, in substantially the form attached hereto, in a newspaper of general circulation in the City of Socorro, Texas, for two (2) consecutive weeks. Said publication shall constitute due notice to the property owner.

4. If the true owner of the property fails to abate the nuisance or make reasonable efforts to abate the nuisance, or make reasonable efforts to abate the nuisance, said reasonable efforts being determined by the Code Enforcer, within 30 days from the date of receipt of the mailed notice or within 14 days after the last publication date then, the nuisance shall be prosecuted to Section V of this Ordinance.

SECTION V.

Any person failing to abate a nuisance shall be guilty of a misdemeanor and shall be fined at a rate not to exceed \$2,000 dollars per day beginning on the 31st day after the date of receipt of the mailed notice or beginning on the 15th day after the last publication date. Each day of violation constitutes a separate offense.

SECTION VI.

If the true owner of the property upon which the nuisance is located fails to abate the nuisance as dictated above then, the nuisance shall be abated by the City of Socorro, Texas. Said actions may consist of, but not limited to:

1. Destruction of any structure creating the nuisance;
2. removal of the nuisance;
3. eliminating the character of the nuisance;
4. changing the character of the property creating the nuisance.

All costs incurred by the City of Socorro, Texas or the reasonable costs for the services shall be charged to the owner of the property causing said nuisance and a lien shall be filed upon the property to secure payment.

SECTION VII.

Any person cited by the Code Enforcer Officer under this Ordinance may appear before the Municipal Court Judge to appeal the findings of the Code Enforcement Officer.

Any person may request a waiver of fine and penalty before the Municipal Court Judge and, upon good cause, the Municipal Court Judge may rescind any penalties imposed by this Ordinance.

SECTION VIII.

All ordinances and resolutions or parts thereof in conflict herewith are hereby repealed.

SECTION IX.

That this Ordinance was passed with all the discussion and all the formalities that traditionally and legally must accompany the passing of such Ordinances, with such being shown by the below signatures.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF SOCORRO, TEXAS;

RESOLVED this 16th day of April, 2009.



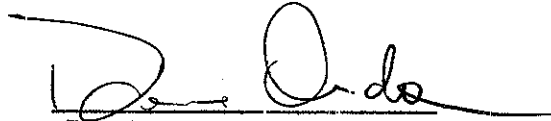
Trini Lopez
Mayor

ATTEST:



Georgina Rodriguez
City Clerk

APPROVED AS TO FORM:



City Attorney

First Reading: 04/02/09
Second Reading: 04/16/09

“EXHIBIT A”

NOTICE:

Pursuant to Ordinance No. 50 this property is hereby declared to be a nuisance by the Code Enforcer of the City of Socorro, Texas.

You are hereby noticed that this property presents a clear and present a danger to the public health and comfort by reason of the following circumstances:

This property is hereby declared off limits to the general public and proceedings are now commenced to abate this situation.

All questions and comments shall be directed to the office of the Code Enforcer at 860 Rio Vista Rd., Socorro, Texas, 79927, (915) 872-8531.

SIGNED AND POSTED this ____ day of _____, _____.

***Code Enforcement Officer
City of Socorro, Texas***

"EXHIBIT B"

TO THE OWNER OF THE PROPERTY LOCATED AT:

WITHIN THE CITY OF SOCORRO, TEXAS

Pursuant to Ordinance No. ____ your property, hereinabove described, has been declared a public nuisance by the Code Enforcer for the City of Socorro, Texas.

You are hereby immediately directed to contact the Socorro Code Enforcer Official at 860 Rio Vista Rd., Socorro, Texas, 79927, (915) 872-8531, to voluntarily abate said nuisance. Failure to respond within 14 days from the date of final publication of this Notice will result in the sanctions contained in Ordinance No. _____.

Notice has been posted upon that property.

City Clerk
City of Socorro, Texas