

8919 RUIZ



**BUILDING AND STANDARDS BOARD AGENDA ITEM #5 FOR
WEDNESDAY, MARCH 28, 2015**

**PLANNING & INSPECTIONS DEPARTMENT
BUILDING SAFETY DIVISION**

MEMORANDUM

March 16, 2015

TO: The Honorable Chairman and Board Members

THROUGH: Victor Morrison Vega, Deputy Director, Planning and Inspections Department

FROM: Ron Roth, Deputy Building Official

SUBJECT: 8919 Ruiz Rd., El Paso, Texas, 79907

The following is a brief chronology of the investigation of the referenced location:

- 1) First investigated on June 23, 2014. The single family dwelling was built on or about 1948, constructed of adobe walls covered with plaster coating and wood framed roof structure. The structure was found open, abandoned, in a state of disrepair and accessible to unwanted persons. The exterior of the structure is showing signs of rapid deterioration due to lack of maintenance and exposure to the elements. The plaster coating has fallen in several areas exposing the underlying adobe to the elements causing structural failure throughout. The dilapidated roof and ceiling systems contain several holes and dry rot. The plumbing, electrical and mechanical systems are inadequate and not up to code. The property is full of weeds, trash and debris.
- 2) Certified notices of the public hearing scheduled for March 28, 2015, were mailed to the owners and all interested parties on March 5, 2015.
- 3) As of March 16, 2015, no taxes are owed.

The owners have been notified of the property maintenance violations at this property. To date there has been no corrective action taken and therefore the Division recommends that it be found:

- 1) That structure is substandard, and unfit for habitation or use and a hazard to the public health, safety, and welfare.
- 2) That structure is not in substantial compliance with the municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
- 3) That the structure's certificate of occupancy be revoked; and
- 4) That the structure cannot be rehabilitated; and
- 5) That structure be demolished within thirty (30) days ; and
- 6) That the premises be cleaned and maintained clean of all weeds, trash, and debris within thirty (30) days, and maintained clean thereafter and
- 7) That upon failure by the owner or any other interested party to comply with the order of the Building and Standards Commission the City may take whatever action is necessary to bring the property into compliance, and place a lien on the property for the work which will be done by the City.

Building Safety Division
JULY 16, 2014
NOTICE OF VIOLATION

MARTINEZ REBECCA V.
PO BOX 2404
PUEBLO, CO 81004

Re: 8919 RUIZ RD
Blk: Phelps
Lot: A of replat of
60 & pts 6162
& Virginia St. Clsd
Zoned: R-4
Case Number ENHS14-01305
9171999991703077722065

To All Owners, Lienholders, and Mortgagees:

An inspection at the above referenced address has revealed that the structure is in violation of the El Paso Municipal Code, Chapter 18.50, Property Maintenance Code, which states:

18.50.108.1 General.

When a structure or equipment is found by the Director to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure or equipment shall be condemned pursuant to the provisions of Title 2.38 of the Municipal Code.

The El Paso Municipal Code Chapter 18.50 International Property Maintenance Code defines unsafe structure as follows:

18.50.108.1.1 Unsafe Structures.

An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

18.50.108.1.2 Unsafe Equipment

Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers, or other equipment on the premises or within the structure that is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

18.50.108.1.3 Structure Unfit for Human Occupancy.

A structure is unfit for human occupancy whenever the Director finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth or 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

The structure located at **8919 RUIZ RD.** is in violation of the requirements found in the following sections of the 2009 International Property Maintenance Code as adopted in the El Paso City Code, Chapter 18.50, Property Maintenance Code:

- a. All exterior property, accessory structures and premises shall be maintained in a clean, safe and sanitary condition, All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair. [Sec. 302.1, 302.2, 302.3, 302.4, 302.5, 302.6, 302.7, 302.8, 302.9]
- b.]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. [Sec. 304.1, 304.1.1 conditions 1,2,3,4,5,6,7,8,9,10,11,12,13, 304.2, 304.3, 304.4, 304.5, 304.6, 304.7, 304.8, 304.9, 304.10, 304.11, 304.12, 304.13, 304.14, 304.15, 304.16, 304.17, 304.18]
- c. All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage. [Sec. 308.1, 308.2, 308.2.1, 308.2.2, 308.3, 308.3.1, 308.3.2]
- d. All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to prevent reinfestation. [Sec.309.1, 309.2, 309.3, 309.4, 309.5]
- e. The structure needs to be secured from unwanted entry and ongoing vandalism, and the premises need to be cleaned of all trash and debris within (30) days from receipt of this letter. [Sec. 108.2]
- f. The repairs to the structural elements and/or service systems referred to in the previous sections must be completed within 30 days of your receipt of this letter. If, due to the scope and complexity of the work more time is needed, you must make this request to the City Development Department, Building Safety Division.

As a result of the aforementioned violations, the following action may be taken:

- a. This case is being submitted to the City Building and Standards Commission for unsafe structures proceedings. The Building and Standards Commission will decide if the structure is unsafe and if it should be vacated and secured, or demolished as per Title 2.38 of the El Paso Municipal Code.
- b. By authority of Chapter 18.02.103.10.3.3 of the El Paso Municipal Code the electrical service at this property may be disconnected at the request of the City Development Department, Building Safety Division because of Electrical Code violations.

Many of these corrections will require a permit. Permits for commercial or rental property must be taken out by a bonded and insured contractor who is registered with the City of El Paso.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Building Safety Division office, 801 Texas Ave., El Paso, Texas, 79901, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Should you have any questions regarding this matter, please contact me at (915) 212-1815.

CESAR A. GRADO
Building Inspector

NOTICE OF PUBLIC HEARING

To all interested parties:

The owners, mortgagee, lien holders and any others with a legal interest in the property described below are hereby ordered to appear before the Building and Standards Commission, herein after referred to as the “Commission”, at the following time and place:

LOCATION: El Paso City Hall, City Council Chamber, 300 N. Campbell, 1st Floor, El Paso, Texas 79901

DATE: March 25, 2015

TIME: 5:30 p.m.

PROPERTY: 8919 Ruiz Road, El Paso, Texas 79907 also described as A parcel of land out of Lots 60, 61 and 62, and a portion of the original Virginia Street PHELPS SUBDIVISION, an addition to the City of El Paso, El Paso County, Texas, according to the Plat thereof recorded in Volume 3, Page 45, Plat Records of El Paso County, Texas, and being more particularly described by metes and bounds in Exhibit “A” attached hereto; Said land also known as Lot A, PHELPS SUBDIVISION, according to a resurvey (Replat) made for tax purposes and as cited on the El Paso County Tax rolls.

The property has been determined to be substandard based upon violations of the minimum standards of the 2009 Building Codes, adopted and incorporated in the El Paso City Code, Chapter 18, more specifically addressed below.

According to the real property records of El Paso County, and other relevant public records, Rebecca V. Martinez, P. O. Box 2404, Pueblo, CO, 81004-0404, is the owner, herein after referred to as the “Owner” of the property. If you no longer own or have an interest in the property, you must execute an affidavit stating that you no longer own or have an interest in the property and stating the name and last known address of the person who acquired the property from you, if applicable. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Building and Safety Division of the Planning and Inspections Department, 801 Texas, El Paso, Texas 79901, no later than the 20th day after the date you receive this notice. If you do not execute and deliver the affidavit, it will be presumed that you own or have an interest in the property, even if you do not.

On or about January 21, 2015, an inspection of the property was conducted by the Building Safety Division and the following violations were identified:

- a. All exterior property, accessory structures and premises shall be maintained in a clean, safe and sanitary condition, All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair. [Sec. 302.1, 302.2, 302.3, 302.4, 302.5, 302.6, 302.7, 302.8, 302.9]
- b. 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. [Sec. 304.1,

304.1.1 conditions 1,2,3,4,5,6,7,8,9,10,11,12,13, 304.2, 304.3, 304.4, 304.5, 304.6, 304.7, 304.8, 304.9, 304.10, 304.11, 304.12, 304.13, 304.14, 304.15, 304.16, 304.17, 304.18]

- c. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. [Sec. 305.1, 305.2, 305.3, 305.4, 305.5, 305.6]
- d. The components of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. [Sec. 306.1, 306.1.1 conditions 1,2,3,4,5,6,]
- e. All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage. [Sec. 308.1, 308.2, 308.2.1, 308.2.2, 308.3, 308.3.1, 308.3.2]
- f. All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to prevent reinfestation. [Sec.309.1, 309.2, 309.3, 309.4, 309.5]
- g. The building must comply with the minimum criteria and conditions for light. [Sec.402.1, 402.2, 402.3]
- h. The building must comply with the minimum criteria and conditions for ventilation. [Sec.403.1, 403.2, 403.3, 403.4, 403.5]
- i. The requirement for Privacy, minimum room dimensions, prohibited occupancy or food preparation spaces not met. [Sec.404.1, 404.2, 404.3, 404.4, 404.5, 404.6, 404.7]
- j. The building must comply with the minimum criteria of the provisions for required facilities. [Sec. 502.1, 502.2, 502.3, 502.4,502.4.1, 502.5]
- k. The building must comply with the minimum criteria of the provisions for toilet rooms. [Sec. 503.1, 503.2, 503.3, 503.4]
- l. The building must comply with the minimum criteria of the provisions for plumbing systems and fixtures. [Sec. 504.1, 504.2, 504.3]
- m. The building must comply with the minimum criteria of the provisions for water systems. [Sec. 505.1, 505.2, 505.3, 505.4]
- n. The building must comply with the minimum criteria of the provisions for sanitary drainage systems. [Sec.506.1, 506.2, 506.3]
- o. The building must comply with the minimum criteria of the provisions for heating facilities. [Sec. 602.2, 602.3, 602.4, 602.5]
- p. All mechanical equipment and fireplaces shall be properly installed and maintained. [Sec.603.1, 603.2, 603.3, 603.4, 603.5, 603.6]

- q. The building must comply with the minimum criteria of the provisions for electrical facilities. [Sec. 604.1,604.2, 604.3, 604.3.1, 604.3.1.1, 604.3.2, 604.3.2.1]
- r. All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner. [Sec. 605.1, 605.2, 605.3]
- s. Duct systems shall be maintained free of obstructions and shall be capable of performing the required function. [Sec. 607.1]
- t. Means of egress & Emergency escape opening - A safe, continuous and unobstructed path of travel has not been provided from all points in the building or structure to the public way. [Sec. 702.1, 702.2, 702.3, 702.4]
- u. All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times. [Sec. 704.1, 704.1.1, 704.2, 704.3, 704.4]
- v. The structure needs to be secured from unwanted entry and ongoing vandalism, and the premises need to be cleaned of all trash and debris within (30) days from receipt of this letter. [Sec. 108.2]
- w. The repairs to the structural elements and/or service systems referred to in the previous sections must be completed within 30 days of your receipt of this letter. If, due to the scope and complexity of the work more time is needed, you must make this request to the City Development Department, Building Safety Division.

The owner is entitled to show cause that the property is safe, does not constitute a dangerous structure and should not be declared a nuisance and ordered abated by presenting relevant evidence and testimony. If the owner advocates for repair, then they bear the burden of proof to demonstrate the scope of any work that may be required to bring the property into compliance with Chapter 18.50 and the time it will take to reasonably perform the work. The allowable time periods for repair are governed by Texas Local Government Code, Sections 214.001(h), (i), (j) and (k). Any document relied upon to demonstrate that the property is safe or that it can be repaired must be presented to the Commission at the hearing, including building plans, specifications, drawings, or reports from professionals and any other relevant documentation.

If the owner fails to comply with the order of the Commission, the City may pursue one or more of the following actions:

Perform any and all work necessary to bring the property into compliance with the Commission's order;

Assess civil penalties, provided for in the Commission's order, in an amount not to exceed \$1,000 per day or \$10 per day if the Property has a homestead exemption, that will accrue interest of 10% per year until paid in full;

Appoint a receiver as permitted by state law; and

Any other remedies permitted by state law.

Commission orders may be appealed to the State District Court within 30 days of the Final order.

The Commission's authority and procedures in regard to a Dangerous Structure Hearing may be found in Chapter 2.38 of the El Paso City Code and in their duly adopted bylaws. A copy of the ordinance adopting the most current version of Chapter 2.38 is enclosed. The bylaws may be obtained at the Building Safety Division of the Planning and Inspections Department, 801 Texas, El Paso, Texas 79901 or by calling (915) 212-1815.

This notice will be recorded in the real property records of El Paso County and will be binding on subsequent grantees, lien holders or other transferees of an interest in the Property.

The City Clerk is ordered to provide notice of this hearing to the record owners and all other interested parties, required by law, who are listed following this notice, and file this notice in the real property records of El Paso County.

FAILURE OF THE OWNER AND/OR LIENHOLDER OR MORTGAGEE TO TAKE THE ORDERED ACTION MAY RESULT IN THE CITY TAKING THE ORDERED ACTION AND FILING A LIEN AGAINST THE PROPERTY.

The City of El Paso appreciates your cooperation and prompt attention to remedying the nuisances on the property. Please do not hesitate to contact me should you have any additional questions, comments or concerns relative to this notice.

APPROVED AS TO FORM

APPROVED AS TO CONTENT

Wendi N. Vineyard
Assistant City Attorney

Ron Roth, C.B.O.
Deputy Building Official

I, RICHARDA DUFFY MOMSEN, City Clerk of the City of El Paso, hereby certify that a true and correct copy of the foregoing Notice regarding the property located at 8919 Ruiz Rd., El Paso, Texas 79907 was PUBLISHED in the official City newspaper on the ____ day of _____, 2015.

Richarda Duffy Momsen

I certify that a true and correct copy of the foregoing Notice regarding the property at 8919 Ruiz Rd., El Paso, Texas 79907 was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Rebecca V. Martinez
P. O. Box 2404
Pueblo, CO 81004-0404

Date: _____
Time: _____
Inspector: _____

I certify that a true and correct copy of the foregoing Notice regarding the property at 8919 Ruiz Rd., El Paso, Texas 79907 was HAND-DELIVERED to:

City of El Paso
C/O City Clerk
300 N. Campbell
El Paso, Texas 79901

Date: _____
Time: _____
Inspector: _____

I certify that a true and correct copy of the foregoing Notice regarding the property at 8919 Ruiz Rd., El Paso, Texas 79907 was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Governor of the Ysleta Del Sur Pueblo Indian Tribe
AKA Tigua Indian Community
119 S. Old Pueblo Road
El Paso, Texas 79907

Date: _____
Time: _____
Inspector: _____

I certify that a true and correct copy of the foregoing Notice regarding the property at 8919 Ruiz Rd., El Paso, Texas 79907, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

El Paso Central Appraisal District
5801 Trowbridge Ave.
El Paso, Texas 79925

Date: _____
Time: _____
Inspector: _____

I certify that a true and correct copy of the foregoing Notice regarding the property at 8919 Ruiz Rd., El Paso, Texas 79907, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

El Paso County Probate Court
500 E. San Antonio Avenue, Suite 105
El Paso, Texas 79901

Date: _____
Time: _____
Inspector: _____

I certify that a true and correct copy of the foregoing Notice regarding the property at 8919 Ruiz Rd., El Paso, Texas 79907, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Delgado, Acosta, Spencer
Linebarger, Heard & Perez, LLP
Attn: Bonnie Cooper
221 N. Kansas Suite 1400
El Paso, Texas 79901

Date: _____
Time: _____
Inspector: _____

I certify that a true and correct copy of the foregoing Notice was POSTED at 8919 Ruiz Rd., El Paso, Texas, 79907

Date: _____
Time: _____
Inspector: _____



UNSAFE STRUCTURES REPORT

BUILDING SAFETY DIVISION

DATE OF EXAMINATION: September 10, 2014

REP. DISTRICT: 6

ADDRESS: 8919 RUIZ

ZONED: A-4

LEGAL DESCRIPTION: A parcel of land out of lots 60,61 and 62, and portion Lot of original Virginia Street, PHELPS SUBDIVISION, an addition to the City of El Paso, El Paso County, Texas, according to the Plat thereof recorded in Volume 3, Page 45, Plat Records of El Paso County, Texas, and being more particularly described by metes and bounds in Exhibit "A" attached hereto; Said land also known as lot A, PHELPS SUBDIVISION, according to a resurvey (Replat) made for tax purposes and as cited on the El Paso County tax rolls.

OWNER: REBECCA V. MARTINEZ

ADDRESS: PO BOX 2404
PUEBLO CO. 81004

BUILDING USE: Single family dwelling

TYPE OF CONSTRUCTION: V

FOOTINGS: Unable to determine.

CONDITION: Unable to determine condition of footing due to subterranean placement. A structural engineer should be hired to evaluate actual condition.

FOUNDATION WALL: N/A

CONDITION: N/A

FLOOR STRUCTURE: Wood joists with wood covering

CONDITION: Unable to determine. A structural engineer or registered contractor must be hired to evaluate the flooring system.

EXTERIOR WALLS: Dilapidated Adobe w/plaster covering.

HEIGHT: 7' to 10' +/-

THICKNESS: 12" to 16" +/-

CONDITION: Poor. Due to lack of maintenance the plaster coating has fallen in several areas exposing the adobe to elements causing structural deficiencies on the wall system. A structural engineer should be hired to evaluate structural elements of the building and submit a report on the corrections required to make the building safe.

INTERIOR WALLS & CEILINGS: Adobe and plaster covering, sheetrock ceilings.

CONDITION: Poor. The walls and ceilings will need to be repaired, plastered and painted. A structural engineer should be hired to evaluate the structural elements of the building and submit a report on the corrections required to make the building safe.

ROOF STRUCTURE: Gable roof, wood framing with rolled composition.

CONDITION: Poor. A registered roofing contractor or building contractor must be hired to evaluate the roofing system and submit a report of required corrections to bring the roof system into code compliance.

DOORS, WINDOWS, ETC.: Wood frame doors and windows with wrought iron.

CONDITION: Poor. Will need to repair or replace all doors and windows, so they are operational and meet egress requirements.

MEANS OF EGRESS: Does not meet code requirements.

CONDITION: Poor. Windows and doors need replacing or repairs done to make them operational.

PLUMBING: A licensed plumber should be hired to replace system.

ELECTRICAL: A licensed electrician should be hired to bring system up to code.

MECHANICAL: A licensed mechanical contractor should be hired to bring system up to code.

IF CONDEMNED, HOW MANY PERSONS WILL BE AFFECTED: none

WARNING POSTED: Yes **BARRICADED:** No **POLICE AID REQD.:** No

REMARKS: The residence; the exterior walls are showing signs of advanced deterioration. The structure should be demolished within thirty (30) days; and the property cleaned of all, trash and debris.

CESAR A. GRADO
Building Inspector

TAX REPORT

[Prev. Acc...](#) [Next Acc...](#) [Prev. Owner](#) [Next Owner](#) [Acct History](#) [Acct Summary](#) [Notes](#) [Documents](#) Go To:

EVAR 03/16/2015 13:29:32
 ACT8006 v1.264 ACTEP

[STATUS DETAIL](#) [Expand Fees](#) [Summary](#)

Account Information

Account No. Roll Code

Certified Owner

Parcel Address

Amount Due as of CAD No.

Tax Units

Tax Unit Description

List of Tax Units

Countywide

Tax Unit, Yr, Rec. Type

Tax Unit

Year

Rec. Type

Amount Due/Paid Information

Year	Gross Value	H	O	V	D	Base Levy	Paid Levy	Write-Off	Remaining Levy	Fees	Refund	Amount Due
2014	\$40,171					\$1,149.41	\$1,149.41	\$0.00	\$0.00	\$103.45	\$0.00	\$0.00
2013	\$40,171					\$1,128.91	\$1,128.91	\$0.00	\$0.00	\$124.19	\$0.00	\$0.00
2012	\$40,171					\$1,086.11	\$1,086.11	\$0.00	\$0.00	\$119.47	\$0.00	\$0.00
2011	\$40,171					\$1,067.50	\$1,067.50	\$0.00	\$0.00	\$96.06	\$0.00	\$0.00
2010	\$40,171					\$1,059.13	\$1,059.13	\$0.00	\$0.00	\$74.14	\$0.00	\$0.00
2009	\$40,171					\$1,038.95	\$1,038.95	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2008	\$40,170					\$1,041.93	\$1,041.93	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2007	\$40,170					\$1,062.75	\$1,062.75	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2006	\$35,304					\$1,027.61	\$1,027.61	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Totals						\$17,653.12	\$17,653.12	\$0.00	\$0.00	\$517.31	\$0.00	\$0.00

Last Payment Date

Last Payer