

908 CHIHUAHUA



BUILDING AND STANDARDS BOARD AGENDA ITEM # 9 FOR
WEDNESDAY, MAY 25, 2011

CODE COMPLIANCE DIVISION

MEMORANDUM

May 12, 2011

TO: The Honorable Chairman and Board Members

THROUGH: Kurt Fenstermacher, Deputy Director, Environmental Services
Department

FROM: Bill Stern, Deputy Building Official

SUBJECT: 908 S. Chihuahua Street, El Paso, Texas 79901

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

- 1) First investigated April 8, 2011. According to Central Appraisal records the structures were built in 1950 and are located in the Chihuahuita Historical District. Upon investigation they were found open and abandoned and being used as harborage by vagrants. The doors, windows and walls are broken due to lack of maintenance and vandalism. The roof and ceiling assembly is warped on the main structure. There is graffiti and drug paraphernalia throughout. The property is full of trash, weeds and debris.
- 2) A certified condemnation letter was mailed to Jesus Roberto Arreola, 2058 S. Amigo Avenue, Tucson, AZ 85713-3908.
- 3) Certified notices of the public hearing scheduled for May 25, 2011, were mailed to the owners and all interested parties on May 12, 2011.
- 4) As of May 10, 2011, \$2,032.31 in taxes is owed.

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

- 1) That the structures be condemned as substandard, and unfit for habitation or use and a hazard to the public health, safety, and welfare; and
- 2) That the structures are not in substantial compliance with the municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
- 3) That the structures' certificate of occupancy be revoked; and
- 4) That the structures cannot be repaired; and
- 5) That the structures be demolished and the premises be cleaned and maintained clean of all weeds, trash, and debris within 30 days; and
- 6) 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.

CODE COMPLIANCE DIVISION
April 22, 2011

NOTICE OF VIOLATION

Jesus Roberto Arreola
2058 S Amigo Ave.
Tucson, AZ 85713-3908

Re: 908 S. Chihuahua St
Blk: 62 Campbell
Lot: S 14 Ft of 14 & N 21 Ft of 15
Zoned: GMU H
ENHS11-00226
7010 1670 0000 5075 6229

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:

18.50.106.1 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 Chapter 2.38 of this code.

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

18.50.106.1.1 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.

18.50.106.1.2 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.

18.50.106.1.3 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 **908 S. Chihuahua St.** is in violation of the requirements found in the following sections of the 2003 International Property Maintenance Code as adopted in the El Paso City Code, Chapter 18.50, Property Maintenance Code:

- a. The floors have not been maintained in a safe manner. [Sec. 305.4]
- b. The walls have not been maintained in a safe manner free of holes and cracks. [Sec. 304.6]
- c. The roof structure has not been maintained free of defects that may cause leaks. [Sec. 304.7]
- d. The means of egress is/are inadequate and do not meet minimum code requirements. [Sec. 702.4]
- e. The plumbing system is inadequate and does not meet minimum code requirements. [Sec. 504.1]
- f. The electrical system is inadequate and does not meet minimum code requirements. [Sec. 604.3]
- g. The HVAC system is inadequate and does not meet minimum code requirements. [Sec. 603.1]
- h. The structure is open and accessible to unauthorized entry. [Sec. 301.3]
- i. The premises are full of weeds, trash, and debris [Sec. 302.1 & Sec. 302.4].
- j. 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]
- k. 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 Building and Standards Commission at a hearing scheduled by this department.

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 City Building and Standards Commission will decide if the structure is unsafe and if it should be vacated and secured, or demolished as per Chapter 2.38 of the El Paso Municipal Code.
- b. By authority of Chapter 18.02.103.9.3 of the El Paso Municipal Code the electrical service at this property may be disconnected at the request of the Building Permits and Inspections Department 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 Code Compliance Division office, 7969 San Paulo Dr., El Paso, Texas, 79907, 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 599-3691.

Nellie Avalos
Building Inspector

MA/nms

NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 5:30 p.m. on the **25th** day of **May, 2011** in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the Building and Standards Commission of El Paso (the "**Commission**") will hold a public hearing on the question of whether the buildings located on the property at **908 S. Chihuahua**, in El Paso, Texas, which property is more particularly described as:

Legal Description: The South 14 feet of Lot 14 and the North 21 feet of Lot 15 in Block 62, CAMPBELL'S ADDITION to the City of El Paso, Texas.

are unsafe and dangerous, because of the following violations:

- a. The floors have not been maintained in a safe manner. [Sec. 305.4]
- b. The walls have not been maintained in a safe manner free of holes and cracks. [Sec. 304.6]
- c. The roof structures have not been maintained free of defects that may cause leaks. [Sec. 304.7]
- d. The means of egress is/are inadequate and do not meet minimum code requirements.[Sec. 702.4]
- e. The plumbing system is inadequate and does not meet minimum code requirements. [Sec. 504.1]
- f. The electrical system is inadequate and does not meet minimum code requirements. [Sec. 604.3]
- g. The HVAC system is inadequate and does not meet minimum code requirements. [Sec. 603.1]
- h. The structures are open and accessible to unauthorized entry. [Sec. 301.3]
- i. The premises shall be maintained in a clean, safe and sanitary condition free of weeds, trash, and debris [Sec. 302.1 & Sec. 302.4].
- j. The structures need to be secured from unwanted entry and ongoing vandalism, and the premises need to be cleaned of trash and debris within (30) days from receipt of this letter. [Sec. 108.2]

According to the real property records of the County of El Paso, Texas, Gene Pendergrass, Owner, 908 South Chihuahua Street, El Paso, Texas, 79901-2224, ("the **Owner**") is listed as the owner of the real property described herein.

According to the real property records of El Paso County, you own or have an interest in the real property described in this notice. 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 or interest from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Building Standards Enforcement Division of the Environmental Services Department, 7969 San Paulo Drive, El Paso, Texas, 79907, 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.

The Owner of said property is hereby ordered to appear before the Building and Standards Commission and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before the Commission at said date, hour, and place to show cause why said building should not be declared a nuisance and ordered to be abated. The Owner, lien holders, mortgagees, or any other person having an interest in the property is hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Title 18, as mandated by Section 18.50 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

At the hearing, the Owner, lien holders, mortgagees, or any other person having an interest in the property must present to the Commission any evidence showing that the structure or part thereof is safe.

All documents such as building plans, specifications, drawings, reports from design professionals and any other required documents must be presented to the Commission at this hearing.

The time periods, which govern the completion of work ordered by the commission, are outlined in Chapter 2, Subsection 2.38.080 of the Municipal Code of the City of El Paso, and pursuant to State law.

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

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owner, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owner for failure to repair, remove or demolish said building in an amount not to exceed \$1,000.00 a day for each violation, or \$10.00 a day if the Owner shows that the property is the Owner's lawful homestead; and
- III) appoint a receiver as permitted by state law; and
- IV) any other remedies permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full;

The City Clerk is ordered to provide notice of this hearing to the record Owner and all other persons having an interest in the property as provided by law.

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Robert Almonte II
Assistant City Attorney

Bill Stern, C.B.O.
Deputy Building Official
Code Compliance Division



UNSAFE STRUCTURES REPORT

BUILDING PERMITS AND INSPECTIONS

DATE OF EXAMINATION: May 12, 2010

REP. DISTRICT: 8

ADDRESS: 908 S. Chihuahua

ZONED: GMU H

LEGAL DESCRIPTION: The South 14 feet of Lot 14 and the North 21 feet of Lot 15 in Block 62, CAMPBELL'S ADDITION to the City of El Paso, Texas.

OWNER: Gene Pendergrass

ADDRESS: 908 S. Chihuahua
El Paso, Texas 79901

BUILDING USE: Abandoned single family dwelling and accessory structure

TYPE OF CONSTRUCTION: V, main structure-wood frame with plaster coating, accessory structure CMU with wood frame and plaster coating.

FOOTINGS: Concrete

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

FOUNDATION WALL: Concrete

CONDITION: Notable cracks and crumbling found in several areas. A structural engineer should be hired to evaluate actual condition.

FLOOR STRUCTURE: Hardwood floors w/vinyl tile covering and/or carpet covering.

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

EXTERIOR WALLS: C.M.U. and wood frame with plaster coating.

HEIGHT: 12' +/-

THICKNESS: 8" +/-

CONDITION: Poor. There are several notable cracks on the concrete block wall and exposed wooden elements show signs of rot due to lack of maintenance.. 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.

INTERIOR WALLS & CEILINGS: Wood frame

CONDITION: Walls contain holes and graffiti due to vandalism and lack of maintenance. A structural engineer should be hired to evaluate the structural elements of the building and submit a report of the required corrections to make the buildings safe.

ROOF STRUCTURE: Pitch roof with asphalt shingle covering

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

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

MEANS OF EGRESS: Does not meet code requirements.

CONDITION: Poor. Windows and doors must be replaced to make them operational.

PLUMBING: Inadequate, a licensed plumber should be hired to bring system up to code.

ELECTRICAL Inadequate, a licensed electrician should be hired to bring system up to code.

MECHANICAL: Inadequate: 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: This single family dwelling was built in 1950. The structure was found in a state of disrepair, open, abandoned and being used as harborage by vagrants. This department recommends that the structures be demolished within thirty (30) days. The property be cleaned of all weeds, trash and debris within thirty (30) days.

Nellie Avalos
Building Inspector