

3721 Pierce Ave.



BUILDING AND STANDARDS BOARD AGENDA ITEM # 3 FOR
WEDNESDAY, May 30, 2007

DEVELOPMENT SERVICES
BUILDING PERMITS AND INSPECTIONS

MEMORANDUM
May 2, 2007

TO: The Honorable Chairman and Board Members

THROUGH: Larry Nichols, C.B.O. – The Director for Building Permits and Inspections

FROM: Bill Stern, C.B.O., Chief Building Inspector

SUBJECT: 3721 Pierce Avenue, El Paso, Texas 79930

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

- 1) First investigated February 6, 2007. The building was found to be unsafe, open and abandoned. This is a two story single family dwelling built in 1988. The building has been used as a harborage by unwanted persons. A fire took place inside the primary structure on February 16, 2007. Due to high quantity of item being stored inside and outside of the structure, this property poses an extreme fire hazard.
- 2) A certified condemnation letter was mailed to Ruben Flores, 3721 Pierce Avenue, El Paso, Texas 79930.
- 3) Certified notices of the public hearing scheduled for May 30, 2007 were mailed to the owners and all interested parties on May 15, 2007.
- 4) There has been contact with the owner.
- 5) As of March 14, 2007, \$2,139.01 are owed in taxes.

The Department recommends that it be found:

- 1) That the primary structure and accessory building be condemned as substandard, and unfit for habitation or use and a hazard to the public health, safety, and welfare; and
- 2) That the buildings are 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) The primary structure can be repaired; and
- 5) That the primary structure be secured and maintained secured within 30 days and that the accessory buildings be demolished within 30 days; and
- 6) That the premises be cleaned of all weeds, trash, and debris within 30 days; and
- 7) That all junked vehicles be removed from premises within 30 days; and
- 8) 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.

JOHN COOK
MAYOR

JOYCE WILSON
CITY MANAGER

R. ALAN SHUBERT, PE, CBO
DEVELOPMENT SERVICES DEPARTMENT, DIRECTOR



CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
J. ALEXANDRO LOZANO, DISTRICT 3
MELINA CASTRO, DISTRICT 4
PRESI ORTEGA, JR., DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

DEVELOPMENT SERVICES DEPARTMENT

BUILDING STANDARDS ENFORCEMENT
February 21, 2007

Ruben Flores
3721 Pierce Ave.
El Paso, Texas 79930-5935

Re: 3721 Pierce Ave.
Blk: 10 Morningside Heights
Lot: 7 & W 24 Ft of 6
Zoned: R5
COD07-04026
Certified Mail Receipt #
7105 8873 0190 1000 0020

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 International 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.

3721 Pierce Ave.

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 **3721 Pierce Ave.** has 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 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]

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.

3721 Pierce Ave.

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 Housing Compliance Office of the Building Permits and Inspections, 5th floor, City Hall, 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 541-4800.

FOR THE DIRECTOR FOR BUILDING PERMITS AND INSPECTIONS:

Zuleika Davila
Building Inspector

ZCD/nms

NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 5:30 p.m. on the **30th** day of **May, 2007** 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 **3721 Pierce Avenue**, in El Paso, Texas, which property is more particularly described as:

LEGAL DESCRIPTION: Lot 7 and the West 24 feet of Lot 6, Block 106, MORNINGSIDE HEIGHTS ADDITION, an addition to the City of El Paso, El Paso County, Texas, according to the map thereof on file in the Office of the County Clerk, El Paso County, Texas, also known as 3721 Pierce, El Paso, Texas.

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, **Ruben Flores (the "Owner")**, **3721 Pierce Avenue, El Paso, Texas, 79930**, 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 Building Permits and Inspections Department, 5th floor, City Hall, 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 buildings 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 are 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 structures 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, neglect or refuse 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 Owners, 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 Owners 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 Owners show 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 Owners and all other persons having an interest in the property as provided by law.

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Roberta Cross
Assistant City Attorney

Bill Stern, C.B.O.
Chief Building Inspector
Building Permits and Inspections Department

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 **3721 Pierce Avenue**, was PUBLISHED in the official City newspaper on the ____ day of _____, 2007.

Richarda Duffy Momsen

I certify that a true and correct copy of the foregoing Notice regarding the property at **3721 Pierce Avenue**, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Ruben Flores
3721 Pierce Avenue
El Paso, Texas 79930

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **3721 Pierce Avenue**, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Ruben Flores
3080 McKinley
El Paso, Texas 79930

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **3721 Pierce Avenue**, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Los Exes de la Bowie and Friends, Inc.
3019 Savannah
El Paso, Texas 79930

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **3721 Pierce Avenue**, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Ruben Flores
5211 Blanco Apt. C
El Paso, Texas 79905

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **3721 Pierce Avenue**, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Ruben Flores
4409 Pershing
El Paso, Texas 79930

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **3721 Pierce Avenue**, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Francisco J. Guillen
189 S. Clark Dr.
El Paso, Texas 79905

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **3721 Pierce Avenue**, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Francisco J. Guillen
6013 Geiger Avenue
El Paso, Texas 79905

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **3721 Pierce Avenue**, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Governor of the Ysleta Del Sur
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 **3721 Pierce Avenue**, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

El Paso Central Appraisal District
5801 Trowbridge Avenue
El Paso, Texas 79925

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **3721 Pierce Avenue**, 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 regarding the property at **3721 Pierce Avenue**, was HAND-DELIVERED to:

City of El Paso
C/O City Clerk
#2 Civic Center Plaza
El Paso, TX 79901

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **3721 Pierce Avenue**, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

El Paso County Probate Court
500 E. San Antonio Avenue, Suite 703
El Paso, Texas 79901

Date:

Time:

Inspector

I certify that a true and correct copy of the foregoing Notice was POSTED at **3721 Pierce Avenue**, El Paso, Texas.

Date:

Time:

Inspector



UNSAFE STRUCTURES REPORT

BUILDING PERMITS AND INSPECTIONS

DATE OF EXAMINATION: May 2, 2007

REP. DISTRICT: 2

ADDRESS: 3721 Pierce Avenue

ZONED: R-5

LEGAL DESCRIPTION: Lot 7 and the West 24 feet of Lot 6, Block 106, MORNINGSIDE HEIGHTS ADDITION, an addition to the City of El Paso, El Paso County, Texas, according to the map thereof on file in the Office of the County Clerk, El Paso County, Texas, also known as 3721 Pierce, El Paso, Texas.

OWNER: Ruben Flores **ADDRESS:** 3721 Pierce Avenue, El Paso, Texas 79930

BUILDING USE: Abandoned single family dwelling

TYPE OF CONSTRUCTION: Type V

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: N/A

CONDITION: N/A

FLOOR STRUCTURE: Slab on grade.

CONDITION: Unable to determine due to floor covered by carpeting. A structural engineer or general contractor should be hired to evaluate actual floor conditions.

EXTERIOR WALLS: Wood frame with stucco.

HEIGHT: 20' +/-

THICKNESS: 8" +/-

CONDITION: Fair. Several cracks due to lack of maintenance and exposure to the elements. A structural engineer or registered contractor should be hired to evaluate actual condition and make recommendations.

INTERIOR WALLS & CEILINGS: Wood frame with sheetrock.

CONDITION: Fair. Holes on walls and ceilings. Will need to be repaired, plastered and painted.

ROOF STRUCTURE: Wood frame with shingle roofing.

CONDITION: A registered roof contractor must be hired to evaluate roof system.

DOORS, WINDOWS, ETC.: Aluminum frame windows and wood doors.

CONDITION: Broken windows and doors will need to be replaced.

MEANS OF EGRESS: Meets code requirements.

CONDITION:

PLUMBING: A licensed plumbing contractor must be hired to evaluate the entire plumbing system and submit a report to this department on the corrective action required to bring the system up to minimum code compliance.

ELECTRICAL: A licensed electrical contractor must be hired to evaluate the entire electrical system and submit a report to this department on the corrective action required to bring the system up to minimum code compliance.

MECHANICAL: A licensed mechanical contractor must be hired to evaluate the entire mechanical system and submit a report to this department on the corrective action required to bring the system up to minimum code compliance.

IF CONDEMNED, HOW MANY PERSONS WILL BE AFFECTED: None

WARNING POSTED: Yes

BARRICADED: No

POLICE AID REQD.: No

REMARKS: This department recommends that the primary building be secured and maintained secured until rehabilitated and that all accessory structures be demolished within 30 days. That the property be cleaned and maintained cleaned of all weeds, trash and debris within 30 days and that all junked vehicles be removed from the property within 30 days.

Zuleika Davila

Building Inspector

**EL PASO CITY-COUNTY HEALTH & ENVIRONMENTAL DISTRICT
ENVIRONMENTAL HEALTH**



MEMORANDUM

DATE: February 7, 2007
MEMO TO: William Stern C.B.O., Residential Inspector Supervisor
FROM: Samuel Jarvis, Senior Environmental Health Inspector
SUBJECT: Condemnation Report
RE: 3721 Pierce

An inspection of the property was conducted at 3721 Pierce and the conditions checked were found in violation of Title 9 – of the El Paso Municipal Code.

SECTION 9.04 - SOLID WASTE STORAGE AREA

Trash was noted around the trash bin area.

SECTION 9.04.340 – ACCUMULATIONS Accumulation of high vegetation, junk and debris were noted through out the property. Disabled vehicles were also in the back yard parked on an unapproved surface. Fifteen to twenty gallons of old paints were also noted on the property.

SECTION 9.16 - NUISANCE

The junk and debris along with the high vegetation are creating vermin harborage.

SECTION 9.16.010 – DESIGNATED

Roof damage was noted on the house. The house has also been engulfed in fire. The house is open and not secured.

SECTION 9.28 -RAT CONTROL

Evidence of rodents was noted throughout the property. The neighbors are also complaining of the rodents coming from the vacant house.