

# 3921 PIERCE



BUILDING AND STANDARDS BOARD AGENDA ITEM # 6 FOR  
WEDNESDAY, JULY 27, 2011

CODE COMPLIANCE DIVISION

**MEMORANDUM**

July 13, 2011

TO: The Honorable Chairman and Board Members

THROUGH: Kurt Fenstermacher, Deputy Director, Environmental Services Department

FROM: Bill Stern., Deputy Building Official

SUBJECT: 3921 Pierce Avenue, El Paso, Texas 79930-6725

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

- 1) First investigated on July 29, 2010 and found to be secure. On May 7, 2011, the structures were found open, abandoned and being used as harborage by unwanted persons. This single family dwelling and detached accessory structure were built in 1958, constructed of masonry rock and a wood framed addition with stucco finish and wood framed roof structures. The structures are in an advanced state of disrepair. The stucco coating has fallen in the rear addition exposing the underlying construction materials. There are several structural cracks and holes throughout the walls. Most of the doors and windows are broken. The roof and ceiling assembly system is in a state of disrepair. The plumbing, mechanical and electrical systems are nonexistent. There are weeds, trash and debris throughout the property.
- 2) A certified condemnation letter was mailed to Adela T. Alvarez, on May 13, 2011.
- 3) Certified notices of the public hearing scheduled for July 27, 2011, were mailed to the owners and all interested parties on July 7, 2011.
- 4) As of July 7, 2011, \$12,747.60 in taxes is owed.

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

- 1) That the structures are 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 can be rehabilitated; and
- 5) That the structures be secured within thirty (30) days and maintained secure until repaired or demolished; and
- 6) That the premises be cleaned and maintained clean of all weeds, trash, and debris within thirty (30) days; 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.

CODE COMPLIANCE DIVISION  
May 13, 2011

**NOTICE OF VIOLATION**

Adela T. Alvarez  
3921 Pierce Ave.  
El Paso, Texas 79930-6725

Re: 3921 Pierce Ave.  
Blk: 108 Morningside Heights  
Lot: 9 & 10  
Zoned: A-2  
ENEC11-00413  
7108 2133 3932 7234 3597

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 **3921 Pierce Ave., El Paso, Texas, 79930** 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 **27<sup>th</sup>** day of **July, 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 **3921 Pierce Avenue**, in El Paso, Texas, which property is more particularly described as:

**Legal Description: Lots 9 and 10 in Block 108 of MORNINGSIDE HEIGHTS addition to the City of El Paso, El Paso County, 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, Adela T. Alvarez and Jesus Torres, 3921 Pierce Avenue, El Paso, Texas, 79930-6725 and El Paso National Bank, 201 E. Main, El Paso, Texas, 79901, ("the **Owners**") are listed as the owners 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 20<sup>th</sup> 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 Owners of said property are 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 Owners, 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 Owners, 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 Owners fail, 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:

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Robert Almonte II  
Assistant City Attorney

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

I certify that a true and correct copy of the foregoing Notice regarding the property at 3921 Pierce Avenue was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Adela T. Alvarez  
and Jesus Torres  
3921 Pierce Avenue  
El Paso, Texas 79930-6725

Date:  
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 3921 Pierce Avenue was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

El Paso National Bank  
201 E. Main  
El Paso, Texas, 79901

Date:  
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 3921 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 3921 Pierce Avenue 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 3921 Pierce Avenue 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 3921 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 regarding the property at 3921 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, TX 79901

Date:

Time:

Inspector

I certify that a true and correct copy of the foregoing Notice was POSTED at 3921 Pierce Avenue El Paso, Texas.

Date:

Time:

Inspector



## UNSAFE STRUCTURES REPORT

### CODE COMPLIANCE DIVISION

**DATE OF EXAMINATION:** May 20, 2011

**REP. DISTRICT:** 2

**ADDRESS:** 3921 Pierce Avenue

**ZONED:** A-2

**LEGAL DESCRIPTION:** Lots 9 and 10 in Block 108 of MORNINGSIDE HEIGHTS addition to the City of El Paso. El Paso County, Texas

**OWNER:** Adela Alvarez

**ADDRESS:** 3921 Pierce  
El Paso, Texas 79930-6725

**BUILDING USE:** Abandoned single family dwelling

**TYPE OF CONSTRUCTION:** 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:** Masonry rock w/mortar grout and concrete covering

**CONDITION:** Poor. Missing rocks, disintegrating mortar grout, concrete covering is gone in several areas. Showing signs of deterioration due to lack of maintenance.

**FLOOR STRUCTURE:** 2 x 8 wood floor systems with tile and vinyl linoleum covering.

**CONDITION:** Poor. The wooden floor is deteriorated due to lack of maintenance.

**EXTERIOR WALLS:** Masonry rock and wood framed addition w/stucco finish.

**HEIGHT:** 10'-12' +/-

**THICKNESS:** 8"- 10" +/-

**CONDITION:** Poor. Stucco coating has fallen in several areas due to lack of maintenance exposing the underlying construction materials.

**INTERIOR WALLS & CEILINGS:** Wood frame ceilings w/plaster veneer.

**CONDITION:** Poor. Ceiling shows signs of deterioration due to lack of maintenance, exposed roof & ceiling assembly membranes. Interior walls contain holes and graffiti and are showing signs of deterioration from lack of maintenance and vandalism.

**ROOF STRUCTURE:** Flat roof with rolled composition roof covering.

**CONDITION:** Poor. Deterioration throughout is noted due to lack of maintenance. A registered roofing or building contractor should be hired to evaluate condition of roof system.

**DOORS, WINDOWS, ETC.:** Wood framed doors and windows, some with wrought iron guards.  
**CONDITION:** Poor. The doors and windows are broken, deteriorated and missing hardware due to lack of maintenance.

**MEANS OF EGRESS:** Does not meet code requirements.  
**CONDITION:** N/A

**PLUMBING:** Unknown  
**CONDITION:** A licensed plumbing contractor should be hired to evaluate the plumbing system condition.

**ELECTRICAL:** Unknown  
**CONDITON:** Unknown. A licensed electrical contractor should be hired to evaluate the electrical system condition.

**MECHANICAL:** Unknown  
**CONDITION:** Unknown. A licensed mechanical contractor should be hired to evaluate the mechanical system condition.

**IF CONDEMNED, HOW MANY PERSONS WILL BE AFFECTED:** None

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

**REMARKS:** The open and abandoned single family dwelling and detached accessory structure were built in 1958. The structures were found open, abandoned and being used as harborage by unwanted persons. The structures are in an advanced state of disrepair due to lack of maintenance and vandalism. The roof system is in disrepair throughout the structure. There is trash, weeds and debris throughout the property. The division recommends that the property be secured until repaired or demolished. That the property be cleaned of all weeds, trash and debris within thirty (30) days.

Nellie Avalos  
Building Inspector