10057 Ontario St.

BUILDING AND STANDARDS BOARD AGENDA ITEM # 4 FOR WEDNESDAY, September 26, 2007

DEVELOPMENT SERVICES
BUILDING PERMITS AND INSPECTIONS

MEMORANDUM
September 19, 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: 10057 Ontario St., El Paso, Texas 79924

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

1) First investigated May 16, 2007. The building was found unsafe, open and abandoned. This is a single family dwelling built in 1958. The building has been used as a harborage by unwanted persons.
2) A certified condemnation letter was mailed to Aida Gerena, 10057 Ontario Street, El Paso, Texas 79924.
3) Certified notices of the public hearing scheduled for September 26, 2007 were mailed to the owners and all interested parties on September 10, 2007.
4) As of September 19, 2007, $3,553.02 are owed in taxes.

The owner has been notified of the violations at this property to secure and clean the premises, to date there has been no response or corrective action taken, therefore the department recommends that it be found:

1) That the main structure be condemned as substandard, and unfit for habitation or use and a hazard to the public health, safety, and welfare; and
2) That the building 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 can be repaired; and
5) That the main structure be secured within 30 days; and
6) That the premises be cleaned and maintained clean of all weeds, trash, and debris within 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.

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
May 23, 2007

Aida Gerena
10057 Ontario St.
El Paso, Texas 79924-4114

Re: 10057 Ontario St.
Blk: 5 Colonia Verde
Lot: 22
Zoned: R4
COD07-10980
Certified Mail Receipt #
7105 8873 0190 1000 5452

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.

10057 Ontario St.

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 **10057 Ontario St.** has the following violations:

a. The walls have not been maintained in a safe manner free of holes and cracks. [Sec. 304.6]

b. The roof structure has not been maintained free of defects that may cause leaks. [Sec. 304.7]

c. The means of egress is/are inadequate and do not meet minimum code requirements. [Sec. 702.4]

d. The plumbing system is inadequate and does not meet minimum code requirements. [Sec. 504.1]

e. The electrical system is inadequate and does not meet minimum code requirements. [Sec. 604.3]

f. The HVAC system is inadequate and does not meet minimum code requirements. [Sec. 603.1]

g. The structure is open and accessible to unauthorized entry. [Sec. 301.3]

h. The premises are full of weeds, trash, and debris [Sec. 302.1 & Sec. 302.4].

i. 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.

10057 Ontario St.

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 54l-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 **26th** day of **September, 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 **10057 Ontario St.**, in El Paso, Texas, which property is more particularly described as:

LEGAL DESCRIPTION: Lot 22, Block 5, COLONIA VERDE ADDITION, an addition to the City of El Paso, El Paso County, Texas, according to the plat thereof on file in Book 7, Page 42, Plat Records of El Paso, County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, **Aida Gerena (the "Owner"), 10057 Ontario St., El Paso, Texas 79924**, 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, 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 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 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 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:

_____
Ernesto Rodriguez
Assistant City Attorney

APPROVED AS TO CONTENT:

_____
Bill Stern, C.B.O.
Chief Building Inspector
Building Permits and Inspection 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 at **10057 Ontario St.,** 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 **10057 Ontario St.,** was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Aida Gerena
10057 Ontario St.
El Paso, Texas 79924

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **10057 Ontario St.,** was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

James R. Vodrey & Dorothy M. Vodrey
10057 Ontario St.
El Paso, Texas 79924

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **10057 Ontario St.,** was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Carmen Pena
10057 Ontario St.
El Paso, Texas 79924

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **10057 Ontario St.,** was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Carmen L. Estrada
10818 Ivanhoe Drive
El Paso, Texas 79935

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **10057 Ontario St.,** was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Steve Ramirez
10057 Ontario St.
El Paso, Texas 79924

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **10057 Ontario St.,** 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 **10057 Ontario St.,** 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 **10057 Ontario St.,** 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 **10057 Ontario St.,** 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 **10057 Ontario St.,** 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 **10057 Ontario St.,** El Paso, Texas.

Date:
Time:

Inspector

UNSAFE STRUCTURES REPORT

BUILDING PERMITS AND INSPECTIONS

DATE OF EXAMINATION: May 16, 2007 **REP. DISTRICT:** 4

ADDRESS: 10057 Ontario St. **ZONED:** R-4

LEGAL DESCRIPTION: Lot 22, Block 5, COLONIA VERDE ADDITION, an addition to the City of El Paso, El Paso County, Texas, according to the plat thereof on file in Book 7, Page 42, Plat Records of El Paso County, Texas.

OWNER: Aida Gerena **ADDRESS:** 10057 Ontario Street
El Paso, Texas 79924

BUILDING USE: 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: N/A
CONDITION: N/A

FLOOR STRUCTURE: Slab on grade
CONDITION: Unable to determine due to floor covered by carpeting. A structural engineer should be hired to evaluate actual condition.

EXTERIOR WALLS: Wood framing with brick walls and wood siding.

HEIGHT: 12 ft. +/- **THICKNESS:** 8 in. +/-
CONDITION: Fair. 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 and painted.

ROOF STRUCTURE: Wood frame with shingle roofing.
CONDITION: Good. A registered roof contractor must be hired to evaluate roof system.

DOORS, WINDOWS, ETC.: Aluminum frame windows and wood doors.
CONDITION: Fair. Broken windows and doors will need to be replaced.

MEANS OF EGRESS: Meets minimum egress 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 and compliance.

MECHANICAL: A licensed mechanical contractor must be hired to evaluate the entire mechanical system and submit a report to the department system and submit a report to the 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 single family dwelling built in 1958 is open and abandoned and is being entered by unwanted persons. The department recommends that the structure be condemned and secured and cleaned of all trash and debris within 30 days.

Raul Bueno
Building Inspector

EL PASO CITY-COUNTY HEALTH &ENVIRONMENTAL DISTRICT
ENVIRONMENTAL HEALTH

M E M O R A N D U M

DATE:
MEMO TO: **William Stern C.B.O., Residential Inspector Supervisor**

FROM: **Samuel Jarvis, Senior Environmental Health Inspector**

SUBJECT: **Condemnation Report**

RE: **10057 Ontario**

An inspection of the property was conducted at 10057 Ontario 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 and debris was noted around the waste storage area.

SECTION 9.04.340 – ACCUMULATIONS
Trash, furniture, appliances, high vegetation, tires creating a public eye sore.

SECTION 9.16 - NUISANCE
Eye sore, vermin harborage.

SIECTION 9.16.010 – DESIGNATED
House seemed to be abandoned, broken windows were also noted

SECTION 9.28 -RAT CONTROL
N/A