

ORDINANCE NO. 213

AN ORDINANCE OF THE CITY OF ADDISON, TEXAS, MAKING IT A NUISANCE AND UNLAWFUL FOR ANY OWNER OR THE AGENT OF SAME, ETC. OF A SHOPPING CENTER, RETAIL OR COMMERCIAL BUSINESS, APARTMENT, MOTEL, HOTEL, PRIVATE CLUB, FRATERNAL ORGANIZATION, WAREHOUSE, OFFICE, ETC. TO MAINTAIN AND FAILURE TO CORRECT, VEHICLE USE AND, OR PARKING AREAS OR PEDESTRIAN WAYS IN A CONDITION DANGEROUS TO PERSON OR PROPERTY AFTER NOTICE REQUIRING SUCH OWNER OR AGENT OF SAME, ETC. TO CORRECT SUCH DANGEROUS CONDITION; PROVIDING FOR THE CITY AT OWNER'S EXPENSE TO CORRECT SUCH CONDITION AND HOLD THE LANDOWNER ACCOUNTABLE FOR ALL COSTS ACCRUED BY ASSESSMENT WITH A FILING OF A STATEMENT WITH THE COUNTY CLERK AS A LIEN AGAINST THE PROPERTY IF SUCH COSTS ARE NOT PAID; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR AN ADDITIONAL PENALTY NOT EXCEEDING TWO HUNDRED DOLLARS (\$200.00) FOR EACH OFFENSE; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ADDISON, TEXAS.

SECTION 1. It shall be unlawful and a nuisance for any owner or agent of the same or any owner or occupant of a premises including, but not limited to, the following: Shopping centers, businesses, offices, apartment complex, townhouse complex, condominium complex, hotel, motel, restaurant, private club, clubs, lodges, fraternal organizations, retail establishments, warehouses, manufacturing concerns, etc., which have vehicle use and/or parking areas or pedestrian ways to maintain such vehicle use and/or, parking areas and, or pedestrian ways or any part thereof which are liable to endanger persons or property.

It shall also be unlawful for any such owner, agent or occupant to fail to maintain such area or ways to such extent that their effective

use is unduly restricted. Maintenance shall include, but shall not be limited to, adequate and satisfactory drainage of storm runoff without damage to abutting property; collection and satisfactory disposal of other liquid waste discharged on the premises; removal of debris, dirt deposits and other foreign material; adequate marking of fire lanes, parking spaces, and pedestrian walk ways; and preservation of the surface of such parking areas or pedestrian ways.

SECTION 2. It shall be the duty, and unlawful to neglect such duty, of any owner or agent of the same or any owner or occupant of the premises as defined in Section 1, whose effectiveness is restricted by insufficient maintenance or on which such dangerous condition to persons or property exists to fail to perform the maintenance or to correct such dangerous condition within such time as the City may direct as provided below.

SECTION 3. The City shall enforce the provisions of this ordinance; provided, that where a fire hazard exists, the provisions of Section 1 and 2 shall be enforced by the fire marshal.

SECTION 4. It shall be the duty of the City to notify the owner or agent of the same or any owner or occupant of the premises as defined in Section 1 on which such insufficient maintenance has been performed or on which such dangerous condition to persons or property exists to perform such maintenance or to correct such dangerous conditions within thirty (30) days. The notice shall be in writing and may be served on the owner or agent of the same or any owner or occupant by handing it to him in person, by United States certified mail, return receipt requested, addressed to such owner or agent of the same or owner or occupant at his post office address, or in the event the

the owner or agent of the same or owner or occupant cannot be found and the certified letter is returned by the United States Postal Service, then by publication as many as two (2) times within ten (10) consecutive days in the official newspaper as adopted by the City Council.

SECTION 5. Upon the failure of the owner, or agent of the same or any owner or occupant of the premises as defined in Section 1 on which such insufficient maintenance has been performed or on which such dangerous condition to person or property exists to comply with the notice as set forth in Section 4 of this ordinance, or upon the written request and authorization of such owner or agent of the same or any owner or occupant of the premises and acceptance by the City, it shall become the duty of the City to correct such insufficient maintenance or dangerous condition to person or property on the premises as defined in Section 1 within such time as the City may direct with all costs for the correcting of such insufficient maintenance and or dangerous condition at the expense of the owner of the property or premises.

SECTION 6. The City shall cause signs, barricades, or such additional warning devices as are required by the circumstances to be installed and maintained if such insufficient maintenance or the dangerous condition to persons or property on the premises as defined in Section 1 are in such condition as to make it an immediate danger to life, limb, property or safety of the public or its occupants or property. Such signs may prohibit the entry into or the occupancy of the facility, parking lot, or pedestrian way so judged to be dangerous. It shall be unlawful to remove or deface any such sign,

barricade, or other warning device installed by order of the City.

If the premises as defined in Section 1 are in such condition as to cause an unusual hazard to the life, limb, property or safety of the public, the City may order the immediate correcting of such dangerous conditions to the extent required to remove the hazard or dangerous condition by the most expeditious means possible. Any costs incurred as a result of actions required by this Section shall be collected as otherwise provided in this ordinance.

SECTION 7. All costs for correcting of such insufficient maintenance or dangerous conditions to persons or property of such premises, as defined in Section 1, including, but not limited to, costs for mailing of notice, and, or publication, filing of a statement with the County Clerk, bid procedures costs, and, or interest shall be levied, assessed and collected against such premises and, or owner as defined in Section 1 upon which such insufficient maintenance has been performed or on which such dangerous condition to persons or property is located. In the event that there are any obstructions or other difficulties encountered in the correcting of such insufficient maintenance or dangerous conditions to person or property on such premises as defined in Section 1, such additional costs shall be levied, assessed and collected against such premises and, or owner or owners as defined in Section 1 for the actual additional costs resulting from the handling of these obstructions. The costs provided herein shall be levied, assessed and collected by the City of Addison, Texas. If any person shall fail to pay the costs so assessed within thirty (30) days after being notified of such costs the City shall file, with the County Clerk of Dallas, Texas a statement signed by the Mayor of such

costs. The City of Addison, Texas, shall have a privileged lien on the premises and, or , a personal obligation by the owner or owners, second only to tax liens for street improvements to receive the costs so made and ten (10) percent interest on the amount from the date payment is due. For any such costs, and interest, suit may be instituted and foreclosure had in the name of the City of Addison, Texas; and the Statement so signed by the Mayor, or a certified copy of the Statement shall be prima facie proof of the cost expended in such work or improvements. All such costs, shall also be the personal obligation of the owner or owners of such property.

SECTION 8. Any person, firm or corporation violating any of the provisions of this ordinance shall be subject to a fine, upon conviction in the Municipal Court, of not more than Two Hundred Dollars (\$200.00), and each and every day that the prohibited condition remains shall constitute a separate offense. These fines shall be in addition to and accumulative of the provisions for the abatement of the nuisance by correcting of the such insufficient maintenance or dangerous condition to persons or property, as well as all other costs provided for by this ordinance.

SECTION 9. Whereas, the fact that the ordinances of the City of Addison, Texas do not adequately control or provide for the correcting of such insufficient maintenance or dangerous condition to person or property on such premises as defined in Section 1 at the expense of the owner of such, creates an urgency and an emergency and in the preservation of the public health, safety and welfare, requires that this ordinance shall take effect immediately after its passage and publication of the caption of such ordinance as the law in such

cases provides.

PASSED BY THE CITY COUNCIL of the City of Addison, Texas, on the 2nd day of June, 1975.

APPROVED:

Mayor *Jim Redding*

ATTEST:

Joyce G. Stevens
City Secretary

APPROVED AS TO FORM:

Robert L. McCall
Attorney