

NOTICE OF ORDINANCE 2019-11 – The City Council of the City of Jersey Village, Texas, conducted a public hearing on May 13, 2019 concerning the substandard structures located at 16884 NW FWY, Jersey Village, Texas (the “Property”). After hearing, the City Council found the structures on the Property to be substandard and a public nuisance; ordered JERSEY VILLAGE LODGING, LLC to abate the substandard and dangerous structures on the Property within 180 days; authorized the repair or demolition of the structures on the Property if the owners fail to abate the substandard and dangerous structures; authorized a lien against the Property for the costs of repair or demolition; and made other findings and provisions related thereto. A complete copy of Ordinance No. 2019-08 may be obtained online at <http://www.jerseyvillagetx.com>.

Issued for publication on May 14, 2019.

/s/Lorri Coody, City Secretary, Jersey Village, Texas

POSTED TO CITY WEBSITE: MAY 14, 2019 @ 3:30 PM

**ORDINANCE NO. 2019-11**

**AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS, FINDING THE STRUCTURES AT 16884 NW FWY, JERSEY VILLAGE, TEXAS 77040, (RES B1, NORTHWEST VILLAGE BUSINESS PARK, R/P), THE “PROPERTY”, TO BE SUBSTANDARD AND A PUBLIC NUISANCE; ORDERING JERSEY VILLAGE LODGING, LLC OR THE TRUE OWNERS OF THE PROPERTY TO ABATE THE SUBSTANDARD AND DANGEROUS STRUCTURES ON THE PROPERTY; AUTHORIZING THE CITY TO DEMOLISH THE STRUCTURES ON THE PROPERTY IF OWNER FAILS TO ABATE THE SUBSTANDARD AND DANGEROUS STRUCTURES ON THE PROPERTY; AUTHORIZING THE CITY TO ASSESS A LIEN AGAINST THE PROPERTY FOR THE COSTS OF THE DEMOLITION; AND MAKING OTHER FINDINGS AND PROVISIONS RELATED THERETO.**

**WHEREAS**, the Building Official of the City of Jersey Village reported that the buildings and structures at 16884 NW FWY, also known as RES B1, Northwest Village Business Park. R/P, Jersey Village, (the “Property”), which are located within the City, are substandard and a public nuisance; and

**WHEREAS**, the City provided notice to Jersey Village Lodging, LLC, Chan Patel, Northwest Village Business Park R/P, and Super 7 Inn Jersey Village Lodging LLC that the Property was substandard and public nuisance, and that a public hearing would be held on May 13, 2019; and

**WHEREAS**, in accordance with Chapter 34 of the Code of Ordinances of the City of Jersey Village (the “Code”), the City Council conducted a public hearing on May 13, 2019, so that the owner or the owner’s representatives of the Property may appear and show cause 1) why such buildings or structures should not be declared to be substandard and 2) why the owner should not be ordered to repair, vacate or demolish the buildings or structures on the Property; and

**WHEREAS**, City Council finds all proper notices of the hearing were sent consistent with the Code to the persons asserting or likely to have an ownership in the Property; and

**WHEREAS**, based upon the evidence presented, the City Council finds that the Property and the structures on the Property are substandard; and

**WHEREAS**, City Council finds that the conditions of the structures on the Property constitute a nuisance and are a hazard to the health, safety, and welfare of the citizens of Jersey Village and likely to endanger persons and property; and

**WHEREAS**, City Council finds that the Property is in violation of the City’s Code and ordinances;

**NOW THEREFORE,**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS THAT:**

**Section 1.** The above-referenced recitals are incorporated herein as if set forth in full for all purposes.

**Section 2.** Jersey Village Lodging, LLC appeared before City Council and represented that it owns the Property. Owner requested more than thirty (30) days to repair the Property and to abate the nuisances associated with the Property. Having heard the comments of Owner and others, City Council finds, permits and orders the following:

A. The Property is dilapidated, substandard and unfit for human habitation, and a hazard to the public health, safety and welfare.

- B. Within ten (10) days [by MAY 23, 2019], the Owner shall vacate the Property and secure the Property by fencing approved by the Building Official; and the building shall remain vacated and secured until a certificate of occupancy is issued by the Building Official.
- C. The buildings on the Property shall be repaired by the Owner within one-hundred eighty (180) days [by NOVEMBER 9, 2019].
- D. The Owner, lienholders, and mortgagees of the Property shall secure the Property in a reasonable manner from unauthorized entry while the work is being performed, as determined by the Building Official.
- E. No work shall be performed by Owner on the Property until a permit is issued consistent with the Code by the Building Official, and all work shall be consistent with the Code.
- F. The Owner shall provide to the Building Official the following plans, reports and specifications:
- 1) a written mold assessment by a licensed professional engineer or mold assessor of the interior spaces of the buildings intended for occupancy on the Property by JUNE 13, 2019;
  - 2) a written asbestos survey/ screening by a licensed professional engineer by JUNE 13, 2019;
  - 3) a written roof inspection report by a licensed professional engineer or experienced roof inspector by JUNE 13, 2019; and
  - 4) complete construction documents and a plan of action for the construction / required repairs for the Property, including details for each motel room intended for human occupancy; the manager's apartment, the office/business/lobby guest area, the laundry areas, storage rooms, mechanical rooms, linen/washing rooms, breakrooms and similar work areas, and the pool area by JULY 15, 2019.
- G. The Owner shall submit all applications for the permits necessary to repair the Property by JULY 15, 2019.
- H. The Owner shall start work on any permit issued for the repair of Property within ten (10) days of the issuance of the permit(s).
- I. The Owner shall report to the City Council the progress on the performance of the permitted work on the first regular meeting of the City Council for each month until the permitted work is complete.
- J. No person may occupy the structures on the Property until a final inspection and certificate of occupancy are issued; provided, however, the Building Official may permit temporary certificates of occupancy for separate buildings.

**Section 3.**

A. If the Owner, lien holders, or mortgagees of the Property fail to repair, remove or demolish the substandard structures on the Property as provided above, then the City may demolish the structures on the Property, including cleaning and grading the Property, and place a lien on the Property for the expenses incurred by the City in such work in accordance with the Code and state law.

B. If the Owner violates the terms of this Ordinance, the City may seek administrative penalties not to exceed \$1,000 per day.

**Section 4.** The City Secretary shall file a copy of this order with the City and shall publish the caption of this Ordinance in the City’s official newspaper within 10 days of the date of this Ordinance.

**Section 5.** In the event any clause phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Jersey Village, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

**Section 6.** All ordinances or parts inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

**Section 7.** This ordinance shall be in full force and effect from and after its passage.

**PASSED AND APPROVED** this 13th day of May, 2019.

s/Andrew Mitcham, Mayor

**ATTEST:**

s/Lorri Coody, City Secretary

