

CITY OF HUMBLE

ORDINANCE NO. 17-797

AN ORDINANCE OF THE CITY OF HUMBLE, TEXAS AMENDING CHAPTER 16, "ENVIRONMENT," BY CREATING ARTICLE IX "MINIMUM PROPERTY STANDARDS;" PROVIDING FOR A PENALTY UP TO \$500 PER DAY FOR EACH VIOLATION; MAKING CERTAIN FINDINGS; AND PROVIDING FOR SEVERABILITY.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HUMBLE, TEXAS, THAT:

Section 1. The Code of Ordinances of the City of Humble, Texas, is hereby amended by Creating Chapter 16, Article IX, to read as follows:

ARTICLE IX – MINIMUM PROPERTY STANDARDS

Sec. 16-400 Minimum standards generally; responsibilities of owners and occupants.

- (a) It is unlawful for a person knowingly to allow a property of which the person has ownership or control to be kept or used in violation of this article.
- (b) Each person who owns or otherwise has control of a property is responsible for maintaining in a sanitary condition the shared or public areas of the property and the premises thereof.

Sec. 16-401 Responsibilities of Owner.

- (a) *General Maintenance.* An owner of property is responsible for maintaining their property in a safe and sanitary condition and in compliance with this article. Compliance with this article does not equate to compliance with the various Technical Codes as approved, or vice versa.
- (b) *Property Standards.* An owner of property shall:
 - (1) Eliminate any unprotected hole, open excavation, sharp protrusion from the ground or walls, and any other object or condition on the premises reasonably likely to cause injury to an individual.
 - (2) Securely seal or plug any unused water well; secure any pump house and electrical service for operating water wells; remove an unused septic tank or grease trap, or pump the effluent and fill the tank or trap with soil or sand; remove or fill an unused cesspool or cistern with soil or sand; and securely cover all septic tanks or grease traps in service.

- (3) Remove dead trees, tree limbs, and other debris reasonably likely to cause injury to an individual or to provide living or breeding places for insects, ectoparasites, or rodents, provided that a reasonably-sized accumulation of compost shall not constitute a violation of this subsection; and
- (4) Keep doors and windows of any vacant portion of a building secured.

(c) *Structural standards.* An owner of property shall:

- (1) Protect the exterior surfaces subject to decay by application of a protective covering or coating or other surface preservative.
- (2) Fill any unprotected or unenclosed hollow masonry piers, foundation holes, and other openings reasonably likely to cause injury to an individual.
- (3) Provide and maintain handrails for stairways, ramps, balconies, and porches more than 30 inches above grade.
- (4) Maintain buildings intended for human occupancy in a weatherproof condition.
- (5) Maintain floors, supporting walls, ceilings, and all supporting structural members in a sound and safe condition, capable of bearing imposed loads safely.
- (6) Maintain each inside and outside stairway, porch, and appurtenance thereto in a sound and safe condition, capable of bearing imposed loads safely.
- (7) Provide cross-ventilation of not less than 1 ½ square feet for each 25 linear feet of wall in each basement or crawl space not mechanically ventilated.
- (8) Repair or replace any chimney flue or vent attachment reasonably likely to constitute a health or safety hazard.
- (9) In a floor, wall, ceiling, porch, step, or balcony, repair any hole, crack, break, or loose material reasonably likely to constitute a health or safety hazard.
- (10) For the flooring or subflooring of each bathroom and other room containing a toilet, provide and maintain a moisture-resistant finish or material, such as ceramic tile or vinyl; and
- (11) Maintain all fences and accessory structures, including detached garages, car ports, sally ports, and sheds, and covered breezeways in a structurally sound condition and in good repair.

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 Humble, 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.

Sec. 16-404 – 499 Reserved.

Upon discovery of a violation of this article, the Chief Building Official or Code Enforcement Officer may issue to the violator a citation enforceable in municipal court, provided that the violation remains after the Chief Building Official or Code Enforcement Officer has issued to the violator a written warning affording a reasonable opportunity to cure the violation. Any person who shall intentionally, knowingly, recklessly, or with criminal negligence, violate any provision of this Article shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount to exceed \$500.00. Each day of violation shall constitute a separate offense.

Sec. 16-404 Enforcement of minimum standards.

It is unlawful for an owner or manager of a property to retaliate against a resident for reporting potential violations of this article. Without limitation of the foregoing, the actions constituting retaliation set forth in Subchapter H of Chapter 92, Texas Property Code, as may be amended from time to time, are hereby incorporated by reference and constitute events of retaliation under this section.

Sec. 16-403 Retaliation against residents prohibited.

(3) Not alter the property so as to create a violation of this code.

(2) Install in accordance with applicable codes and laws any plumbing fixtures, heating equipment, electrical equipment, and mechanical equipment supplied by the occupant.

(1) Keep the premises free from refuse and other conditions likely to encourage infestation by insects, ectoparasites, or rodents.

An occupant, with regard to any portion of a building under the occupant's control, shall:

Sec. 16-402 Responsibilities of occupant.

(d) It is an affirmative defense to prosecution of an owner for violation of this section that (i) the property is the site of new construction and reasonable and continuous progress is being made to complete the construction; (ii) the violation was not capable of discovery by the owner upon reasonable investigation or inspection.

Section 4. This ordinance supersedes all ordinances or parts of ordinances in conflict with the provisions stated herein.

Section 5. This Ordinance shall become effective upon final reading and adoption of this Ordinance when the caption hereof is published once in the official newspaper of the City, by the City Secretary, within ten days after the passage of the Ordinance, as required by law and Article II, Section 13 of the City Charter.

PASSED, APPROVED, AND ADOPTED this 9th day of March 2017.



Merle Aaron
Mayor

ATTEST:



Jason Stuebe
City Secretary

