

**ORDINANCE #2010 - 08**

**CITY OF MERCEDES HISTORIC LANDMARK ORDINANCE**

WHEREAS, CHAPTER 221, TEXAS LOCAL GOVERNMENT CODE, the Municipal Zoning Authority, specifically authorizes zoning functions and procedures for municipalities; and

WHEREAS, CHAPTER 221, TEXAS LOCAL GOVERNMENT CODE, Section 211.005 authorizes the governing body of a municipality to divide the municipality into districts, within which the governing body may regulate the erection, construction, reconstruction, alteration, repair, or use of buildings, other structures, or land, and within which zoning regulation must be uniform for each class or kind of building in a district; however, zoning regulations may vary from district to district.

NOW THEREFORE BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF MERCEDES:

That the following Historic Landmark and District Zoning Ordinance is hereby adopted as part of the comprehensive zoning plan, pursuant to Chapter 211, Texas Local Government Code.

**Section 1. Purpose**

The City Commission of Mercedes hereby declares that as a matter of public policy the protection, enhancement, and perpetuation of landmarks or district of historical and cultural importance and significance is necessary to promote the economic, cultural, educational, and general welfare of the public. It is recognized that the City of Mercedes represents the unique confluence of time and place that shaped the identity of generations of citizens, collectively and individually, and produced significant historic, architectural, and cultural resources that constitute their heritage. This act is intended to:

- (a) Protect and enhance the landmarks and districts which represent distinctive elements of Mercedes historic, architectural, and cultural heritage;
- (b) Foster civic pride in the accomplishments of the past;
- (c) Protect and enhance Mercedes' attractiveness to visitors and the support and stimulus to the economy thereby provided;
- (d) Insure the harmonious, orderly, and efficient growth and development of the city;
- (e) Promote economic prosperity and welfare of the community by encouraging the most appropriate use of such property within the city;
- (f) Encourage stabilization, restoration, and improvements of such properties and their values.

**Section 2. Definitions**

- (1) "*Alteration*" means a physical change in or to a building.
- (2) "*Applicant*" means a person seeking a designation or authorization under this Chapter or the person's designated and duly authorized agent or representative. This term may include the

property owner, occupant of the site, the Historic Preservation Commission ("HPC") or City Commission.

(3) "*Appurtenant features*" means the features that define the design of a building or property including but not limited to porches, railings, columns, shutters, steps, fences, attic vents, sidewalks, driveways, garages, carports, outbuildings, gazebos, and arbors.

(4) "*Archeological property/site*" means any locale where there is physical evidence of past human activity that is either prehistoric or historic in age.

(5) "*Architectural control*" means regulations governing the appearance or architectural style of buildings or structures. Architectural control is a form of aesthetic zoning.

(6) "*Building*" means a dwelling, such as a house, barn, church, hotel, or similar structure created to shelter any form of human activity. The term may also be used to refer to a historically and functionally related unit, such as a courthouse and jail or a house and barn. The term also includes mobile homes, manufactured homes, and industrial housing.

(7) "*Certificate of Appropriateness*" means a document issued by the City certifying that the proposed actions by an applicant are found to be acceptable in terms of the design criteria relating to the individual property or the Local Historic District.

(8) "*City*" means the City of Mercedes, a duly incorporated municipality located in Hidalgo County, Texas.

(9) "*Commission*" means the governing body (i.e., the "city commission") of the City of Mercedes.

(10) "*Comprehensive historic preservation plan*" means a document that integrates the various preservation activities and gives them coherence and direction, as well as relates the City's preservation efforts to community development planning as a whole.

(11) "*Contemporary*" means any feature marked by architectural elements or design characteristics of the present period.

(12) "*Contributing property*" means a property that contributes to a district's historical significance through location, setting, design, construction, workmanship, and/or association with historical persons or events.

(13) "*Design review*" means the decision-making process conducted by an established review committee of the City that is guided by the terms set forth in the Historic Preservation Ordinance.

(14) "*Design review guidelines*" means a set of guidelines adopted by the Mercedes Historic Preservation Commission that details acceptable alterations of designated properties.

(15) "*Exterior features*" means features including the architectural style, general design, and general arrangement of the exterior of a building or other structure, including but not limited to the kind

and texture of the building material and the type and style of the windows, doors, walls, roofs, light fixtures, signs, and other appurtenant features.

(16) "*Historic area*" means a place that possesses a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development.

(17) "*Historic designations*" means an official recognition of the significance of a building, property or district. Designation can occur on three different levels:

**Federal** – The National Register of Historic Places (for both individual buildings and entire districts);

**State** – Recorded Texas Historic Landmarks (only for individual buildings) and State Archeological Landmarks; or

**Local** – designated under a municipal historic ordinance either individually as a landmark or as a locally designated district.

(18) "*Historic preservation*" means the protection, reconstruction, rehabilitation, repair and restoration of places and structures of historic, architectural, or archeological significance.

(19) "*Historic Preservation Commission*" or "*HPC*" means the citizen advisory board appointed by the City Commission to perform certain functions under this Chapter.

(20) "*Historic property*" means a district, site, building, structure, or object significant in American, Texas, or local history, architecture, engineering, archeology or culture.

(21) "*Historic resource*" includes but is not limited to architectural, historical, and archeological properties, as well as landscape features.

(22) "*Historic structure*" means any individual building or object that is significant for historical, architectural, or archeological reasons.

(23) "*Intensive survey*" means a systematic, detailed examination of an area designed to gather information about historic properties sufficient to evaluate them against predetermined criteria of significance.

(24) "*Integrity*" means the authenticity of a property's historic identity, evidenced by survival of physical characteristics that existed during the property's historic or prehistoric period.

(25) "*Inventory*" means a list of historic properties that have been identified and evaluated as meeting specified criteria of significance.

(26) "*Local Historic District*" means a geographically and locally defined area that possesses a significant concentration, linkage, or continuity of buildings, objects, sites, structures, or landscapes united by past events, periods, or styles of architecture, and that, by reason of such factors,

constitute a distinct section of the City. Historic sites within a local district need not be contiguous for an area to constitute a district. All sites, buildings, and structures within a local historic district, whether individually contributing or not, are subject to the regulations of the district.

(27) *"Local Historic Landmark"* means any site, building, structure, or landscape of historic significance that receives designation by the City pursuant to this Chapter.

(28) *"National Register of Historic Places"* means the nation's official list of buildings, districts, and sites (including structures and objects) significant in American history and culture, architecture, archeology, and engineering maintained by the National Park Service and administered on a state-wide basis by the Texas Historical Commission. Restrictions on these properties exist only when federal funds are used or when there is an undertaking that uses federal funds or that requires a federal permit or license.

(29) *"Object"* means a physical item associated with a specific setting or environment that is movable by nature or design, such as statuary in a designed landscape. The term object is used to distinguish from buildings and structures those constructions that are primarily artistic in nature or are relatively small in scale and simply constructed.

(30) *"Official Texas Historical Markers"* means markers (or signs) administered through county historical commissions and the Texas Historical Commission that commemorate aspects of local history such as churches, schools, cemeteries, individuals, and businesses. These markers offer no protection as they are simply commemorative and educational in nature.

(31) *"Ordinary maintenance"* means activities relating to a property that would be considered ordinary or common for maintaining the property, including but not limited to the replacement of a porch floor with identical or in-kind materials and painting. The term expressly omits activities involving the expansion, modification, enlargement, reduction, renovation or remodeling of buildings or structures.

(32) *"Overlay zones"* means zoning requirements that are described in this Chapter or are mapped, and are imposed in addition to those of the underlying zoning district established by the City. Development within the overlay zone must conform to the requirements of both zones. When in conflict, the more restrictive of the two applies.

(33) *"Person"* means an individual, corporation, organization, business, trust, partnership, or any other legal entity, association or government agency.

(34) *"Preservation"* means the act or process of applying measures to sustain the existing form, integrity, and material of a building or structure, and the existing form and vegetative cover of a site. It may include initial stabilization work, where necessary, as well as ongoing maintenance of the historic building materials.

(35) *"Preservation planning"* means planning for the continued identification and evaluation of historic properties and for their protection and enhancement.

(36) *"Recorded Texas Historical Landmark"* means a designation for buildings important for their historical associations and which have retained a high degree of their original historic fabric. They must be at least fifty (50) years of age and retain their original exterior appearance. State historical landmarks receive greater legal protection than National Register of Historic Place designations.

(37) *"Rehabilitation"* means the act or process of returning a property to a state of utility through repair or alteration that makes possible an efficient contemporary use while preserving those portions or features of the property that are significant to its historical, architectural, and cultural values.

(38) *"Repair"* means the maintenance of or the return to a state of utility of a Local Historic Landmark.

(39) *"Restoration"* means the act or process of accurately recovering the form and details of a property and its setting as it appeared at a particular period of time by means of the removal of later work or by the replacement of missing earlier work.

(40) *"Site"* means the location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself possesses historical, cultural, or archeological value regardless of the value of any existing structure.

(41) *"State Archeological Landmark"* means a designation made by the Texas Historical Commission and, in the case of privately owned property, with the landowner's permission. Although called "archeological" landmarks, this designation can include buildings as well as archeological sites. For a building to be designated as a State Archeological Landmark, it must first be listed on the National Register of Historic Places. Damage to a State Archeological Landmark is subject to criminal, not civil, penalties.

(42) *"Structure"* means those functional constructions made usually for purposes other than creating shelter. The term is used to distinguish these items from buildings.

(43) *"Zoning"* means a police power measure, enacted by a municipality, including the City, in which the community is divided into districts or zones within which permitted and special uses are established as are regulations governing lot size, building bulk, placement, and other development standards.

### **Section 3. Historic Preservation Commission**

There is hereby created a commission to be known as the Mercedes Historic Preservation Commission (MHPC)

1. The Commission shall consist of seven members to be appointed, to the extent available among the residents of the community, by the City Commission as follows:
  - a. At least one member shall be an architect, planner, or representative of a design profession;

- b. At least one member shall be a historian;
  - c. At least one member shall be a licensed real estate broker;
  - d. At least one member shall be an attorney;
  - e. At least one member shall be an owner of a landmark or of a property in a historic district;
  - f. At least one member shall be an archeologist or from a related discipline.
2. All Commission members, regardless of background, shall have a known and demonstrated interest, competence, or knowledge in historic preservation within the city.
  3. The Commission as a whole shall represent the ethnic makeup of the city.
  4. Commission members shall serve for a term of two years, with the exception that the initial term of four of the members shall be three years and three of the members will be two years to provide for staggered term expirations.
  5. The Chairman and Vice-Chairman of the Commission shall be elected by and from the members of the Commission annually at the first meeting of each calendar year. No member shall hold the same office for more than two consecutive terms.
  6. The Commission shall be empowered to:
    - a. Make recommendations for employment of staff and professional consultants as necessary to carry out the duties of the Commission.
    - b. Prepare rules and procedures as necessary to carry out the business of the Commission, which shall be ratified by the City Commission.
    - c. Adopt criteria for the designation of historic, architectural, and cultural landmarks and the delineation of historic districts, which shall be ratified by the City Commission.
    - d. Conduct surveys and maintain an inventory of significant historic, architectural, and cultural landmarks and all properties located in historic districts within the city.
    - e. Recommend the designation of resources as landmarks and historic districts.
    - f. Create committees from among its membership and delegate to these committees responsibilities to carry out the purposes of this ordinance.
    - g. Maintain written minutes which record all actions taken by the Commission and the reasons for taking such actions.
    - h. Recommend conferral of recognition upon the owners of landmarks or properties within districts by means of certificates, plaques, or markers.
    - i. Increase public awareness of the value of historic, cultural, and architectural preservation by developing and participating in public education programs.
    - j. Make recommendations to the City Commission concerning the utilization of state, federal, or private funds to promote the preservation of landmarks and historic districts within the city.



- k. Approve or disapprove of applications for certificates of appropriateness pursuant to this act.
- l. Prepare and submit annually to the City Commission a report summarizing the work completed during the previous year.
- m. Prepare specific design guidelines for the review of landmarks and districts.
- n. Recommend the acquisition of a landmark structure by the city where its preservation is essential to the purpose of this act and where private preservation is not feasible
- o. Propose programs to encourage private preservation of landmarks.
- p. The Commission shall meet monthly if business is at hand. Special meetings may be called at any time by the Chairman or on the written request of any two Commission members. All meetings shall be held in conformance with the Texas Open Meetings Act, Texas Civil Statutes, Article 6252-17.
- q. A quorum for the transaction of business shall consist of not less than a majority of the full authorized membership.

#### **Section 4. Appointment of Historic Preservation Officer**

The City Commission shall appoint a qualified city official, staff person, or appropriate resident of the municipal entity to serve as historic preservation officer. This officer shall administer this ordinance and advise the Commission on matters submitted to it.

In addition to serving as representative of the Commission, the officer is responsible for coordinating the city's preservation activities with those of state and federal agencies and with local, state, and national nonprofit preservation organizations.

#### **Section 5. Designation of Historic Landmarks**

1. These provisions pertaining to the designation of historic landmarks constitutes a part of the comprehensive zoning plan of the City of Mercedes.
2. Property owners of proposed historic landmarks shall be notified prior to the Historic Commission hearing on the recommended designation. At the Commission's public hearing, owners, interested parties, and technical experts may present testimony or documentary evidence which will become part of a record regarding the historic, architectural, or cultural importance of the proposed historic landmark.
3. Upon recommendation of the Historic Commission, the proposed historic landmark shall be submitted to the Planning & Zoning Commission within thirty (30) days from the date of submittal of designation request. The Planning & Zoning Commission shall give notice and conduct its hearing on the proposed designation within forty-five (45) days of receipt of such recommendation from the Commission. Such hearing shall be in the same manner and according to the same procedures as specifically provided in the general zoning ordinance of the City of Mercedes. The Planning & Zoning Commission shall make its recommendation to the

City Commission within forty-five (45) days subsequent to the hearing on the proposed designation.

4. The City Commission shall schedule a hearing of the Historic Commission's recommendation to be held within forty-five (45) of receipt of the recommendation of the Planning & Zoning Commission. The City Commission shall give notice, follow the publications procedure, hold hearing, and make its determination in the same manner as provided in the general zoning ordinance of the City of Mercedes.
5. Upon designation of a building, object, site, or structure as a historic landmark or district, the City Commission shall cause the designation to be recorded in the Official Public Records of Real Property of Hidalgo County, the tax records of the City of Mercedes, and the Hidalgo County Appraisal District as well as the official zoning map of the City of Mercedes. All zoning maps should indicate the designated landmarks with an appropriate mark.

#### **Section 6. Designation of Historic Districts**

1. These provisions pertaining to the designation of historic district constitute a part of the comprehensive zoning plan of the City of Mercedes.
2. Property owners within a proposed historic district shall be notified prior to the Historic Commission's hearing on the recommended designation. At the Historic Commission's public hearing, owners, interested parties, and technical experts may present testimony or documentary evidence which will become part of a record regarding the historic, architectural, or cultural importance of the proposed historic district.
3. The Historic Commission may recommend the designation of a district if it:
  - a. Contains properties and an environmental setting which meets one or more of the criteria for designation of a landmark; and
  - b. Constitutes a distinct section of the City of Mercedes\
4. Upon recommendation of the Historic Commission, the proposed historic district shall be submitted to the Planning & Zoning Commission within thirty (30) days from the date of submittal of designation request. The Planning & Zoning Commission shall give notice and conduct its hearing on the proposed designation within forty-five (45) days of receipt of such recommendation from the Commission. Such hearing shall be in the same manner and according to the same procedures as specifically provided in the general zoning ordinance of the City of Mercedes. The Planning & Zoning Commission shall make its recommendation to the City Commission within forty-five (45) days subsequent to the hearing on the proposed designation.



5. The City Commission shall schedule a hearing on the Historic Commission's recommendation to be held within forty-five (45) days of receipt of the recommendation of the Planning & Zoning Commission. The City Commission shall give notice, follow the publication procedures, hold hearing, and make a determination in the same manner as provided in the general zoning ordinance of the City of Merced.
6. Upon designation of a historic district the City Commission shall cause the designated boundaries to be recorded in the Official Public Records of real property of Hidalgo County, the tax records of the City of Merced and the Hidalgo County Appraisal District as well as the official zoning maps of the City of Merced. All zoning maps should indicate the designated historic district by an appropriate mark.

### **Section 7. Criteria for Designation of Historic Landmarks and Districts**

A historic landmark or district may be designated if it:

- (a) Possesses significance in history, architecture, archeology, and/or culture.
- (b) Is associated with events that have made a significant contribution to the broad patterns of local, regional, state, or national history.
- (c) Is associated with events that have made significant contributions to our past.
- (d) Embodies the distinctive characteristics of a type, period, or method of construction.
- (e) Represents the work of a master designer, builder, or craftsman.
- (f) Represents an established and familiar visual feature of the city.

### **Section 8. Certificate of Appropriateness for Alteration or New Construction Affecting Landmarks or Historic Districts**

No person shall carry out any construction, reconstruction, alteration, restoration, rehabilitation, or relocation of any historic landmark or any property within a historic district, nor shall any person make any material change in the light fixtures, signs, sidewalks, fences, steps, paving, or other exterior elements visible from a public right-of-way which affect the appearance and cohesiveness of any historic landmark or any property within a historic district.

### **Section 9. Criteria for Approval of a Certificate of Appropriateness**

In considering an application for a certificate of appropriateness, the Historic Commission shall be guided by any adopted design guidelines, and where applicable, the following from *The Secretary of the Interior's Standards for Rehabilitation of Historic Buildings*. Any adopted design guidelines and *The Secretary of the Interior's Standards* shall be made available to the property owners of historic landmarks or within historic district.

- (a) Every reasonable effort shall be made to adapt the property in a manner which requires minimal alteration of the building, structure, object, or site and its environment.

- (b) The distinguishing original qualities or character of a building, structure, object, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
- (c) All buildings, structures, objects, and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.
- (d) Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, object, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
- (e) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, object, or site shall be kept where possible.
- (f) Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should reflect the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historical, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
- (g) The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.
- (h) Every reasonable effort shall be made to protect and preserve archeological resources affected by, or adjacent to, any project.
- (i) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural, or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood or environment.
- (j) Whenever possible, new additions or alterations to buildings, structures, objects, or sites shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the building, structure, object, or site would be unimpaired.

## **Section 10. Certification of Appropriateness Application Procedure**

- (1) Prior to the commencement of any work requiring a certificate of appropriateness the owner shall file an application for such a certificate with the Historic Commission of Mercedes. The application shall contain:
  - a. Name, address, telephone number of applicant, detailed description of proposed work.
  - b. Location and photograph of the property and adjacent properties (and historic photos if available).
  - c. Elevation drawings of the proposed changes.
  - d. Samples of materials to be used.
  - e. If the proposal includes signs or lettering, a scale drawing showing the type of lettering to be used, all dimensions and colors, a description of materials to be used, method of illumination (if any), and a plan showing the sign's location on the property.
  - f. Any other information which the Historic Commission may deem necessary in order to visualize the proposed work.
- (2) No building permit shall be issued for such proposed work until a certificate of appropriateness has first been issued by the Historic Commission of Mercedes. The certificate of appropriateness required by this act shall be in addition to, and not in lieu of, any building permit that may be required by any other ordinance of the City of Mercedes.
- (3) The Historic Commission shall review the application at a regularly scheduled meeting within sixty (60) days from the date the application is received, at which time an opportunity will be provided for the applicant to be heard. The Historic Commission shall approve, deny, or approve with modifications the permit within forty-five (45) days after the review meeting. In the event the Historic Commission does not act within ninety (90) days of the receipt of the application, a permit may be granted.
- (4) All decisions of the Historic Commission shall be in writing. The Historic Commission's decision shall state its findings pertaining to the approval, denial, or modification of the application. A copy shall be sent to the applicant. Additional copies shall be filed as part of the public record on that property and dispersed to appropriate departments.
- (5) An applicant for the certificate of appropriateness dissatisfied with the action of the Historic Commission relating to the issuance or denial of a certificate of appropriateness shall have the right to appeal to the City Commission within thirty (30) days after receipt of notification of such action. The City Commission shall give notice, follow publication procedures, hold hearings, and make its decision in the same manner as provided in the general zoning ordinance of the city.

## **Section 11. Certificate of Appropriateness Required for Demolition**

A permit for the demolition of a historic landmark or property within a historic district, including secondary buildings and landscape features, shall not be granted by the Building Inspector or other City Official without the review of a completed application for a certificate of appropriateness by the Historic Commission as provided for in Sections 8 – 10 of this ordinance.

## **Section 12. Economic Hardship Application Procedure**

- (1) After receiving written notification from the Historic Commission of the denial of certificate of appropriateness, an applicant may commence the hardship process. No building permit or demolition permit shall be issued unless the Historic Commission makes a finding that a hardship exists.
- (2) When a claim of economic hardship is made due to the effect of this ordinance, the owner must provide that:
  - a. The property is incapable of earning a reasonable return, regardless of whether that return represents the most profitable return possible;
  - b. The property cannot be adapted for any other use, whether by the current owner or by a purchaser, which would result in a reasonable return; and
  - c. Efforts to find a purchaser interested in acquiring the property and preserving it have failed.
- (3) The applicant shall consult in good faith with the Historic Commission, local preservation groups and interested parties in a diligent effort to seek an alternative that will result in preservation of the property. Such efforts must be shown to the Historic Commission.
- (4) The Historic Commission shall hold a public hearing on the application within sixty (60) days from the date the application is received by the Historic Preservation Officer. Following the hearing, the Historic Commission has thirty (30) days in which to prepare a written recommendation to the Historic Preservation Officer. In the event that the Historic Commission does not act within ninety (90) days of the receipt of the application, a permit may be granted.
- (5) All decisions of the Historic Commission shall be in writing. A copy shall be sent to the applicant by registered mail and a copy filed in the City's Planning Department for public inspection. The Historic Commission's decision shall state the reasons for granting or denying the hardship application.
- (6) An applicant for a certificate of appropriateness dissatisfied with the action of the Historic Commission relating to the issuance or denial of a certificate of appropriateness shall have the right to appeal to the City Commission within thirty (30) days oafter receipt of notification of such action. The City Commission shall give notice, follow publication procedures, hold

hearings, and make its decision in the same manner as provided in the general zoning ordinance of the city.

### **Section 13. Enforcement**

All work performed pursuant to a certificate of appropriateness issued under this ordinance shall conform to any requirements included therein. It shall be the duty of the Building Inspector to inspect periodically any such work to assure compliance. In the event the work is not being performed in accordance with the certificate of appropriateness, or upon notification of such fact by the Historic Commission and verification by the Historic Preservation Officer, the Code Enforcement Officer or Building Inspector shall issue a stop work order and all work shall immediately cease. No further work shall be undertaken on the project as long as a stop work is in effect.

### **Section 14. Ordinary Maintenance**

Nothing in this ordinance shall be construed to prevent to ordinary maintenance and repair of any exterior architectural feature of a landmark or property within a historic district which does not involve a change in the design, material, or outward appearance. In-kind replacement or repair is included in this definition of ordinary maintenance.

### **Section 15. Demolition by Neglect**

No owner or person with an interest in real property designated as a landmark or included within a historic district shall permit the property to fall into a serious state of disrepair so as to result in the deterioration of any exterior architectural feature which would, in the judgment of the Historic Commission, produce a detrimental effect upon the character of the historic district as a whole or the life and character of the property itself.

Examples of such deterioration include, but are not limited to:

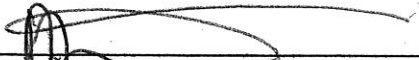
- (a) Deterioration of exterior walls or other vertical supports.
- (b) Deterioration of roof or other horizontal members.
- (c) Deterioration of exterior chimneys.
- (d) Deterioration or crumbling of exterior stucco or mortar.
- (e) Ineffective waterproofing of exterior walls, roof, or foundations, including broken windows or doors.
- (f) Deterioration of any feature so as to create a hazardous condition which could lead to the claim that demolition is necessary for the public safety.

### **Section 16. Penalties**

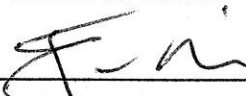
Failure to comply with any of the provisions of this ordinance shall be deemed a violation and the violator shall be liable for a misdemeanor charge, and be subject to a fine of not more than \$2,000 for each day the violation continues.

PASSED AND APPROVED ON FIRST READING THIS THE 4<sup>TH</sup> DAY OF MAY, 2010.

PASSED, APPROVED AND ADOPTED ON FINAL READING THIS THE 18<sup>TH</sup> DAY OF MAY, 2010.

  
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Joel Quintanilla, Mayor

ATTEST:  
  
\_\_\_\_\_  
Arcelia Felix, City Secretary

APPROVED TO FORM:  
  
\_\_\_\_\_  
Juan Molina, City Attorney