

AN ORDINANCE 2014 - 06 - 19 - 0461

AMENDING CHAPTER 12, "VACANT BUILDINGS" OF THE CITY CODE TO CREATE A NEW ARTICLE I ENTITLED "VACANT BUILDING REGISTRATION PILOT PROGRAM" TO REQUIRE PROPERTY OWNERS OF VACANT STRUCTURES IN THE CENTRAL BUSINESS DISTRICT AND ALL VACANT DESIGNATED LANDMARKS AND VACANT STRUCTURES WITHIN HISTORIC DISTRICTS TO REGISTER WITH THE CITY AND ALL VACANT STRUCTURES WITHIN A HALF MILE PERIMETER OF ACTIVE MILITARY BASES; ESTABLISH MINIMUM STANDARDS OF CARE AND UPKEEP FOR BUILDINGS WITHIN THE DISTRICTS, ESTABLISH PENALTIES FOR VIOLATIONS; AND PROVIDE FOR PUBLICATION; AND AUTHORIZING AN INTERLOCAL AGREEMENT WITH BEXAR COUNTY AND THE SAN ANTONIO INDEPENDENT SCHOOL DISTRICT FOR THE ACQUISITION OF TAX-FORECLOSED PROPERTIES.

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**WHEREAS**, the City Council of the City of San Antonio, Bexar county, Texas ("City Council"), has determined that the City of San Antonio ("City"), as part of its essential functions as a home rule city, has an interest in identifying and regulating property owners of vacant structures located within the Central Business District, as well as vacant designated landmarks and vacant structures within Historic Districts ("Districts") to include their contact information;

**WHEREAS**, the City Council has determined that the Districts have historic, unique and significant structures and features, recognized nationally, and are a major contributing factor in the City's tourist and convention industries;

**WHEREAS**, the City Council has recognized the importance which its residents place upon the preservation and maintenance of the City's unique cultural heritage, which generates industry, and which is a significant economic benefit to the municipality and its residents;

**WHEREAS**, the City Council has recognized that San Antonio has a special relationship with the U.S. military because of the large number of military bases located here, and because of the many thousands of troops who train, graduate and rotate through San Antonio, and because of the many career military personnel who have retired from the U.S. military and have chosen to live in San Antonio, City Council wishes to provide all troops, living here or visiting, with a safe and attractive environment around the bases where they live and train and serve;

**WHEREAS**, the City Council has determined that the presence of unmaintained and unregulated vacant structures have a negative economic impact on neighboring properties and businesses and creates a negative impression of the City to visitors and tourists;

**WHEREAS**, the City Council has determined that property owners who own vacant structures have a high incidence of code violations on their properties;

**WHEREAS**, the City Council has determined that vacant structures attract vagrants and/or criminals as prime locations for criminal activities;

**WHEREAS**, the City Council has determined that vacant structures are vulnerable to fires created by unauthorized persons;

**WHEREAS**, the City Council has determined that vacant structures attract and harbor wild animals, pests, vermin and varmints;

**WHEREAS**, the City Council has determined that vacant structures which have deteriorated or been neglected are a threat to the public safety, health and welfare of the community;

**WHEREAS**, the City Council has determined that the contact information as provided in the local deed records for vacant structure property owners is often insufficient to contact the property owner in an immediate and expedient manner in an effort to address any of the above stated concerns and it is necessary to create and maintain an updated registry of contact information of vacant structure property owners in the Districts and for these vacant structure property owners to designate an agent in Bexar County who shall act as an agent for the vacant property owner for purposes of accepting legal service;

**WHEREAS**, the City Council has determined that in order to protect and maintain the unique and significant nature of the Districts for the economic benefit of the City's citizens it is necessary to require vacant structure property owners to maintain their properties in good repair, so that they are sound and sanitary, and so that said properties do not detract from the economic value and utility of neighboring properties.

**WHEREAS**, the City Council has determined that it is in the City's best interest to utilize an available process within the Texas Tax Code for the acquisition of tax-foreclosed properties via an Interlocal Agreement between the City of San Antonio, Bexar County and the San Antonio Independent School District whereby each taxing entity will forgive tax delinquencies and extinguish existing liens so that the properties can be acquired by the City and redeveloped by private entities to become tax producing properties; **NOW THEREFORE**;

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:**

**SECTION 1.** The City Code of San Antonio, Chapter 12 "Vacant Buildings" is hereby amended by adding a new Article I entitled "Vacant Building Registration Pilot Program" to read as follows:

**ARTICLE I. VACANT STRUCTURES IN THE CENTRAL BUSINESS DISTRICT, HISTORIC DISTRICTS, VACANT DESIGNATED HISTORIC LANDMARKS AND HALF MILE PERIMETERS AROUND ACTIVE MILITARY BASES.**

**Sec. 12-1. Definitions.**

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Active Military Base* means a federal military reservation which serves to house and train U.S. military troops and which is located in full or in part within the meets and bounds of the San Antonio City limits.
  - (a) *Half-Mile Perimeter* means a radius distance of one half mile which extends from the perimeter of an Active Military Base and into the surrounding neighborhoods which are within the San Antonio City limits.
- (2) *Central Business District* is located as noted on maps which will be made available by the Director, and as previously defined in this Code as: Beginning at South San Marcos Street at its intersection with West Commerce Street, south to its intersection with Matamoros Street, east to its intersection with the Union Pacific Railway, south to South Alamo Street, north to its intersection with East Cesar Chavez Boulevard, east to South Cherry Street, north to its intersection with East Commerce Street, east to its intersection with North Mesquite Street, north to its intersection with Burleson Street, west to its intersection with Austin Street, north to its intersection with Casa Blanca Street, west to Newell Avenue, southwest to East Elmira Street, west to the intersection of West Elmira and the westbound service road of Interstate Highway 10, underneath Interstate Highway 10, then westbound from the intersection of the Interstate Highway 10 eastbound service road and Perez Street to its intersection with North Frio Street, south to its intersection with West Martin Street, west to its intersection with North San Marcos Street, south to its intersection with West Commerce Street.
- (3) *Department* means the Department of Development Services for the City of San Antonio, Bexar County, Texas.
- (4) *Director* refers to the Director of Development Services for the City of San Antonio, Bexar County, Texas, and his designees.
- (5) *Historic District* means an area designated as such through approved means by City Council, State or Federal authority, and as previously defined and adopted in this Code.
  - (a) *Historic Landmark* means an individual structure or property which has been designated as such through approved means by City Council, State or Federal authority, and as previously defined and adopted in this Code.
- (6) *Owner* means any person, agent, firm, partnership or corporation having a legal interest in the property.

- (7) *Secured* means that all accessible means of ingress and egress to the vacant structure, including but not limited to all exterior doorways and windows are locked so as to prevent unauthorized entry by vagrants and criminals.
- (a) *Temporarily secured* means that all accessible means of ingress and egress to the vacant structure, including but not limited to all exterior doorways and windows are covered with plywood which has been nailed or bolted in place so as to prevent unauthorized entry by vagrants and criminals.
- (8) *Structure* means that which is built or constructed.
- (9) *Vacant structure*: means that all lawful activity has ceased, or reasonably appears to have ceased for 30 days.
- (a) *Lawful activity* is that the current use of the structure is also that which the structure was built for or intended to be used for.

**Sec.12-2. Applicability and Administration.**

- (a) This article shall apply to all vacant structures, as defined herein, which are now in existence or which may hereafter be constructed or converted from other uses and which are within the Central Business District, all Historic Districts, all vacant designated landmarks, and all vacant structures within a half-mile perimeter of all active military bases.
- (b) The Director is authorized to administer and enforce the provisions of this article.
- (c) The Director shall have the authority to render interpretations of this title and to adopt policies and procedures in order to clarify the application of its provisions. The Director, at his sole discretion, may also enter into an agreement with a registered property owner to obtain compliance with this ordinance by a date certain.

**Sec.12-3. Registration required.**

- (a) The vacant structure property owner shall have 90 days in which to register from the date that written notice is issued to the property owner. Written notice shall be issued to the vacant structure property owner by means of personal service, or by first class mail to their last known address according to Bexar County Appraisal District records, and by posting on the property. The Director may consider evidence provided that the property is listed for sale or lease for fair market value and for a reasonable length of time for purposes of extending the length of time before the property must be registered.
- (b) Upon the issuance of notice to register vacant structure, property owners shall register with the Department and provide the following information:
- i. The address and legal description of the property;
  - ii. The current name, physical address, mailing address, telephone number, and email information for any owner(s) with an ownership interest in the

- property. Corporations or corporate entities shall submit the same information pertaining to their registered agent.
- iii. The contact information for a local manager of the properties and/or improvements located on said property, as applicable.
  - iv. Proof of liability insurance, no less than \$100,000, for the property and/or a surety bond for the value of structure if insurance cannot be obtained. Said value shall be the appraised value as determined by the Bexar County Appraisal District. This subsection is not applicable to single family residential structures.
  - v. Complete the comprehensive Plan of Action Form, provided by the Department, detailing a timeline for correcting violations, rehabilitation, maintenance while vacant, and future use of the structure. The Plan of Action must be updated every six (6) months.
  - vi. A complete floor plan of the property for use by first responders in the event of a fire or other catastrophic event.
  - vii. Criminal Trespass affidavits shall be filed with the San Antonio Police Department by the property owner and said property owner shall post "No Trespass" placards on the premises. Additional employment of security services for the property for a specified number of hours every day, may be required by the Director on the basis of the property's history of code and/or criminal violations.
  - viii. Vacant structure property owners shall provide written notice to the Director, including a copy of the deed, of a change in:
    - (A) ownership of the property;
    - (B) contact information for either the owner or the designated manager.Written notice must be provided to the Department no later than 30 days after said changes have occurred.

(c) Continued annual registration of the property by the vacant structure property owner is required until said structure is deemed occupied and in compliance with all relevant code requirements by the Director.

#### Sec.12-4. **Registration fees.**

(a) Vacant structure property owners shall tender an annual registration fee of \$250.00 for single family residential structures or \$750.00 for all other structures, with an annual inspection fee of \$0.01 per square foot, as determined by Bexar County Appraisal District, with a \$50.00 minimum charge. The registration fee shall be pro-rated for the first time a property is registered with the City. Subsequent annual registration fees shall be due and postmarked no later than January 31<sup>st</sup> of each year.

#### Sec.12-5. **Property manager or agent**

(a) Vacant structure property owners must designate a local manager for said properties and include the relevant contact information for the designated manager upon registering the property

with the Department. Property managers shall act as agents for the property owner for purposes of accepting legal service, however the vacant property owner remains personally liable in criminal prosecutions for code violations.

(b) The property manager or agent must be available at the number listed at all times in the event of an emergency or catastrophe. For all vacant properties except for single family residential structures: the name and telephone number of the property manager or agent must be posted at the front of the building, in large, legible print.

#### Sec. 12-6. **Standard of care for vacant property**

(a) The standard of care, subject to approval by the Director, shall include, but is not limited to:

i. *Protective Treatment:* All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition, weather tight and in such condition so as to prevent the entry of rodents and other pests. All exposed wood or metal surfaces subject to rust or corrosion, other than decay resistant woods or surfaces designed for stabilization by oxidation shall be protected from the elements and against decay or rust by periodic application of weather coating materials such as paint or similar surface treatment. All surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. All siding, cladding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight.

ii. *Premises Identification:* The property shall have address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches (102mm) high with a minimum stroke width of 0.5 inch (12.7mm). All buildings shall display a vacant building identification placard as required by the Director.

iii. *Structure:* All structural members and foundation shall be maintained free from deterioration, and shall be capable of safely supporting the imposed loads.

iv. *Exterior Walls:* All exterior walls shall be kept in good condition and shall be free from holes, breaks, and loose or rotting materials. Exterior walls shall be maintained weatherproof and properly surface coated where necessary to prevent deterioration.

v. *Roof and drainage:* The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent accumulation, dampness or deterioration. Roof drains, gutters and downspouts shall be maintained in good repair, free from obstructions and operational.

- vi. *Decorative Features:* All cornices, belt courses, corbels, applications, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.
- vii. *Overhang Extensions and Awnings:* All overhang extensions including, but not limited to canopies, marquees, signs, awnings, and fire escapes shall be maintained in good repair and be properly anchored and supported as to be kept in a sound and safe condition.
- viii. *Stairways, decks, porches and balconies:* Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.
- ix. *Chimneys and Towers:* All chimneys, cooling towers, smoke stacks and similar appurtenances shall be maintained structurally safe and sound, and in good repair.
- x. *Handrails and Guards:* Every exterior handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.
- xi. *Window, Skylight and Door:* Every window, storefront, skylight and exterior door part, including but not limited to the frame, the trim, window screens and hardware shall be kept in sound condition and good repair. All broken or missing windows shall be replaced with glass and secured in a manner so as to prevent unauthorized entry. All broken or missing doors shall be replaced with new doors which shall be secured to prevent unauthorized entry. All glass shall be maintained in sound condition and good repair. All exterior doors, door assemblies and hardware shall be maintained in good condition and secured. Locks at all exterior doors, exterior attic access, windows, or exterior hatchways shall tightly secure the opening. Windows and doors shall not be secured by plywood or other similar means mounted on the exterior except as a temporary securing measure, and the same shall be removed within a period of time designated by the Director.
- xii. *Basement Hatchways and Windows:* Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water. Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against entry of rodents.

(b) All repairs shall be subject to approval by the Director. All required permits and final inspections prior to and/or following repairs shall be in accordance with applicable laws and rules. Historic properties and properties within designated Historic Districts are additionally subject to all applicable rules and regulations as codified in Section 35 of the Code.

(c) Failure to maintain the vacant property to the standard of care specified by the Department is a violation of this article.

#### Sec.12-7. Fee Waivers

All fee waivers must be applied for, using the forms provided, on an annual basis, and are subject to approval by the Director. A fee waiver is only valid for twelve (12) months.

- (a) Property which has been devastated by a catastrophe such as fire or flood: the owner has 30 days to register from the date of the disaster but may be exempt from the fees. This exemption is for the duration of one year from the date of the catastrophe; thereafter all applicable fees are due.
- (b) A property owner who is indigent must register and is otherwise subject to this ordinance but may be exempt from the fees.
- (c) Representatives of a property owner who is deceased or is no longer legally competent must register the property and are otherwise subject to this ordinance but may be exempt from the registration fees.
- (d) Where the owner of the property has obtained a building permit and is progressing in an expedient manner to prepare the premises for occupancy, the owner must register the property and is otherwise subject to this ordinance but may be exempt from the registration fees.

#### **Sec. 12-8. Exemptions**

- (a) Single family residential structures which meet the standard of care as stated in 12-6 are exempt from this ordinance.

#### **Sec. 12-9. Jurisdiction, enforcement and penalties.**

- (a) Written notice of violation will precede the issuance of a criminal citation, in which the vacant property owner will be given a reasonable length of time, as determined by the Director, to remedy the violation. Written notice shall be issued to the vacant structure property owner by means of personal service, or by first class mail to their last known address according to Bexar County Appraisal District records, and by posting on the property.
- (b) Failure to register with the Department after written notice to the vacant structure property owner, as is hereinafter specified, is a violation of this article.
- (c) Violation of this chapter is a class C misdemeanor.
  - (i) This is a strict liability offense in which no mental state is required.
  - (ii) The fine for this offense may not exceed five hundred dollars (\$500.00).
- (d) Administrative, civil, and criminal enforcement are alternative remedies which may be sought independently of each other. Criminal prosecution may occur regardless of pursuit of civil or administrative remedies and vice versa.

**SECTION 2.** Should any Article, Section, Part, Paragraph, Sentence, Phrase, Clause, or Word of this Ordinance, or any appendix thereof, for any reason, be held illegal, inoperative, or invalid or if any exception to or limitation upon any general provision herein contained be held to be

unconstitutional or invalid or ineffective, the remainder shall stand effective and valid as if it had been enacted and ordained without the portion held to be unconstitutional or invalid or ineffective.

**SECTION 3.** The City Clerk is directed to promptly publish public notice of this ordinance in accordance with Section 17 of the City Charter of San Antonio, Texas.

**SECTION 4.** The publishers of the City Code of San Antonio, Texas are authorized to amend the code to reflect the changes adopted in this Ordinance, and to correct typographical errors and to index, format and number paragraphs to conform to the existing code.

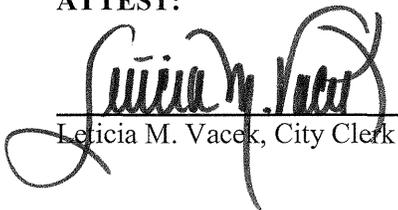
**SECTION 5.** The City Manager or her designee, or the Director of the Center City Development Office or her designee is hereby authorized to execute an Interlocal Agreement with Bexar County and the San Antonio Independent School District for the acquisition of tax-foreclosed properties by the City with terms automatically renewing on an annual basis unless terminated by the parties to the agreement. A copy of the agreement is attached hereto and incorporated herein for all purposes as **Attachment I**.

**SECTION 6.** The Interlocal Agreement authorized by Section 5 above shall become effective 10 days from the date that this Ordinance is approved by City Council. The remainder of the provisions of this Ordinance shall be effective on the 1<sup>st</sup> day of January, 2015.

**PASSED AND APPROVED** this 19 day of June 2014.

  
M A Y O R  
Julián Castro

**ATTEST:**

  
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Leticia M. Vacek, City Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
for Robert F. Greenblum, City Attorney

<b>Agenda Item:</b>	25
<b>Date:</b>	06/19/2014
<b>Time:</b>	11:50:06 AM
<b>Vote Type:</b>	Motion to Approve
<b>Description:</b>	An Ordinance authorizing a Vacant Building Registration Pilot Program and approving an interlocal agreement between the City of San Antonio, Bexar County and the San Antonio Independent School District. [Carlos Contreras, Assistant City Manager; Lori Houston, Director, Center City Development; Shanon Shea Miller, Director, Office of Historic Preservation]
<b>Result:</b>	Passed

Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Julián Castro	Mayor		x				
Diego Bernal	District 1		x			x	
Ivy R. Taylor	District 2		x				x
Rebecca Viagran	District 3		x				
Rey Saldaña	District 4		x				
Shirley Gonzales	District 5		x				
Ray Lopez	District 6		x				
Cris Medina	District 7		x				
Ron Nirenberg	District 8		x				
Joe Krier	District 9		x				
Michael Gallagher	District 10		x				