

AN ORDINANCE AMENDING CHAPTER 4 OF THE CODE OF ORDINANCES OF THE CITY OF SAN ANGELO BY ADDING ARTICLE 4.11 ENTITLED "VACANT BUILDINGS"; PROVIDING FOR DEFINITIONS; PROVIDING FOR APPLICATION FOR VACANT BUILDING CERTIFICATES; PROVIDING FOR VACANT BUILDING CERTIFICATES, PROVIDING FOR INSPECTION OF VACANT BUILDINGS; PROVIDING FOR NOTIFICATION; PROVIDING FOR PENALTY; AMENDING APPENDIX "A", ARTICLE 2.000 ENTITLED "BUILDING & CONSTRUCTION RELATED FEES" BY ADDING SECTION A2.018 ENTITLED "VACANT BUILDING CERTIFICATE FEE"; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a large number of vacant buildings located within the City of San Angelo may become potential sites of City ordinance violations and illegal activity based on code compliance and public safety history and data. Vacant buildings are vulnerable to break-ins, criminal activity, destruction, fire accidents, looting and other unsafe activities that are injurious to the health, safety and welfare of persons who come on or near the property; and

WHEREAS, vacant buildings and structures are the location of more than 12,000 fires every year in the United States resulting in more than \$70 million of direct property damage; and

WHEREAS, vacant buildings can adversely affect the aesthetic and economic attributes of communities. Vacant buildings can attract and/or cause blight and other harmful effects to surrounding properties through lack of adequate maintenance and security; and

WHEREAS, city officials often have difficulty locating the party responsible for the condition of vacant buildings; and

WHEREAS, the above-described health, safety and welfare concerns associated with vacant buildings require the City to impose requirements for the registration of vacant buildings within the city and to ensure such properties are made safe and secure; and

WHEREAS, registration is to obtain and maintain information on location, ownership and status of those buildings and require the City to monitor vacant buildings to determine the potential presence of City ordinance violations, including violations of the minimum standards under the City's dangerous building ordinance; and

WHEREAS, there is a substantial cost to the City for registering and monitoring vacant buildings, which should be borne by the owners of the vacant buildings; and

WHEREAS, the San Angelo City Council determines that the health, safety and general welfare of the City will be protected and improved by adopting an ordinance to require registration and monitoring of vacant buildings and associated registration fees,

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANGELO:

Section 1.

That Chapter 4, of the Code of Ordinances, City of San Angelo, Texas, entitled “Building & Construction“ is amended by adding Article 4.11 entitled “Vacant Buildings” to read as follows:

ARTICLE 4.11 VACANT BUILDINGS

Sec. 4.11.001 Definitions

The words and phrases contained herein shall have the following meaning ascribed to them unless the context states otherwise:

Agent. An individual with a place of business in the state of Texas at which he or she is authorized to accept inquiries, notices, and service of process on behalf of a vacant property.

Accessory Structure. A building or structure incidental to the dwelling unit and located on the same property.

Boarded Building. Any vacant or unoccupied building or structure on which 25% or more of the total area opening to the outside, such as door and window openings, is covered with lumber, panels of wood or other material so as to make the structure secure from unauthorized entry pursuant to Article 4.06 of this Chapter. The term does not include a building secured by original or replacement fixtures or fittings as used for a building which is occupied.

Building. Any structure built for the support, shelter and enclosure of persons, animals, goods or movable property of any kind. Any roof-covered structure shall be considered a building.

Code Official. The individual or individuals designated by the City Manager to carry out the duties of enforcement of this article and having authority to issue citations for violation of the provisions of this Article.

Days. Consecutive calendar days.

Key Box. A secure device with a lock operable only by a fire department master key, and containing building entry keys and other keys that may be required for access in an emergency.

Owner of Record. Any person, agent, firm, corporation or governmental agency having a legal or equitable interest in the property. This term shall include any person or entity having care, custody or control of the property, including the guardian of the estate or any such person, and the executor or administrator of an estate of such person if ordered to take possession of the property by a court. , shown in:

- (1) The real property, assumed name, or appraisal district records of the county; or
- (2) The tax and utility records of the city; or
- (3) The records of the Secretary of State.

Vacant. Any building that is:

- (1) intended for occupation, which has not been lawfully occupied for at least 90 days, or has no evidence of water and electric service within the past 90 days; or
- (2) partially constructed or incomplete and does not have a valid building permit.

Sec. 4.11.002 Applicability

- (a) The requirements of this article shall be applicable to each owner of a building that has been vacant for more than 90 days.
- (b) The requirements of this article shall be applicable to each owner of a building that has been boarded, immediately upon boarding the building.
- (c) The duties/obligations in this article shall be joint and several among and between all trustees, beneficiaries, and their respective agents.

Sec. 4.11.003 Exemptions

A building is exempt from the requirements of this Article under the following circumstances. Proof of an exemption applying to a particular building shall be required.

(a) Improvements Being Made

A vacant building that is under construction or repairs, not less than three business days per week undertaken in compliance with all applicable laws

(b) Subject to an Active Permit

A building that is the subject of an active building permit for repair, rehabilitation or demolition; and, the owner is proceeding diligently in good faith to complete the repair, rehabilitation or demolition as demonstrated through work and material invoices or other documentation.

(c) Actively being Marketed

The building is being actively marketed for sale, rent or lease by the owner or an agent for a period of not more than twelve (12) months. After twelve (12) months, registration is required.

(d) Under Contract for Sale/Lease

The property has a pending contract for sale or lease, for a period of not more than twelve (12) months. After twelve (12) months, registration is required.

(e) Fire Damage or Extreme Weather Damage

The building has been subject of a fire or damaged by extreme weather conditions for a period of one (1) year from the date of the date of the fire or extreme weather event.

(f) One and Two Family Dwelling

The building is a 1 or 2 family dwelling as defined by the City of San Angelo Building Code and Fire Code.

Sec. 4.11.004 Notices

- (a) Notices Mailed. All notices required to be mailed under this article, shall be mailed by certified mail, return receipt requested. When a notice is mailed in accordance with this section and the United States Postal Service returns the notice as “refused” or “unclaimed,” the validity of the notice is not affected, and the notice is considered delivered.

- (b) Notices Posted. All notices required to be posted shall be attached to the structure as close to the front door as practicable. If there is no front door, notice shall be attached to the structure in a noticeable place.

Sec. 4.11.005 Vacant Building Certificate

(a) A vacant or boarded building shall be covered by a valid vacant building certificate. A separate certificate is required for each street address at which any vacant or boarded building is located, regardless of any separate occupied buildings that may also be located at the same street address. If more than one vacant or boarded building is located at the same street address, only one certificate is required for that street address. Only one certificate is required for a single vacant or boarded building that has more than one street address. Suite numbers and apartment unit numbers will not be considered in determining the street address of a vacant building.

(b) To obtain a certificate, an owner or owner's agent must submit a properly completed application on a form provided for that purpose to the code official's office and pay the fee as provided in Appendix "A" to the Code of Ordinances for the City of San Angelo. The application shall include the following information at a minimum:

- (1) A description of the premises, including legal description, address, and Tom Green County Appraisal District property identification number.
- (2) Names, street addresses, and mailing address of the following:
 - (A) person(s) having the care, custody or control of the vacant and/or boarded building; and
 - (B) all persons or entities having an ownership interest in the premises where the vacant and/or boarded building is located. If the owner is a corporation, include all officers of the corporation. If the owner is an estate, include all executors, executrices or administrators. If the owner is a trust, include all trustees; and
- (3) Statement whether the vacant building is to remain vacant and/or boarded, be demolished, be renovated to code, or be sold as is.
- (4) Statement regarding timeline for correcting code violations, plan for maintaining the property and keeping it secure.

Sec. 4.11.006 Issuance and Denial of Certificate

(a) Issuance. Upon the filing of a properly complete application, payment of all required fees, and compliance with the requirements of this Article, the code official shall issue a vacant building certificate to the applicant. The City

Manager or designee may prorate the application fee for initial or update permit applications submitted on February 1 or later. Late permit renewals shall not be prorated.

- (b) Period of Validity. A certificate shall be valid for one (1) year from January 1 until December 31 of each year.
- (c) Rejection of Application. An application for vacant building certificate shall be rejected if:
 - (1) the application is incomplete;
 - (2) information on the face of the application is determined to be incorrect; or,
 - (3) the application fee is not paid in full.

Sec. 4.11.007 Expiration and Renewal of Certificate

- (a) A certificate expires on the earlier of:
 - (1) December 31 of the year issued
 - (2) Within 30 days of the date controlling ownership of the vacant building changes
 - (3) The date the vacant building becomes occupied as follows:
 - (A) if residential, when the structure(s) meets Minimum Standards set forth at Article 4.1200 of the Code of Ordinances for the City of San Angelo as verified by the code official,
 - (B) if not residential, when a certificate of occupancy for the structure is issued or an update of occupancy is submitted;
 - (4) the date the vacant building is removed or demolished as verified by the code official.
- (b) A certificate shall be renewed by making application at least thirty (30) days prior to expiration of the certificate in accordance with Section _____ and paying the required fee.

Sec. 4.11.008 Non-transferability

A certificate is not transferable.

Sec. 4.11.009 Change of Ownership

- (a) Prior to selling or otherwise voluntarily conveying a vacant building, the owner shall:
 - (1) disclose to any buyer or grantee of the property that the property has a vacant building certificate; and
 - (2) disclose that the buyer or grantee is required to update a vacant building certificate or secure a permit to repair, remodel or demolish the vacant building within thirty (30) days of the change in ownership.
- (b) If a change in ownership of the vacant building occurs, the new owner shall have thirty (30) days from the date of change in ownership to:
 - (1) update the certificate with the code official and pay the application fee, or
 - (2) secure a permit for repair, remodel or demolition of the vacant building, or
 - (3) begin repairs for which a permit is not required.

Sec. 4.11.010 Property Inspection

The purpose of conducting inspections of unoccupied buildings is protection of adjacent businesses, pre-fire planning to protect firefighters from unexpected hazards and in the event of a fire or other emergency.

- (a) Inspection. The code official may inspect any structure for which there is probable cause to believe is a vacant building.
- (b) Notice. Upon a determination by the code official that a structure is a vacant building for which there is no valid vacant building certificate, a written notice of the requirement to apply for a vacant building certificate and an application form shall be mailed or delivered to the owner(s) of record.
- (c) Posting. Upon a determination by the code official that a structure is a vacant building for which there is no valid vacant building certificate, a notice shall be posted on the vacant building by the inspector which states as follows:

THIS STRUCTURE IS A VACANT BUILDING AND DOES
NOT HAVE A VALID VACANT BUILDING CERTIFICATE
AS REQUIRED BY CITY OF SAN ANGELO CODE OF

ORDINANCES, CHAPTER 4, ARTICLE 4.11. THE OWNER IS REQUIRED TO SUBMIT AN APPLICATION FOR A VACANT BUILDING CERTIFICATE TO THE _____'S OFFICE. CONTACT _____ AT _____ FOR FURTHER INFORMATION. DATE POSTED: _____. THIS NOTICE SHALL REMAIN POSTED UNTIL A VALID VACANT BUILDING CERTIFICATE IS ISSUED.”

- (d) The owner(s) or the owner’s designated representative shall have fifteen (15) days from the date of mailing or delivery of the notice to complete and submit an application for vacant building certificate along with the appropriate fee.
- (e) The vacant building will be re-inspected after the period of time allowed in the notice for compliance.

Sec. 4.11.011 Owner Responsibilities

The owner of a vacant building shall:

- (a) Comply with all applicable city ordinances and codes.
- (b) Notify the code official of any changes in information supplied in the application for certificate within thirty (30) days of the change.
- (c) Keep the building secured and maintained in accordance with Section 4.11.012 of this Article.
- (d) Inspect, or cause to be inspected, the premises for compliance with the requirements of this Article not be less than one time per month.
- (e) Post No-Trespassing signs on all sides of the building(s).
- (f) Post vacant building certificate in a location visible from the public right of way.
- (g) Maintain insurance required per Section 4.11.013 of this Article.
- (h) Install and maintain a key box as required by Section 4.11.014 of this Article.

Sec. 4.11.012 Security and Maintenance

All vacant buildings and premises thereof shall be maintained in a clean, safe, secure and sanitary condition as provided herein. This section applies to all buildings and structures on the premises.

- (a) Exterior. The exterior of the building shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to public health, safety or welfare. Exterior walls shall be free from holes, breaks, and loose or rotting materials, and property surface coated where required, preventing deterioration. All vacant buildings shall be maintained in the same condition as on the date of the certificate.
- (b) Rodents and Insects. All buildings shall be maintained free from insects and rodent infestation.
- (c) Securing. All buildings shall be secured from unauthorized access. Securing shall include, but not be limited to, closing and locking all windows, doors (walk-through, sliding and garage), gates and any other opening that may allow access to the interior of the property and/or structures.
- (f) Combustibles. Remove all accumulations of combustible materials, flammable or combustible waste or rubbish, in accordance with the International Fire Code as adopted by the City of San Angelo.
- (g) Graffiti. The property shall be maintained free of graffiti, tagging or similar marking. Any removal or painting-over graffiti shall be with an exterior grade paint that matches the color of the exterior of the structure.
- (h) Electric. All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.
- (i) Fire Protection Features. All fire protection features including but not limited to fire alarm systems, fire suppression systems (sprinkler and kitchen hoods), exit signs, emergency lights, and clear paths of egress, shall be maintained in accordance with the International Fire Code as adopted by the City of San Angelo.

Sec. 4.11.013 Insurance required

Prior to the issuance of a vacant building certificate, the owner shall procure and keep in full force and effect at all times during the registration term, commercial general liability and property insurance coverage, with a combined bodily injury (including death) and property damage limits of not less than \$1,000,000 for each occurrence and \$2,000,000 annual aggregate.

Sec. 4.11.014 Key Box Required.

Within 30 days of the application for a vacant buildings permit, the owner shall contact the San Angelo Fire Department to make application to the Fire Department's master key

system making all registered buildings accessible during an emergency to fire department personnel.

Sec. 4.11.015 Offense

Any violation of any provisions of this article is a strict liability offense. A violation shall be deemed to have occurred regardless of a violator’s intent, knowledge, or culpable mental state.

Sec. 4.11.016 Penalty

Any person who violates a provision of this Article shall be guilty of a misdemeanor and upon conviction shall be subject to a fine as provided for in Section 1.106 of the Code of Ordinances for the City of San Angelo. Each day of such violation shall constitute a separate offense.

Section 2.

Appendix “A”, Article 2.0000, entitled “Building & Construction Related Fees” of the Code of Ordinances of the City of San Angelo, Texas, is amended by adding Section A2.018 entitled “Vacant Buildings” to read as follows:

Sec. A2.018 Vacant Buildings

The City of San Angelo shall charge an annual fee for vacant building certificates. Certificates are good for the calendar year and must be renewed no later than January 31 each year. Fees shall not be prorated for the calendar year in which it is initially registered. Fees are as follows:

A. Initial Certificate:

Residential structure up to 2,500 square feet, including accessory structures less than 100 square feet in area	\$150.00
Residential structure from 2,501 square feet to 5,000 square feet, including accessory structures less than 100 square feet in area	\$200.00
Residential structure greater than 5,000 square feet, including accessory structures less than 100 square feet in area	\$200.00 plus \$ 50.00 per 500 square feet over 5,000 square

	feet not to exceed \$750.00
Accessory structures greater than 100 square feet in area	\$ 50.00 each
Commercial structure(s)* up to 2,500 square feet	\$150.00
Commercial structure(s)* from 2,501square feet to 5,000 square feet	\$200.00
Commercial structure(s)* greater than 5,000 square feet	\$200.00 plus \$ 50.00 per 500 square feet over 5,000 square feet not to exceed \$750.00

B. Subsequent Certificates

Each subsequent Certificate fee will be one half the initial fee.

Section 3.

That the following severability clause is adopted with this amendment:

SEVERABILITY:

That the terms and provisions of this Ordinance shall be deemed to be severable in that if any portion of this Ordinance shall be declared to be invalid, the same shall not affect the validity of the other provisions of this Ordinance.

Section 4.

That this Ordinance shall be effective on, from and after the date of publication as required by law.

INTRODUCED on the 19th day of June, 2018, and finally PASSED, APPROVED and ADOPTED on this the 17th day of July, 2018.

CITY OF SAN ANGELO

ATTEST:

BY:

Brenda Gunter, Mayor

Brian Kendrick, City Clerk

Approved as to content:

Approved as to form:

Code Official

Theresa James
City Attorney