

**Ordinance amending Corpus Christi Code to adopt Downtown Vacant Building Regulations; and Providing for penalties**

**WHEREAS**, the City Council has determined that the downtown area is a unique and distinct area of the City due to the prevalence of older, multi-story buildings constructed without setbacks from the street rights-of-way, and that the downtown area has the potential to serve as a dynamic economic center for the City;

**WHEREAS**, the presence of unoccupied, improperly maintained buildings in the downtown area poses risks to the public health and safety as the buildings pose an increased risk from fire, can contribute to the deterioration of adjacent structures, and attract vagrants, gang members and criminals;

**WHEREAS**, property owners who own vacant structures have a high incidence of code violations on their properties;

**WHEREAS**, the unoccupied and improperly maintained buildings in the downtown area are a blight and cause deterioration and instability;

**WHEREAS**, the vacant structures attract and harbor wild animals, pests, vermin and varmints;

**WHEREAS**, in order to protect and maintain the unique and significant nature of the downtown area 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 Tax Increment Reinvestment Zone #3 (TIRZ #3) Board recommended the creation of an ordinance to address vacant downtown buildings and various downtown interest groups, including the Downtown Management District, have participated in the drafting of the ordinance;

**WHEREAS**, the City Council has determined that this ordinance would best serve public health, necessity, and convenience and the general welfare of the City of Corpus Christi and its citizens.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CORPUS CHRISTI:

SECTION 1. That Chapter 13 "Code Enforcement, Housing and Housing Premises Standards, and Neighborhood Improvement," of the Code of Ordinances is amended by adopting a new Article IV "Vacant Downtown Buildings" which shall read as follows:

"ARTICLE IV. VACANT DOWNTOWN BUILDINGS

Sec. 13-4001. Declaration of policy.

(a) The city council finds and declares that:

(1) Downtown Corpus Christi is a unique and distinct area of the City due to the prevalence of older, multi-story buildings constructed without setbacks from the street rights-of-way, thereby creating a dense development posing increased risks from fire. The buildings often have common walls, or walls that abut, and the buildings are affected by the lack of maintenance of an adjoining building.

(2) Downtown Corpus Christi has the potential to be a dynamic economic center for the City, however, improperly maintained vacant buildings and lots inhibit the redevelopment of the downtown area.

(3) Downtown buildings that are vacant and unsecured attract vagrants, gang members, and criminals as prime locations to conduct illegal criminal activities.

(4) Buildings that are vacant and unsecured are extremely vulnerable to being set on fire by unauthorized persons.

(5) Buildings that are vacant and unsecured are a blight and cause deterioration and instability in downtown.

(6) Buildings that are vacant and unsecured pose serious threats to the public's health and safety.

(7) Abatement and rehabilitation of poorly maintained vacant downtown buildings is necessary.

(8) Vacant and unsecured buildings are declared to be public nuisances.

(b) The purpose of this article is to protect the public health, safety, and welfare of the city.

(c) This article:

(1) Determines the responsibilities of owners of vacant downtown buildings.

(2) Provides for administration, enforcement, and penalties.

Sec. 13-4002. Definitions.

Unless otherwise expressly stated, the following words, terms, and phrases, when used in this article, have the meanings ascribed to them in this section, unless the context of their usage clearly indicates a different meaning:

Administrator means the City's Assistant City Manager over Development Services, or designee.

Board when used as a verb means to cover an opening with lumber or panel of wood or other material.

Building means any structure or portion of a structure used or intended for supporting or sheltering any use or occupancy.

Commercial Building means any building which brings or has the potential to bring income including, but not limited to, office, retail, industrial, and multi-family structures. A multi-family structure containing fewer than five dwelling units is not a commercial building for purposes of this article.

Dangerous building means a building which is potentially hazardous to persons or property, including, but not limited to:

- (a) A building that is in danger of partial or complete collapse.
- (b) A building with any exterior parts that are loose or in danger of falling.
- (c) A building with any parts, such as floors, porches, railings, stairs, ramps, balconies, or roofs, which are accessible and which are either collapsed, in danger of collapsing, or unable to support the weight of normally imposed loads.

Downtown means that area included within the boundaries of the Tax Increment Reinvestment Zone #3.

Owner means the owner of record in the county where the real property is situated; the holder of an unrecorded contract for deed; a mortgagee or vendee in possession; a mortgagor or vendor in possession; and an assignee of rents, receiver, executor, trustee, lessee, or other person in possession or with the right to control of the premises or a portion of the premises. Any person who is included in this definition as an owner has joint and several obligation for compliance with the provisions of this article. A tenant who does not have the right of possession or control of a portion of the building that is unoccupied is not an owner for the purposes of this article.

Property maintenance ordinance means any ordinance of the City of Corpus Christi related to the required maintenance of a building, this includes, but is not limited to, the International Building Code, the International Property Maintenance Code, the International Fire Code, the International Plumbing Code, and all other similar international codes as adopted by the City of Corpus Christi.

Secure means to take measures to ensure that the interior of the building cannot be accessed by:

- (1) Unauthorized persons without the use of tools or ladders.
- (2) Birds and other animals through broken windows or other openings in the structure.

Unoccupied means not being used for a lawful occupancy authorized by the certificate of occupancy issued by the city's building official.

Unsecured means open to entry by unauthorized persons or animals.

Vacant means at least seventy five percent (75%) or more of the total floor space is unoccupied.

Vacant downtown building means a commercial building located within the downtown area that is vacant.

Sec. 13-4003. Applicability and Administration.

(a) This article shall apply to all vacant downtown buildings, as defined herein, which are now in existence or which may hereafter be constructed or converted from other uses.

(b) The Administrator is authorized to administer and enforce the provisions of this article.

(c) The Administrator 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 Administrator, at his sole discretion, may also enter into an agreement with a vacant downtown building property owner to obtain compliance with this ordinance by a date certain.

Sec. 13-4004. Property manager or agent

(a) Vacant downtown building property owners must designate a local manager who resides within 50 miles of the vacant downtown building. 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.

Sec. 13-4005. Standard of care for vacant downtown buildings

(a) The standard of care for vacant downtown buildings, subject to approval by the Administrator, shall include, but is not limited to:

- (1) *Protective Treatment:* All exterior surfaces, including but not limited to, walls, roofs, doors, windows, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in such condition so as to prevent the entry of rodents and other pests and the penetration of water to such extent as to cause the structure to be unsound. 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.
- (2) *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).

- (3) First-Floor Windows and Doors: Every first-floor window, storefront, 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, windows, or exterior hatchways shall tightly secure the opening. First-floor windows and doors shall not be secured by boarding 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 Administrator.
- (4) Exterior Lighting: The exterior of the building adjacent to any street, sidewalk, or other pedestrian access shall have visible exterior lighting with average ambient light levels of between one (1) and three (3) foot-candles with a minimum of 0.5-foot candles and a maximum of six (6) foot-candles at any point measured on the ground plane.

(b) All repairs shall be subject to approval by the Administrator. All required permits and final inspections prior to and/or following repairs shall be in accordance with applicable laws and rules. This paragraph specifically requires that all necessary building permits are obtained and that all work complies with any law or ordinance relating to construction standards, property maintenance, and windstorm requirements, along with all other applicable laws, ordinances, and rules, including property maintenance ordinances.

(c) Failure to maintain the vacant property to the standard of care specified by this section is a violation of this article. The Administrator, on application from the vacant downtown building property owner, may authorize limited exceptions to the requirements in 13-4005(a)(3) and (a)(4) on a case-by-case basis. Any authorization of an exception must be made in writing and shall not be interpreted as an establishment of policy.

(d) Nothing in this section shall prohibit enforcement of other property maintenance ordinances against the vacant downtown building property owner or any tenant or agent who is otherwise liable for violation of such ordinance.

#### Sec. 13-4006. Eligibility for Incentives

(a) A vacant downtown building is eligible for incentives from the TIRZ #3 to assist with redevelopment of the property only if it is in compliance with the Standard of Care in section 13-4005.

Sec. 13-4007. Jurisdiction, enforcement and penalties

(a) Violation of any provision of this article is a class C misdemeanor. Each day any violation continues constitutes a separate offense.

(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).

(b) 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.

Sec. 13-4008. Demolition Review

(a) The owner of a vacant downtown building may apply for a demolition permit from the Development Services Department.

(b) Demolition permits shall not be granted for any vacant downtown building constructed more than 50 years prior to the date of the application unless a certificate of appropriateness for demolition is issued in accordance with section 3.16 of the Unified Development Code. For purposes of this section, the vacant downtown building that is more than 50 years old will be treated as though it is a designated landmark or contributing structure located within an Historic Overlay zoning district.”

SECTION 2. That all ordinances or parts of ordinances in conflict with this ordinance are hereby expressly repealed. The general vacant building ordinance, codified at 13-3001 et seq. of the Code of Ordinances, as applied to any property other than a vacant downtown building, is not in conflict with this ordinance.

SECTION 3. If, for any reason, any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word or provision of this ordinance, for it is the definite intent of the City Council that every section, paragraph, subdivision, phrase, word and provision hereof shall be given full force and effect for its purpose.

SECTION 4. A violation of this ordinance or the requirements implemented under this ordinance constitutes an offense punishable under Section 1-6 of the City Code of Ordinances.

SECTION 5. That publication shall be made in the official publication of the City of Corpus Christi as required by the City Charter of the City of Corpus Christi.

SECTION 6. This ordinance shall take effect on October 1, 2018.

SECTION 7. City Council shall review the effectiveness of this ordinance, including the demolition review, annually. On or about the fifth anniversary of the effective date of this ordinance, City Council shall engage in an enhanced, thorough review of the effectiveness of this ordinance.

That the foregoing ordinance was read for the first time and passed to its second reading on this the \_\_\_\_\_ day of \_\_\_\_\_, 2018, by the following vote:

Joe McComb	_____	Ben Molina	_____
Rudy Garza	_____	Everett Roy	_____
Paulette Guajardo	_____	Lucy Rubio	_____
Michael Hunter	_____	Greg Smith	_____
Debbie Lindsey-Opel	_____		

That the foregoing ordinance was read for the second time and passed finally on this the \_\_\_\_\_ day of \_\_\_\_\_, 2018, by the following vote:

Joe McComb	_____	Ben Molina	_____
Rudy Garza	_____	Everett Roy	_____
Paulette Guajardo	_____	Lucy Rubio	_____
Michael Hunter	_____	Greg Smith	_____
Debbie Lindsey-Opel	_____		

PASSED AND APPROVED on this the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

ATTEST:

\_\_\_\_\_  
Rebecca Huerta  
City Secretary

\_\_\_\_\_  
Joe McComb  
Mayor