

Ordinance amending Corpus Christi Code to add section 55-40 to authorize the Building Official to disconnect utility services for revocation of certificate of occupancy or for failure to remedy a violation of code resulting in a danger to the life, health, or safety of the public or the occupants of a building; and providing for publication.

Whereas, the Texas Public Utility Commission of Texas rules do not apply to municipal water and wastewater utilities that adopt its own rules (16 Tex. Admin. Code § 24.377); and

Whereas, the City Council finds that the provision of utilities to a multifamily, commercial, institutional, or industrial building or structure attracts the public to such building, thereby causing and magnifying the danger to life, health or safety caused by that building's violation of a national model code adopted by the City.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CORPUS CHRISTI, TEXAS, THAT:

SECTION 1. Corpus Christi Code Chapter 55, Article is amended by adding Section 55-40 Authority to disconnect service utilities to read as follows:

Sec. 55-40 Building Official's Authority to disconnect service utilities.

(a) The building official may authorize disconnection of utility service to a multifamily, commercial, institutional, or industrial building or structure regulated by a national model code adopted by City when:

(1) a utility connection has been made without the required authorization;

(2) the building official has revoked a certificate of occupancy for the building or structure; or

(3) the building official finds:

A. the building or structure is in violation of a national model code adopted by the City; and

B. the aforementioned violation is an ongoing danger to the life, health, or safety of the public or the occupants of the building.

(b) Prior to such disconnection, the building official shall:

(1) place a visible notice on the front door of the building or structure of the intent to disconnect utilities;

(2) attempt to notify the owner of the building or structure of the preliminary decision to disconnect utility service;

(3) give the owner at least 72 hours to remedy the aforementioned deficiency;
and

(4) give the owner at least 72 hours to request a hearing before the building official and present evidence thereat.

(c) This section does not apply to the Building Official's authority to authorize disconnection of utility services as provided by a national model code adopted by the City.

SECTION 2. 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 this City Council that every section, paragraph, subdivision, clause, phrase, word or provision hereof be given full force and effect for its purpose.

SECTION 3. 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 4. This ordinance takes effect after official publication

That the foregoing ordinance was read for the first time and passed to its second reading on this the _____ day of _____, 2022, by the following vote:

Paulette M. Guajardo _____

John Martinez _____

Roland Barrera _____

Ben Molina _____

Gil Hernandez _____

Mike Pusley _____

Michael Hunter _____

Greg Smith _____

Billy Lerma _____

That the foregoing ordinance was read for the second time and passed finally on this the _____ day of _____ 2022, by the following vote:

Paulette M. Guajardo _____

John Martinez _____

Roland Barrera _____

Ben Molina _____

Gil Hernandez _____

Mike Pusley _____

Michael Hunter _____

Greg Smith _____

Billy Lerma _____

PASSED AND APPROVED on this the _____ day of _____, 2022.

ATTEST:

Rebecca Huerta
City Secretary

Paulette M. Guajardo
Mayor