

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

~~**WHEREAS**, the City Council of the City of Corpus Christi, Texas ("City Council"), has determined that the City of Corpus Christi ("City"), as part of its essential functions as a home rule municipality, has an interest in identifying and regulating property owners of vacant structures located within the downtown area to include their contact information;~~

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**, 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 downtown area and for these vacant structure property owners to designate an agent in Nueces County who shall act as an agent for the vacant property owner for purposes of accepting legal service;~~

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; ~~anyone identified as the owner when the building is registered with the City;~~ 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 registered~~ property owner to obtain compliance with this ordinance by a date certain.

~~Sec. 13-4004. Registration required.~~

~~(a) The owner of a vacant downtown building shall have 45 days in which to register from the effective date of this ordinance or the date on which the property becomes vacant if the property becomes vacant after the effective date of this ordinance.~~

~~(b) Upon the effective date of this ordinance or the vacancy of a previously occupied downtown building, property owners shall register the vacant downtown property and provide the following information:~~

- ~~(1) The address and legal description of the property;~~
- ~~(2) 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.~~
- ~~(3) The contact information for a local manager of the properties and/or improvements located on said property, as applicable.~~

- ~~(4) — The comprehensive Plan of Action Form detailing a timeline for correcting violations, rehabilitation, maintenance while vacant, and future use of the structure. The Plan of Action must be updated annually.~~
- ~~(5) — Certification that the vacant downtown building meets the required standard of care in accordance with section 13-4008.~~
- ~~(6) — A complete floor plan of the property for use by first responders in the event of a fire or other catastrophic event.~~
- ~~(7) — Criminal Trespass affidavits to be filed with the Corpus Christi Police Department by the property owner. Property owner shall post "No Trespass" placards on the premises.~~

~~(c) Vacant downtown building property owners shall provide written notice to the Administrator, including a copy of the deed, within 30 days, of a change in:~~

- ~~(1) ownership of the property;~~
- ~~(2) contact information for either the owner or the designated manager;~~
- ~~(3) change of owner's registered agent.~~

~~(d) Continued annual registration of the property by the vacant downtown building property owner is required until said structure is occupied in compliance with a certificate of occupancy issued by the City's Development Services Department and in compliance with all property maintenance ordinances and state law.~~

~~Sec. 13-4005. Registration fees.~~

~~(a) Vacant downtown building property owners shall tender an annual registration fee of \$500.00 for each building. The registration fee may be paid by credit card with an additional three percent fee, or \$15.00, required for the processing of the credit card payment. The initial registration fee is due upon registration. Annual registration fees shall be due and postmarked no later than November 15 of each year.~~

~~Sec. 13-40046. 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 and include the relevant contact information for the designated manager upon registering the property. 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. 13-4007 Inspection

~~(a) — Each vacant downtown building must be inspected by City staff in accordance with the schedule provided below. City staff present at the inspections will include staff from Code Enforcement and any other staff deemed necessary by the Administrator. The number of years that a building has been vacant shall be measured starting on the effective date of this ordinance.~~

<u>Vacant Building Inspections</u>	
<u>Years Vacant</u>	<u>Frequency</u>
<u>1-3</u>	<u>Annually</u>
<u>4-6</u>	<u>Bi-Annually</u>
<u>7+</u>	<u>Quarterly</u>

~~(b) — An inspection fee of \$0.01 per square foot of space within the building, as determined by Nueces County Appraisal District, shall be paid prior to any inspection or re-inspection required for a vacant downtown building. Inspection fees may be paid by credit card with an additional three percent fee required for the processing of the credit card payment.~~

~~(c) — If it is determined after a required inspection (annual, bi-annual, or quarterly) that the vacant downtown building does not meet the standard of care provided in section 13-4008, the Administrator shall request a property plan and require re-inspection after 30 days, or such longer time as the Administrator deems appropriate, to determine if the vacant downtown building property owner has corrected the defects in the building and brought it up to the required standard of care. In no event shall the Administrator allow a vacant building owner more than 90 days to correct the defects before a re-inspection is required. A vacant building owner may request subsequent re-inspections to show compliance if the property does not pass the initial re-inspection.~~

Sec. 13-40058. 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 13-40058(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) If a vacant downtown building fails an inspection, the property owner may request to submit a Property Mitigation Plan. Submission of a Property Mitigation Plan does not excuse a violation of this article.~~

~~(1) The Property Mitigation Plan will include all planned work to the vacant downtown building to bring the property into compliance with the Standard of Care, along with an associated timeline and estimated property improvement costs.~~

~~(2) The Emergency Building Assistance Fund may be available for reimbursement of up to 50% of the costs of the Property Mitigation Plan. Funds are allocated on a first-come first-serve basis and capped at \$5,000 per vacant downtown building.~~

~~(3) Upon acceptance of the Property Mitigation Plan, the Administrator may designate the property as eligible for the Emergency Building Assistance Fund.~~

~~(4) The vacant downtown building property owner must submit request for inspection and pay the inspection fee.~~

~~(5) Once compliance is reached, the property owner may seek reimbursement if the property is eligible for the Emergency Building Assistance Fund. To receive any reimbursement, the property owner must submit documentation of all expenses for the work done on the vacant downtown building.~~

(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. 13-4009. Fee Waivers

~~All fee waivers must be applied for during the annual registration process, and are subject to approval by the Administrator. A fee waiver is only valid until expiration of the then-current registration period.~~

- (a) ~~Property which has been devastated by a catastrophe such as fire or flood and rendered unfit for occupancy: the owner has 45 days to register from the date of the disaster but is exempt from the registration and inspection 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 is exempt from the registration and inspection fees. This exemption must be determined by the Administrator on the basis established for determining indigency at municipal court, using a review of current income and expenses.~~
- (c) ~~Where the owner of the property has obtained a building permit in the previous 6 months 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 is exempt from the registration and inspection fees. This exemption cannot be applied to the same vacant downtown building for more than two consecutive years.~~
- (d) ~~Where the owner of the property has listed the property for sale at fair-market value, as identified on the Nueces County Appraisal District tax rolls or through an independently prepared appraisal paid for by the property owner, the owner must register the property and pay for any required inspections but is exempt from the registration fee.~~

Sec. 13-40104006. Eligibility for Incentives

~~(a) — Completion of registration and passing of required inspections or re-inspections will result in the issuance of a letter of eligibility for the property. A downtown vacant building that receives a letter of eligibility is eligible to apply for incentives from the TIRZ #3 to assist with redevelopment of the property.~~

~~(b) — Vacant downtown buildings that are not registered or have not passed inspection or re-inspection are not eligible to apply for or receive any incentives from the TIRZ #3.~~

~~(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. 13-401107. Jurisdiction, enforcement and penalties

~~(a) Except as otherwise provided in this section 13-4011, written notice of violation of this chapter will precede the issuance of a criminal citation. When a notice is required, the vacant downtown building property owner will be given a~~

~~reasonable length of time, as determined by the Administrator, to remedy the violation. Such reasonable length of time shall not exceed 90 days. No vacant downtown building property owner shall be given more than 30 days to begin the work needed to remedy the violation. Written notice shall be issued to the vacant downtown building property owner by means of personal service, or by first class mail to their last known address according to Nueces County Appraisal District records, and by posting on the property. If the owner of the vacant downtown building is a corporation or association, notice will also be sent to the entity's registered agent by means of personal service or by first class mail.~~

~~(b) Failure to register as required by section 13-4004 is a violation of this article and may result in the issuance of a criminal citation, with or without written notice of violation prior to the issuance of the citation.~~

~~(c) Failure to meet the Standard of Care required by section 13-4008 upon re-inspection of the property after the expiration of 30 days, or such longer time as the Administrator deems appropriate under section 13-4007(c), is a violation of this article and may result in the issuance of a criminal citation, with or without notice of violation prior to the issuance of the citation. Citations may be issued for the continuing violation of section 13-4008 until such time as the property is in compliance with the Standard of Care. A vacant downtown building property owner may request a re-inspection at any time to establish that the building meets the Standard of Care.~~

~~(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-~~4012~~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