

Ordinance adding Section 13-27 to Corpus Christi Code to authorize emergency demolition of dangerous building due to sudden acts; and providing penalty.

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

SECTION 1. That Corpus Christi Code is amended by adding Section 13 -27, Emergency Demolition, to read as follows:

Sec. 13-27 Emergency demolitions.

- (a) Emergency arising from sudden acts or occurrences.
 - (1) Where it appears to the Building Official or designee, that due to structural defects or conditions arising from, but not limited to, fire, accident, water damage, vandalism, or other sudden act or occurrence thereby threatening the structural integrity of a building, there is clear and imminent danger to the life, safety or property of any person unless the building is immediately demolished, the director may order its immediate vacation and demolition. Such declaration shall be in writing and shall include a determination that under the circumstances, no other abatement procedure is reasonably available except demolition.
 - (2) Notice that the structure has been determined to be a clear and imminent danger to life and safety may be issued:
 - a. By placard affixed to the property or by stake driven into the ground. It shall be unlawful for any person to remove the posted notice without written permission of the director and no unauthorized person shall enter the building for any purpose;
 - b. Via hand-delivery to the owner(s) of record per Nueces County Appraisal District records only if the owner resides within the Nueces County jurisdictional limits and available for personal delivery; or
 - c. Via mail to the owner(s) as determined by searches of:
 - (i) Nueces County real property records;
 - (ii) Nueces County Appraisal District records;
 - (iii) records of the secretary of state;
 - (iv) assumed name records of the county in which the building is located;
 - (v) tax records of the municipality; and
 - (vi) utility records of the municipality.

- (3) The Code Enforcement Division and/or the Development Service Department will attempt to provide notice by placard, hand delivery, and registered mail as stated in the previous subsection.
- (4) Within 3 business day of notice, the owner of the structure may submit a written request for hearing for reconsideration or submit a plan of action to stabilize the structure to the director of development services. Said plan of action shall be developed by a licensed structural engineer registered in the State of Texas.
- a. If the plan is approved by the director of development services, said plan must be implemented within 1 business day of approval.
 - b. If the plan is determined infeasible by the director of development services, the required affidavits shall be executed for commencement of the emergency demolition.
 - c. If stabilization of the structure is begun within 1 business day of approval, the structure shall be scheduled for the next available hearing before the board charged with declaring public nuisances for presentation of a scope of work with dates certain for completion of rehabilitation.
 - d. If a hearing for reconsideration is requested, the director of development services or designee shall promptly, within 3 business days of receipt of written request for hearing, hear such appeal and shall either sustain or revoke the Building Official's order.
- (b) The emergency demolition may be executed no earlier than 4 business days after notice.
- (c) After execution of the emergency demolition, the officials responsible shall:
- (1) File copies of the affidavits among the official records of the Code Enforcement case file;
 - (2) Provide notice to the owner and lienholders/mortgagees of record; and
 - (3) Advise the board at its next regularly scheduled hearing.
- (d) The city, as a home-rule city, adopts the foregoing emergency abatement action pursuant to Texas Local Government Code chapter 214, §214.002, and the powers of self-rule granted by the voters under the City Charter as authorized by the Constitution of the state.
- (e) An emergency demolition may not be conducted within 30 days of damage caused by a Hurricane.

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. Penalties are as provided in Section 1-6 of the Corpus Christi Code.

SECTION 4. 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 5. 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 _____, 2021, 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 _____ 2021, 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 _____, 2021.

ATTEST:

Rebecca Huerta
City Secretary

Paulette M. Guajardo
Mayor