

ARTICLE 3.08 VACANT STRUCTURES REGULATIONS

Sec. 3.08.001 Definitions

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this article, except where the context clearly indicates a different meaning:

City manager or administrator. The city manager for the City of Pilot Point, Texas, and his/her designees.

City. The City of Pilot Point, Texas.

Lawful activity. The use/occupancy of a building that is lawfully authorized by the certificate of occupancy issued by the city's development services department.

Owner. Any person, agent, firm, partnership or corporation having a legal interest in the property or legal right of possession, or been given a legal power of attorney to act on behalf of such person.

Person. Any person, firm, partnership or corporation, hired, employed or used by an owner.

Secured. That all accessible means of ingress and egress to the vacant structure, including but not limited to all exterior doorways and windows are locked so as to prevent unauthorized entry.

Structure. That which is built or constructed, and includes an enclosed building, open building, and partially open building.

Temporarily secured. That all accessible means of ingress and egress to the vacant structure, including but not limited to all exterior doorways and windows are covered with plywood or other suitable materials which has been nailed or bolted in place to prevent unauthorized entry.

Unoccupied. Not being used for a lawful occupancy.

Vacant structure. A nonresidential structure that is unoccupied and/or that all lawful activity has ceased, or reasonably appears to have ceased for thirty (30) or more consecutive calendar days. This provision excludes seasonal businesses which use has not ceased for a period exceeding 365 days.

Sec. 3.08.002 Purpose, applicability and administration

(a) The city council finds and declares that:

- (1) Buildings that are vacant and unsecured and/or not properly maintained attract vagrants, gang members, and criminals as prime locations to conduct illegal criminal activities.
- (2) Buildings that are vacant and unsecured and/or not properly maintained are vulnerable to being set on fire by unauthorized persons.
- (3) Buildings that are vacant and unsecured and/or not properly maintained are a blight and cause deterioration and instability in neighboring properties and surrounding areas.
- (4) Buildings that are vacant and unsecured and/or not properly maintained pose serious threats to the public's health and safety.
- (5) Abatement and rehabilitation of buildings that are vacant and unsecured and/or not properly maintained are necessary.
- (6) Structures that are vacant and unsecured and/or not property maintained are declared to be public nuisances.
- (7) The purpose of this article is to protect the public health, safety, and welfare of the city and its citizens.

(b) This article shall apply to all vacant structures, as defined herein, which are now in existence or which may hereafter be constructed or converted from other uses and which are within the downtown historic overlay district.

(c) The city manager or his/her designee is authorized to administer and enforce the provisions of this article and to make all necessary inspections, to issue citations, to give notice, to file applicable charges and to otherwise cooperate in the enforcement of this article.

(d) The city manager or his/her designee shall have the authority to render interpretations of this article and to adopt policies and procedures to clarify the application of its provisions, and may, at his sole discretion, enter into an agreement with a registered property owner to obtain compliance with this article by a date certain.

Sec. 3.08.003 Registration required

(a) Upon vacancy of a structure or if vacant at the time of adoption of this article, a property owner shall within ninety (90) days register as provided by this section. City may issue a written notice of vacancy and shall be issued to the vacant structure property owner by means of personal service, or by first class mail to their last known address according to the county appraisal district records, and by posting on the property.

(b) Upon the issuance of notice of vacancy, property owners within 90 days shall register with the city and provide the following information verified under oath and shall be on a form prescribed by the city:

(1) The address and legal description of the property;

(2) The current name, physical address, mailing address, driver's license, telephone number, and email information for any owner(s) with an ownership interest in the property, all known lienholders and all other parties 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 property manager of the properties and/or improvements located on said property, as applicable, and whether the property manager has the authority to independently act on the owner's behalf to repair or maintain the property.

(4) Proof of liability insurance, no less than one hundred thousand dollars (\$100,000.00), for the property and/or a surety bond for the value of structure if insurance cannot be obtained. Said value shall be the appraised value as determined by the central appraisal district for the appraising jurisdiction.

(5) Provide a detailed timeline and plan for correcting violations, rehabilitation, maintenance while vacant regarding standard of care pursuant to this article. If the owner does not intend to occupy the structure in the future, the owner must, at a minimum demonstrate the property is actively marketed for-sale, or for-lease, and install a for-lease or for-sale sign on the premises with current contact information. The timeline and plan required by this subsection shall include the following for all vacant structures:

(A) The period of time the structure is expected to remain vacant;

(B) If the owner plans to return the structure to a lawful occupancy and use, the estimated date for returning the structure to a lawful occupancy and use;

(C) If the owner plans to demolish the structure, the date the structure is scheduled for demolition.

(D) If the owner proposes to rehabilitate or renovate the structure, the date the structure rehabilitation or renovation is scheduled to commence and be completed;

(E) If the owner proposes to retain the structure, the measures that will be taken to try to reduce any adverse impact on the property values of adjacent property from the retention of the vacant structure;

(F) A plan for regular maintenance of the structure during the period of vacancy with certification that the structure is compliant with all applicable codes;

(G) Measures the owner will employ to secure the structure, which may include one or more of the following methods:

- (i) Installation and maintenance of adequate windows and doors together with locks designed to secure the structure;
- (ii) Installation and maintenance of security shutters, grills, and bars for windows and doors;
- (iii) Installation, operation, and monitoring of an electronic security system, which monitors windows and doors by glass breakage or motion sensors, and a method of responding to alarms from the electronic security system, other than sole reliance on the city's police department;
- (iv) Installation of boards on windows and doors pursuant to [section 3.08.005](#);
- (v) If boarding, use of electronic monitoring systems or other use of other methods fail to keep unauthorized persons from entering or occupying a vacant building, owner shall employ watchers, who are licensed peace officers, public security officers, commissioned security officers, or noncommissioned security officers every day continuously between the hours of 4:00 p.m. and 8:00 a.m. until the building is either legally occupied or demolished; and/or
- (vi) Any other method approved by the city manager or his/her designee.

(H) Measures the owner will employ to monitor and inspect the property on a weekly basis, which monitoring and inspection must be performed by the owner, property manager, or an agent of the owner with full authority to maintain and make repairs to the property on a weekly basis;

(I) Any reasonably related additional information required by the administrator.

(6) Vacant structure property owners shall provide written notice to the city manager or his/her designee, including a copy of the deed or instrument of conveyance, of any change in:

(A) Ownership of the property;

(B) Contact information for either the owner or designated property manager. Written notice must be provided to the city no later than 30 days after said changes have occurred.

(c) Action on registration. The registration submitted by the owner must be complete and sufficient to be approved by city manager or his/her designee.

(d) Registration is valid for one year from the date the registration is approved by the city manager or his/her designee, unless the ownership of the property changes.

(e) Change in ownership. The owner of a registered vacant structure shall be required to disclose to any buyer that the property is under registration with the city as a vacant structure. The owner shall also disclose the requirement for the buyer to advise the administrator of the requirements of this article within ninety (90) days of closing.

(f) Updates. If change other than described in (e) of this section occurs during the period the registration is otherwise valid, the owner shall be required to update the registration with the administrator within thirty (30) days of the change.

(g) Continued annual registration of the property by the vacant structure property owner is required until said structure is deemed occupied and in compliance with all relevant code requirements by the city manager or his/her designee.

(h) Appeal. If the owner disputes the city manager or his/her designee's determination that the structure should be classified as a vacant structure under this article, the owner shall file a written notice of appeal with the city manager or his/her designee within ten (10) days from receipt of the notice provided in this section. The appeal shall be verified under oath and shall be on a form prescribed by the city. The city manager and his/her designee shall schedule a hearing before the city council to determine whether the structure should be classified as a vacant structure under this article.

(i) Registration revocation. The administrator shall revoke any registration for which the owner has failed to comply with the timetables specified in the registration form pursuant to this section. Should a registration be revoked, the owner of the unregistered vacant structure shall have seven (7) days from the date of the notice of the revocation to file a new registration with the administrator and pay a new registration fee.

Sec. 3.08.004 Property manager or agent

(a) Vacant structure property owners must designate a local manager for said properties and include the relevant contact information for the designated manager upon registering the property with the city. The property manager shall serve as agent for the property owner for purposes of accepting legal service; however, the vacant property owner remains personally liable in criminal prosecutions for code violations.

(b) The property manager or agent must be available at the number listed at all times in the event of an emergency or catastrophe.

Sec. 3.08.005 Standard of care for vacant property and inspections

(a) The standard of care, shall follow the appropriate city codes, but is not limited to:

(1) Protective treatment. All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained weather tight and in such condition to prevent the entry of rodents and other pests. 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. All siding, cladding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and watertight.

(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 four inches (102mm) high with a minimum stroke width of one-half inch (12.7mm). All buildings shall display a vacant building identification placard as required by the city manager.

(3) Structure. All structural members and foundation shall be maintained free from deterioration and shall be capable of safely supporting the imposed loads.

(4) Exterior walls. All exterior walls shall be free from holes, breaks, loose or rotting materials, and graffiti.

(5) Roof and drainage. The roof and flashing shall not have defects that admit rain. Roof drainage shall be adequate to prevent accumulation, dampness or deterioration. Roof drains, gutters and downspouts shall be free from obstructions and operational.

(6) Decorative features. All cornices, belt courses, corbels, applications, wall facings and similar decorative features shall be maintained with proper anchorage and in a safe condition.

(7) Overhang extensions and awnings. All overhang extensions including, but not limited to canopies, marquees, signs, awnings, and fire escapes shall be properly anchored and supported.

(8) Stairways, decks, porches and balconies. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained with proper anchorage and capable of supporting the imposed loads.

(9) Chimneys and towers. All chimneys, cooling towers, smoke stacks and similar appurtenances shall be maintained structurally safe and sound.

(10) Handrails and guards. Every exterior handrail and guard shall be firmly fastened and capable of supporting normally imposed loads.

(11) Window, skylight and door. Every window, storefront, skylight and exterior door part, including but not limited to the frame, the trim, window screens and hardware shall be kept in sound condition. All broken or missing windows

shall be replaced with glass and secured in a manner to prevent unauthorized entry. All broken or missing doors shall be replaced with new doors which shall be secured to prevent unauthorized entry. Locks at all exterior doors, exterior attic access, windows, or exterior hatchways shall tightly secure the opening. Windows and doors shall not be secured by plywood or other similar means mounted on the exterior except as a temporary securing measure, and the same shall be removed within a period designated by the city manager.

(12) Secure and maintain the property, both structure and grounds, against trespasser, including maintaining all windows and doors with locks, replacing all broken doors and windows, and securing any other openings into the structure that are readily accessible to trespassers. In the event that window cannot be maintained as required herein, the owner or property manager shall secure windows that are visible from any public right-of-way with rigid transparent material such as but not limited to clear Lexan type material. No opaque (typically plywood) boarding materials shall be used where visible from a public right-of-way.

(13) Weather protection of all exterior surfaces shall be maintained, including paint on exterior wood surfaces.

(14) Both interior and exterior areas of the property shall be kept free of accumulations of junk, trash, debris, combustible or other materials such as would constitute an unsafe, unsanitary or unsightly condition or appearance. The building shall not be utilized for storage.

(15) In all applicable respects, the condition, maintenance and appearance of vacant property shall be subject to the requirements of all applicable state and local ordinances, standards, regulations and abatement procedures currently in effect. This will include any applicable city issued permits and site plans in the replacement and repair of all elements of the exterior of the building and site.

(16) Owners of vacant structures shall remove all combustibles as defined by the fire code.

(b) Inspections.

(1) The administrator shall provide for the inspection of each registered vacant structure at the time of registration and thereafter not less than annually.

(2) In addition to the inspection referred to in subsection (1) above, if there is probable cause to believe that a code violation may be present in the vacant structure or on the premises where the vacant structure is located, the administrator shall provide for the inspection of the vacant building and/or property.

(3) All inspections shall be conducted to determine compliance with this article and all applicable codes.

(4) The results of the inspection shall be provided to the owner of the vacant building and the person designated by the owner to make response to any emergency or alleged violation related to the vacant structure.

(5) The administrator shall assess an inspection fee as set in the [fee schedule](#) of this code for inspections of vacant structure against the owner of the vacant structure. This fee shall be charged annually for inspections associated with the registration and thereafter as inspections are warranted in accordance with this article.

(c) All repairs shall be subject to approval for adequacy by the city manager or his/her designee. All required permits and final inspections prior to and/or following repairs shall be in accordance with applicable laws and rules.

(d) All vacant buildings shall be maintained in a non-blighted condition, consistent with the requirements of this section. A vacant building in a blighted condition shall be deemed a public nuisance under this code.

(e) Failure to maintain the vacant property to the standard of care specified by the city is a violation of this article.

(f) Providing false information to the city is a violation of this article.

Sec. 3.08.006 Registration fees

Vacant structure property owners shall tender an annual registration and inspection fee as set in the [fee schedule](#) of this code, for each vacant property after the initial partial year of registration, for which no fee shall be due. Subsequent annual registration fees shall

increase by fifty dollars (\$50.00) per year of registration above the fee from the previous year, and shall be due and postmarked no later than January 31st of each year. (For example, the fee in year 1 for fees shall be \$500.00, year 2 shall be \$550.00 and year 3 shall be \$600.00.)

Sec. 3.08.007 Fee waivers

(a) All fee waivers must be applied for, using the forms provided, on an annual basis, and are subject to approval by the city manager or his/her designee. A fee waiver is only valid for twelve (12) months. If a fee waiver is approved, registration and full compliance with this article are otherwise required.

(b) Qualifications for possible fee waivers:

(1) Property which has been devastated by a catastrophe such as fire or flood: The owner has thirty (30) days to register from the date of the disaster but may be exempt from the fees. This exemption is for the duration of one (1) year from the date of the catastrophe; thereafter all applicable fees are due.

(2) Representative(s) of a property owner who is deceased or is no longer legally competent must register the property and are otherwise subject to this article; the city manager on a one-time basis may waive the annual registration fee provided that the property is maintained in accordance with the requirements of this article.

(3) Where the owner of the property has obtained a building permit 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 article but may be exempt from the registration fees.

(4) The property owner of a property that has maintained the property to the standards of care required under this article, as well as all other applicable ordinances and laws, must register the property.

Sec. 3.08.008 Jurisdiction, enforcement and penalties

(a) Written notice of violation will precede the issuance of a criminal citation, in which the vacant property owner will be given a reasonable length of time, as determined by the city manager, to remedy the violation. Written notice shall be issued to the vacant structure property owner by means of personal service, or by first class mail to their last known address according to the county appraisal district records, and by posting on the property.

(b) Failure to register with the city after written notice of vacancy to the vacant structure property owner, as is hereinafter specified, is a violation of this article.

(c) In addition to the required fees, violation of this article is a class C misdemeanor.

(1) This is a strict liability offense in which no mental state is required.

(2) The fine for this offense may not exceed five hundred dollars (\$500.00).

(3) Each day any violation of this article shall continue shall constitute a separate offense.

(d) The provisions of this article are not exclusive. The remedies provided by this article are in addition to other procedures or remedies provided by law or equity. Nothing in this article may be deemed to abolish or impair existing authority or remedies of the city. Criminal prosecution may occur regardless of pursuit of civil or administrative remedies and vice versa.

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