Meeting Packet

Building and Standards Commission Regular Meeting

December 10, 2019
NOTICE OF A REGULAR MEETING
BUILDING AND STANDARDS COMMISSION
TUESDAY, DECEMBER 10, 2019, 7:00 PM
COUNCIL CHAMBERS
CITY HALL – 5803 THUNDERBIRD STREET

NOTICE IS HEREBY GIVEN that the Building and Standards Commission of the City of Lago Vista, Texas will hold a meeting on the above date and time to consider the following agenda items. Items do not have to be taken in the same order as shown in the meeting notice.

PUBLIC COMMENTS FOR NON-HEARING RELATED ITEMS

CONSENT AGENDA

All matters listed in Item 1, Consent Agenda, are to be considered routine by the Committee and will be enacted by one motion. There will not be separate discussion on these items. If discussion is desired, that item will be removed from the consent agenda and will be considered separately.

1. Consider Approval of The Following Minutes (if available):
   November 12, 2019 Regular Meeting of the Building and Standards Commission

BUSINESS ITEMS

2. Comments from the Council liaison.

3. Review of draft erosion control ordinance.

4. Discussion of potential ordinance to assess fees to cover safety inspections and to offset other latent costs to local government associated with vacant buildings.

FUTURE AGENDA ITEMS

ADJOURNMENT

IT IS HEREBY CERTIFIED that the above Notice was posted on the Bulletin Board located in City Hall in said City at 2:45 p.m. on the 5th day of December 2019.

Sandra Barton, City Secretary
THE CITY OF LAGO VISTA IS COMMITTED TO COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT. REASONABLE MODIFICATIONS AND EQUAL ACCESS TO COMMUNICATIONS WILL BE PROVIDED UPON REQUEST.

IN ADDITION TO ANY EXECUTIVE SESSION ALREADY LISTED ABOVE, THE BUILDING COMMITTEE RESERVES THE RIGHT TO ADJOURN INTO EXECUTIVE SESSION AT ANY TIME DURING THE COURSE OF THIS MEETING TO DISCUSS ANY OF THE MATTERS LISTED ABOVE, AS AUTHORIZED BY TEXAS GOVERNMENT CODE FOR THE FOLLOWING PURPOSES: §551.071: CONSULTATION WITH ATTORNEY; §551.072: DELIBERATIONS REGARDING REAL PROPERTY; §551.073: DELIBERATIONS REGARDING GIFTS AND DONATIONS; §551.074: PERSONNEL MATTERS; §551.076: DELIBERATIONS REGARDING SECURITY DEVICES; §551.087: DELIBERATIONS REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS.
Consent Agenda
Planning & Zoning Commission Regular Meeting

December 10, 2019
Draft Minutes

November 12, 2019 Regular Meeting

Agenda Item 1
December 10, 2019

Agenda Item 3

Erosion Control Ordinance Draft
ARTICLE 3.600 DRAINAGE AND EROSION CONTROL REGULATIONS

Section 3.610 Drainage.

Section 3.620 Erosion Control.

(a) Purpose and General Requirements.

Unless specifically exempted by the City Engineer pursuant to an approved site development plan, the soil stability and erosion control measures described below shall be required in all areas within the City of Lago Vista to eliminate or minimize the negative impacts of exposed soils or other conditions that:

(1) have the potential to create undesirable water quality related results and damage to Lake Travis or other areas within the Highland Lakes watershed;

(2) might cause damage to public or private property;

(3) might damage resources essential to fish and wildlife areas;

(4) increase flooding hazards;

(5) hinder the growth of desirable vegetation; or

(6) might lead to unintended soil deposits.

(b) Responsible Party.

The responsibility for implementation of slope stability or erosion control measures shall be the owner(s) of private property on which it is observed and determined by the City that soil degradation is occurring or has the potential to occur. Nonetheless no temporary or permanent certificate of occupancy shall be issued on any construction project or silt fences removed until all required improvements as described below are complete and capable of withstanding normal weather conditions.

(c) Applicability.

The determination of the need to perform additional slope stabilization or to implement additional erosion control measures shall be made by the City Engineer, in consultation with the Building Official and Development Services Director and may include other appropriate agencies such as the Lower Colorado River Authority. Situations or occurrences that may be considered in making the determination that slope stabilization or erosion control measures shall be required include, but are not limited to: build-up of soils; formation of swales or gullies that preclude vegetation; runoff during storms that includes detectable solid material; and other similar observations. In addition, all
construction projects involving the movement of soils or any clearing, grubbing or other procedures that might expose soils to the elements shall also complete all erosion control measures and procedural requirements specified herein as a condition of the construction permit without the need for any specific determination.

(d) Erosion Control Measures and Specific Requirements.

(1) Vacant Property and Maintenance of Previously Developed Property.

(A) All property owners within the City of Lago Vista shall use the following measures to minimize erosion on vacant or previously developed property:

(i) Keep soil disturbance to a minimum land area for a minimum length of time;

(ii) Maintain low slope angles and short slope lengths;

(iii) Re-vegetate disturbed soil areas with sod, grass seeds, wildflowers or plants;

(iv) Fertilize and irrigate re-vegetation areas in accordance with local ordinances;

(v) Incorporate slope stabilization and erosion control measures in areas that discharge directly or indirectly to streams, creeks, ponds, or Lake Travis;

(vi) Where necessary, use mechanical stabilization techniques and/or retaining walls to control erosion and sedimentation;

(vii) Check erosion control measures periodically to monitor their effectiveness;

(viii) Complete grading and erosion control measures only during dry seasons; and

(ix) Comply with the grading requirements of local ordinances, the International Building Code and all other application regulations.

(B) Whenever any clearing or grubbing involves stump removal, the use of heavy equipment or any other activity that results in the disturbance of soil and is not otherwise authorized by an existing construction permit, a nonpoint source pollution permit in accordance with the requirements of Article 3.1100 of this Chapter is required. The application for that permit will specify the permanent erosion control and soil stabilization methods that will be employed and be completed before removal of temporary silt fences will be allowed.

(C) If a determination is made that additional erosion control and/or soil stabilization is needed, the property owner shall be required to complete some or all measures required for new construction projects to stop, reduce, or minimize the erosion problem, pursuant to a written notice. The specific
extent of required measures shall be determined by the City Engineer, and implemented in accordance with the conditions and time frame established in the required non-point source pollution permit issued by the Development Services Department. Failure to secure such a permit or to comply with its requirements shall result in the violation being treated in accordance with the severity of the problem as either an unsafe or hazardous condition under the provisions of Article 3.1200 of Chapter 3 or as a nuisance under the provisions of Chapter 8.

(2) Construction Projects.

(A) Slopes less than or equal to 4:1 (25 percent).

(i) Construction projects involving moderate slopes equal to or less than 4:1 or twenty-five percent are not required to have a formal, prior-approved erosion control and soil stabilization plan in order to receive a construction permit. However, a temporary or permanent certificate of occupancy shall not be issued if any portion of the property includes bare soils, except in accordance with the materials and methods prescribed below to control erosion and sedimentation.

(ii) Mulch and bare soils are only allowed in designated plantings areas and when fully enclosed and contained by buildings, retaining walls or approved edging materials described below and extending a minimum of two inches above any loose material.

(iii) Unless greater in average diameter than (dimension promised by City Engineer) inches and greater in average weight than (weight promised by City Engineer) pounds per cubic (foot or yard), all aggregate or crushed stone used as a xeriscape component shall be contained by buildings, retaining walls or approved edging materials described below and extending a minimum of two inches above any loose material.

(iv) Slopes lengths shall be limited to a maximum of thirty linear feet using acceptable barriers or interruptions of approximately level graded areas no less than five feet in length. Acceptable barriers include landscaped berms or terraces and retaining walls. Retaining walls shall be constructed of concrete, precast concrete or masonry. The use of wood (including railroad ties) or steel is prohibited. Retaining walls four feet or greater in height shall be designed by an engineer with a current Texas registration.

(v) Landscape edging to contain loose material as described above shall consist of concrete, precast concrete or masonry products embedded or otherwise anchored to prevent movement under normal weather conditions. The use of plastic, rubber and metal edging is prohibited.

(vi) Except as specifically allowed above, all remaining natural and permeable areas within the boundaries of the property shall include a combination of the following forms of vegetation required to stabilize the soil and control erosion. All such areas shall have topsoil adequate to
maintain the specific type of planted materials selected. Approved materials include sod, grasses, hydro-mulch, wildflowers, planted ground covers, shrubs and trees. When appropriate, the use of native grasses or wildflowers that promote water conservation is particularly encouraged. Planting of native grasses, shrubbery, and trees shall be required when otherwise necessary to maintain long-term stability of erosion control methods in difficult areas. Exposed soils in any form is prohibited at the time any type of certificate of occupancy is issued or before silt fencing is removed. As such, any remaining reliance on grass sprigging or sod plugs will preclude, without exception, the issuance of either a temporary or permanent certificate of occupancy.

(B) **Slopes greater than 4:1 or Substantial Existing Bare Soil Areas.**

Development projects constructed in areas with slopes equal to or greater than 4:1 or that involve substantial existing bare soil areas shall be required to submit a complete erosion control and soil stabilization plan as part of the permit application package. Where cuts or fills exceed four feet or the erosion control plan includes retaining walls of a height of four feet or greater, all appropriate elements of the erosion control plan shall be reviewed and endorsed by a civil engineer with a current Texas registration.

(C) **Slopes in the floodplain and adjacent to Lake Travis.**

If the project includes improvements in the one hundred-year floodplain directly adjacent to Lake Travis, a professionally prepared engineering erosion control plan may be required in accordance with the determination of the City Engineer or Floodplain Manager. For those areas, no unprotected fill or stockpiled soil materials shall be allowed. Disturbance of vegetation cover must be kept to a minimum, and removal of stable mature trees or other vegetation shall be avoided. Drainage and sediment control with appropriate devices such as barriers, channels, infiltration trenches, water energy absorbing materials, and sediment traps may also be required.
December 10, 2019

Agenda Item 4

Vacant Building Ordinances
Samples from Other Jurisdictions
ORDINANCE NO. 2047

AN ORDINANCE OF THE CITY OF DUNCANVILLE, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF DUNCANVILLE BY AMENDING CHAPTER 5, ("BUILDINGS AND GENERAL BUILDING REGULATIONS") BY ADDING A NEW ARTICLE VI ("VACANT BUILDINGS AND PROPERTY"), SECTION 5-99 ("REQUIREMENTS") TO PROVIDE REQUIREMENTS FOR BUILDINGS, STRUCTURE OR PROPERTY WHICH HAS BEEN VACANT FOR OVER THIRTY (30) DAYS; PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DUNCANVILLE, TEXAS:

SECTION 1. That Chapter 5 ("Buildings and General Building Regulations") of the Duncanville Code of Ordinances shall be and is hereby amended by adding a new Article VI ("Vacant Buildings and Property"), Section 5-99 ("Requirements"), which shall read as follows:

"CHAPTER 5

ARTICLE VI. VACANT BUILDINGS AND PROPERTY

Sec. 5-99. Requirements.

Any building, structure or property in the City which has been vacant for over thirty (30) days shall comply with the following requirements:

(1) All exterior doors and windows shall be kept in sound working condition and free of broken glass. The boarding-up of windows or doors is prohibited, except as necessary to affect repairs to glass or to prevent unauthorized entry while repairs are being made. Under no circumstances may such windows or doors remain boarded-up for longer than thirty (30) days.
(2) All exterior doors and windows shall be equipped with workable locking devices, and shall be kept securely locked at all times while the building is vacant, except when active repairs are being made.

(3) Weather protection of all exterior surfaces shall be maintained in good condition, including paint on exterior wood surfaces.

(4) 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.

(5) All vegetation and landscaping shall be maintained in good and healthy condition, and in accordance with all other requirements of City ordinances.

(6) All parking and driving surfaces shall be maintained in good condition, free of cracks, holes and vegetation, and in accordance with Article XV, Sec.12-132 of the Duncanville Code of Ordinances and all other applicable City ordinance requirements.

(7) In all applicable respects, the condition, maintenance and appearance of vacant property shall be subject to the requirements of all City ordinances, standards and abatement procedures currently in effect.

Secs. 5-100 – 5-102. Reserved.”

SECTION 2. That all ordinances of the City of Duncanville in conflict with the provisions of this ordinance be and the same are hereby repealed and all other ordinances of the City of Duncanville not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 3. That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of Ordinances as a whole.
SECTION 4. This ordinance shall take effect from and after its passage and the publication of the caption as the law and Charter in such cases provide.

DULY PASSED by the City Council of the City of Duncanville, Texas, on the 19th day of February, 2008.

APPROVED:

David L. Green
MAYOR

ATTEST:

Dara Crabtree
CITY SECRETARY

APPROVED AS TO FORM:

CITY ATTORNEY

(TM 24219)
ORDINANCE NO. 2324

AN ORDINANCE OF THE CITY OF DUNCANVILLE, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF DUNCANVILLE BY AMENDING CHAPTER 5, BUILDINGS AND GENERAL BUILDING REGULATIONS BY REPEALING THE CURRENT ARTICLE VI, AND REPLACING IT WITH A NEW ARTICLE VI, VACANT BUILDINGS AND PROPERTY, TO PROVIDE REQUIREMENTS FOR VACANT NON-RESIDENTIAL BUILDINGS, STRUCTURES OR PROPERTY; PROVIDING FOR REGISTRATION; PROVIDING FOR STANDARD OF CARE; PROVIDING FOR A REGISTRATION FEE; PROVIDING FOR WAIVERS, PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, that some owners of commercial and industrial buildings either maintain, repair or demolish such buildings; and

WHEREAS, that in such instances the buildings deteriorate and become public nuisances, threats to public safety and welfare and causes of neighborhood deterioration; and

WHEREAS, that the costs of abating, securing or demolishing such buildings often become, by default, the responsibility of the city, causing taxpayers to bear the costs of remedial action. Accordingly, it is the purpose of the chapter to assure that owners of such buildings cannot evade their legal responsibilities to abate, maintain or demolish such structures.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DUNCANVILLE, TEXAS:

SECTION 1. That Chapter 5, Buildings and General Building Regulations of the Duncanville Code of Ordinances shall be and is hereby amended by repealing the current Article VI, and replacing with a new Article VI, Vacant Buildings and Property, which shall read as follows:

“CHAPTER 5

.....

ARTICLE VI. VACANT BUILDINGS AND PROPERTY

Sec. 5-99 - Definitions.
The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*City* means the City of Duncanville, Dallas County, Texas.

*City Manager* refers to the City Manager for the City of Duncanville, Dallas County, Texas, and designees.

*Lawful activity* is that the current use of the structure is also that which the structure was built for or intended to be used for.

*Owner* means 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* shall mean any person, firm, partnership or corporation, hired employed or used by an owner.

*Secured* means 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.

*Shopping Centers* shall mean a group of commercial establishments under one-roof planned, constructed, and managed as a total entity with customer and employee parking provided on-site, provision for goods delivery separated from customer access or protection from the elements, including but not limited to shopping malls, strip malls or other multi-tenant single roof buildings.

*Temporarily secured* means 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.

*Structure* means that which is built or constructed.

*Vacant structure* means a commercial or industrial 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.

**Sec. 5-100 - Applicability and administration.**

(a) 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 city limits of the City of Duncanville, Texas, except Multi-family residential properties, Single-family residential properties,
Shopping centers with occupancy in excess of fifty percent (50%) of its leasable area, and Church structures and their ancillary buildings located in non-commercial/industrial zoning districts.

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

(c) The City Manager 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. 5-101– Registration required.

(a) Upon vacancy of a structure, 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 Dallas Central Appraisal District records, and by posting on the property.

(b) Upon the issuance of notice to register vacant structure, property owners shall register with the City 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 property manager of the properties and/or improvements located on said property, as applicable.
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 Dallas Central Appraisal District.
5. Provide a detailed timeline and plan for correcting violations, rehabilitation, maintenance while vacant regarding standard of care pursuant to Section 5-103 of this Article. The owner must, at a minimum demonstrate the property is actively being marketed by listing the property with license commercial real estate broker or firm and installing a for-lease or for-sale sign on the premises with current contact information.
A complete floor plan of the property for use by first responders in the event of a fire or other catastrophic event.

Criminal trespass affidavits shall be filed with the Duncanville Police Department by the property owner and said property owner shall post "No Trespass" placards on the premises. Additional employment of security services for the property for a specified number of hours every day, may be required by the City Manager based on the property's history of code and/or criminal violations. The City Manager will promulgate the required affidavit and trespass warrant notice. Multi-tenant or vacant ancillary structures shall be exempt from this provision.

Vacant structure property owners shall provide written notice to the City Manager, 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. 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.

Sec. 5-102 - Property manager or agent.

(a) Vacant structure property owners must designate a property manager for said properties and include the relevant contact information for the designated manager upon registering the property with the department. 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.

(b) The property manager must be available at the number listed always in the event of an emergency or catastrophe. For all vacant structure properties, the name and telephone number of the property manager or agent must be posted at the front of the building, in large, legible print.

(c) Property manager shall own or be employed by a commercial property management company located in the 16-county region of North Central Texas as served by the North Central Texas Council of Governments (NCTCOG).
Sec. 5-103 – Standard of care for vacant property

(a) The standard of care, shall be in compliance with 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 in good condition, 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 water tight.

(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 kept in good condition and shall be free from holes, breaks, loose or rotting materials, and graffiti.

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

(6) Decorative features: All cornices, belt courses, corbels, applications, wall facings and similar decorative features shall be maintained in good repair 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 maintained in good repair and be properly anchored and supported as to be kept in a sound and safe condition.

(8) Stairways, decks, porches and balconies: Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, 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, and in good repair.

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

(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 and good repair. 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. 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, 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) Basement hatchways and windows: Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water. Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against entry of rodents.

(13) 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.

(14) The owner shall take all reasonable steps necessary to prevent any criminal activity from occurring on the property.

(15) Weather protection of all exterior surfaces shall be maintained in good condition, including paint on exterior wood surfaces.

(16) 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.

(17) All vegetation and landscaping shall be maintained in good and healthy condition, and in accordance with all other requirements of City ordinances, land use regulations or approved plan under this ordinance.

(18) All parking and driving surfaces shall be maintained in good condition, free of cracks, holes and vegetation, and in accordance with Article XV, Sec.12-132 of the Duncanville Code of Ordinances and all other applicable City ordinance requirements.

(19) 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.

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

(b) All repairs shall be subject to approval for adequacy by the City Manager. All required permits and final inspections prior to and/or following repairs shall be in accordance with applicable laws and rules.

(c) 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 the code of ordinances.

(d) Failure to maintain the vacant property to the standard of care specified by the City is a violation of this article.
(e) Providing false information to the City is a violation of this article.

Sec. 5-104 - Fee waivers.

All fee waivers must be applied for, using the forms provided, on an annual basis, and are subject to approval by the City Manager. A fee waiver is only valid for twelve (12) months.

(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 to the property is maintained in accordance with the requirements of this ordinance.

(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. 5-105 – Registration fees

(a) Vacant structure property owners’ fees under this article shall be established by Resolution of the City Council.

(b) Failure to submit the registration paperwork in its entirety within the ninety (90) day period may result in late fee as established by resolution of City Council.

Sec. 5-106 - 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 Dallas Central Appraisal District records, and by posting on the property.

(b) Failure to register with the City after written notice 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 chapter 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).

(d) 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."

SECTION 2. That all ordinances of the City of Duncanville in conflict with the provisions of this ordinance be and the same are hereby repealed and all other ordinances of the City of Duncanville not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 3. An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 4. That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of Ordinances as a whole.

SECTION 5. This ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such cases provides.
DULY PASSED by the City Council of the City of Duncanville, Texas, on the 7th day of November 2017.

APPROVED:

DAVID GREEN, MAYOR

ATTEST:

MARY JONES, CITY SECRETARY

APPROVED AS TO FORM:

ROBERT E. HAGER, CITY ATTORNEY