

AN ORDINANCE 85915

AMENDING THE CODE OF ORDINANCES OF THE CITY OF SAN ANTONIO BY REPEALING IN ITS ENTIRETY, ARTICLE VIII, ENTITLED DANGEROUS BUILDINGS, OUT OF CHAPTER 6, BUILDINGS, AND ADOPTING IN ITS STEAD A NEW ARTICLE VIII ENTITLED DANGEROUS BUILDINGS AND DISTRESSED PROPERTIES; RECONSTITUTING THE DANGEROUS STRUCTURE DETERMINATION BOARD (DSDB); INCORPORATING STATE STATUTORY AUTHORITY PERTAINING TO ABATEMENT OF NUISANCE CONDITIONS RELATED TO STRUCTURES AND BUILDINGS; PROVIDING FOR NOTICES OF VIOLATION AND HEARINGS, AND PREDICATES TO CITY REMEDIATION TO FIX LIENS FOR COSTS; ALLOWING FOR EMERGENCY SECURING AND DEMOLITION, PROVIDING A PENALTY AND DIRECTING PUBLICATION.

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WHEREAS, the City of San Antonio has employed a practice of conscientious code enforcement to address nuisance arising from neglected, abandoned, and dilapidated structures and buildings; and

WHEREAS, the City of San Antonio, through its Code Compliance Department, has endeavored to address the foregoing nuisance conditions because of the social and economic costs which are extracted from its citizenry by crime and diminished property values associated with dangerous or distressed properties; and

WHEREAS, the City recognizes social and economic values in structures which may be preserved as affordable housing to the benefit of persons in need of homes and to the maintenance and benefit of neighborhood integrity; and

WHEREAS, the City further recognizes the necessity to appropriately and duly interface its regulation of dangerous and distressed structures with provisions of the Historic Preservation and Urban Design Ordinance No. 80910; and

WHEREAS, comprehensive local legislation last up-dated municipal code enforcement efforts pertaining to problem structures in approximately 1988. Since that time, state statutory remedies have increased to broaden municipal authority to perform certain structural nuisance abatement and to fix liens for such nuisance abatement. Additional notice requirements have been prescribed by state statute to enable recovery of costs for those municipal efforts. State law now further affords cities opportunity to enjoy judicial review under the substantial

evidence rule in defense of abatement actions when those abatement actions have scrupulously observed the prescription for due process set forth in the Local Government Code; and

WHEREAS, the City of San Antonio now desires to avail itself of all applicable enabling legislation to the end that the public health, safety, and welfare of its citizens be served and protected, and to the end that all requirements and necessitates of due process be met for protection and preservation of its citizens' rights in their persons and property; **NOW THEREFORE:**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. Article VIII, Dangerous Buildings, out of Chapter 6, City Code of the City of San Antonio, is repealed in its entirety.

SECTION 2. Article VIII, Chapter 6, City Code of the City of San Antonio is hereby retitled, Dangerous Buildings and Distressed Properties, and shall read as follows in Attachment A, fully incorporated herein verbatim for all purposes.

SECTION 3. Enforcement of this Ordinance shall not create immediate need for additional public expenditures. Should the City determine to avail itself of certain remedies available under the Ordinance, such further implementation could require budget adjustments or some reallocation of resources.

SECTION 4. This Ordinance shall become effective ten (10) days from the date of passage.

SECTION 5. This Ordinance shall be published by the City Clerk as required by law and the final provisions hereof shall not apply until five (5) days after publication.

PASSED AND APPROVED this 17th day of April, 1997.

W. E. R.
M A Y O R

ATTEST: *Theresa S. Rodriguez*
City Clerk

APPROVED AS TO FORM: *F. J. Gonzalez*
CITY ATTORNEY

97-16

MEETING OF THE CITY COUNCIL

*Amendment
Substitute Motion*

AGENDA ITEM NUMBER: 38
 DATE: 4-17-97
 MOTION: Vasquez *[Signature]*
 ORDINANCE NUMBER: _____
 RESOLUTION NUMBER: _____
 ZONING CASE NUMBER: _____
 TRAVEL AUTHORIZATION: _____

ALAMODOME
ARTS & CULTURAL AFFAIRS
ASSET MANAGEMENT
AVIATION
BUDGET & MANAGEMENT ANALYSIS
BUILDING INSPECTIONS
HOUSE NUMBERING
CITY ATTORNEY
MUNICIPAL COURT
REAL ESTATE (FASSNIDGE)
REAL ESTATE (WOOD)
CITY MANAGER
SPECIAL PROJECTS - FRANCES GONZALES
CITY PUBLIC SERVICE - GENERAL MANAGER
CITY PUBLIC SERVICE - MAPS AND RECORDS
CODE COMPLIANCE
COMMERCIAL RECORDER
COMMUNITY INITIATIVES
COMMUNITY RELATIONS
PUBLIC INFORMATION
CONVENTION AND VISITORS BUREAU
CONVENTION CENTER EXPANSION OFFICE
CONVENTION FACILITIES
ECONOMIC DEVELOPMENT
FINANCE - DIRECTOR
FINANCE - ASSESSOR
FINANCE - CONTROLLER
FINANCE - GRANTS
FINANCE - RISK MANAGEMENT
FINANCE - TREASURY
FIRE DEPARTMENT
HOUSING AND COMMUNITY DEVELOPMENT
HUMAN RESOURCES (PERSONNEL)
INFORMATION SERVICES
INTERGOVERNMENTAL RELATIONS
INTERNAL REVIEW
INTERNATIONAL AFFAIRS
LIBRARY
METROPOLITAN HEALTH DISTRICT
MUNICIPAL CODE CORPORATION
MUNICIPAL COURT
PARKS AND RECREATION
MARKET SQUARE
PLANNING DEPARTMENT
DISABILITY ACCESS OFFICE
LAND DEVELOPMENT SERVICES
POLICE DEPARTMENT
GROUND TRANSPORTATION
PUBLIC WORKS DIRECTOR
CAPITAL PROJECTS
CENTRAL MAPPING
ENGINEERING
PARKING DIVISION
REAL ESTATE DIVISION
SOLID WASTE
TRAFFIC ENGINEERING
PURCHASING AND GENERAL SERVICES
SAN ANTONIO WATER SYSTEMS (SAWS)
VIA
YOUTH INITIATIVES

NAME	ROLL	AYE	NAY
ROGER FLORES, II District 1		✓	
DOLORES M. LOTT District 2		✓	
LYNDA BILLA BURKE District 3		✓	
HENRY AVILA District 4		✓	
RICK VASQUEZ District 5		✓	
ROBERT A. HERRERA District 6		✓	
BOB ROSS District 7		✓	
ROBERT MARBUT District 8		✓	
HOWARD W. PEAK District 9		✓	
JEFF S. WEBSTER District 10		✓	
WILLIAM E. THORNTON Mayor		✓	

*Insert on page 4, line 6 after
Code Compliance Director "and"
general funding shall be appropriated
to acquire, extent & degree of the property
& on page 10, sec 6-167
substitute ~~2500 feet~~ in line 7
1000 feet ^{instead of the} (500 feet) as
recommended by staff*

97-16

Only City Director in ident function of funding sources

CHAPTER 6

ARTICLE VIII. DANGEROUS BUILDINGS and DISTRESSED PROPERTIES

Sec. 6-156. Definitions.

Dangerous building: Any building or structure which has any or all of the conditions or defects hereinafter described shall be deemed to be a dangerous building and a hazard to the public health, safety, and welfare, provided that such conditions or defects of dilapidation, substandardness, or unfitness for human habitation, pose a threat or potential threat to life, health, property, or human safety.

1. Whenever any door, aisle, passageway, stairway or other means of exit is not of sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire or panic.
2. Whenever the walking surface of any aisle, passageway, stairway, or other means of exit is so warped, worn, loose, torn, or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic.
3. Whenever the stress in any materials, member or portion thereof, due to all dead and live loads, is more than one and one half times the working stress or stresses allowed in the Building Code for new buildings of similar structure, purpose, or location.
4. Whenever any portion thereof has been damaged by fire, earthquake, wind, flood, or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the Building Code for new buildings of similar structure, purpose, or location.
5. Whenever any portion, member, or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.
6. Whenever any portion of a building, any member, appurtenance, or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one half of that specified in the Building Code for new buildings of similar structure, purpose, or location without exceeding the working stresses permitted in the Building Code for such buildings.
7. Whenever the building or structure, or any portion thereof, because of: (i) dilapidation, deterioration, or decay; (ii) faulty construction; (iii) the removal, movement, or instability of any portion of the ground necessary to support such building; (iv) the deterioration, decay, or inadequacy of its foundation; or (v) any other cause, is likely to partially or completely collapse.
8. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.

9. Whenever the exterior walls or other vertical structural members list, lean, or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one third of the base.
10. Whenever the building or structure, exclusive of the foundation, shows 33 percent or more damage or deterioration of its supporting member or members, or 50 percent damage or deterioration of its nonsupporting members, or 50% damage or deterioration of enclosing or outside walls or coverings.
11. Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated or neglected as to become a harbor for vagrants or criminals.
12. Whenever any building or structure has been constructed, exists, or is maintained in violation of the City's minimum housing standards or technical building codes, to the extent violation poses a threat or potential threat to life, health, safety, or property.
13. Whenever a building or structure is used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction, arrangement, inadequate light, air, or sanitation facilities, is determined by the Health Director to be unsanitary, unfit for human habitation, or in such a condition that is likely to cause sickness or disease.
14. Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections, or heating apparatus, or other mechanical, structural, or social cause, is determined by the fire chief to be a fire hazard.
15. Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence.
16. Whenever any portion of a building or structure remains for any period of time on a site after the demolition or destruction of the building or structure, unless such structure has been approved for partial demolition by the DSDB or the Department of Building Inspections in its permitting process.
17. Whenever any building or structure, regardless of its structural condition, is unoccupied by its owners, lessees, or other invitees and is unsecured from unauthorized entry to the extent that it could be entered or used by vagrants or other uninvited persons as a place of harborage or could be entered by children.
18. Whenever any building or structure is secured by a means inadequate to prevent unauthorized entry or use in the manner described in condition Number 17 above.

DSDB: Dangerous Structure Determination Board is constituted as prescribed by the Texas Local Government Code. Composition and authority of the DSDB is described below in Sec. 6-158.

Distressed property: A property or premises on which there is located a building or structure believed, by an appropriate City official, to suffer from one or more of the conditions or defects described in this section and to be deserving of consideration by the DSDB.

Sec. 6-157. Declaration of Nuisance: Any building or structure which has any or all of the conditions or defects described above in Section 6-156, where such condition or conditions pose a threat or potential threat to life, health, property, or human safety, is hereby declared to be a public nuisance, is prohibited as unlawful, and shall be abated according to provisions of this Article VIII.

It is an offense for an owner or occupant or other person having control of the building or structure to fail to abate such public nuisance.

Therefore, failure to abate such condition may also be prosecuted as a criminal misdemeanor offense. It is a further offense and unlawful for any person to cause, permit, or allow a dangerous building after the 30th day after the date on which the Dangerous Structure Determination Board finds a condition of nuisance and orders abatement, or after such extended date as may be lawfully permitted by the Dangerous Structure Determination Board.

Sec. 6-158. Dangerous Structure Determination Board established; composition; public hearing authority; alternative repairs; quorum.

- (a) The Dangerous Structure Determination Board (DSDB) is hereby established, and shall consist of appointees and alternates designated by the City Manager from offices of housing and community development, the fire chief, the police chief, the director of building inspections, the director of planning, the office of community initiatives, and the director of public works.
- (b) Concurrent with preparation of a case for referral to the DSDB, and before a hearing, the Code Compliance Director shall advise in writing the City's Historic Preservation Officer of the location of the subject building or structure and the nature of the violation. Such advisement shall commence the time frame for status determination, in lieu of an application for demolition. Within 30 days of receipt of the information, the City Historic Preservation Officer shall advise the DSDB in writing whether or not the building or structure is a landmark or is in an historic district, and if neither a landmark nor in an historic district, whether or not the building or structure has historical, cultural, architectural, or archaeological significance, (structure having significance).

If the building or structure is a landmark, in an historic district, listed or eligible for listing in the National Register of Historical Places, or possesses historical, cultural, architectural, or archaeological significance, the DSDB shall ensure that an order, finding, or other action taken complies with the requirements set out in subdivision D of Ordinance No. 80910. [And specifically, Uniform Development Code, Sec. 35-7061.]

Provided, however, within 60 days from the date of receipt of the information from the Code Compliance Director, the Historic Preservation Officer must have obtained the Historic and Design Review Commission concurrence that a building or structure having significance should be designated a landmark. Further, the structure having significance must be so designated by City Council 180 days after the date of receipt of the information from the Code Compliance Director. If any one of the deadlines set out above is not met, the DSDB may presume the building or structure does not have historical, cultural, architectural or archaeological significance.

- (c) The DSDB shall act as authorized under this ordinance and the Texas Local Government Code, Chapter 214, Subchapter A., Secs. 214.001, et. seq., Dangerous Structures. The DSDB shall carry out the hearing duties and procedures prescribed herein, and as those duties and procedures may, from time to time, be modified by applicable law.

The DSDB duties shall include review of the procedures for each case brought before the board to confirm notice requirements have been satisfied; conduct of the public hearing required by this Article to determine whether or not a building is a public nuisance, as defined at Sec. 6-157, or to determine whether or not a building qualifies for required demolition under Sec. 6-160 herein, as allowed by state law; make remediation and demolition orders or exercise City repair options, as provided in this Article.

In hearing cases pertaining to distressed buildings and structures, the DSDB shall regard potential for curing title and to advise, when appropriate, property owners of programs which may be available to assist in preserving buildings as affordable housing.

- (d) In addition to the City's authority under the Texas Local Government Code, Sec. 214.001(m)(n) to perform public nuisance abatement of dangerous buildings or structures and secure its costs with a lien, whenever remediation is not accomplished within the allotted time, the City shall further exercise its authority, under Sec. 214.0015, Additional Authority, to allow the DSDB to elect to have the City perform limited repairs, as described below. Assessment for repairs, notice, and recovery of the assessment shall be performed by the City in the same manner as required for the fixing, filing, and foreclosure of liens arising from City services rendered to remediate other premises violations.
- (e) A building may be repaired by the City under this section, only to the extent necessary to bring the building into compliance with minimum standards, and only if the building is a non-homestead residential building with ten (10) or fewer dwelling units.
- (f) The lien, however, may be imposed against any non-homestead real property to secure payment of qualified repair, removal, or demolition expenses.
- (g) DSDB action shall require a quorum for binding decisions. A quorum shall require presence of 50% (1/2) of the board's membership, plus one. Lacking a quorum, the DSDB may deliberate, but may make no orders.

- (h) DSDB actions shall require supporting votes for motions as follows:
- deliberation and discussion of any matter within the board's jurisdiction upon a motion and a second;
 - orders to secure, and/or vacate, by a simple majority;
 - orders for a responsible party to repair, by a simple majority;
 - orders for demolition, by a two-thirds (2/3rds) majority;
 - recommendations to effect City repair of qualifying properties, by a simple majority, provided resources are available to properly perform repair and duly fix the lien for charges;
 - all other orders or actions within the board's jurisdiction, by a simple majority.
- (i) Under guidance of and subject to applicable statutes and laws, the DSDB shall devise its administrative procedures, review and adjust such procedures annually, and make available to any interested person, a copy of such procedures.

Sec. 6-159. Standards for Repair, Vacation, or Demolition; DSDB review of demolition settlement.

The following standards shall guide the Code Compliance Director in his discretion in ordering a hearing to repair, vacate, secure, and/or demolish a dangerous building and these standards shall be observed and applied by the hearing officers who comprise the Dangerous Structures Determination Board.

- (1) If the alleged dangerous building can be feasibly repaired or the condition remedied so that it will no longer exist in violation of the terms of this article, it shall first be ordered remedied or repaired by the hearing officers. Demolition shall be regarded as a remedy of last resort.
- (2) If the building is in such condition as to make it dangerous to the health or safety of its occupants, it shall be ordered by the hearing officers to be vacated.
- (3) In any case where a dangerous building is fifty (50) percent or more damaged or decayed or deteriorated in its structure, or fifty (50) percent or more diminished in its value due to damage, decay, or deterioration, a presumption shall arise that the building cannot be repaired. Such presumption may be appropriately rebutted by the weight of the evidence.
- (4) Principals of sound engineering practices shall be respected.
- (5) In all cases of settlement in which a responsible party enters into a voluntary demolition agreement to accept City serviced demolition, all settlement agreements shall be reviewed by the DSDB prior to execution by a duly authorized City official possessing settlement authority.

Sec. 6-160. Additional State Authority.

Under authority of Texas Local Government Code, Sec. 214.001, Subchapter A. Dangerous Structures, upon hearing, a building or structure shall be ordered demolished, vacated, secured, or repaired, and/or its occupants relocated if found to be:

- (1) dilapidated, substandard, or unfit for human habitation and a hazard to the public health, safety, and welfare; or
- (2) regardless of its structural condition, but having been subject to repeated criminal enforcement efforts, unoccupied by its owners, lessees, or other invitees, the building is unsecured from unauthorized entry to the extent that it could be entered or used by vagrants or other uninvited persons as a place of harborage or could be entered or used by children.

Sec. 6-161. Inspection of Buildings, Schools, Churches, etc.

The Director of Code Compliance may inspect or cause to be inspected periodically, all public buildings, schools, halls, churches, theaters, hotels, tenements, commercial buildings, manufacturing buildings, or loft buildings, flea markets, and tents for the purpose of determining whether any conditions exist which render any such place a dangerous building or structure within this article. The director may also inspect buildings under the following conditions:

- (1) Any premises, building, wall, or structure about which complaints are filed by any persons alleging that any premises or a building, wall, or structure is or may be existing in violation of this article;
- (2) Any premises, building, wall, or structure, as provided for in this article, alleged by the health, fire, or police departments of this City to be in violation of the terms of this article. Good faith shall be sufficient to support the director's inspection effort.
- (3) Any premises, building, wall, or structure which the director in good faith has reason to believe may be in violation of this article.

Sec. 6-162. Notice of Hearing.

- (a) When the Director of Code Compliance has probable cause to believe a building or structure to be dangerous, the Code Compliance Director shall order a public hearing before the DSDB and make a diligent effort to discover and notify in writing the owner and each lienholder or mortgagee, before the public hearing. The director must make a reasonable search of the instruments on file in the office of the County Clerk to find the owner. Reliance on the real property lien and tax records of Bexar County, Texas, shall be sufficient to identify mortgagees and lienholders.
- (b) The pre-hearing notice to the owner shall be:
 - (1) personally to the owner in writing; or
 - (2) by letter addressed to the owner at the owner's post office address;

- (3) if personal service cannot be obtained or the owner's post office address is unknown:
- (A) by publication at least twice within 10 consecutive days; and
 - (B) by posting the notice on or near the front door of each building on the property to which the violation relates.
- (c) The pre-hearing notice to lienholders/mortgagees shall be directed to them at addresses provided by the real property tax records of Bexar County, Texas, and deposit of the notice with the United States Postal Service, first class, shall be deemed sufficient for delivery.
- (d) The notice shall state:
- (1) The observations of the Code Compliance Director:
 - identifying conditions enumerated above in Sec. 6-156 of alleged dilapidation, substandard conditions, unfitness for human habitation, and hazard to the public health, safety, and welfare; or,
 - in the alternative, regardless of structural condition, a building or structure is unoccupied by its owners, lessees, or other invitees and unsecured to the extent it could be, or has been, entered by vagrants or other uninvited persons as a place of harborage or could be entered or used by children, and that the building has been subject to repeated criminal enforcement efforts; and
 - (2) Identification of the building and the property upon which the building is located. (This identification is not required to be a legal description.); and
 - (3) A statement that the owner, lienholder, or mortgagee shall be required at the hearing to present proof of the scope of any work that may be required to comply with this article and the time it will reasonably take to perform the work; and
 - (4) A statement that the lienholder/mortgagee, as well as the owner, is entitled to attend the hearing and shall be afforded opportunity to comment.
- (e) If the City files a notice in the Official Public Records of Real Property for Bexar County, Texas, pertaining to the hearing, as set forth above, the notice shall bind all subsequent holders of interest in the property, according to state law.
- (f) The City is not required to furnish any further notice to a mortgagee or lienholder, other than a copy of the Dangerous Structures Determination Board's order, when the City has followed the notice requirements set forth here.
- (g) The order, in regard to mortgagees and lienholders, shall notify them, as set forth below at Sec. 6-162, of the owner's obligations and shall allow an additional reasonable time for the mortgagee/lienholder to perform the order if the owner fails to do so.

Sec. 6-163. Notice of Dangerous Structures Determination Board Findings and Order; Statutory limits on demolition time.

- (a) After the hearing, the DSDB shall promptly notify by certified mail, return receipt requested, the owner and any mortgagee or lienholders, of the board's order, setting forth a description of the building or structure found unsafe, a statement of the particulars which made the building or structure a dangerous building, a reasonable time for the building to be vacated, secured, repaired, removed, or demolished, and the occupants relocated, if any, and an order requiring the same to be put in such condition as to comply with the terms of this article within such length of time, not exceeding thirty (30) days as is reasonable.

Within 10 days after the date the order is issued, the City shall also file a copy of the order in the City Clerk's Office and publish once in a newspaper of general circulation within the City a notice of:

1. street address or legal description of the property;
 2. date of the hearing;
 3. brief statement of results of the hearing; and
 4. instructions stating where a complete copy of the order may be obtained.
- (b) As prescribed by the Local Government Code, Sec. 214.001(h), in conducting a hearing authorized under this Article and upon a finding that the building is dangerous, the DSDB shall require the owner, lienholder, or mortgagee of the building to within 30 days:
- (1) secure the building from unauthorized entry; and/or
 - (2) repair, remove, or demolish the building, unless the owner or lienholder establishes at the hearing that the work cannot reasonably be performed within 30 days.
- (c) If the DSDB allows the owner, lienholder, or mortgagee more than 30 days to repair, remove, or demolish the building, the DSDB shall establish specific time schedules for the commencement and performance of the work and shall require the owner, lienholder, or mortgagee to secure the property in a reasonable manner from unauthorized entry while the work is being performed, as determined by the DSDB. Local Government Code Sec. 214.001 (l).
- (d) The DSDB may not allow the owner, lienholder, or mortgagee more than 90 days to repair, remove, or demolish the building or fully perform all work required to comply with the order unless the owner, lienholder, or mortgagee:
- (1) submits a detailed plan and time schedule for the work at the hearing; and
 - (2) establishes at the hearing that the work cannot reasonably be completed within 90 days because of the scope and complexity of the work. Local Government Code, Sec. 214.001 (j)

- (e) If the DSDB allows the owner, lienholder, or mortgagee more than 90 days to complete any part of the work required to repair, remove, or demolish the building, the DSDB shall require the owner, lienholder, or mortgagee to regularly submit progress reports to the DSDB to demonstrate that the owner, lienholder, or mortgagee has complied with the time schedules established for commencement and performance of the work. The order may require that the owner, lienholder, or mortgagee appear before the DSDB or the Director of Code Compliance to demonstrate compliance with the time schedules. Local Government Code, Sec. 214.004(k)

Sec. 6-164. Burden of Proof.

In any public hearing before the DSDB to determine whether a building is in violation of the conditions set forth in this article, which may result in a finding of public nuisance and an abatement order, the owner, mortgagee, or lienholder has the burden of proof to demonstrate the scope of any work that may be required to abate the nuisance and the time it will take to reasonably perform the work. This burden is imposed under authority of the Texas Local Government Code, Sec. 214.001 (l).

Sec. 6-165. Responsible Party's Failure to Abate; Costs.

- (a) If the building or structure, subject of the DSDB order, is not vacated, secured, repaired, removed, or demolished, or the occupants are not relocated within the allotted time, the City may vacate, secure, remove, or demolish the building or relocate the occupants at its own expense.
- (b) If the City incurs expenses under subsection (a) above, the City may assess its costs and secure same by a lien.
- (c) In the event of City serviced demolition, following review and approval by the DSDB, to abate the public nuisance, the owner shall be charged and billed for the expense of demolition of the structure or building, to prepare the premises for demolition, collapse the structure, remove and dispose of all debris to a legal disposal facility, plus any handling, transportation and disposal fees incurred, including any and all costs necessary to address special or hazardous wastes, and a ten (10) percent administration expense charge.
- (d) Any case referred to the DSDB for consideration shall also have attached as costs all expenses incurred by the City to research ownership and mortgagee/lienholder interests, as such research is required by state law to fix enforceable orders and liens.

Sec. 6-166. Hearing Proceedings.

- (a) The Code Compliance Director or his/her designee shall prepare a notice to the owner, mortgagee, or lienholder, if any, having an interest in such alleged dangerous building notifying such persons that a hearing on the matter will be heard by the Dangerous Structures Determination Board at a certain time on a certain day, not less than five (5) days and not more than thirty (30) days after receipt thereof, at a city facility appropriate to public hearings.

- (b) The notice shall be served by verified personal delivery to such persons or by U.S. mail, certified return receipt requested. Where any such person is a corporation, service upon an officer thereof or designated agent shall be deemed sufficient. Where such entity's or person's principal place of business is located outside of the county, service upon the person in charge of the local office shall be deemed sufficient. Such notice shall be published one (1) time in the City's official publication in the event any person having an interest in such premises, or their heirs, cannot be located after reasonable efforts.
- (c) The Code Compliance Director or his/her designee shall present at such hearing facts bearing on the condition of the premises, and reports may be made by personnel of the departments of fire, building inspections, planning, other city departments, or other appropriate agencies.
- (d) Any person having an interest in the property or who may be affected by conditions of the property shall be allowed to present evidence at such hearing, in person or by attorney, regarding condition of the premises and to hear the reports of any city personnel or of any other persons who may be present. The City shall have only those obligations to notify persons or entities as prescribed by statute.
- (e) The DSDB may require the posting of a performance bond not to exceed \$10,000.00 to ensure performance of any formal agreement that may be reached between the City and a person having an interest in the property to accomplish the remediation contract.
- (f) The remedy of this section shall be available to the City in addition to any penal or other civil remedy which the City, State or other person may have to remedy public nuisance conditions.

Sec. 6-167. Expedited cases before the DSDB.

In cases where the Code Compliance Director determines that there is sufficient danger to the life, safety, or property of any person unless a dangerous building or structure, as defined in this article, is immediately repaired or demolished, or in cases where a dangerous building or structure, as defined in this article, is located within one thousand (1,000) feet of a public or private elementary school, middle school, high school, or a State recognized day care center, the Code Compliance Director shall commence procedures to expedite vacation and/or repair or demolition of such dangerous building or structure. All such expedited cases shall include immediate written notice to the Historical Preservation Officer, which expedition may include a request for a temporary restraining order (TRO). The director may, at his/her option, cause immediate remediation by requesting the City Attorney to file in the District Court a request for a TRO authorizing emergency abatement. In a request for a TRO, made pursuant to this Section, the City Attorney may seek any and all relief necessary to abate the emergency except demolition of the structure. Demolition may be sought pursuant to this Section, at the request and concurrence of the Director of Code Compliance and the Historical Preservation Officer, by action for injunctive relief if such action is deemed necessary by the City Attorney. [The above notwithstanding, the City Attorney may seek any and all remedies available at law or equity as necessary for abatement under Sec. 6-175.] Or, in the alternative, the Code Compliance Director shall provide notice to the Historical Preservation Officer, the DSDB, to the owner and

lienholders/mortgagees of said dangerous building according to statutory requirements set forth in this Article. The Board may then hear the matter at its next scheduled meeting. The board may order expedited abatement to vacate, repair, or demolish such dangerous building according to the notice requirements of this article. In all cases of expedited hearings before the DSDB, orders shall be made in comportment with Secs. 6-158, 6-162, and other applicable provisions of this Article. An expedited abatement schedule, under such circumstances, shall be deemed reasonable. Any and all costs associated with asbestos and special or hazardous waste removal, transport and disposal, as required by regulation or City discretion in the interest of safety, of expedited repair, vacation, or demolition of such dangerous building shall be collected in the manner provided by law.

In cases of buildings or structures governed by Sec. 35-7061 of the Unified Development Code, Public Safety Hazards and Emergency Securing Measures, pertaining to landmarks and structures located within an historical district, the Code Compliance Director shall expeditiously secure the structure in question to the extent practicable with resources available to the director. The director shall thereafter inform the historic preservation officer of these steps and shall provide copies of such information on securing to members of the Historic and Design Review Commission and the DSDB.

Sec. 6-168. Placarding.

- (a) In emergency cases the Director of Code Compliance shall cause to be posted at each entrance to such dangerous building a notice to read: DO NOT ENTER. THIS STRUCTURE TO BE DEMOLISHED BY THE DEPARTMENT OF CODE COMPLIANCE, CITY OF SAN ANTONIO. Such notice shall remain posted until the required demolition is completed. Such notice shall not be removed without written permission of the Code Compliance Director, and no unauthorized person shall enter the building for any purpose. It shall be unlawful for any person who enters such premises to remove the posted notice without written permission from the Code Compliance Director.
- (b) Buildings or structures subject to DSDB hearings shall be appropriately placarded at discretion of the Code Compliance Director with warning of dangers for which the director has probable cause for concern.

Sec. 6-169. Administrative Liability.

No officer, attorney, agent, or employee of the City shall render himself or herself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted and performed in good faith in the discharge of his or her duties under this article so long as such officer, agent, or employee is acting within the scope of his or her official capacity. Any suit brought against any attorney, officer, agent, or employee of the city acting within his or her official capacity and scope, as a result of any act required or permitted and performed in good faith in the discharge of duties under this article shall be defended by the city attorney until the final determination of the proceedings therein.

Sec. 6-170. Reports of Suspected Dangerous Buildings.

The heads of the fire, police, and other city departments shall make prompt reports in writing to the Code Compliance Director of all buildings or structures which are, or may be suspected to be dangerous buildings or structures within the terms of this article.

Sec. 6-171. Disconnecting Public Utilities.

The Code Compliance Director may request that public utilities be disconnected in order that demolition or other nuisance abatement actions may be accomplished without delay in those cases where the structure is open, vacant, dilapidated, or subject to any of the conditions defining public nuisance in this article.

Sec. 6-172. State Authority for Summarily Securing Unoccupied Buildings.

- (a) **Purpose; no emergency required.** An owner or person in control of an unoccupied building shall ensure that the building is in such condition that an unauthorized person cannot enter into it through missing or unlocked doors or windows, or through other openings into the building. The City of San Antonio may secure unoccupied, unsecured structures after the owner(s) fail to do so after reasonable notice, or, in the case of an unsecured, unoccupied building located within 1,000 feet of a public or private elementary school, middle school, or high school, or a state recognized day care center, at the discretion of the Code Compliance Director, the City may secure without prior notice, as prescribed by the Texas Local Government Code, Sec. 214.0011. Subsequent notice of discretionary, summary abatement shall be provided as set forth in subsection (k)(2) below. A lien may be filed on non-homestead residential structures to assure recovery of the cost of securing.
- (b) **Definition.** An unsecured, unoccupied building is hereby defined to be any structure that currently has no legitimate occupant or tenant, or is occupied by persons who have no right to possession, and which has missing or unlocked doors or windows, or other unsecured openings into the building through which an unauthorized person, including a child, could enter. Any unoccupied, unsecured building is hereby declared to be a danger to the public health and safety and a public nuisance.
- (c) **Notice.** Whenever it is found that an unoccupied building is in such condition that an unauthorized person or child could enter it through missing or unlocked doors or windows or other openings, the Code Compliance Director or the fire marshal shall cause a written "Notice To Secure" to be given to the owner of the property or to any person having control over the property. Such notice shall inform the addressee that the building is a public nuisance, and must be secured in compliance with this section within ten (10) days of the receipt of the notice, or that the City has already secured the structure. The notice shall be served by certified mail, return receipt requested, or by personal delivery of the notice to the addressee by a code compliance investigator, fireman, peace officer, or other persons authorized by the Code Compliance Director. When the City has already secured the structure, notice shall be given no later than the 11th day after the date the structure is secured. If the personal or certified mail notice attempt is not successful, notice may be

accomplished by publishing in a newspaper of general circulation, on two (2) occasions approximately one (1) week apart, or by posting notice on or near the front door of the building.

- (d) **Appeal.** Any property owner who believes that the Code Compliance Department or the fire marshal has erroneously identified his or her structure as an unsecured, unoccupied structure, shall have the opportunity to appear before a hearing of the DSDB, in person or by attorney, to present any relevant facts as to the condition of the premises upon submitting a written request for such hearing within (30) days after the structure is secured. A hearing shall be held within 20 days after the date a request is filed. Details concerning the right to appeal shall appear on the notice to secure or notice of accomplished securement. The DSDB may require the posing of a performance bond not to exceed \$1,000.00 to ensure performance of any agreement that may be reached with the owner of the property in question and which results in the postponement of a pending civil order to secure and/or clean.
- (e) **Offense.** It is unlawful for any building owner or person having control of any premises to cause, permit, or allow a public nuisance as defined in this Article or to fail to timely comply with a notice to secure ordered by the Code Compliance Director or fire chief, given pursuant to this section. Violation shall be punishable by a fine of not less than fifty dollars (\$50.00) nor more than two thousand dollars (\$2,000.00). Each day's failure to comply after the expiration of the notice period shall constitute a separate offense.
- (f) **City may secure structures.** If the owner fails to comply with the notice to secure, the Code Compliance Director or fire marshal may order the boarding-up of all openings to the building so as to prevent entry, or the securing of the structure in any other reasonable fashion.
- (g) **Method of securing.** The securing of windows, doors, or any other opening allowing access to an unsecured, unoccupied structure shall be done with such materials and technique to effectively bar entrance to the structure. Such materials include, but are not limited to, plywood, lumber, steel, replacement glass, nails, screws, and bolts. The use of cardboard, tar paper, window and door screens, or any other material that will not effectively prevent entrance shall not be sufficient to meet the requirements of this section. Upon receipt of a notice to secure, each and every accessible means of entry must be secured.
- (h) **Method of cleaning.** The cleaning of an unoccupied building shall include maintenance of said structure and its lot free and clear of garbage, trash, debris, rubbish, waste, wood and metal scrap, inoperative or abandoned appliances and furniture. All weed and grass cuttings shall be removed from the premise in accordance with the provisions of Chapter 14 of the City Code.
- (i) **Collections and liens.** If the City secures a structure pursuant to authority granted by the Texas Local Government Code and in accordance with this Article VIII, the City shall proceed to secure payment for said actual costs of securing the property plus an administrative fee of one hundred dollars (\$100.00) by the following:

- (1) Residential property of ten (10) dwelling units or less: If after thirty (30) days from billing for the securing of a structure, payment in full has not been made, the City may proceed to collect the amount due including the costs of securing, plus all associated costs and fees by filing a lien to be recorded in the Real Estate Records of Bexar County, Texas, pursuant to authority granted by law.
- (2) **All other structures:** If after thirty (30) days from billing for the securing of a structure, payment in full has not been made, the City shall bring suit in a court of competent jurisdiction to collect the amount due including the cost of securing plus all associated costs and fees. The city attorney is hereby further authorized to make use of whatever legal or equitable remedies are available to collect said monies due, including filing and foreclosure of liens as appropriate.
- (j) **Fee and cost payable date.** The cost of securing, plus the attendant administrative cost of one hundred dollars (\$100.00), shall attach and become an account receivable on the date completion of the boarding-up, fencing, or other method of securing any structure.
- (k) **Other remedies available.** The remedies provided in this section shall be available in addition to others provided by law or equity. The issuance of a notice to secure or imposition of a fine pursuant to another section of this Code shall not be required as a prerequisite to the initiation of abatement action, nor shall the issuance of a notice to secure or imposition of a fine under this section preclude any other or additional abatement remedies.
- (l) **Danger posed by unsecured structure:**
- (1) Where the Code Compliance Director finds that an unsecured building, regardless of the date of its construction, poses such a danger to public, health, safety, and welfare that in his/her judgment summary abatement is necessary, or where an unsecured building is located within one thousand (1,000) feet of a public or private grammar school, middle school, or high school, or a state recognized day care center, he/she shall cause the structure to be secured and cleaned.
- (2) Notice to the owner(s) shall be provided before the 11th day, after the structure is secured, by personal service, or notice by first class U.S. Mail at the owner's post office address. If personal service cannot be obtained and the owner's post office address is unknown, notice may be performed by either publishing the notice twice within a ten (10) day period in a newspaper of general circulation in the county in which the building is located, or posting the notice on or near the front door of the building. The notice shall contain the information required by applicable state law, and as such law may from time to time be amended, at least: (i) a description of the building and the property on which it is located (need not be legal description); (ii) description of the violation; (iii) statement of owner's need to secure or that City has secured, as the case may be; and (iv) explanation of owner's right to request a hearing on the matter, if within 30 days of securing, owner files written request for hearing. The DSDB must hear the matter within 20 days after the date request is filed.

- (3) It shall be unlawful for any person to enter such premises or remove the posted notice without written permission from the Code Compliance Director.
- (4) The City's costs may be recovered and a lien filed in the same manner as to secure City expenses incurred to remediate other premises violations.

Sec. 6-173. Enforcement; appeal to District Court under substantial evidence rule; lien priority.

- (a) Any owner, lienholder, or mortgagee of record, aggrieved by an order of the DSDB under this Article VIII may file in district court a verified petition setting forth that the decision is illegal, in whole or part, and specifying the grounds of the illegality. The petition must be filed within thirty (30) calendar days after the respective dates a copy of the final decision of the DSDB is mailed to them by first class mail, certified return receipt requested, or such decision shall become final as to each of them upon expiration of each such 30 calendar day period.
- (b) In any judicial contest challenging the City's rights under this ordinance, the City shall pursue recovery of its attorney's fees as allowed by the Texas Local Government Code.
- (c) An aggrieved party's appeal from an order of the DSDB, when made to the district court, shall be limited, according to law, to a hearing under the substantial evidence rule, where under the court may reverse or affirm, in whole or part, the DSDB's decision. Accordingly, costs may not be allowed against the City.
- (d) The lien securing payment of civil penalties or the costs of repairs, removal, or demolition, as the case may be, is inferior only to any previously and duly recorded bona fide mortgage liens, as prescribed by state law. The City's lien is superior to all other previously recorded judgment liens, and shall accrue interest at the rate of ten (10) percent a year, or as allowed by law, from the date of assessment until paid in full.

Sec. 6-174. Other remedies; Chapters 54 and 214, Texas Local Government Code.

Nothing in this Article shall preclude the City's pursuit of any and all other remedies allowed under the civil and criminal statutes, and in equity, to address conditions which are treated in this article, under the theory of public nuisance and abatement of dangerous structures or buildings. Neither shall the City be required, nor prohibited, to issue criminal citations before, after, or during any proceeding prescribed in this article.

Specifically, in addition to provisions of this article and remedies afforded under the Texas Local Government Code, Chapter 214, Municipal Regulation of Structures, the City further asserts full authority to exercise its right to remedy under all provisions of the Texas Local Government Code, including, but not limited to, Chapter 54, Subchapter B, Municipal Health and Safety Ordinances, in prosecution of civil suits for enforcement, injunctive relief, and civil penalties to remedy conditions of public concern described in this article.

Sec. 6-175. Emergency cases; summary abatement by city officials.

- (a) In cases where it appears to the Code Compliance Director, the Fire Chief, or the Director of Building Inspections, that due to one or more structural conditions threatening the structural integrity of a building or structure, there is clear and imminent danger to the life, safety or property of any person unless a dangerous building or structure, as defined in this article, is immediately repaired or demolished, especially in cases where such a very dangerous building or structure, is located within one thousand (1,000) feet of a public or private elementary school, middle school, high school, or a State recognized day care center, any one of those officials (the official) shall execute the immediate vacation and or repair or demolition of such very dangerous building or structure, regardless of the date of its construction. Such summary action shall require concurrence from at least one other of the aforesaid officials. In the case of summary demolition, concurrence of the Director of Building Inspections shall be required. Such concurrence shall include a determination that under the circumstances no other abatement procedure is reasonably available except demolition. The official taking action shall thereafter immediately provide notice to the DSDB, of the accomplished abatement; and to the owner and lienholders/mortgagees of said dangerous building. All costs, including asbestos and special or hazardous waste removal/disposal, of such emergency summary repair, vacation, or demolition of such dangerous building shall be collected in the manner provided by law.
- (b) The foregoing emergency abatement action shall be executed not later than seventy two (72) weekday hours, exclusive of weekends and holidays, after the official views the subject building or structure.
- (c) The foregoing emergency abatement action is hereby acknowledged as being outside state statutory prescriptions. The authority for this section is asserted under the City of San Antonio Charter as power of a home-rule city, so provided by the constitution of the State of Texas.
- (d) Upon ordering and executing emergency abatement by demolition, the City official responsible shall make an appropriate affidavit evidencing his/her actions. Copies of the affidavit shall be maintained among the official records of the respective Official's department and in the minutes records of the DSDB for two years.

Sec. 6-176. Severance.

Should any section, clause, sentence, or provision of this Article be held illegal, invalid, or unenforceable in whole or part by a final judgment of a court of competent jurisdiction, such judgment shall not affect or invalidate the remaining provisions of this Article which shall be treated as having been duly legislated without inclusion of such illegal, invalid, or unenforceable section, clause, sentence, or provision.

DO NOT TYPE IN THIS SPACE	CITY OF SAN ANTONIO Request For Ordinance/Resolution	For CMO use only
Approval		Date Considered
Finance	Budget	Consent <input type="checkbox"/> Individual <input type="checkbox"/>
Legal	Coordinator	Item No. 38
		Ord. No.

Date: April 7, 1997	Department: Code Compliance	Contact Person/Phone # Martin G. Rodriguez/207-8200
Date Council Consideration Requested: April 17, 1997	Deadline for Action: None	Dept. Head Signature: <i>[Signature]</i>

SUMMARY OF ORDINANCE

Code revisions to Chapter 6, Article VIII, entitled "Dangerous Buildings" are being presented for City Council approval.

The proposed code revisions update and streamline the current process for identifying and abating dangerous structures. The definitions in the revised code for identifying dangerous buildings are expanded to consider both structural and public nuisance factors. The proposed ordinance will also promote neighborhood stabilization through proactive efforts to encourage structural restoration before total deterioration occurs.

Council Memorandum Must Be Attached To Original

Other Depts., Boards, Committees Involved (please specify): **Public Works, Building Inspections, Planning, San Antonio Police Dept., Community Initiatives, Housing & Community Development**

Contract signed by other party
 Yes No

FISCAL DATA (If Applicable) (not applicable) Fund No. _____ Amt. Expended _____ Activity No. _____ SID No. _____ Index Code _____ Project No. _____ Object Code _____	Budgetary Implications Funds/Staffing Budgeted Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Positions Currently Authorized _____ Impact on future O & M No change If positions added, specify class and no. _____ _____ _____
Comments: 	

Coordinator — White
 Legal — Green
 Budget — Canary
 Finance — Pink
 Originator — Gold

Pg 4 Line 6

Compliance Director and
general funding shall be
appropriated to acquire,
rehab + dispose of the
Property.

Vasquez
Amendment

Page 10 Sec 6-167

~~(500) feet (SM)~~

(2500')

CITY OF SAN ANTONIO

INTERDEPARTMENTAL CORRESPONDENCE SHEET

TO: Mayor and City Council through the City Manager

FROM: Martin G. Rodriguez, Code Compliance Director

COPIES TO: See Distribution
A-Session Item - Code Revisions

SUBJECT: Chapter 6 Article VIII "Dangerous Buildings"

DATE: 7 April 1997

SUMMARY AND RECOMMENDATION

Proposed revisions to Chapter 6, Article VIII, entitled "Dangerous Buildings" are presented for your consideration.

The proposed code revisions update and streamline the current process for identifying and abating dangerous structures. The definitions in the revised code for identifying dangerous buildings are expanded to consider both structural and public nuisance factors. The proposed ordinance will also promote neighborhood stabilization through proactive efforts to encourage structural restoration before total deterioration occurs.

It is recommended that City Council favorably consider these code revisions.

POLICY ANALYSIS

These revisions are a product of several months of staff review and comment by all Departments concerned with safety, housing, planning, and legal aspects. This item was discussed during the December 19, 1996 City Council B-Session. Additionally, three Public Hearings were held by the Clean-Up City Commission and one by City Council on January 9, 1997 to receive public comment regarding dangerous vacant buildings. This Public Hearing resulted in further consideration given to the San Antonio Conservation Society's desired changes.

The last revision to Chapter 6, Article VIII occurred in 1988. Since that time, applicable State laws have been passed regarding municipal regulations of structures under the Local Government Code. The City Attorney's Office has incorporated these changes in the revisions.

The features of these revisions include:

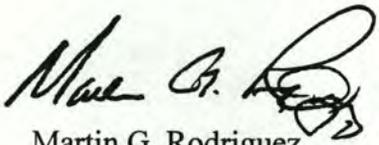
- * The number of conditions for a dangerous structure has increased from 9 to 18.
- * The members of the Dangerous Structure Determination Board (DSDB) will increase from 3 members to 7 members. Representatives from the Police, Planning, Public Works, and Community Development and Housing Departments will be included on the DSDB.

- * Notification procedures will be codified consistent with applicable State laws.
- * Provisions are included for summary abatement (boarding and securing), without prior notification, of unoccupied unsecured structures.
- * Incorporates the Historic Preservation requirements as codified in Chapter 35 of the Unified Development Code earlier in the determination process of dangerous buildings.
- * Incorporates the demolition fee changes approved by City Council for the 1996-97 Fiscal Budget Year.

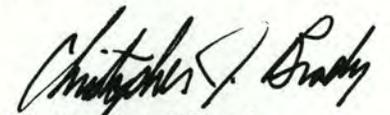
FINANCIAL IMPACT

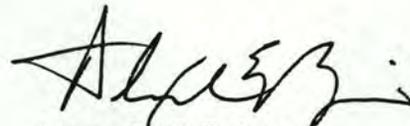
The financial impact of the demolition fee changes has already been incorporated in the 1996-97 Fiscal Budget in the Public Works Department's budget.

No significant impact to the current budget is anticipated; however, cost differentials will be monitored for future budgeting purposes should they impact any participating department.


 Martin G. Rodriguez
 Code Compliance Director

APPROVED:


 Christopher J. Brady
 Assistant to the City Manager


 Alexander E. Briseño
 City Manager

bkp

Distribution:

Andrew Cameron, Housing & Community Development
 Clarence Daugherty, Public Works
 Rebecca Waldman, Planning Department
 Sally Farris, City Attorney's Office
 Gene Camargo, Building Inspections
 Ann McGlone, Planning Department
 Deputy Chief Richard Gleinser, Police Department

Frances Gonzalez, Office of Special Projects
 Chief Robert Ojeda, Fire
 Rocky Aranda, Public Works
 Frank Blalock, Health Department
 Manuel Longoria, Economic Development
 Roland Lozano, Asset Management
 Lisa Lott, City Manager's Office

RECEIVED
CITY OF SAN ANTONIO
CITY CLERK

97 APR 18 AM 10:36

To: Norma Rodriguez, City Secretary

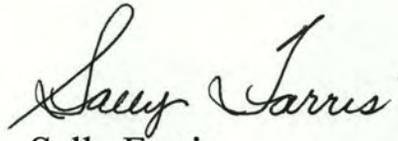
From: Sally Farris, Assistant City Attorney

Date: April 18, 1997

Subject: Agenda item # 34, An Ordinance Amending Chapter 6, Article VIII, Dangerous Buildings and Distressed Properties

RE: Motion to Amend the Ordinance draft presented yesterday in Council meeting.

Attached is Attachment A, being the text of the revised article. It has been modified at page 10, line 17 from the bottom of the page, to appropriately reflect Councilman Vasquez' amendment motion approved by the Council. The approved modification changes a linear distance of "five hundred (500) feet" to a distance of "one thousand (1,000) feet of a public or private elementary school...."


Sally Farris

**CODE REVISIONS -
DANGEROUS BUILDINGS**

**CODE COMPLIANCE
DEPARTMENT**

CITY OF SAN ANTONIO

GOAL OF DANGEROUS BUILDING CODE

To strengthen the City's ability to
affect neighborhood conditions of
structural deterioration and public
nuisances

OBJECTIVES OF REVISIONS

- To streamline the process of staff review and determination for vacant structures cases in violation of City Code
- To promote structure restoration before total deterioration occurs
- To update the City's code incorporating the latest State Laws and add features of the 1994 Uniform Code for the Abatement of Dangerous Buildings
- To codify areas of responsibility under the Director of Code Compliance

BACKGROUND

- The last code revision occurred in 1988
- Four Public Hearings were held
- Departments concerned with safety, housing, legal issues & planning participated in the development of the revisions
- Demolition fee changes as adopted are provided for in the revisions
- Includes provisions requested by S.A. Conservation Society

PROPOSED REVISIONS

- » Establishes 18 definitions for a dangerous structure compared to 9
- » Expands the Dangerous Structure Determination Board (DSDB) from 3 to 7 members
- » Establishes General Rules and Procedures for DSDB
- » Codifies Notification Procedures consistent with State Law
- » Clarifies procedures for review and determination of historic structures

PROPOSED REVISIONS

Establishes three processes for the enforcement of Dangerous Structure Violations

1) NON-EMERGENCY ABATEMENT PROCESS

2) EXPEDITED ENFORCEMENT PROCESS

3) SUMMARY ABATEMENT PROCESS

NON-EMERGENCY PROCESS

**A STRUCTURE WHICH HAS THE
CONDITIONS OF ONE OR MORE
OF THE 18 DEFINITIONS OF A
DANGEROUS BUILDING**

NON-EMERGENCY PROCESS

PROCEDURE FOLLOWED:

- 1) Owner is Notified to Repair Structure**
- 2) Reports from Fire, Building & Historic Preservation Officer Requested**
- 3) Non-Compliance Cases set up for DSDB**
- 4) DSDB Determines Repair or Demolition**
- 5) Determination Publicized, Recorded & Owner Notified**
- 6) If Owner fails to Comply**
 - City may abate violation & bill owner**
 - Lien filed if failure to pay abatement charges**

EXPEDITED ENFORCEMENT PROCESS

**A STRUCTURE THAT POSES
SUFFICIENT DANGER TO LIFE,
SAFETY OR PROPERTY UNLESS
IMMEDIATELY REPAIRED OR
DEMOLISHED OR IS LOCATED
WITHIN 500 FEET OF A SCHOOL
OR DAYCARE**

EXPEDITED ENFORCEMENT PROCESS

**FOLLOWING THE CONCURRENCE
OF BOTH THE DIRECTOR OF CODE
COMPLIANCE AND THE HISTORIC
PRESERVATION OFFICER:**

- 1) City Attorney can file a temporary
restraining order in District Court
authorizing emergency abatement or**
- 2) Provide notice to owner & request
DSDB to hear case at the next meeting
wherein DSDB may order expedited
abatement to vacate, repair or demolish**

SUMMARY ABATEMENT PROCESS

**DUE TO ONE OR MORE
STRUCTURAL CONDITIONS
THREATENING THE
STRUCTURAL INTEGRITY OF
A BUILDING OR STRUCTURE
THERE IS CLEAR AND
IMMINENT DANGER TO LIFE,
SAFETY OR PROPERTY**

SUMMARY ABATEMENT PROCESS

PROCEDURE FOLLOWED:

- 1) An emergency demolition must be declared by the Director of Building Inspections with the concurrence of Code Compliance Director or Fire Chief**
- 2) DSDB will be immediately notified of recommendation for summary abatement**
- 3) Allows for the summary abatement of unoccupied unsecured structures**

RECOMMENDATION

THE STAFF RECOMMENDS
APPROVAL OF THE REVISIONS OF
CHAPTER 6 ARTICLE VIII ENTITLED
“DANGEROUS BUILDINGS AND
DISTRESSED PROPERTIES” AS
PRESENTED

Affidavit of Publisher

STATE OF TEXAS,
COUNTY OF BEXAR
CITY OF SAN ANTONIO

Before me, the undersigned authority, on this day appeared Helen I. Lutz, who being by me duly sworn, says she is Publisher of the Commercial Recorder, a newspaper circulation in the City of San Antonio, in the State aforesaid, and that the Public Notice - An Ordinance #8 attached has been published in every issue of said newspaper on the following days, to-wit: April 11, 18, 1997.

PUBLIC NOTICE
AN ORDINANCE 85915
AMENDING THE CODE OF ORDINANCES OF THE CITY OF SAN ANTONIO BY REPEALING IN ITS ENTIRETY, ARTICLE VIII, ENTITLED DANGEROUS BUILDINGS, OUT OF CHAPTER 6, BUILDINGS, AND ADOPTING IN ITS STEAD A NEW ARTICLE VIII ENTITLED DANGEROUS BUILDINGS AND DISTRESSED PROPERTIES; RECONSTITUTING THE DANGEROUS STRUCTURE DETERMINATION BOARD (DSBD); INCORPORATING STATE STATUTORY AUTHORITY PERTAINING TO ABATEMENT OF NUISANCE CONDITIONS RELATED TO STRUCTURES AND BUILDINGS; PROVIDING FOR NOTICES OF VIOLATION AND HEARINGS, AND PREDICATES TO CITY REMEDIATION TO FIX LIENS FOR COSTS; ALLOWING FOR EMERGENCY SECURING AND DEMOLITION, PROVIDING A PENALTY AND DIRECTING PUBLICATION.
PASSED AND APPROVED this 17TH day of APRIL, 1997.
/s/WILLIAM E. THORNTON
Mayor
ATTEST:
/s/ NORMA S. RODRIGUEZ
City Clerk
4/22

Helen I. Lutz

Sworn to and subscribed before me this 22nd day of April, 1997.

Estella M. Vasquez
_____ Notary Public in and for Bexar County, Texas

