

Chapter 12 - VACANT BUILDINGS

ARTICLE I. - VACANT STRUCTURES IN THE CENTRAL BUSINESS DISTRICT, HISTORIC DISTRICTS, VACANT DESIGNATED HISTORIC LANDMARKS AND HALF-MILE PERIMETERS AROUND ACTIVE MILITARY BASES

Sec. 12-1. - 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:

- (1) *Active military base* means a federal military reservation which serves to house and train U.S. military troops and which is located in full or in part within the meets and bounds of the San Antonio city limits.
- (2) *Central business district* is located as noted on maps which will be made available by the Director, and as previously defined in this Code as: Beginning at South San Marcos Street at its intersection with West Commerce Street, south to its intersection with Matamoros Street, east to its intersection with the Union Pacific Railway, south to South Alamo Street, north to its intersection with East Cesar Chavez Boulevard, east to South Cherry Street, north to its intersection with East Commerce Street, east to its intersection with North Mesquite Street, north to its intersection with Burleson Street, west to its intersection with Austin Street, north to its intersection with Casa Blanca Street, west to Newell Avenue, southwest to East Elmira Street, west to the intersection of West Elmira and the westbound service road of Interstate Highway 10, underneath Interstate Highway 10, then westbound from the intersection of the Interstate Highway 10 eastbound service road and Perez Street to its intersection with North Frio Street, south to its intersection with West Martin Street, west to its intersection with North San Marcos Street, south to its intersection with West Commerce Street.
- (3) *Historic district* means an area designated as such through approved means by city council, state or federal authority, and as previously defined and adopted in this Code.
 - a. *Historic landmark* means an individual structure or property which has been designated as such through approved means by city council, state or federal authority, and as previously defined and adopted in this Code.
- (4) *Neighborhood conservation district* means an area designated as such through approved means by city council, state or federal authority, and as previously defined and adopted in this Code.
- (5) *City initiated tax increment reinvestment areas (or City initiated TIRZ)* means the districts created by city council consistent with Section III(B) and IV(D) of the city council adopted Tax Increment Financing Program Policy. These districts aim to revitalize areas through reinvestment initiatives and the implementation of existing city programs and city adopted plans.
- (6) *Defense base development authority* means a special district and political subdivision created under V.T.C.A., Local Government Code ch. 379(B).
- (7) *Half-mile perimeter* means a radius distance of one-half ($\frac{1}{2}$) mile extending from the perimeter of an area into the surrounding neighborhoods which are within the city limits.
- (8) *Owner* means any person, agent, firm, partnership or corporation having a legal interest in the property.
- (9) *Department* means the Office of Historic Preservation for the City of San Antonio, Bexar County, Texas.
- (10) *Director* refers to the director of the Office of Historic Preservation for the City of San Antonio, Bexar County, Texas, and his/her designees.

- (11) *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 by vagrants and criminals.
- a. *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 which has been nailed or bolted in place so as to prevent unauthorized entry by vagrants and criminals.
- (12) *Structure* means that which is built or constructed.
- (13) *Vacant structure* means that all lawful activity has ceased, or reasonably appears to have ceased for thirty (30) days.
- a. *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.

(Ord. No. 2014-06-19-0461, § 1, 6-19-14; Ord. No. [2016-09-15-0699](#), § 1, 9-15-16)

Sec. 12-2. - 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 located within the boundary of or within a one-half-mile perimeter of the Central Business District, all historic districts, neighborhood conservation districts, and city initiated TIRZ. As well as all vacant historic landmarks and vacant structures within a one-half-mile perimeter of all active military bases and defense base authorities.
- (b) The director is authorized to administer and enforce the provisions of this article.
- (c) The director shall have the authority to render interpretations of this title and to adopt policies and procedures in order to clarify the application of its provisions. The director, at his sole discretion, may also enter into an agreement with a registered property owner to obtain compliance with this article by a date certain.

(Ord. No. 2014-06-19-0461, § 1, 6-19-14; Ord. No. 2016-09-15-0699, § 1, 9-15-16)

Sec. 12-3. - Registration required.

- (a) The vacant structure property owner shall have ninety (90) days in which to register from the date that written notice is issued to the property owner. 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 Bexar County Appraisal District records, and by posting on the property. The Director may consider evidence provided that the property is listed for sale or lease for fair market value and for a reasonable length of time for purposes of extending the length of time before the property must be registered.
- (b) Upon the issuance of notice to register vacant structure, property owners shall register with the Department and provide the following information:
- (1) The address and legal description of the property;
- (2) The current name, physical address, mailing address, telephone number, and email information for any owner(s) with an ownership interest in the property. Corporations or corporate entities shall submit the same information pertaining to their registered agent.
- (3) The contact information for a local manager of the properties and/or improvements located on said property, as applicable.

- (4) 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 Bexar County Appraisal District. This subsection is not applicable to single family residential structures.
 - (5) Complete the comprehensive plan of action form, provided by the department, detailing a timeline for correcting violations, rehabilitation, maintenance while vacant, and future use of the structure. The plan of action must be updated every six (6) months.
 - (6) A complete floor plan of the property for use by first responders in the event of a fire or other catastrophic event.
 - (7) Criminal trespass affidavits shall be filed with the San Antonio 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 director on the basis of the property's history of code and/or criminal violations.
 - (8) Vacant structure property owners shall provide written notice to the director, including a copy of the deed, of a change in:
 - a. Ownership of the property;
 - b. Contact information for either the owner or the designated manager.Written notice must be provided to the department 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 director.

(Ord. No. 2014-06-19-0461, § 1, 6-19-14)

Sec. 12-4. - Registration fees.

- (a) Vacant structure property owners shall tender an annual registration fee of two hundred fifty dollars (\$250.00) for single-family residential structures or seven hundred fifty dollars (\$750.00) for all other structures, with an annual inspection fee of one cent (\$0.01) per square foot, as determined by Bexar County Appraisal District, with a fifty-dollar (\$50.00) minimum charge. The registration fee shall be pro-rated for the first time a property is registered with the city. Subsequent annual registration fees shall be due and postmarked no later than January 31st of each year.
- (b) If the registration paperwork is submitted in its entirety within forty-five (45) days of the date the written notice was mailed, then the property owner may be entitled to a one hundred dollar (\$100.00) discount. However, failure to submit the registration paperwork in its entirety within the ninety (90) day time period may result in an additional one hundred fifty dollar (\$150.00) fee.

(Ord. No. 2014-06-19-0461, § 1, 6-19-14; Ord. No. [2016-06-16-0466](#), § 1, 6-16-16)

Sec. 12-5. - Property manager or agent.

- (a) Vacant structure property owners must designate a local manager for said properties and include the relevant contact information for the designated manager upon registering the property with the 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 or agent must be available at the number listed at all times in the event of an emergency or catastrophe. For all vacant properties except for single-family residential structures: the name and telephone number of the property manager or agent must be posted at the front of the building, in large, legible print.

(Ord. No. 2014-06-19-0461, § 1, 6-19-14)

Sec. 12-6. - Standard of care for vacant property.

- (a) The standard of care, subject to approval by the director, shall include, 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 so as 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 director.
 - (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, and loose or rotting materials. Exterior walls shall be maintained weatherproof and properly surface coated where necessary to prevent deterioration.
 - (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 so as to prevent unauthorized entry. All broken or missing doors shall be replaced with new doors which shall be secured to prevent unauthorized entry. All glass shall be maintained in sound condition and good repair. All exterior doors, door assemblies and hardware shall be maintained in good condition and secured. Locks at all exterior doors, 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 of time designated by the director.
 - (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.
- (b) All repairs shall be subject to approval by the director. All required permits and final inspections prior to and/or following repairs shall be in accordance with applicable laws and rules. Historic properties and properties within designated historic districts are additionally subject to all applicable rules and regulations as codified in chapter 35 of the Code.
 - (c) Failure to maintain the vacant property to the standard of care specified by the department is a violation of this article.

(Ord. No. 2014-06-19-0461, § 1, 6-19-14)

Sec. 12-7. - Fee waivers.

All fee waivers must be applied for, using the forms provided, on an annual basis, and are subject to approval by the director. 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) A property owner who is indigent must register and is otherwise subject to this article but may be exempt from the fees.
- (3) Representatives of a property owner who is deceased or is no longer legally competent must register the property and are otherwise subject to this article but may be exempt from the registration fees.
- (4) 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.
- (5) Where the property owner of a property that is not a single-family residence has maintained the property to the standard of care required under this article, as well as all other applicable ordinances and laws, the owner must register the property but may be exempt from the registration fees.

(Ord. No. 2014-06-19-0461, § 1, 6-19-14; Ord. No. [2016-06-16-0466](#), § 1, 6-16-16)

Sec. 12-8. - Exemptions.

Single-family residential structures which meet the standard of care as stated in section 12-6 are exempt from this article.

(Ord. No. 2014-06-19-0461, § 1, 6-19-14)

Sec. 12-9. - 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 director, 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 Bexar County Appraisal District records, and by posting on the property.
- (b) Failure to register with the department after written notice to the vacant structure property owner, as is hereinafter specified, is a violation of this article.
- (c) 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.

(Ord. No. 2014-06-19-0461, § 1, 6-19-14)