

ORDINANCE NO. 924-2015

AN ORDINANCE AMENDING CHAPTER 3 BUILDING REGULATIONS OF THE WINNSBORO CODE OF ORDINANCES, PROVIDING FOR THE REGISTRATION AND REGULATION OF VACANT STRUCTURES IN THE DOWNTOWN HISTORIC DISTRICT, RESCINDING CONFLICTING PROVISIONS; PROVIDING FOR OPEN MEETINGS, SEVERABILITY, PUBLICATION AND EFFECTIVE DATE CLAUSES

WHEREAS, the City Council of the City of Winnsboro, Wood and Franklin Counties, Texas, has determined the City, has an interest in identifying property owners of vacant structures located within the Designated Main Street District, as well as, vacant designated landmarks and vacant structures within Historic Districts ("Districts") to assure protection of surrounding properties; and,

WHEREAS, the City Council has determined the presence of non-maintained and unregulated vacant structures have a negative economic impact on neighboring properties and businesses and creates a negative impression of the City to visitors and tourists; and,

WHEREAS, the City Council has determined vacant structures which have deteriorated or have been neglected are a threat to the public safety, health and welfare of the community.

NOW THEREFORE; BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WINNSBORO TEXAS:

SECTION 1. The City Code of Winnsboro, Chapter 3 Building Regulations is hereby amended by adding a new Article 3.12 entitled "Vacant Building Registration " to read as follows:

Section 3.12.001 - There is hereby adopted rules and regulations regarding vacant structures in the Designated Main Street District and Historic District. This article shall be known and may be cited as the vacant building regulations.

Section 3.12.002 - 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) *Designated Main Street District* is located as adopted or hereafter amended by the City Council
- (2) *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.
- (3) *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) *Owner* means any person, agent, firm, partnership or corporation having a legal interest in the property.
- (5) *Secured* means 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

- (6) *Temporarily secured* means 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 appropriate material) which has been nailed or bolted in place so as to prevent unauthorized entry
- (7) *Structure* means that which is built or constructed.
- (8) *Vacant structure*: means all lawful activity has ceased, or reasonably appears to have ceased for 30 days.
- (9) *Lawful activity* is that which the structure was built for or intended to be used for. No building shall be used primarily for storage of personal or business items.

Section 3.12.003 - 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 Central Business District, all Historic Districts, and all vacant designated landmarks.
- (b) The City Administrator or his designee is authorized to administer and enforce the provisions of this article.
- (c) The City Administrator or his designee 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 City Administrator or his designee, at his sole discretion, may also enter into an agreement with a registered property owner to obtain compliance with this ordinance by a date certain.

Section 3.12.004 - Registration required

- (a) The vacant structure property owner shall have 90 days in which to register from the date 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 Wood County Appraisal District records, and by posting on the property. Should mailings be returned undeliverable a notice published once in the local newspaper shall serve as notice to the property owner.

The City Administrator or his designee may consider provided evidence 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 property, owners shall register with the City Administrator or his designee 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) Owner must submit proof of insurance of the building to the City of Winnsboro Prior to the issuance of a certificate of registration for any vacant building designated for nonresidential

uses, the owner shall procure and keep in full force and effect at all times during the registration term, commercial general liability and property insurance coverage, with minimum combined bodily injury (including death) and property damage limits of not less than \$1,000,000 for each occurrence and \$2,000,000 annual aggregate

- (5) Complete the comprehensive Plan of Action Form, provided to the City of Winnsboro, detailing a timeline for correcting violations, rehabilitation, and 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) Vacant structure property owners shall provide written notice to the City of Winnsboro, 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 City of Winnsboro 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 of Winnsboro

Section 3.12.005 - Registration Fees

Vacant structure property owners shall tender an annual registration and inspection fee of \$500.00 for each vacant property. 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.

Section 3.12.006 - Property manager or agent

- (a) Vacant structure property owners must designate a local manager for said properties and include the relevant contact information for the designated manager upon registering the property with the City of Winnsboro. The property manager shall serve as agent for the property owner for purposes of accepting legal service; however, the vacant property owner remains personally liable in criminal prosecutions for code violations.
- (b) The property manager or agent must be available at the number listed at all times in the event of an emergency or catastrophe.

Section 3.12.007 - Standard of care for vacant property

- (a) The standard of care, subject to approval by the City Administrator or his designee, shall include, but is not limited to:
 - **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.

- **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 4 inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm).
- **Structure:** All structural members and foundation shall be maintained free from deterioration, and shall be capable of safely supporting the imposed loads.
- **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.
- **Interior and exterior areas:** The property must be kept free of junk, trash, debris or combustible materials.
- **Vegetation and landscaping:** Shall be maintained in good and healthy condition
- **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.
- **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.
- **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.
- **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.
- **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.
- **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 appropriately sized 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 City Administrator or his designee.

- All repairs shall be subject to approval by the City of Winnsboro. All required permits and final inspections prior to and/or following repairs shall be in accordance with applicable laws and rules.
- Failure to maintain the vacant property to the standard of care specified by the City of Winnsboro is a violation of this article.

Section 3.12.008 - 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 Administrator. A fee waiver is only valid for twelve (12) months.

- (a) Property which has been devastated by a catastrophe such as fire or flood: the owner has 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 year from the date of the catastrophe; thereafter all applicable fees are due.
- (b) A property owner who is indigent must register and is otherwise subject to this ordinance but may be exempt from the fees.
- (c) Representatives of a property owner who is deceased or is no longer legally competent must register the property and are otherwise subject to this ordinance but may be exempt from the registration fees.
 - (1) If representatives of the property owner cannot be identified and provisions of this ordinance are required to be carried out by the City to protect the property, then the City reserves the right to make corrections and charge the cost to the owner(s) by filing appropriate liens with the County Clerk.
- (d) 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 ordinance but may be exempt from the registration fees.

Section 3.12.009 - 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 Administrator or his designee, 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 Wood County Appraisal District records, and by posting on the property.
- (b) Failure to register with the City of Winnsboro 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.
 - (i) This is a strict liability offense in which no mental state is required.
 - (ii) The fine for this offense may not exceed five hundred dollars the maximum amount allowed by State Statute.
- (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. - Open Meeting. It is hereby officially found and determined that the meeting at which this ordinance is passed is open to the public as required by law and that public notice of the time, place and purpose of said meeting was given as required by law.

SECTION 3. Should any Article, Section, Part, Paragraph, Sentence, Phrase, Clause, or Word of this Ordinance, or any appendix thereof, for any reason, be held illegal, inoperative, or invalid or if any

exception to or limitation upon any general provision herein contained be held to be unconstitutional or invalid or ineffective, the remainder shall stand effective and valid as if it had been enacted and ordained without the portion held to be unconstitutional or invalid or ineffective.

SECTION 4. The City Secretary is directed to promptly publish public notice of this ordinance

SECTION 5. The publishers of the City Code of Winnsboro, Texas are authorized to amend the code to reflect the changes adopted in this Ordinance, and to correct typographical errors and to index, format and number paragraphs to conform to the existing code.

SECTION 6. This Ordinance shall become effective following publication as required by law.

PASSED AND APPROVED this the 10th day of February, 2015.

CITY OF WINNSBORO, TEXAS

By: /s/
John Pflug, Mayor

ATTEST:

By: /s/
Shelly Griffin, City Secretary