

Office of the City Manager

City of Richland Hills, Texas

Memorandum

To: Honorable Mayor Bill Agan and members of the Richland Hills City Council
From: Eric Strong, City Manager
Date: April 15, 2014
Subject: Code Enforcement Ordinance Update 1269-14

Council Action Requested:

Consideration of Ordinance 1269-14 amending the Code of Ordinances providing regulations for Boarded-Up Buildings and Structures within the City.

Background Information:

As the City Council is aware, we have been working on updating various Ordinances that our Code Enforcement Division needs to more effectively enforce various issues we come across. This was discussed at the last meeting and referred back to Staff for a few clean-up items.

This ordinance serves to provide the permitting process for boarding-up buildings and structures.

Board/Citizen Input: N/A

Financial Impact: N/A

Staff Contacts: Eric Strong
City Manager
estrong@richlandhills.com

Attachments: Ordinance1269-14

ORDINANCE NO. 1269-14

AN ORDINANCE OF THE CITY OF RICHLAND HILLS, TEXAS AMENDING CHAPTER 14, "BUILDINGS AND BUILDING REGULATIONS" BY ADDING A NEW ARTICLE XVI "BOARDED-UP BUILDINGS AND STRUCTURES"; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Richland Hills, Texas is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, there has been an increase in boarded-up buildings and structures within the City; and

WHEREAS, buildings that are boarded can discourage economic development, become an attractive nuisance for children, and an invitation to vagrants and criminals, and affect nearby businesses and residences and their property values; and

WHEREAS, so that the City can better monitor boarded-up buildings and ensure their maintenance, security, repair, and return to economic usefulness, the City Council wishes to establish a boarding-up permit process.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RICHLAND HILLS, TEXAS:

SECTION 1.

The Code of Ordinances, City of Richland Hills, is hereby revised by amending Chapter 14 "Buildings and Building Regulations" by adding a new Article XVI "Boarded-up Buildings and Structures" to read as follows:

"XVI. BOARDED-UP BUILDINGS AND STRUCTURES

Section 14-531. Boarding-up Buildings and Structures.

- (a) No person, firm, association or corporation shall erect, install, place, or maintain boards over the doors, windows or other opening of any building or structure or otherwise secure such opening by a means other than the conventional method used in original construction and design of the building or structure without first obtaining a valid boarding-up permit in accordance with this section. Any properties with boards existing at the time of the adoption of this section will have sixty (60) days from the date of the

adoption of this section to submit an application to the city's Neighborhood Services Department for a permit to continue to board.

- (b) The Neighborhood Services Department may issue a boarding-up permit only upon satisfaction of the following conditions:
 - (1) Submission of a written application by the owner of the property or his authorized representative, including the following information:
 - (i) Name, address and telephone number of the owner;
 - (ii) Name, address and telephone number of any local agent of the owner;
 - (iii) Tax parcel identification number of the premises on which the structure is situated;
 - (iv) Common address of the structure; and
 - (v) Other information as may be required by the Department;
 - (2) Payment of the required permit fee by the owner of the property or his/her authorized representative as set forth in Appendix A; and
 - (3) Submission of a written statement or plan by the owner of the property or his authorized representative specifying:
 - (i) Length of time the owner expects the boarding-up to continue;
 - (ii) Proposed plan to secure or board up the structure including a detailed description regarding the manner and materials; and
 - (iii) Proposed maintenance plan detailing the monitoring and maintenance of the structure and premises.
- (c) The city may conduct an inspection of the subject property to ensure that the structure is boarded up in accordance with the approved plan as described in section 14-531(b)(3).
- (d) A permit issued pursuant to this section shall authorize the boarding-up or other securing of a building or structure for a period of six (6) months. An owner of a property desiring to continue to board his property beyond the six (6) month term must submit a renewal application to renew the permit and continue to meet the requirements for the issuance of a new permit. The permit may be renewed within thirty (30) days of the expiration of the original upon payment of necessary fees. A new permit must be obtained if the original permit is not renewed within thirty (30) days of the expiration of the original permit.

- (e) No permit shall be required to board-up a building for up to thirty (30) days in the event of a temporary emergency situation, including but not limited to damage caused by vandalism, theft, or weather. In the event an emergency situation requires a building or structure to be boarded-up for more than thirty (30) days, the owner of the building or structure or his authorized representative must obtain a valid building permit for repair or a valid boarding-up permit in accordance with this section.
- (f) The boarding of doors, windows, or other openings of any building or structure or any means of securing such openings, other than by the conventional method used in the original construction and design of the building or structure, shall be according to the specifications approved under the permit. All boarded openings shall be painted with a minimum of two (2) coats of exterior paint, which is of a color compatible with the exterior color of the building or structure.
- (g) Any structure which is boarded shall be in compliance with all applicable codes and ordinances of the city.
- (h) Any building or structure which is boarded up shall be posted with the name, permit information, and contact phone of the local agent.”

SECTION 2.

This Ordinance shall be cumulative of all provisions of ordinances of the City of Richland Hills, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

SECTION 3.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining, phrase, clauses, sentences, paragraphs or sections of this Ordinance since the same would have been enacted by the City Council without incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 4.

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be fined no more than Two Thousand Dollars (\$2,000.00) for all violations involving zoning, fire safety or public health and sanitation, including dumping or refuse, and shall be fined not more than Five Hundred Dollars (\$500.00) for all other violations of this Ordinance. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 5.

All rights and remedies of the City of Richland Hills, Texas, are expressly saved as to any and all violations of the provisions of any ordinances of the City of Richland Hills which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 6.

The City Secretary of the City of Richland Hills is hereby authorized to publish this ordinance in book or pamphlet form for general distribution among the public, and the operative provisions of this ordinance as so published shall be admissible in evidence in all courts without further proof than the production thereof.

SECTION 7.

The City Secretary of the City of Richland Hills is directed to publish the caption and penalty clause of this Ordinance in the official newspaper of the City of Richland Hills, Texas, as required by Section 52.011 of the Texas Local Government Code.

SECTION 8.

This Ordinance shall be in full force and effect from and after its passage and publication as provided by law, and it is so ordained.

PASSED AND APPROVED _____ DAY OF _____, 2014.

THE HONORABLE BILL AGAN, MAYOR

ATTEST:

LINDA CANTU, CITY SECRETARY

EFFECTIVE DATE: _____

APPROVED AS TO FORM AND LEGALITY:

BESTY ELAM, CITY ATTORNEY