

## EXHIBIT “A”

### CHAPTER 157: VACANT BUILDINGS

#### Section

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#### § 157.01 PURPOSE; SCOPE.

(A) The purpose of this Chapter is to safeguard life or limb, health, property and public welfare by regulating and monitoring the status of vacant buildings within the jurisdiction.

(B) The provisions of this Chapter shall apply to all commercial and industrial vacant buildings within Tax Increment Reinvestment Zone (TIRZ) No. 2, generally located in downtown Mansfield, except as otherwise stated herein. This Chapter shall not apply to vacant buildings that:

- (1) Have a valid open building permit for construction, remodeling, or repair;
- (2) Are being actively marketed for sale or lease for a period of less than six (6) consecutive months following the date that the building became a vacant building by a licensed real estate broker or an owner who is regularly advertising the property for sale; or
- (3) Are under contract for sale or lease for a period of less than six (6) months following the date that the building became a vacant building.

#### § 157.02 DEFINITIONS.

(A) The following words, terms, and phrases, when used in this Chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**CITY.** The City of Mansfield, Texas.

**CITY MANAGER.** The City Manager of the City of Mansfield, Texas and his/her designees.

***LAWFUL ACTIVITY.*** The current use of the structure is also that which the structure was built for or intended to be used for.

***OWNER.*** Any person, agent, firm, partnership or corporation having a legal interest in the property or legal right of possession, or has been given a legal power of attorney to act on behalf of such person.

***PERSON.*** Any person, firm, partnership or corporation, hired, employed or used by the owner.

***PROPERLY MAINTAIN.*** To maintain a vacant building and the property where it is located in a clean, safe, secure, and sanitary condition and to take all necessary actions to keep the building and property in full compliance with all federal, state, and local laws. It shall also mean that any fire safety system installed in the vacant building shall remain fully operational during vacancy.

***SECURED.*** A condition where all accessible means of ingress and egress to the vacant structures, including but not limited to all exterior doorways and windows, are locked so as to prevent unauthorized entry.

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

***TEMPORARILY SECURED.*** A condition where all accessible means of ingress and egress to the vacant structure, including but not limited to all exterior doorways and windows are covered with suitable materials which have been nailed or bolted in place to prevent unauthorized entry.

***STRUCTURES.*** That which is built or constructed.

***VACANT STRUCTURE.*** A commercial or industrial structure that is unoccupied and/or that all lawful activity has ceased, or reasonably appears to have ceased for ninety (90) or more consecutive calendar days after receiving a notice from Code Compliance.

### **§ 157.03 APPLICABILITY AND ADMINISTRATION.**

(A) This Chapter shall apply to all commercial and industrial 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 TIRZ No. 2 of the City of Mansfield, Texas, except shopping centers with occupancy in excess of fifty (50) percent of its leasable area, and church structures and their ancillary buildings located in non-commercial/industrial zoning districts.

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

(C) The City Manager shall have the authority to render interpretations of this Chapter and to adopt policies and procedures to clarify the application of its provisions, and may, at his/her sole discretion, enter into an agreement with a registered property owner to obtain compliance with this Chapter by date certain.

#### **§ 157.04 REGISTRATION REQUIRED.**

(A) Upon written notice of vacancy of a structure by Code Compliance, a property owner shall within ninety (90) days register the property as provided by this section. City may issue a written notice of vacancy and shall be issued to the vacant structure property owner by means of personal service, or by first class mail to their last known address according to the most recent tax roll, and by posting on the property.

(B) Upon the issuance of notice to register a vacant structure, property owners shall register within ninety (90) days to the City and provide the following information:

(1) The address and legal description of the property;

(2) The current name, physical address, mailing address, telephone number, and email information for any owners(s) with an ownership interest in the property. Corporations or corporate entities shall submit the same information pertaining to their registered agent.

(3) The contact information for a property manager of the properties and/or improvements located on said property, as applicable.

(4) Proof of liability insurance, no less than one-hundred thousand (\$100,000.00) dollars 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 appropriate Central Appraisal District.

(5) Provide a detailed timeline and plan for correcting violations, rehabilitation, and maintenance while vacant regarding standard of care pursuant to this Chapter. The owner must, at a minimum demonstrate the property is actively being marketed by listing the property with a licensed commercial real estate broker or firm and installing a "For Lease" or "For Sale" sign on the premises with current contact information.

(6) Provide a complete floor plan of the property for use by first responders in the event of a fire or other catastrophic event.

(C) Owner shall post "No Trespass" placards on the premises.

(D) Vacant structure property owners shall provide written notice to Code Compliance, including a copy of the deed or instrument of conveyance, of any change in:

(1) Ownership of the property;

(2) Contact information for either the owner or designated property manager. Written notice must be provided to the City no later than thirty (30) days after said changes have occurred.

(E) Continued annual registration of the property by the vacant structure property owner is required until said structure is deemed occupied in compliance with all relevant code requirements by the City Manager.

#### **§ 157.05 PROPERTY MANAGER OR AGENT.**

(A) Vacant structure property owners must designate a property manager for said properties and include the relevant contact information for the designated manager upon registering the property with the department. Property managers shall act as agents for the property owner for purposes of accepting legal service, however the vacant property owner remains personally liable in criminal prosecution for code violations.

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

(C) Property manager shall own or be employed by a commercial company located in the 16-county region of North Central Texas served by the North Central Texas Council of Governments (NCTCOG).

#### **§ 157.06 STANDARD OF CARE FOR VACANT PROPERTY.**

(A) An annual inspection is required to verify the Standard of Care. The standard of care, shall be in compliance with the appropriate City codes, but is not limited to:

(1) Protective treatment: all exterior surfaces, including but not limited to doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition, weather tight and in such condition to prevent the entry of rodents and other pests. All exposed wood or metal surfaces subject to rust or corrosion, other than decay resistant woods or surfaces designed for stabilization by oxidation shall be protected from the elements and against decay or rust by periodic application of weather coating materials such as paint or similar surface treatment. All surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. All siding, cladding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights shall be maintained weather resistant and water tight.

(2) Premises identification: The property shall have address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of six (6) inches high. All buildings shall display a vacant building identification placard as required by the City Manager.

(3) Structure: All structural members and foundation shall be maintained from deterioration, and shall be capable of safely supporting the imposed loads.

(4) Exterior walls: All exterior walls shall be kept in good condition and shall be free from holes, breaks, loose or rotting materials, and graffiti.

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

(6) Decorative features: All cornices, belt courses, corbels, applications, wall facing and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

(7) Overhangs, 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) Windows, skylights and doors: Every window, storefront, skylight and exterior door part, including but not limited to the frame, the trim, window screens and hardware shall be kept in sound condition and good repair. All broken or missing windows shall be replaced with glass and secured in a manner to prevent unauthorized entry. All broken or missing doors shall be replaced with new doors which shall be secured to prevent unauthorized entry. All glass shall be maintained in sound condition and good repair. All exterior doors, door assemblies and hardware shall be maintained in good condition and secured. Locks at all exterior doors, exterior access, windows or exterior hatchways shall tightly secure the opening. Windows and doors shall not be secured by plywood or other similar means mounted on the exterior except as a temporary

securing measure, and the same shall be removed within a period designated by the City Manager.

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

(B) The property shall be secured and maintained, both structure and grounds, against trespasser, including maintaining all windows and doors with locks, replacing all broken doors and windows, and securing any other opening into the structure that are readily accessible to trespassers. In the event that windows cannot be maintained as required herein, the owner or property manager shall secure windows that are visible from any public rights-of-way with rigid transparent materials such as but not limited to clear Lexan type material. No opaque (typically plywood) boarding materials shall be used where visible from the public rights-of-way.

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

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

(E) Both interior and exterior areas of the property shall be kept free of accumulations of junk, trash, debris, combustible or other materials such as would constitute an unsafe, unsanitary or unsightly conditions or appearance.

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

(G) All parking and driving surfaces shall be maintained in good condition, free of cracks, holes and vegetation, and in accordance with Section 302.3 of the adopted International Property Maintenance Code and all other applicable city ordinance requirements.

(H) In all applicable respects, the condition, maintenance and appearance of vacant property shall be subject to the requirements of all applicable state and local ordinances, standards, regulations, and abatement procedures currently in effect. This will include any applicable City issued permits and site plans in the replacement and repair of all elements of the exterior or the building site.

(I) Owners of vacant structures shall remove all combustibles as defined by the Fire Code.

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

(K) All vacant buildings shall be maintained in a non-blighted condition, consistent with the requirements of this section. A vacant building in a blighted condition shall be deemed a public nuisance under the Code of Ordinances.

(L) Failure to maintain the vacant property to the standard of care specified by the City is a violation of this Chapter.

(M) Providing false information to the City is a violation of this Chapter.

#### **§ 157.07 REGISTRATION AND INSPECTION FEES.**

(A) The vacant structure property owner shall have ninety (90) days in which to register from the date written notice is issued to the property owner.

(B) A registration fee charged to the owners of vacant buildings or property under this Chapter shall be fifty dollars, (\$50.00) for the first year and two-hundred and fifty dollars (\$250.00) the second year and beyond with an annual inspection fee of fifty dollars (\$50.00). Thereafter, the fee authorized herein may be hereafter amended by resolution duly adopted by the City Council.

(C) Failure to submit the registration paperwork in its entirety within the ninety (90) days period may result in a violation.

(D) Continued annual registration of the property by the vacant structure property owner is required until said structure is deemed occupied and in compliance with all relevant code requirements by the City Manager.

#### **§ 157.08 FEE WAIVERS.**

(A) All fee waivers must be applied for on an annual basis and are subject to approval by the City Manager. A fee waiver is only valid for twelve (12) months. Fee waivers shall be submitted in accordance with the City's most current application process.

(B) For property which has been devastated by a catastrophe such as fire or flood, the owner shall have 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 fees are due.

(C) Representative(s) of an owner who is deceased or is no longer legally competent must register the property and are otherwise subject to this Chapter. The City Manager on a one-time basis may waive the annual registration fee provided that the property is maintained in accordance with the requirements of this ordinance.

(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 Chapter but may be exempt from the registration fee.

**§ 157.99 PENALTY.**

In addition to any other enforcement remedies that the City may have under other City ordinances or other applicable law, 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 chapter shall be fined not more than Two Thousand Dollars (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.