

ARTICLE 6.04

VACANT LOTS AND BUILDINGS REGISTRATION

OUTLINE

Note - All additions to the existing code are shown in red and underlined text. All deletions, if any, are shown in red and strike-out text.

CHAPTER 6

HEALTH AND SANITATION

ARTICLE 6.01 GENERAL PROVISIONS*

ARTICLE 6.02 AIR CONDITIONING WASTEWATER

ARTICLE 6.03 PROPERTY MAINTENANCE†

Sec. 6.03.001 Definitions

Sec. 6.03.002 Public nuisance declared

Sec. 6.03.003 Special exception or variance

Sec. 6.03.004 Criminal penalty

Sec. 6.03.005 Notice of violations; abatement procedures

Sec. 6.03.006 Assessment of costs; lien

Sec. 6.03.008 Enforcement

ARTICLE 6.03 PROPERTY MAINTENANCE†

Sec. 6.03.001 Definitions

Abate. To eliminate by removal, repair, rehabilitation, or demolition.

Building. A structure built for the support, shelter, or enclosure of a person, animal, chattel, machine, equipment, or other moveable property.

Commercial area. Any property within the city which the majority is used for commercial purposes.

Flea market. An outdoor or indoor market, conducted on nonresidential premises, for selling secondhand articles or antiques, unless conducted by a religious, educational, fraternal, or charitable organization.

Garbage. Decayable waste from a public or private establishment or restaurant. The term includes vegetable, animal, and fish offal and animal and fish carcasses, but does not include sewage, body waste, or an industrial byproduct.

Premises. All privately owned property, including vacant land or a building designed or used for residential, commercial, business, industrial, or religious purposes. The term includes a yard, ground, walk, driveway, fence, porch, steps, or other structure appurtenant to the property.

Public street. The entire width between property lines of a road, street, way, thoroughfare, or bridge if any part of the road, street, way, thoroughfare, or bridge is open to the public for vehicular or pedestrian traffic.

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So the text was modified accordingly.

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Receptacle. A container that is composed of durable material and designed to prevent the discharge of its contents and to make its contents inaccessible to animals, vermin, or other pests.

Refuse. Garbage, rubbish, paper, and other decayable and nondecayable waste, including vegetable matter and animal and fish carcasses.

Residential area. Any property within the city of which the majority is used for residential purposes.

Rubbish. Nondecayable waste from a public or private establishment or residence.

Weeds. All rank and uncultivated vegetable growth or matter that:

- (1) Has grown to more than 12 inches in height; or
- (2) May create an unsanitary condition or become a harborage for rodents, vermin, or other disease-carrying pests, regardless of the height of the weeds.

Sec. 6.03.002 Public nuisance declared

- (a) This section applies to areas within the corporate city limits and applicable extraterritorial jurisdictions.
- (b) A person may not cause, permit, or allow a public nuisance under this section.
- (c) A public nuisance is:
 - (1) Keeping, storing, or accumulating refuse on premises in a commercial or residential area unless the refuse is entirely contained in a closed receptacle;
 - (2) Keeping, storing, or accumulating refuse or rubbish, including newspapers, abandoned vehicles, refrigerators, stoves, furniture, tires, and cans, on premises, unless the rubbish or object is completely enclosed in a building or is not visible from a public street;
 - (3) Maintaining premises in a manner that creates an unsanitary condition likely to attract or harbor mosquitoes, rodents, vermin, or disease-carrying pests;
 - (4) Allowing weeds to grow on premises in a residential or commercial area;
 - (5) Maintaining a building in a manner that is structurally unsafe or constitutes a hazard to safety, health, or public welfare because of inadequate maintenance, unsanitary conditions, dilapidation, obsolescence, disaster, damage, or abandonment or because it constitutes a fire hazard;
 - (6) Maintaining on abandoned and unoccupied property a swimming pool that is not protected with:
 - (A) A fence that is at least four feet high and that has a latched gate that cannot be opened by a child; or
 - (B) A cover over the entire swimming pool that cannot be removed by a child;

- (7) Maintaining a flea market in a manner that constitutes a fire hazard;
- (8) Discarding refuse or creating a hazardous visual obstruction on:
 - (A) City-owned land; or
 - (B) Land or easements owned or held by a special board or district that has the city council as its governing body; or
- (9) Discarding refuse on the smaller of:
 - (A) The area that spans 20 feet on each side of a utility line; or
 - (B) The actual span of the utility easement.

Sec. 6.03.003 Special exception or variance

- (a) The city council by order may:
 - (1) Describe the circumstances in which a special exception to this article is available to a person and may grant the special exception in a specific case if the city council finds that the specific case fits within the special exception, that the grant of the exception promotes justice, that the grant of the exception is not contrary to the public interest, and that the grant of the exception is consistent with the general purpose of this article; and
 - (2) Authorize in a specific case not covered by a special exception a variance from the terms of this article if the city council makes the same findings in connection with the specific case that it makes in connection with a special exception under subsection (1) and finds that due to special conditions a literal enforcement would result in an unnecessary hardship.
- (b) The city council shall keep a record of its proceedings under this section and must include in the record a showing of the reasons for each decision made under this section.

Sec. 6.03.004 Criminal penalty

- (a) A person commits an offense if:
 - (1) The person violates section 6.03.002(b); and
 - (2) The nuisance remains unabated after the 10th day after the date on which the person receives notice from a county official, agent, or employee to abate the nuisance.
- (b) An offense under this section is a class C misdemeanor.
- (c) Each day a violation occurs is a separate offense.
- (d) The court shall order abatement of the nuisance if the defendant is convicted of an offense under this section.

Sec. 6.03.005 Notice of violations; abatement procedures

- (a) The abatement procedures adopted by the city council must be administered by a regularly salaried, full-time city employee, but the removal or demolition of the nuisance may be made by a person authorized by the person administering the abatement program.
- (b) The abatement procedures must require that written notice be given to:
- (1) The owner, lessee, occupant, agent, or person in charge of the premises;
 - (2) The person responsible for causing a public nuisance on the premises when:
 - (A) That person is not the owner, lessee, occupant, agent, or person in charge of the premises; and
 - (B) The person responsible can be identified.
- (c) The notice must state:
- (1) The specific condition that constitutes a nuisance;
 - (2) That the person receiving notice shall abate the nuisance before the 11th day after the date on which the notice is served;
 - (3) That failure to abate the nuisance may result in:
 - (A) Abatement by the city;
 - (B) Assessment of costs to the person responsible for causing the nuisance when that person can be identified; and
 - (C) A lien against the property on which the nuisance exists, if the person responsible for causing the nuisance has an interest in the property; and
 - (4) That the person receiving notice is entitled to submit, before the 11th day after the date on which the notice is served, a written request for a hearing.
- (d) The notice must be given:
- (1) By service in person or by registered or certified mail, return receipt requested; or
 - (2) If personal service cannot be obtained or the address of the person to be notified is unknown, by posting a copy of the notice on the premises on which the nuisance exists and by publishing the notice in a newspaper with general circulation in the county two times within 30 consecutive days.
- (e) The abatement procedures must require a hearing before the city abates the nuisance if a hearing is requested. The hearing may be conducted before the municipal court. The city council may designate a board, commission, or official to conduct each hearing.

Sec. 6.03.006 Assessment of costs; lien

(a) The city may:

(1) Assess the cost of abating the nuisance, the cost of legal notification by publication, and an administrative fee of not more than \$100.00 on the person receiving notice under section 6.03.005; or

(2) By resolution or order, assess the cost of abating the nuisance, the cost of legal notification by publication, and an administrative fee of not more than \$100.00 against the property on which the nuisance exists.

(b) The city may not make an assessment against property unless the owner or owners agent receives notice of the nuisance in accordance with section 6.03.005.

(c) To obtain a lien against the property to secure an assessment, the city attorney must file a notice that contains a statement of costs, a legal description of the property sufficient to identify the property, and the name of the property owner, if known, with the county clerk of the county in which the property is located.

(d) The city's lien to secure an assessment attaches when the notice of lien is filed and is inferior to a previously recorded bona fide mortgage lien attached to the real property to which the city's lien attaches, if the mortgage was filed for record in the office of the county clerk of the county in which the real property is located before the date on which the city files the notice of lien with the county clerk.

(e) The city is entitled to accrued interest beginning on the 11th day after the date of the assessment against the property at the rate of 10 percent a year.

(f) The statement of costs or a certified copy of the statement of costs is prima facie proof of the costs incurred to abate the nuisance.

Sec. 6.03.007 Authority to enter premises

(a) A city official, agent, or employee charged with the enforcement of health, environmental, safety, or fire laws may enter any premises in the incorporated area of the city at a reasonable time to inspect, investigate, or abate a nuisance or to enforce this chapter.

(b) Before entering the premises, the official, agent, or employee must exhibit proper identification to the occupant, manager, or other appropriate person.

Sec. 6.03.008 Enforcement

The city municipal court may issue any order necessary to enforce this article.

(Ordinance 05-1114-01 adopted 11/14/05)

ARTICLE 6.04. VACANT LOTS AND BUILDINGS REGISTRATION

Sec. 6.04.001 Purpose

Sec. 6.04.002 Applicability

Rev. 3/6/25, 3/28/25, 4/4/25, 5/5/25, 5/6/25, 7/2/25, 7/25/25

Sec. 6.04.003 Definitions

Abandoned property

Vacant building

Vacant lot

Sec. 6.04.004 Vacant lots and building registration and exemption

Sec. 6.04.005 Insurance

Sec. 6.04.006 Inspections and enforcement

Sec. 6.04.007 Exemptions

Sec. 6.04.008 Expiration and renewal of registration

Sec. 6.04.009 Revocation of registration

Sec. 6.04.010 Appeal process

Sec. 6.04.011 General penalty for violations of code; continuing violations

Sec. 6.04.012 Public nuisance declaration process

Sec. 6.04.013 Severability

ARTICLE 6.04

VACANT LOTS AND BUILDINGS REGISTRATION

SECTIONS - PROPOSED CODE AMENDMENTS

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CHAPTER 6

HEALTH AND SANITATION

ARTICLE 6.01 GENERAL PROVISIONS*

(Reserved)

ARTICLE 6.02 AIR CONDITIONING WASTEWATER

Sec. 6.02.001 Proper disposal

It shall be unlawful for the owner or operator of any business situated within the city limits to operate at such place of business a water-cooled air conditioning unit in which wastewater accumulates, unless such wastewater is disposed of through a properly trapped plumbing fixture. (Ordinance adopted 6/15/49, sec. 1)

Sec. 6.02.002 Penalty

Any person violating this article shall be deemed guilty of a misdemeanor and upon conviction shall be fined in accordance with the general penalty provision set forth in section 1.01.009 of this code, and each day's violation shall constitute a separate offense. (Ordinance adopted 6/15/49, sec. 2)

ARTICLE 6.03 PROPERTY MAINTENANCE†

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- (d) The notice must be given:

- (1) By service in person or by registered or certified mail, return receipt requested; or
- (2) If personal service cannot be obtained or the address of the person to be notified is unknown, by posting a copy of the notice on the premises on which the nuisance exists and by publishing the notice in a newspaper with general circulation in the county two times within 30 consecutive days.
- (e) The abatement procedures must require a hearing before the city abates the nuisance if a hearing is requested. The hearing may be conducted before the municipal court. The city council may designate a board, commission, or official to conduct each hearing.

Sec. 6.03.006 Assessment of costs; lien

- (a) The city may:
 - (1) Assess the cost of abating the nuisance, the cost of legal notification by publication, and an administrative fee of not more than \$100.00 on the person receiving notice under section 6.03.005; or
 - (2) By resolution or order, assess the cost of abating the nuisance, the cost of legal notification by publication, and an administrative fee of not more than \$100.00 against the property on which the nuisance exists.
- (b) The city may not make an assessment against property unless the owner or owners agent receives notice of the nuisance in accordance with section 6.03.005.
- (c) To obtain a lien against the property to secure an assessment, the city attorney must file a notice that contains a statement of costs, a legal description of the property sufficient to identify the property, and the name of the property owner, if known, with the county clerk of the county in which the property is located.
- (d) The city's lien to secure an assessment attaches when the notice of lien is filed and is inferior to a previously recorded bona fide mortgage lien attached to the real property to which the city's lien attaches, if the mortgage was filed for record in the office of the county clerk of the county in which the real property is located before the date on which the city files the notice of lien with the county clerk.
- (e) The city is entitled to accrued interest beginning on the 11th day after the date of the assessment against the property at the rate of 10 percent a year.
- (f) The statement of costs or a certified copy of the statement of costs is prima facie proof of the costs incurred to abate the nuisance.

Sec. 6.03.007 Authority to enter premises

- (a) A city official, agent, or employee charged with the enforcement of health, environmental, safety, or fire laws may enter any premises in the incorporated area of the city at a reasonable time to inspect, investigate, or abate a nuisance or to enforce this chapter.
- (b) Before entering the premises, the official, agent, or employee must exhibit proper identification to the occupant, manager, or other appropriate person.

Sec. 6.03.008 Enforcement

The city municipal court may issue any order necessary to enforce this article.

ARTICLE 6.04. VACANT LOTS AND BUILDINGS REGISTRATION

Sec.6.04.001 Purpose

In the City of Junction, Texas, there are many vacant lots and buildings that, if left unoccupied and unmonitored, may fall into disrepair, become a haven for criminal activity, and create blight in the area. The purpose of this article is to protect the health, safety, morals, and welfare of the citizens of the City of Junction by establishing a registration program for vacant lots and buildings in the city in order to monitor the vacant lots and buildings and ensure that they are maintained in compliance with this code and other applicable laws and to encourage their maintenance, demolition, building site development, or return to occupancy in a timely manner.

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Sec. 6.04.002 Applicability

The provisions of this article apply to all vacant lots and buildings within the city, except the following:

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If the owner:

- Lists the lot or building property for sale in a local weekly publication, with a subscriber list of not less than 1500, for an amount not greater than 125% of the value as shown in the CAD records
- Lists the lot or building property for rent in a local weekly publication, with a subscriber list of at least building property for rent in a local weekly publication, with a subscriber list of not less than 1500, for an amount not greater than 1% of the value as shown in the CAD records.

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Sec. 6.04.003 Definitions

Abandoned property building. If it appears that the owner has relinquished all rights and interest in the property building and has no intention of returning or claiming possession. Factors that may indicate abandonment include unpaid rent, accumulation of mail, disconnected utilities, removal of personal belongings, neglect, and lack of maintenance.

City. The City of Junction.

Certificate of Registration. A certificate issued by the City designee to the owner or operator of a vacant property building indicating that the property building is registered with the City.

Property or Premises. A zoned property lot, plot, or parcel of land, including structures on the land.

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Permit Official. The person or official designated by the City to receive and approve an application for a vacant ~~property~~building certificate.

Owner. A person who will own, control, or operate the vacant lot or building and has a legal interest in the property such as, including but not limited to:

- i. The holder of fee simple title;
- ii. The holder of a life estate;
- iii. The holder of a leasehold estate for an initial term of five (5) years or more;
- iv. The buyer in a contract for deed;
- v. A mortgagee, receiver, executor, or trustee in control of real property; or
- vi. The named grantee in the last recorded deed

Vacant building. A building is presumed to be vacant if:

- (a) All lawful commercial, recreational, charitable, or construction activity at the building has ceased, or reasonably appears to have ceased, for more than 150 days; or
- (b) The building contains more than three units, 75 percent or more of which have not been used lawfully, or reasonably appear not to have been used lawfully, for more than 150 days. In this context, ~~“legally”~~lawfully shall mean by the legal or equitable owner, operator, lessee, or invitee on a permanent, non-transient basis pursuant to and within the scope of a valid certificate of occupancy.
- (c) All single-family residential structures which have not been used lawfully, or reasonably appear not to have been used lawfully for more than 365 days.

Vacant lot: Means any parcel of real property that is not improved with a permitted structure.

Sec. 6.04.004 Vacant property (lot and building) registration by owner and exemption

- (a) A person commits an offense if the person owns a vacant building-property without a valid certificate of registration or exemption issued pursuant to this chapter.
- (b) The owner or the owner's authorized agent shall submit an application to the permit official to register a building-property or apply for an exemption not later than thirty (30) days after the building property becomes a vacant-building. One or more of the owners may designate an individual to execute the application on behalf of the owner(s).
- (c) The registration or exemption application shall be submitted on forms provided by the permit official. The registration application shall include the following information supplied by the applicant:
 - (1) The address and description of the premises;
 - (2) A description of the property such as the building height, number of stories contained therein, area in square feet of each story, and year built;

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- (3) The date on which the vacant **property** building was last legally occupied, a description of the last or current use of the vacant **property** building, and a description of any hazardous materials, uses, or conditions that currently exist or previously existed in the vacant **property** building;
 - (4) The names, addresses, and telephone numbers of the owner or owners and authorized agents;
 - (5) The name, address, and telephone number of any third party who the owner has entered into a contract or agreement with for property management that can be reached at all times during business and ~~nonbusiness~~-non-business hours;
 - (6) The period of time the **property** building is expected to remain vacant;
 - (7) If the owner plans to demolish the building, the date the building is scheduled for demolition **must be included**;
 - (8) If the owner proposes to rehabilitate or renovate the building, the date the building rehabilitation or renovation is scheduled to commence and be completed in accordance with all applicable codes;
 - (9) If the owner proposes to retain the building, the measures that will be taken to try to reduce any adverse impact on the property values of adjacent property from the retention of the vacant building;
 - (10) The plan for regular maintenance of the **property** building during the period of vacancy with owner certification that the **property** building is compliant with all applicable codes;
 - (11) The measures the owner will employ to monitor and inspect the property and schedule for periodic inspection by the owner;
 - (12) Proof of insurance as required by Sec. 6.04.005 Insurance.
 - (13) As applicable, the locations of emergency response signage are required as follows:
 - (A) The owner of a vacant **property** building shall provide the permit official with the name, street address, mailing address, and telephone number of a person or persons who can be contacted twenty-four hours a day, seven days a week, in the event of an emergency condition in or on the premises of the vacant **property** building. An emergency condition includes any fire, natural disaster, collapse hazard, burst pipe, serious police incident, or other condition that requires an immediate response to prevent harm to property or the public.
 - (B) The owner of the vacant **property** building shall notify the permit official within five (5) days after any change in the emergency response information.
 - (14) For exemption requests, state the reasons for seeking an exemption and provide supporting documentation to show compliance with Sec.6.04.001. Applicability or Sec. 6.04.007. Exemptions as applicable.
 - (15) If the owner was previously issued a certificate of registration for the vacant **property**-building, proof of compliance with any owner obligations in the prior certificate of registration or if the obligations were not met, documentation demonstrating significant progress in addressing the identified owner obligations; and
 - (16) Any other reasonably related additional information required by the permit official.
- (d) A separate registration application is required for each vacant **property** building, regardless of any separate occupied **properties** buildings that may also be located at the same street address. If more

than one vacant property building is located at the same street address, a separate certificate of registration is required for each vacant building. In addition, only one registration application is required for a single vacant property building that has more than one street address.

(e) The permit official shall, within one hundred eighty days, take one of the following actions regarding the filing of a completed application for which all required established fees have been paid:

- (1) Issue a certificate of registration if the permit official determines that:
 - (A) The applicant has complied with all requirements for issuance of the certificate of registration;
 - (B) The applicant has not made a false statement as to a material matter in an application for a certificate of registration; and
 - (C) The applicant or owner has no outstanding fees charged under this chapter.
- (2) Deny the certificate of registration as provided under this section.
- (3) Inform the applicant that the certificate of registration cannot be issued within the time period under this section and advise the applicant as to the date on which the permit official shall make the required determination, which shall be the earliest date practicable.

The failure of the permit official to take action as required under this subsection shall not result in an automatic registration of a vacant property building under this chapter.

(f) In issuing a certificate of registration for a vacant property building designated for nonresidential uses, the permit official will enumerate in the certificate of registration any owner obligations to undertake certain property improvements to the vacant property building, which will be based on the owner's intended use, rehabilitation, demolition, or maintenance of the vacant property building, and the schedule for such undertaking in accordance with all applicable codes or as identified in the owner's application submitted pursuant to this Article if the latter accomplishes an earlier completion of improvements.

(g) If the permit official determines, upon initial review or inspection that the application does not address the requirements of this chapter, the permit official shall notify the owner and allow reasonable time for the revision of the application. If, upon final review of the completed application, the permit official determines that the requirements of this chapter have not been met, the permit official shall deny a certificate of registration to the owner.

- (1) If the permit official determines that the owner should be denied a certificate of registration, the permit official shall deliver a written notice to the owner that the application is denied and include in the notice the reason for denial.
- (2) The owner may appeal the determination of the permit official by following the procedure provided in 6.04.010. Appeal process.

(h) The permit official shall give notice of issuance of a certification of registration for a vacant property building to lien holders, tenants, and other parties, as identified in the application.

(i) Except as otherwise provided herein, the certificate of registration for a vacant property building shall terminate the earlier of:

- (1) One year after date of issuance;
- (2) The date the vacant **property building** changes ownership, as determined by the permit official;
- (3) The date the vacant **property building** becomes occupied, as determined by the permit official; or
- (4) The date the vacant building is demolished, as determined by the permit official.

(j) Requests for termination of a certificate of registration shall be in writing to the permit official and accompanied by documentation in support of the request. The failure of the permit official to terminate the certificate of registration as provided herein within thirty days after the date that the written request was made shall constitute a denial of the request for the termination and the owner may appeal such action by following the procedure provided in Sec. 6.04.010. Appeal process.

(k) A certificate of registration issued under this chapter is transferable to a new owner during the first six months following the issuance of the certificate of registration and upon an owner's written request to the permit official for a transfer of the certificate of registration, provided that:

- (1) The owner has complied with the provisions of this chapter or other city ordinance or state or federal law applicable to the vacant **property building**;
- (2) Payment of the administrative established fee for transfer of the certificate of registration; and
- (3) The new owner's acceptance of the application information for the certificate of registration to be transferred.

The failure of the permit official to transfer the certificate of registration as provided herein within thirty days after the date that the written request was made shall constitute a denial of the request for the transfer and the owner may appeal such action by following the procedure provided in Sec. 6.04.010. Appeal process.

(l) An owner or applicant shall notify the permit official in writing within thirty days after any material change in the information contained in the application for a certificate of registration for a vacant **property building**, including any changes in ownership of the property or intended use, rehabilitation, demolition, or routine maintenance of the vacant **property building**.

(m) If the permit official has reason to believe that a **property building** is a vacant building and it is unregistered, the permit official shall evaluate the **property building** and make a determination as to whether the **property building** is a vacant **property building** within the meaning of this chapter. If the permit official finds the **property building** is a vacant **property building**:

- (1) The permit official shall give written notice of such determination to the owner of the subject **property building**. The notice of determination shall identify the **property building**; street address or legal description of the property; state the factual basis for the determination; classify the **property building** as a vacant **property building**; and the obligations of an owner to register the **property building** as set forth in this chapter.
- (2) The notice under this section must comply with the requirements of the Texas Local Government Code.

(3) The permit official satisfies the requirements of this section to make a diligent effort, to use his/her best efforts, or to make a reasonable effort to determine the identity and address of an owner if the permit official searches the following records:

(A) Real property records of the city:

(B) Appraisal District records:

(C) Records of the secretary of state:

(D) Assumed names records of the Kimble County, Junction, Texas:

(E) Tax records of the city; and

(F) Utility records of the city.

(4) When the permit official mails a notice in accordance with this section to an owner and the United States Postal Service returns the notice as "refused" or "unclaimed," the validity of the notice is not affected, and the notice is considered delivered.

(5) An owner may appeal the determination of the permit official that the **property** building should be classified as a vacant **property** building under this chapter by following the procedure provided in Sec. 6.04.010 Appeal process.

Sec. 6.04.005 Insurance

(a) Prior to the issuance of a certificate of registration for any vacant **property** 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 one million dollars for each occurrence and two million dollars annual aggregate.

Sec. 6.04.006 Inspections and enforcement

(a) The permit official is authorized to administer this chapter and all enforcement officials are authorized to enforce the provisions of this chapter.

(b) For all purposes relating to vacant **property** building applications and registrations, the permit official is authorized at a reasonable time to inspect the premises that are the subject of the application or registration, to include but not be limited to, conducting an inspection in order to determine whether the owner's intended use, rehabilitation, demolition, or maintenance of the vacant **property** building meets the requirements of the City Code for demolition, rehabilitation or maintenance of the status of vacancy, as appropriate.

(c) For all purposes relating to enforcement under this chapter, an enforcement official is authorized at a reasonable time to inspect:

(1) The exterior of a vacant **lot** building or other building that appears to the enforcement official to be unoccupied in whole or in part:

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- (2) The interior of a vacant lot or building or other building that appears to the enforcement official to be unoccupied in whole or in part, if permission of the owner, operator, or other person in control is given, or a search warrant or writ of entry is obtained.

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Sec. 6.04.007 Exemptions

(a) A vacant property building which has suffered fire damage or damage caused by extreme weather conditions may be exempted from the registration requirement under this chapter for a period of ninety days after the date of the fire or extreme weather event. The exemption request shall include the following information supplied by the applicant:

- (1) An address and description of the premises;
- (2) Detailed information regarding the date the damage was suffered and the extent of the damage if the request for an exemption is being submitted on this basis;
- (3) The names and addresses of the owner or owners; and
- (4) A statement of intent to repair and reoccupy the property building in an expedient manner, or the intent to demolish the building.

Sec. 6.04.008 Expiration and renewal of registration

(a) A certificate of registration for a vacant property building in the central business district expires the earlier of:

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- (1) one year after the date of issuance;
- (2) the date the vacant property building changes controlling ownership, as determined by the designated city staff;
- (3) the date the vacant property building becomes occupied, as determined by the designated city staff; or
- (4) the date the vacant building is demolished, as determined by the designated city staff.

(b) A certificate of registration may be renewed by making an application in accordance with this section and paying the registration fee and inspection charge required by this section. A registrant shall apply for renewal at least 30 days before the expiration of the certificate of registration.

Sec. 6.04.009 Revocation of registration

(a) The designated city staff shall revoke a certificate of registration for a vacant property building if the designated city staff determines that:

- (1) the registrant failed to comply with any provision of this chapter or any other city ordinance or state or federal law applicable to the building;

(2) the registrant intentionally made a false statement as to a material matter in the application or in a hearing concerning the certificate of registration; or

(3) the registrant failed to pay a fee required by this chapter at the time it was due.

(b) Before revoking a certificate of registration under subsection (a), the designated city staff shall deliver written notice to the registrant that the certificate of registration is being considered for revocation. The notice must include the reason for the proposed revocation, the action the registrant must take to prevent the revocation, and a statement that the registrant has 10 days after the date of delivery to comply with the notice.

(c) If, after 10 days from the date the notice required in subsection (b) is delivered, the registrant has not complied with the notice, the designated city staff shall revoke the certificate of registration and deliver written notice of the revocation to the registrant. The notice must include the reason for the revocation, the date the designated city staff orders the revocation, and a statement informing the registrant of the right of appeal.

Sec. 6.04.010 Appeal process

If the designated city staff denies issuance or renewal of a certificate of registration or revokes a certificate of registration, this action is final unless the applicant or registrant files an appeal in accordance with this code.

Sec. 6.04.011 General penalty for violations of code; continuing violations

Refer to Sec. 1.01.009

Sec. 6.04.012 Public nuisance declaration process

(a) Identification of the Property: The first step is for the city to identify properties that are suspected to be vacant or abandoned through various means such as conducting surveys, receiving complaints from community members, and monitoring utility usage.

(b) Notice to Property Owners: Once a property is identified as vacant or abandoned, the local authority will send a notice to the property owners informing them about the potential violation and giving them a deadline to address it.

(1) City may send a notice to the property owner and from that date, the property owner has 20 days to respond. If a response is not received then it will be assumed said person is the property owner.

(c) Inspection: If the property owner fails to take action within the given deadline, an inspection may be conducted by the city to verify if the property is indeed vacant and/or abandoned.

- (d) Hearing: If evidence of vacancy or abandonment is found, a hearing may be scheduled where both parties (city and property owner) can present their case.
- (e) Declaration of Public Nuisance: Based on the findings presented at the hearing, the city may declare the property as a public nuisance due to being vacant and/or abandoned.
- (f) Notification of Declaration: The city will notify the property owner of their decision in writing.
- (g) Action by Property Owner: The property owner will then have a certain amount of time (usually 30 days) to take action and remediate the public nuisance.
- (h) Failure to Act: If no action is taken by the property owner within the given time frame, the city may undertake measures such as securing and boarding up doors and windows, cutting grass and weeds, or removing debris from outside areas of the property.
- (i) Imposition of Fines/ Penalties: In some cases, fines and penalties may also be imposed on non-compliant property owners.
- (j) Further Legal Action: If all efforts to remediate the public nuisance fail, the city may take further legal action such as seeking a court order for demolition or imposing liens on the property.

Sec. 6.04.013 Severability

Severability In the event that this ordinance or any provisions of it shall be deemed by a court to be in conflict with a provision of general law, or if adherence to or enforcement of any section of this chapter shall be restrained by a court, the remaining provisions of this local law shall not be affected.