

2-23-22

ORDINANCE NO. 32145

An ordinance amending Chapter 48B, "Vacant Buildings," of the Dallas City Code, by amending Sections 48B-1, 48B-2, 48B-6, 48B-7, 48B-8, 48B-9, 48B-10, 48B-12, 48B-13, 48B-15, 48B-17; adding Article IV; renaming the chapter to include vacant lots located outside the central business district; adding definitions; providing that Article II and Article III apply to only vacant buildings located in the central business district; providing requirements, procedures, and fees for the registration and inspection of vacant buildings and vacant lots located outside the central business district of the city; providing defenses; providing an appeal process for the denial or revocation of a certificate of registration; providing signage requirements for problem properties; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

Now, Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That Chapter 48B, "Vacant Buildings," of the Dallas City Code is retitled as Chapter 48B, "Vacant Buildings and Lots."

SECTION 2. That Section 48B-1, "Purpose of Chapter," of Article I, "General Provisions," of Chapter 48B, "Vacant Buildings and Lots," of the Dallas City Code, is amended to read as follows:

"SEC. 48B-1. PURPOSE OF CHAPTER.

[(a)] There exists in the [~~central business district of the~~] city of Dallas, Texas, many vacant properties [~~buildings~~] that, if left unoccupied and unmonitored, may fall into a state of disrepair, become a haven for criminal activity, and create a blight on the area. The purpose of this chapter is to protect the health, safety, morals, and welfare of the citizens of the city of Dallas by establishing a registration program for vacant buildings and lots in the city [~~central business district~~] in order to monitor the vacant buildings and lots and ensure that they are maintained in

compliance with this code and other applicable laws and to encourage their demolition, building development, or return to occupancy in a timely manner.”

SECTION 3. That Section 48B-2, “Definitions,” of Article I, “General Provisions,” of Chapter 48B, “Vacant Buildings and Lots,” of the Dallas City Code, is amended to read as follows:

“SEC. 48B-2. DEFINITIONS.

In this chapter:

(1) BASIC PROPERTY means a vacant building or vacant lot which has two non-complied property maintenance violations within any six-month period.

(2) BUILDING means a structure for the support or shelter of any use or occupancy.

(3[2]) CENTRAL BUSINESS DISTRICT means the area of the city bounded by Woodall Rodgers Freeway on the north, Central Expressway (elevated bypass) on the east, R. L. Thornton Freeway on the south, and Stemmons Freeway on the west.

(4[3]) CERTIFICATE OF REGISTRATION means a certificate of registration issued by the director under this chapter to the owner or operator of a vacant building.

(5[4]) DIRECTOR means the director of the department designated by the city manager to enforce and administer this chapter and includes any representatives, agents, or department employees designated by the director.

(6[5]) DWELLING UNIT means one or more rooms designed to be a single housekeeping unit to accommodate one family and containing one or more kitchens, one or more bathrooms, and one or more bedrooms.

(7[6]) OCCUPIED means that one or more persons conduct business in or reside in at least 50 percent of the total area of a building (excluding stairwells, elevator shafts, and mechanical rooms) as the legal or equitable owner, operator, lessee, or invitee on a permanent, nontransient basis pursuant to and within the scope of a valid certificate of occupancy.

(8[7]) OWNER means a person in whom is vested the ownership or title of real property:

- (A) including, but not limited to:
 - (i) the holder of fee simple title;
 - (ii) the holder of a life estate;

years or more;

(iii) the holder of a leasehold estate for an initial term of five

(iv) the buyer in a contract for deed;

property; and

(v) a mortgagee, receiver, executor, or trustee in control of real

(vi) the named grantee in the last recorded deed; and

(B) not including the holder of a leasehold estate or tenancy for an initial term of less than five years.

(9[8]) PERSON means any individual, corporation, organization, partnership, association, governmental entity, or any other legal entity.

(10[9]) PREMISES or PROPERTY means a lot, plot, or parcel of land, including any structures on the land.

(11) PROBLEM PROPERTY means a vacant building or vacant lot which has three or more non-complied property maintenance violations within any six-month period.

(12) PROPERTY MAINTENANCE VIOLATION means any violation of the city code involving high weeds; litter; obstructions of alleys, sidewalks, or streets; signs on a public right of way; bulky trash; substandard structures; junk motor vehicles; illegal dumping; illegal outside storage; and graffiti.

(13[10]) REGISTRANT means a person issued a certificate of registration for a vacant building or vacant lot under this chapter.

(14[11]) STRUCTURE means that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

(15[12]) VACANT BUILDING means a building [~~located in the city's central business district~~] that, regardless of its structural condition, is not occupied.

(16) VACANT LOT means any parcel of real property that is not improved with a permitted structure."

SECTION 4. That Article II, "Registration and Inspection of Vacant Buildings," of Chapter 48B, "Vacant Buildings and Lots," of the Dallas City Code is retitled as Article II, "Registration and Inspection of Vacant Buildings in the Central Business District."

SECTION 5. That Subsection (a) of Section 48B-6, "Registration Required; Defenses," of Article II, "Registration and Inspection of Vacant Buildings in the Central Business District," of Chapter 48B, "Vacant Buildings and Lots," of the Dallas City Code, is amended to read as follows:

"(a) A person commits an offense if the person owns or operates a vacant building in the central business district without a valid certificate of registration. A separate certificate of registration is required for each street address at which any vacant building is located in the central business district, regardless of any separate occupied buildings that may also be located at the same street address. If more than one vacant building in the central business district is located at the same street address, only one certificate of registration is required for all of the vacant buildings. Also, only one certificate of registration is required for a single vacant building in the central business district that has more than one street address. Suite numbers and apartment unit numbers will not be considered in determining the street address of a vacant building."

SECTION 6. That Subsection (a) of Section 48B-7, "Registration Application," of Article II, "Registration and Inspection of Vacant Buildings in the Central Business District," of Chapter 48B, "Vacant Buildings and Lots," of the Dallas City Code, is amended to read as follows:

"(a) To obtain a certificate of registration for a vacant building in the central business district, a person must submit an application on a form provided for that purpose to the director. The applicant must be the person who will own, control, or operate the vacant building in the central business district. The application must contain all of the following information:

(1) The name, street address, mailing address, and telephone number of the applicant or the applicant's authorized agent.

(2) The name, all street addresses, and the main telephone number, if any, of the vacant building and a description of the type of property it is (such as, but not limited to, a commercial building, a warehouse, an office, a hotel, an apartment complex, a boarding home, a group home, a loft, a townhome, a condominium, or a single-family residence).

(3) The names, street addresses, mailing addresses, and telephone numbers of all owners of the vacant building and any lien holders and other persons with a financial interest in the vacant building.

(4) The name, street address, mailing address, and telephone number of a person or persons to contact in an emergency as required by Section 48B-15 of this chapter.

(5) The form of business of the applicant (and owner, if different from the applicant); the name, street address, mailing address, and telephone number of a high managerial agent of the business; and, if the business is a corporation or association, a copy of the documents establishing the business.

- (6) Proof of insurance required by Section 48B-16 of this chapter.
- (7) The number of buildings (including vacant and occupied buildings), dwelling units, swimming pools, and spas located in or on the premises of the vacant building.
- (8) Documentary evidence of payment of ad valorem taxes owed in connection with the vacant building and the premises on which it is located.
- (9) The total area in square feet of the vacant building, the number of stories contained in the vacant building, the area in square feet of each story, and whether each story is above or below ground level.
- (10) The date on which the vacant building was last occupied, a description of the last use of the vacant building, and a description of any hazardous materials, uses, or conditions that currently exist or previously existed in the vacant building.
- (11) Such additional information as the applicant desires to include or that the director deems necessary to aid in the determination of whether the requested certificate of registration should be granted.”

SECTION 7. That Subsection (a) of Section 48B-8, “Registration Fee and Inspection Charge,” of Article II, “Registration and Inspection of Vacant Buildings in the Central Business District,” of Chapter 48B, “Vacant Buildings and Lots,” of the Dallas City Code, is amended to read as follows:

“(a) The fee for a certificate of registration for a vacant building in the central business district is \$79, plus an inspection charge in an amount equal to $\$185.64 + (\$0.009282 \times \text{total square feet of building area, excluding stairwells, elevator shafts, and mechanical rooms.}$ ”

SECTION 8. That Subsection (a) of Section 48B-9, “Issuance, Denial, and Display of Certificate of Registration,” of Article II, “Registration and Inspection of Vacant Buildings in the Central Business District,” of Chapter 48B, “Vacant Buildings and Lots,” of the Dallas City Code, is amended to read as follows:

“(a) Upon payment of all required fees, the director shall issue a certificate of registration for a vacant building in the central business district to the applicant if the director determines that:

- (1) the applicant has complied with all requirements for issuance of the certificate of registration;

(2) the applicant has not made a false statement as to a material matter in an application for a certificate of registration; and

(3) the applicant has no outstanding fees assessed under this chapter.”

SECTION 9. That Subsection (a) of Section 48B-10, “Revocation of Registration,” of Article II, “Registration and Inspection of Vacant Buildings in the Central Business District,” of Chapter 48B, “Vacant Buildings and Lots,” of the Dallas City Code, is amended to read as follows:

“(a) The director shall revoke a certificate of registration for a vacant building in the central business district if the director 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.”

SECTION 10. That Subsection (a) of Section 48B-12, “Expiration and Renewal of Registration,” of Article II, “Registration and Inspection of Vacant Buildings in the Central Business District,” of Chapter 48B, “Vacant Buildings and Lots,” of the Dallas City Code, is amended to read as follows:

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

(1) one year after the date of issuance;

(2) the date the vacant building changes controlling ownership, as determined by the director;

(3) the date the vacant building becomes occupied, as determined by the director; or

(4) the date the vacant building is demolished, as determined by the director.”

SECTION 11. That Section 48B-13, “Nontransferability,” of Article II, “Registration and Inspection of Vacant Buildings in the Central Business District,” of Chapter 48B, “Vacant Buildings and Lots,” of the Dallas City Code, is amended to read as follows:

“SEC. 48B-13. NONTRANSFERABILITY.

A certificate of registration for a vacant building in the central business district is not transferable.”

SECTION 12. That Article III, “Miscellaneous Requirements for Vacant Buildings,” of Chapter 48B, “Vacant Buildings and Lots,” of the Dallas City Code is retitled as Article III, “Miscellaneous Requirements for Vacant Buildings Located in the Central Business District.”

SECTION 13. That Section 48B-15, “Emergency Response Information,” of Article III, “Miscellaneous Requirements for Vacant Buildings Located in the Central Business District,” of Chapter 48B, “Vacant Buildings and Lots,” of the Dallas City Code, is amended to read as follows:

“(a) An owner, operator, or other person in control of a vacant building in the central business district shall provide the director with the name, street address, mailing address, and telephone number of a person or persons who can be contacted 24 hours a day, seven days a week, in the event of an emergency condition in or on the premises of the vacant 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.”

SECTION 14. That Subsection (a) of Section 48B-17, “Vacant Building Plan,” of Article III, “Miscellaneous Requirements for Vacant Buildings Located in the Central Business District,” of Chapter 48B, “Vacant Buildings and Lots,” of the Dallas City Code, is amended to read as follows:

“(a) Within 30 days after the date a certificate of registration is issued for a vacant building in the central business district, the registrant shall submit to the director a vacant building plan complying with this section.”

SECTION 15. That Chapter 48B, "Vacant Buildings and Lots," of the Dallas City Code, is amended by adding Article IV, "Registration and Inspection of Vacant Lots and Buildings," to read as follows:

**"ARTICLE IV.
REGISTRATION AND INSPECTION OF VACANT LOTS AND BUILDINGS
LOCATED OUTSIDE THE CENTRAL BUSINESS DISTRICT.**

SEC. 48B-17. SCOPE.

The provisions of this article apply to all vacant lots and buildings located outside of the central business district.

SEC. 48B-18. REGISTRATION REQUIRED; DEFENSES.

(a) A person commits an offense if the person owns or operates a vacant building or vacant lot located outside the central business district without a valid certificate of registration and has at least two non-complied property maintenance violations during any six-month period. A separate certificate of registration is required for each street address at which any vacant building or vacant lot is located, regardless of any separate occupied buildings or vacant lots that may also be located at the same street address. If more than one vacant building is located at the same street address, a certificate of registration is required for each separate vacant building. Suite numbers and apartment unit numbers will not be considered in determining the street address of a vacant building or lot.

(b) It is a defense to prosecution under this section that:

(1) the building was occupied within the 45-day period preceding the date of the alleged offense;

(2) at the time of the alleged offense, the building was in the process of being renovated, rehabilitated, repaired, or demolished (pursuant to appropriate and valid permits issued by the building official, if required) and had been occupied within the 90-day period preceding the date of the alleged offense;

(3) at the time of the alleged offense, the vacant building or vacant lot was in the process of being actively marketed and advertised for lease or sale and had been occupied within the 90-day period preceding the date of the alleged offense;

(4) within the 90-day period preceding the date of the alleged offense, the building suffered damage or destruction from a fire, flood, storm, or similar event that rendered the building incapable of being occupied, except that this defense does not apply if the building was rendered incapable of being occupied by the intentional act of the owner, operator, lessee, or other invitee or an agent of the owner, operator, lessee, or other invitee; or

(5) the vacant building or vacant lot is owned by the city of Dallas, the State of Texas, or the United States government or is a site primarily utilized as farm or agricultural land.

SEC. 48B-19. REGISTRATION APPLICATION.

To obtain a certification of registration for a vacant building or vacant lot under this article, a person must submit an application on a form provided for that purpose to the director. The applicant must be the person who will own, control, or operate the vacant building or vacant lot. The application must contain all of the following information:

- (1) The name, street address, mailing address, email address, and telephone number of the applicant and the applicant's authorized agent, if applicable.
- (2) The name, street address, email address, and telephone number of a person or person to contact in an emergency as required by Section 48B-27 of this chapter.
- (3) The number of buildings (including vacant and occupied buildings, dwelling units, swimming pools, and spas located in or on the premises of the vacant building).

SEC. 48B-20. REGISTRATION FEE AND INSPECTION CHARGE.

(a) The fee for a certificate of registration for a vacant building or vacant lot is as follows:

- (1) Basic property registration is \$51.00
- (2) Problem property registration is \$149.00

(b) When a vacant lot or vacant building is classified as a problem property, the owner of the property may be subject to monthly monitoring and inspections for the purpose of enforcing and ensuring compliance with this section and other applicable regulations. A separate fee of \$171 will be assessed each time the property is inspected and a property maintenance violation is present. The inspection fee will be assessed when:

- (1) responding to a complaint received by code compliance and a property maintenance violation is present;
- (2) performing a 30-day monitoring inspection and a property maintenance violation is present; or
- (3) performing a reinspection of the property and the property maintenance violation has not been corrected.

SEC. 48B-21. ISSUANCE, DENIAL, AND DISPLAY OF CERTIFICATE OF REGISTRATION.

(a) Upon payment of all required fees, the director shall issue a certificate of registration for a vacant building or vacant lot to the applicant if the director determines that:

(1) the applicant has complied with all requirements for issuance of the certificate of registration;

(2) the applicant has not made a false statement as to a material matter in an application of a certification of registration; and

(3) the applicant has no outstanding fees under this chapter.

(b) A certificate of registration issued under this section must be displayed to the public in a manner and location approved by the director. The certificate of registration must be presented upon request by the director or to a peace officer for examination.

SEC. 48B-22. REVOCATION OF REGISTRATION.

(a) The director shall revoke a certificate of registration for a vacant building or vacant lot issued under this article if the director 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 director 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, 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 director 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 director orders the revocation, and a statement informing the registrant of the right of appeal.

SEC. 48B-23. APPEALS.

If the director 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 with the permit and license appeal board in accordance with Section 2-96 of this code.

SEC. 48B-24. EXPIRATION AND RENEWAL OF REGISTRATION.

- (a) A certificate of registration for a vacant building or vacant lot expires the earlier of:
- (1) one year after the date of issuance;
 - (2) the date the vacant building or vacant lot changes controlling ownership, as determined by the director;
 - (3) the date the vacant building becomes occupied, as determined by the director;
 - (4) the date the vacant building is demolished, as determined by the director; or
 - (5) the date the owner of a vacant lot receives an approved building permit from the city's building official to build, construct, or erect an edifice or building that is intended to be legally occupied.

(b) A certificate of registration may be renewed by making an application in accordance with Section 48B-19 and paying the registration fee and inspection charge required by Section 48B-20. A registrant shall apply for renewal at least 30 days before the expiration of the certificate of registration.

SEC. 48B-25. NONTRANSFERABILITY.

A certificate of registration for a vacant building or vacant lot is not transferable.

SEC. 48B-26. PROPERTY INSPECTIONS.

- (a) For the purpose of ascertaining whether violations of this chapter or any other city ordinance or state or federal law applicable to the vacant building or vacant lot exist, the director is authorized at a reasonable time to inspect:
- (1) the vacant lot;
 - (2) the exterior of a vacant building; and
 - (3) the interior of a vacant building, if the permission of the owner, operator, or other person in control is given or a search warrant is obtained.

(b) The director shall inspect a vacant building located outside the central business district or a vacant lot at least once during each 12-month period that the building is not occupied or lot that does not have a permitted structure.

(c) An applicant or registrant shall permit representatives of the police department, the fire department, the department of code compliance, and the building official to inspect the interior and exterior of a vacant building, or vacant lot for the purpose of ensuring compliance with the law, at reasonable times upon request. The applicant or registrant commits an offense if he, either personally or through an agent or employee, refuses to permit a lawful inspection of the vacant building or vacant lot as required by this subsection.

(d) When a vacant building or vacant lot is inspected by the director and a violation of this chapter or any other city ordinance or state or federal law applicable to the building or lot is found, the building or premises will, after the expiration of any time limit for compliance given in a notice or order issued because of the violation, be reinspected by the director to determine that the violation has been eliminated.

SEC. 48B-27. EMERGENCY RESPONSE INFORMATION FOR PROBLEM PROPERTIES.

(a) An owner, operator, or other person in control of a vacant building or vacant lot that is required to register as a problem property shall provide the director with the name, street address, mailing address, email address, and telephone number of a person or persons who can be contacted 24 hours a day, seven days a week, in the event of an emergency condition in or on the premises of the vacant building or vacant lot. 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, operator, or other person in control of the vacant building or vacant lot shall notify the director within five days after any change in the emergency response information.

(c) The owner, operator, or other person in control of a vacant building or vacant lot, or an authorized agent, must arrive at the premises within one hour after a contact person named under this section is notified by the city or emergency response personnel that an emergency condition has occurred on the premises.

(d) A sign containing the emergency contact information required in Subsection (a) of this section must be attached in a conspicuous location on the exterior of each facade of the vacant building or vacant lot that faces a public right-of-way.

(e) The sign required by Subsection (d) must:

- (1) comply with the city's sign regulations;
- (2) be a minimum of four feet tall and four feet wide, not to exceed 20 square feet;

- (3) be less than eight feet in height;
- (4) have lettering not less than six inches high and six inches wide in black font on a yellow background;
- (5) be constructed of rigid weather-resistant material;
- (6) be readable day and night; and
- (7) be clearly visible from the public right-of-way.

(f) A person commits an offense if he removes or obstructs or allows the removal or obstruction of a sign required to be posted on a vacant building or vacant lot under this section. It is a defense to prosecution under this subsection that the removal or obstruction was caused by:

- (1) a city employee in the performance of official duties; or
- (2) the owner, operator, or lessee of the vacant building for the purpose of:
 - (A) repairing or maintaining the sign;
 - (B) complying with this chapter or a rule or regulation promulgated under this chapter; or
 - (C) removing the sign when registration of the vacant building or vacant lot is no longer required under this chapter.

(g) A minor variation of a required or minimum height or width of a sign or lettering is not a violation of this section.”

SECTION 16. That, unless specifically provided otherwise by this ordinance or by state law, a person violating a provision of this ordinance is, upon conviction, punishable by a fine not to exceed \$2,000.

SECTION 17. That Chapter 48B of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 18. That any act done or right vested or accrued, or any proceeding, suit, or prosecution had or commenced in any action before the amendment or repeal of any ordinance, or part thereof, shall not be affected or impaired by amendment or repeal of any ordinance, or part

thereof, and shall be treated as still remaining in full force and effect for all intents and purposes as if the amended or repealed ordinance, or part thereof, had remained in force.

SECTION 19. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 20. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

CHRISTOPHER J. CASO, City Attorney

By  _____
Assistant City Attorney

Passed _____ FEB 23 2022 _____



PROOF OF PUBLICATION – LEGAL ADVERTISING

The legal advertisement required for the noted ordinance was published in the Dallas Morning News, the official newspaper of the city, as required by law, and the Dallas City Charter, Chapter XVIII, Section 7.

DATE ADOPTED BY CITY COUNCIL FEB 23 2022

ORDINANCE NUMBER 32145

DATE PUBLISHED FEB 26 2022

ATTESTED BY: