

ORDINANCE NO. 6251

AN ORDINANCE AMENDING CHAPTER 32, "NEIGHBORHOOD SANITATION AND HOUSING STANDARDS", OF THE CODE OF ORDINANCES OF THE CITY OF GARLAND, TEXAS; PROVIDING A PENALTY CLAUSE, A SAVINGS CLAUSE, AND A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GARLAND, TEXAS:

Section 1

That Chapter 32 "Neighborhood Sanitation and Housing Standards", of the Code of Ordinances of the City of Garland, Texas, is hereby amended by adding Sec. 32.15, to read as follows:

Sec. 32.15. Distressed properties.

(A) As used in this section:

"Abandoned" means a residential property that is vacant or for which there is evidence of vacancy.

"Compliance", for purposes of this section, means maintaining the property so as to be free of a violation of any provision of this chapter in a manner consistent with neighborhood standards.

"Distressed" means a residential property:

- (1) that is under a current notice of default on a mortgage, deed of trust, contract for sale, or similar financing security; a notice of trustee's sale; is the subject of a pending delinquent tax sale; is the subject of a foreclosure sale where the title was retained by the beneficiary of a deed of trust involved in the foreclosure; or that has been transferred to another under a deed in lieu of foreclosure; and
- (2) on which there have been two or more unaddressed violations of Article II of Chapter 32 of this Code within a 12 month period.

"Evidence of vacancy" means any condition that alone or combined with other conditions present would lead a reasonable person to conclude that the property is vacant. Such conditions include, but are not limited to, overgrown or dead vegetation; the accumulation of newspapers, circulars, flyers door-hangers or mail; past due utility notices or disconnected utilities; the accumulation of trash; the recurrent absence of household waste on collection days for the neighborhood in which the property is located; the absence of window coverings such as curtains, blinds or shutters; the evident absence of furnishings and personal items consistent with residential habitation; or statements by neighbors, delivery agents, or others familiar with the property that the property is vacant.

"Neighborhood standards" means those conditions that are present on a simple majority of properties within a 300-foot radius of the subject property. A property that is the subject of a neighborhood standard comparison, or any other abandoned, distressed property within the 300-foot radius, shall not be counted toward the simple majority.

"Owner" means any person, partnership, association, corporation, or fiduciary (including a beneficiary or a trustee under a mortgage or deed of trust) having legal or equitable title in or to any real property.

"Unaddressed violation" means a violation that was corrected by or through the City and that required the expenditure of City funds.

(B) The Director of Code Compliance may order the owner of a property that is abandoned and distressed to post a bond, letter of credit, or escrow deposit in the amount of \$2,500 to secure future compliance for the property. The owner shall post the bond or other security within 30 days after receipt of notice from the Director. In the event the amount of the bond or other security is reduced or depleted for the purpose of bringing the property into compliance after the bond or other security has been posted with the City, the owner shall, within 15 days after notice from the City, provide such additional sums to the bond or other security so as to maintain the amount so secured or posted at the minimum level of \$2,500. Any funds obtained by the City under a bond, letter of credit, or escrow account posted under this section shall be used only for the purpose of bringing the property secured by the bond or other security into compliance, and shall not be part of the City's general fund. If a property for which a bond or other security is provided under this section either:

- (1) has not had an unaddressed violation within 12 months following the posting of the bond or other security; or
- (2) is sold or occupied following the posting of the bond or other security; then

the person who posted the bond or other security shall be entitled to the cancellation of the bond or letter of credit, or a refund of the amounts then held for the property in the escrow account, as the case may be.

(C) (C) The owner of an abandoned and distressed property shall place a sign on the property as provided in this subsection containing the name and 24-hour contact phone number of a local property manager or other person designated by the owner to be responsible for the property. The sign shall be no less than 3 inches by 8 inches and shall contain along with the name and 24-hour contact number the words "THIS PROPERTY MANAGED BY" and "TO REPORT PROBLEMS OR CONCERNS CALL" and the loan number, case number or other information by which (in addition to the address) the owner identifies the property. The sign shall be of a durable, weather-resistant material and shall be secured to the front door of the building. The local property manager or other responsible person shall inspect the property on a regular basis to determine if the property is in compliance with the requirements of this chapter.

Section 2

That a violation of any provision of this Ordinance shall be a misdemeanor punishable in accordance with Sec. 10.05 of the Code of Ordinances of the City of Garland, Texas.

Section 3

That Chapter 32 "Neighborhood Sanitation and Housing Standards", of the Code of Ordinances of the City of Garland, Texas, as amended, shall be and remain in full force and effect save and except as amended by this Ordinance.

Section 4

That the terms and provisions of this Ordinance are severable and are governed by Sec. 10.06 of the Code of Ordinances of the City of Garland, Texas.

Section 5

That this Ordinance shall be and become effective immediately upon and after its passage and approval.

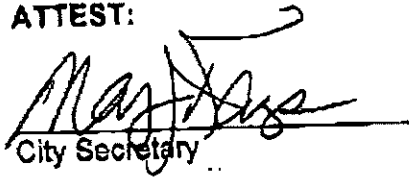
PASSED AND APPROVED this the 19th day of August, 2008.

CITY OF GARLAND, TEXAS



 Mayor

ATTEST:



 City Secretary

g/ordinances/abandoned properties final