

AN ORDINANCE OF THE CITY OF LEON VALLEY, TEXAS, CITY COUNCIL AMENDING CHAPTER 3, "BUILDING REGULATIONS," ARTICLE 3.02, "TECHNICAL AND CONSTRUCTION CODES AND STANDARDS," DIVISION 1, OF THE LEON VALLEY CODE OF ORDINANCES TO EXPAND THE VACANT BUILDING REGISTRATION PROGRAM TO ADDRESS VACANT COMMERCIAL PROPERTY; ADDING PURPOSE AND LEGISLATIVE FINDINGS; ESTABLISHING REQUIREMENTS FOR THE INSTALLATION AND MAINTENANCE OF PERIMETER FENCING AROUND VACANT COMMERCIAL PROPERTY; PROVIDING FOR EXCEPTIONS, HARDSHIP RELIEF, COMPLIANCE EXTENSIONS, AND ALTERNATIVE METHODS OF SECURING PROPERTY; PROVIDING FOR INSPECTION, APPEALS, AND ENFORCEMENT; PROVIDING AN INITIAL COMPLIANCE PERIOD; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Leon Valley, Texas ("City"), is a home-rule municipality possessing the full power of local self-government pursuant to Article XI, Section 5 of the Texas Constitution and the City's Home Rule Charter; and

WHEREAS, the City Council previously adopted regulations governing vacant commercial and industrial buildings for the purpose of protecting the health, safety, and welfare of the public and establishing standards for the registration, inspection, maintenance, and security of such properties; and

WHEREAS, the City Council finds that vacant commercial and industrial properties, including properties without occupied buildings or active lawful business uses, may create conditions conducive to unauthorized access, illegal dumping, accumulation of weeds and litter, vandalism, fire hazards, and other conditions detrimental to the health, safety, and welfare of the community; and

WHEREAS, the City Council finds that requiring vacant commercial property to be appropriately secured and maintained will assist in preventing unauthorized access and reducing potential public health and safety hazards associated with vacant property; and

WHEREAS, the City Council finds that perimeter fencing of vacant commercial property, subject to reasonable exceptions and alternative methods of securing property when appropriate, is a reasonable means of protecting the public while allowing consideration of the physical characteristics and circumstances of individual properties; and

WHEREAS, the City Council further finds that perimeter fencing should not interfere with required visibility, drainage facilities, emergency access, utilities, sidewalks, public rights-of-way, or other public health and safety requirements; and

WHEREAS, the City Council desires to amend Chapter 3, Article 3.02, Division 1 of the Leon Valley Code of Ordinances to establish standards applicable to vacant commercial property and require the installation and maintenance of perimeter fencing as more specifically provided in Exhibit “A” attached hereto; and

WHEREAS, the City Council finds that the amendments contained herein are in the best interests of the City and promote the public health, safety, and general welfare of the citizens of Leon Valley.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS, THAT:

SECTION 1. FINDINGS

The findings and recitations contained in the preamble of this Ordinance are hereby found to be true and correct and are incorporated herein for all purposes.

SECTION 2. AMENDMENT

Chapter 3, “Building Regulations,” Article 3.02, “Technical and Construction Codes and Standards,” Division 1, of the Leon Valley Code of Ordinances is hereby amended as set forth in Exhibit “A,” attached hereto and incorporated herein for all purposes.

The amendments include, but are not limited to:

1. Renaming the applicable subdivision as the “Vacant Commercial Property and Building Registration Program” and adding Section 3.02.001 stating the purpose and legislative findings;
2. Establishing and revising definitions and administrative provisions applicable to vacant commercial property and vacant buildings;
3. Revising registration, renewal, appeal, inspection, emergency response information, insurance, and vacant building plan requirements;
4. Authorizing inspection of required perimeter fencing as observable from the exterior/public right-of-way, with consent, or pursuant to a search warrant; and
5. Establishing perimeter fencing requirements together with documented hardship relief, alternative security methods, limited compliance extensions, written determinations, and City Council appeals as provided in Sections 3.02.011 and 3.02.018.

The revised Exhibit “A” incorporates the City Attorney’s amendments, including the new purpose and findings, expanded appeal procedures, inspection clarifications, emergency-signage revisions, hardship and economic-burden standards, compliance-extension authority, written relief determinations, and appeals of classification or compliance determinations.

SECTION 3. INITIAL COMPLIANCE PERIOD

Notwithstanding any other provision of this Ordinance or Exhibit "A," an owner of vacant commercial property existing on the effective date of this Ordinance shall have one hundred twenty (120) days from the effective date of this Ordinance to bring the property into compliance with the perimeter fencing requirements established herein.

Following expiration of the initial one-hundred-twenty-day compliance period, properties that become subject to the requirements of Section 3.02.018 shall comply within the time period established by that section following written notice from the Director.

SECTION 4. PURPOSE AND CONSTRUCTION

The requirements established by this Ordinance are intended to protect public health and safety, discourage unauthorized access, and promote the safe maintenance of vacant commercial property.

Nothing in this Ordinance shall be interpreted to authorize the obstruction of drainage facilities, fire lanes, emergency access, utilities, sidewalks, public rights-of-way, public or private easements, or other legally required access.

The Director may approve an alternative method of securing property, modify fencing requirements, or grant a compliance timeline extension when authorized by Section 3.02.018 and when the applicable standards, documentation, and written determination requirements of that section are satisfied.

SECTION 5. ENFORCEMENT AND PENALTIES

A violation of the provisions adopted by this Ordinance shall be enforced in accordance with the enforcement and penalty provisions applicable to Division 1 of Article 3.02 of the Leon Valley Code of Ordinances and any other remedies available to the City under applicable law.

The existing Division 1 penalty provision makes a violation an offense, treats each day or portion of a day as a separate offense, and provides for a fine not exceeding \$2,000, together with other available enforcement remedies.

SECTION 6. REPEALER

All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict. All provisions of the Code of Ordinances of the City of Leon Valley not amended or repealed by this Ordinance shall remain in full force and effect.

SECTION 7. SEVERABILITY

If any provision, section, subsection, sentence, clause, or phrase of this Ordinance, or the application thereof to any person or circumstance, is for any reason held to be unconstitutional, void, invalid, or unenforceable, the validity of the remaining portions of

this Ordinance or their application to other persons or circumstances shall not be affected thereby.

SECTION 8. SAVINGS

All rights and remedies of the City of Leon Valley are expressly saved as to any and all violations of any ordinance affecting vacant buildings or commercial property that have accrued at the time of the effective date of this Ordinance. Any pending enforcement matter shall not be affected by the adoption of this Ordinance and may be prosecuted or enforced under the ordinance in effect at the time the violation occurred.

SECTION 9. PUBLICATION

The City Secretary is hereby authorized and directed to cause publication of the descriptive caption and penalty provisions of this Ordinance as required by law and the City Charter.

SECTION 10. EFFECTIVE DATE

This Ordinance shall become effective upon passage, approval, and publication as required by law.

PASSED, ADOPTED, AND APPROVED by the City Council of the City of Leon Valley this the 1st day of September, 2026.

APPROVED


CHRIS RILEY
MAYOR

Attest:


SAUNDRA PASSAILAIGUE, TRMC
City Secretary



Approved as to Form:


ART RODRIGUEZ
City Attorney

ARTICLE 3.02 TECHNICAL AND CONSTRUCTION CODES AND STANDARDS

DIVISION 1. GENERALLY

Subdivision 3.02.001 Vacant Commercial Property and Building Registration Program

Sec. 3.02.001 Purpose

(a) Purpose. The purpose of this division is to protect the public health, safety, and welfare of the residents of the City of Leon Valley by establishing a registration, inspection, and maintenance program for vacant buildings and vacant commercial property, in order to prevent and abate the conditions of blight, fire hazard, and unauthorized access that vacant and unmaintained structures and properties commonly create.

(b) Findings. The city council finds that:

(1) Vacant buildings and vacant commercial property, when unregistered, unsecured, or improperly maintained, pose a heightened risk of fire due to the accumulation of combustible materials, lack of maintained utilities and fire suppression systems, and absence of regular occupancy that would otherwise allow for early detection of fire hazards;

(2) Vacant buildings and vacant commercial property are disproportionately subject to unauthorized entry, vagrancy, criminal activity, vandalism, and illegal dumping, creating conditions that endanger public safety and the health of the surrounding community;

(3) Unsecured or unmaintained vacant buildings and vacant commercial property contribute to the accumulation of trash, debris, standing water, and vegetation overgrowth that create breeding and living places for insects, rodents, and other vectors of disease, and otherwise threaten public health and sanitation;

(4) The deteriorating physical condition of unregistered and unmaintained vacant buildings and vacant commercial property depresses surrounding property values, discourages investment and occupancy, and contributes to the spread of blight within the city, undermining the public welfare and the city's zoning and land use objectives;

(5) A program of mandatory registration, inspection, insurance, security, and maintenance requirements — including the perimeter fencing requirements of Section 3.02.018 — is necessary and appropriate to identify vacant buildings and vacant commercial property within the city, to ensure responsible parties can be promptly contacted in the event of an emergency, and to prevent and abate the fire safety, public health, sanitation, and blight-related conditions described in this section; and

(6) The regulations established by this division govern fire safety, public health and sanitation, and the condition, use, and appearance of property within the city, within the meaning of Section 54.001(b), Texas

Local Government Code, and the penalties established in Section 3.02.005 are necessary and appropriate to secure compliance with this division and to protect the public health, safety, and welfare of the city.

(c) The city council further finds that the provisions of this division bear a rational and substantial relationship to the legitimate governmental interests described in this section, and are enacted pursuant to the city's home-rule authority and police power under Article XI, Section 5 of the Texas Constitution and Chapter 51, Texas Local Government Code, as well as the specific enforcement authority granted by Chapter 54, Texas Local Government Code.

Sec. 3.02.002 Definitions

In this section:

Building—means a structure for the support or shelter of any use or occupancy.

City—means the City of Leon Valley.

Certificate of registration—means a certificate of registration issued by the director under this chapter to the owner or operator of a vacant building.

Director—means the director of the department designated by the city manager to enforce and administer this chapter division and includes any representatives, agents, or department employees designated by the director.

Dwelling unit—means one or more rooms designated 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.

Occupied—means that one or more persons conduct business in or reside in at least 50 percent of the total area of the 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 the valid certificate of occupancy.

Owner—means a person in whom is vested the ownership or title of the real property, including but not limited to:

- (1) The holder of a fee simple title;
- (2) The holder of a life estate;
- (3) The holder of a leasehold estate for an initial term of five years or more;
- (4) The buyer in a contract for deed;
- (5) A mortgagee, receiver, executor, or trustee in control of the real property;
- (6) The named grantee in the last recorded deed; and
- (7) Not including the holder of a leasehold estate or tenancy for an initial term of less than five years.

Perimeter fence—A continuous, secure barrier not less than six feet in height, constructed of a chain link fence or wrought iron, or another durable fencing material approved by the director.

Person—means any individual, corporation, organization, partnership, association, governmental entity, or any other legal entity.

Premise or property—means a lot, plot, or parcel of land, including any structures on such land.

Registrant—means a person issued a certificate of registration for a vacant building under this division.

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 defined manner.

Vacant building—means a commercial or industrial building located within the city limits of the City of Leon Valley that, regardless of its structural condition, is not occupied or is occupied by a person without legal right of occupancy. There is a presumption of vacancy if all lawful uses in the buildings have ceased or reasonably appear to have ceased.

Vacant commercial property - means any lot, tract, parcel, or portion thereof located within a commercial or industrial zoning district, or lawfully used for a commercial, industrial, or business purpose, that contains no occupied building or active lawful business use for a continuous period of ninety (90) days.

Property shall not be considered vacant commercial property when:

1. The property is actively under construction or development pursuant to a valid City-issued permit and work is progressing in accordance with such permit;
2. The property is being actively used for an authorized temporary use approved by the City;
3. The property is owned or controlled by the City of Leon Valley or another governmental entity; or
4. The Director determines that fencing would interfere with required drainage, utilities, public access, or another public health or safety requirement.

(Ord. No. 2023-4, § 1(Exh. A, § 3.02.001.1), 2-7-2023)

Sec. 3.02.003 Authority of director

The director shall implement and enforce this division and may by written order establish such rules, regulations, or procedures, not inconsistent with this division, as the director determines are necessary to discharge any duty under or to effect the policy of this division.

(Ord. No. 2023-4, § 1(Exh. A, § 3.02.001.2), 2-7-2023)

Sec. 3.02.004 Delivery of notices

Any written notice that the director is required to give an applicant or registrant under this chapter is deemed to be delivered:

- (1) On the date the notice is hand delivered to the applicant or registrant; or
- (2) Three days after the date the notice is placed in the United States mail with proper postage and properly addressed to the applicant or registrant at the address provided for the applicant or registrant in the most recent registration application.

(Ord. No. 2023-4, § 1(Exh. A, § 3.02.001.3), 2-7-2023)

Sec. 3.02.005 Violations; penalty

- (a) A person who violates a provision of this division, or who fails to perform an act required of the person by this division, commits an offense. A person commits a separate offense each day or portion of day during which the violation is committed, permitted, or continued.
- (b) Criminal penalties:
 - (1) An offense under this division is punishable by a fine not to exceed \$2,000.00.
 - (2) An offense under this division is punishable by a fine of not less than \$500.00 for a first conviction of a violation of this division.

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- (3) The minimum fine established under subsection (b)(2) will be doubled for the second conviction of the same offense within any 24-month period and trebled for a third and subsequent convictions of the same offense within a 24-month period. At no time shall the fine exceed the maximum fine established in subsection (b)(1) above.
 - (4) As an alternative to imposing the criminal penalty prescribed in subsection (b) above, the city may impose administrative penalties, fees, and court costs as authorized by Section 54.044 of the Texas Local Government Code for an offense of this division.
 - (5) The penalties provided for in subsections (a) and (b) are in addition to any other enforcement remedies that the city may have under city ordinances and state or federal law.

(Ord. No. 2023-4, § 1(Exh. A, § 3.02.001.4), 2-7-2023)

Sec. 3.02.006 Registration and inspection of buildings

- (a) A person commits an offense if the person owns or operates a vacant building without a valid certificate of registration. A separate certificate of registration is required for each street address at which any vacant building is located, regardless of any separate occupied buildings that may also be located at the same street address. If more than one vacant building is located at the same street address, only one certificate of registration is required for all the vacant buildings.
- (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 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 being issued by the building inspector (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 building was in the process of being actively marketed and advertised for lease or for 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 offense, the building suffered damage or destruction from 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 an owner, operator, lessee, or other invitee; or
 - (5) The building was owned by the City of Leon Valley, the Northside Independent School District, the State of Texas, or the United States government is owned or controlled by the City of Leon Valley or another governmental entity.

(Ord. No. 2023-4, § 1(Exh. A, § 3.02.001.5), 2-7-2023)

Sec. 3.02.007 Registration application

- (a) To obtain a certificate of registration for a vacant building or a renewal thereof, 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. The application must contain all the following information:
 - (1) The name, street address, mailing address, and telephone number of the applicant or the applicant's authorized agent.

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- (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, apartment complex, warehouse, hotel, boarding home, group home, loft, townhome, condominium, or 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.
 - (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 this section.
 - (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 owned 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.
 - (10) The date on which the vacant building was last occupied, a description of the last use, 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 request certificate of registration should be granted.
- (b) If the application for registration is being made for multiple vacant buildings located at the same address, then the information required in subsection (a) above must be provided for each vacant building located at that address.
- (c) A registrant shall notify the director within ten days after any material change in the information contained in the application for certificate of registration for a vacant building, including any changes in the ownership of the property.

(Ord. No. 2023-4, § 1(Exh. A, § 3.02.001.6), 2-7-2023)

Sec. 3.02.008 Registration fee and inspection charge

The fees for a certificate of registration and inspections shall be as stated in Appendix A Fee Schedule. The certificate of registration will be valid for a period of one year, at which time additional inspection will be required and a new certificate of registration issued.

(Ord. No. 2023-4, § 1(Exh. A, § 3.02.001.7), 2-7-2023)

Sec. 3.02.009 Issuance, denial, and display of certificate of registration

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

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- (1) The applicant has complied with all requirements for the issuance of a certificate of registration
 - (2) The applicant has not made a false statement as to any material matter in the application;
 - (3) The applicant has no outstanding fees assessed under this division.
- (b) If the director determines that the requirements of subsection (a) have not been met, the director shall deny a certificate of registration to the applicant.
 - (c) If the director determines that the applicant should be denied a certificate of registration, the director shall deliver written notice to the applicant that the application is denied and include in the notice the reasons for such denial and a statement informing the applicant of his right to appeal the decision.
 - (d) 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 must be presented upon request to the director or to a peace officer for examination.

(Ord. No. 2023-4, § 1(Exh. A, § 3.02.001.8), 2-7-2023)

Sec. 3.02.010 Revocation of registration

- (a) The director shall revoke a certificate of registration for a vacant building if the director determines:
 - (1) The registrant failed to comply with any provision of this division 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 required fee at the time it was due.
- (b) Before revoking a certificate of registration, the director shall deliver written notice to the registrant that the certificate of registration is being considered for revocation. The notice ~~musty~~ must include the reason for the proposed revocation, action the registrant must take to prevent the revocation, and a statement that the registrant has ten days after the date of delivery to comply with the notice.
- (c) If, after ten days from the date the notice 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 to appeal.

(Ord. No. 2023-4, § 1(Exh. A, § 3.02.001.9), 2-7-2023)

Sec. 3.02.011 Appeals

- (a) If the director denies issuance or renewal or revokes a certificate of registration of a vacant building, this action is final unless the applicant or registrant files an appeal with the city council no later than ten (10) days after the date the director's decision is delivered.
- (b) An appeal under this section must be filed in writing with the city secretary and must state the grounds for the appeal.
- (c) If a timely appeal is not filed within the period established in subsection (a), the director's decision becomes final and is not subject to further administrative or judicial review.
- (d) The filing of an appeal under this section does not stay or suspend the effect of the director's decision. The denial, non-renewal, or revocation remains in effect, and the owner or operator remains subject to

all applicable requirements of this division, including registration and compliance obligations, pending the city council's determination. The city council may, in its discretion, grant a stay pending appeal upon a showing of good cause.

- (e) The city council shall consider the appeal and issue a written decision affirming, reversing, or modifying the director's action. The city council's decision is final.

(Ord. No. 2023-4, § 1(Exh. A, § 3.02.001.10), 2-7-2023)

Sec. 3.02.012 Expiration and renewal of registration

- (a) A certificate of registration for a vacant building expires the earlier of:
- (1) One year after date of issuance;
 - (2) The date the vacant building changes controlling ownership, as determined by the director;
 - (3) The date the vacant building become occupied, as determined by the director;
 - (4) The date the vacant building is demolished, as determined by the director.
- (b) A certificate of registration may be renewed by making application in accordance with section 3.02.007 and paying the registration fee and inspection charge as required by Appendix A Fee Schedule. A registrant shall apply for renewal no later than 30 days prior to the expiration of the certificate of registration.

(Ord. No. 2023-4, § 1(Exh. A, § 3.02.001.11), 2-7-2023)

Sec. 3.02.013 Nontransferability

A certificate of registration for a vacant building is nontransferable.

(Ord. No. 2023-4, § 1(Exh. A, § 3.02.001.12), 2-7-2023)

Sec. 3.02.014 Property inspections

- (a) For the purpose of ascertaining whether violations of this division or any other city ordinance or state or federal law applicable to the building exist, the director is authorized at a reasonable time to inspect:
- (1) The exterior of a vacant building
 - (2) 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
 - (3) Any perimeter fencing required by this division to determine whether the fencing is properly installed, secured, and maintained as observable from the exterior/public right-of-way, with consent, or a search warrant.
- (b) The director shall cause an inspection of the vacant building at least once during each 12-month period that the building is not occupied.
- (c) Whenever a vacant building is inspected and a violation of this division or another city ordinance or state or federal law applicable to the building 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.

(Ord. No. 2023-4, § 1(Exh. A, § 3.02.001.13), 2-7-2023)

Sec. 3.02.015 Emergency response information

- (a) An owner, operator, or other person in control of a vacant building shall provide the director with the name, street address, mailing address, and telephone number of a person or persons who can be contacted twenty-four hours per 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, flood, natural disaster, collapse hazards, burst pipe, serious police incident, or other condition that requires an emergency response to prevent harm to the property or the public.
- (b) The owner, operator, or other person in control of the vacant building shall notify the director within five days after any change in emergency ~~response~~ response information.
- (c) The owner, operator, or other person in control of a vacant building, or an authorized agent, must arrive at the premises of the vacant building within one hour after a contact person named under this section has been notified by the city or emergency response personnel that an emergency condition had 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 façade of the vacant building that faces a public right of way.
- (e) The sign required by this section must:
 - (1) Comply with the city's sign regulations;
 - (2) Be 24 inches tall and 18 inches wide and constructed of a rigid weather resistant material;
 - (3) Contain the words "Vacant Building" in a 2¾ inch high and two-inch-wide black letters on a bright yellow background, followed by the information required in this section in at least 12 point font;
 - (4) Be in a format approved by the director; and
 - (5) Be readable day and night.
- (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 under this section. It is a defense to the prosecution under this subsection that the removal or obstruction was caused by:
 - (1) A city employee in the performance of his duties
 - (2) The owner, operator, or lessee of the vacant building for the purpose of:
 - A. Repairing or maintaining the sign;
 - B. Complying with this division or a rule or regulation promulgated under this division
 - C. Removing the sign when registration of the vacant building is no longer required under this section.
- (g) A minor variation of a required minimum height or width of a sign or lettering is not a violation of this section.

(Ord. No. 2023-4, § 1(Exh. A, § 3.02.001.13), 2-7-2023)

Sec. 3.02.016 Insurance

- (a) The registrant shall procure, prior to the issuance of a certificate of registration, and keep in full force and effect at all times during the registration period, commercial general liability insurance coverage (including,

but not limited to, premise/operations and personal and advertising injury) protecting the City of Leon Valley against any and all claims for damages to persons ~~or~~ or property as a result of, or arising out of, the registrant's operation, maintenance, or use of the vacant building, with minimum combined bodily injury, including death, and property damage limits of not less than \$1,000,000.00 for each occurrence and \$2,000,000.00 annual aggregate.

- (b) The insurance policy must be written by an insurance company approved by the state of Texas and acceptable to the city and issued in a standard form approved by the Texas Department of Insurance. All provisions of the policy must be acceptable to ~~ethe~~ the city and must name the city as an additional insured and provide for 30 days written notice to the director of cancellation, non-renewal, or material change to the insurance policy.
- (c) A registrant shall provide to the director an updated certificate of insurance for the vacant building every six months that the building is required to be registered under this division.

(Ord. No. 2023-4, § 1(Exh. A, § 3.02.001.14), 2-7-2023)

Sec. 3.02.017 Vacant building plan

- (a) Within 30 days after the date a certificate of registration is ~~used~~ issued for a vacant building, the registrant shall submit to the director a vacant building plan complying with this section.
- (b) The vacant building plan must include:
 - (1) A plan of action and a time schedule for correcting all existing violations of this division or any other city ordinances or state or federal law applicable to the building or its premises.
 - (2) A plan of action for maintaining the building and its premises in compliance with this division and any other city ordinances or state or federal law.
 - (3) A plan of action for maintaining the building and a safe and secure manner, including, but not limited to, any provision for lighting, security patrols, alarm systems, fire suppression systems, and securing the building from unauthorized entry.
 - (4) A plan of action for occupying or selling the building, including, but not limited to a time schedule for renovating or repairing the building and a time schedule for marketing, advertising, or offering the building for sale or lease.
 - (5) A plan of action and time schedule for any demolition of the building.
- (c) A registrant may update the vacant building plan at any time but shall provide the director with an updated vacant building plan at least once every six months that the building is required to be registered under this division.

(Ord. No. 2023-4, § 1(Exh. A, § 3.02.001.15), 2-7-2023)

Sec. 3.02.018 Perimeter fencing of vacant commercial property.

(a) The owner of vacant commercial property shall install and continuously maintain a perimeter fence around the property in accordance with this section.

(b) The perimeter fence shall:

1. Be not less than six (6) feet in height;
2. Be constructed of chain link, wrought iron, or another durable fencing material approved by the Director;
3. Completely enclose the property except for approved points of ingress and egress;

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4. Include gates at all points of vehicular or pedestrian access;
 5. Be maintained in good repair and free from broken, missing, leaning, damaged, or unsecured sections;
 6. Be designed and maintained so as not to obstruct required visibility triangles, drainage facilities, fire department access, utilities, sidewalks, or public rights-of-way; and
 7. Comply with all other applicable City ordinances and development requirements.

(c) All gates shall remain closed and secured when the property is unattended, except as necessary to permit authorized access to the property.

(d) The owner shall maintain the area within the perimeter fence in accordance with all applicable City property maintenance, nuisance, weed, litter, and fire prevention regulations.

(e) The installation of perimeter fencing does not authorize the obstruction of any public or private easement, drainage facility, fire lane, utility facility, or required emergency access.

(f) (1) The Director may approve an alternative method of securing the property when the applicant demonstrates that strict compliance with this section is impracticable because of the physical characteristics of the property and the alternative provides an equivalent or greater level of protection against unauthorized access and threats to public health and safety.

(2) The Director may modify the fencing requirements of this section, grant a compliance timeline extension under paragraph (3), or approve an alternative security method, when the applicant demonstrates that:

(A) the reasonably estimated cost of installing a compliant perimeter fence is disproportionate to the assessed or appraised value of the property, as reflected in the most recent Bexar Appraisal District valuation or a comparable documented appraisal; or

(B) strict compliance would impose an unreasonable economic burden relative to the property's fair market value, taking into account the owner's documented financial circumstances.

In evaluating a request under this subsection, the Director shall consider whether a lower-cost alternative (including partial fencing, temporary fencing, signage, lighting, increased patrol frequency, or other security measures) would adequately protect public health and safety in light of the property's specific risk profile.

(3) Upon a showing of hardship under paragraph (2), the Director may extend the compliance period established in subsection (g), or the initial compliance period established in subsection (i), by up to an additional one hundred twenty (120) days. The Director may grant no more than one extension under this paragraph absent extraordinary circumstances documented in writing.

(4) A request for relief under this subsection must be submitted in writing to the Director and must include documentation supporting the basis for the request. The Director's determination shall be in writing and shall state the reasons for approval, denial, or conditional approval. A denial of relief under this subsection may be appealed to the city council in the same manner as an appeal under Section 3.02.011.

(g) A property owner required to install perimeter fencing under this section shall comply within sixty (60) days after written notice from the Director.

(h) A person who owns vacant commercial property and fails to install or maintain perimeter fencing as required by this section commits an offense. Each day that a violation continues after expiration of the compliance period constitutes a separate offense.

(i) Initial compliance. Notwithstanding subsection (g), an owner of vacant commercial property existing on the effective date of this ordinance shall have one hundred twenty (120) days from the effective date of the ordinance adopting this section to comply with the perimeter fencing requirements of this section. Thereafter, the compliance period provided in subsection (g) shall apply.

(j) Inspection fee. The owner of vacant commercial property subject to this section shall pay any applicable inspection or reinspection fee established in Appendix A of the Leon Valley Code of Ordinances. No additional inspection fee shall be assessed for an inspection conducted solely as part of routine code enforcement unless a reinspection is required due to the owner's failure to correct a previously identified violation.

(k) Appeal of classification or compliance determination. An owner who disputes the Director's determination that property is subject to this section, or the terms of a notice issued under subsection (g) or (i), may appeal that determination to the city council in accordance with Section 3.02.011, provided the appeal is filed within ten (10) days after delivery of the notice. The filing of an appeal under this section does not stay or suspend the effect of the director's decision. The denial, non-renewal, or revocation remains in effect, and the owner or operator remains subject to all applicable requirements of this division, pending the city council's determination. The city council may, in its discretion, grant a stay pending appeal upon a showing of good cause.