

ORDINANCE NO. 2026-01-12 (7)

AN ORDINANCE AMENDING CHAPTER 3 BUILDING REGULATIONS, ARTICLE 3.12 COMMERCIAL PROPERTIES, DIVISION 2 VACANT STRUCTURES OF THE CODE OF ORDINANCES OF THE CITY OF ROCKDALE, TEXAS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PENALTIES; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City Council ("Council") is the governing body for the City of Rockdale, Texas, and therefore, it must bear the initial responsibility for the integrity of governance; and

WHEREAS, vacant and abandoned properties harm Texas communities;

WHEREAS, there exists in Rockdale, many vacant buildings that, if left unoccupied and unmonitored, may fall into a state of disrepair, become a haven for drug activity and other crimes, may breed dumping and create blight in the area; and

WHEREAS, the regulation of vacant and abandoned structures within the City of Rockdale, (hereinafter "City") Texas is essential to the health, safety, and economic value of the community.

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

Section 1. Findings of Fact. The above and foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact. The City Council hereby further finds and determines that the rules, regulations, terms, conditions, provisions and requirements of this ordinance are reasonable and necessary to protect the public health, safety and quality of life.

Section 2. Amendment of Section 3.12 COMMERCIAL PROPERTIES, DIVISION 2 VACANT STRUCTURES. Section 3.12 COMMERCIAL PROPERTIES, DIVISION 2 VACANT STRUCTURES is hereby amended as follows:

Article 3.12 Commercial Properties

DIVISION 2

Vacant Structures

See "Exhibit A" for Vacant Structures.

Section 3. Repeal of Conflicting Ordinances. All ordinances or parts of ordinances, and sections of the City Code of Ordinances, in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict; provided, however, that all other provisions of said ordinances not in conflict herewith shall remain in full force and effect. In the event of a conflict or inconsistency between this ordinance and any other code or ordinance of the city, the terms and provision of this ordinance shall govern.

Section 4. Severability. If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, unlawful, unenforceable, or unconstitutional, the same shall not affect other provisions or applications hereof which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

Section 5. Savings Clause. All rights and remedies of the City of Rockdale are expressly saved as to any and all violations of the provisions of any ordinances affecting zoning and all other codes affected hereby including permit issuance, or vendor registration within the City which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

Section 6. Effective Date. This ordinance shall take effect immediately upon its adoption by the City Council and publication as required by the City Charter and the Texas Local Government Code.

Section 7. Open Meeting Act. It is officially found and determine that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Texas Open Meetings Act, Chapter 551, Texas Government Code.

PASSED AND APPROVED on first reading on this the December 8, 2025.

PASSED AND APPROVED on second reading on this the January 12, 2026.

ATTEST



Shanna Johnson
City Secretary

THE CITY OF ROCKDALE



Ward Roddam, Mayor

“Exhibit A”

Vacant Structures

3.12.031 Definitions.

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

Allowed use table. A table that can be found in chapter **14** zoning of the city code that sets the parameters for what uses are allowed in each zoning classification.

Building. Any enclosed structure designed for use as a habitation or for a commercial use, including engaging in trade or manufacturing.

City building official or building official. The designated building official for the city or his or her designated representative.

City council or council. The city council of the city **of Rockdale**.

City engineer. The city engineer for the city or his or her designated representative.

City manager. The chief administrative officer designated by ordinance, or his or her designated representative.

City staff. The officers, employees and agents of the city assigned and designated from time to time by the city manager and/or council, including but not limited to the city planner or city engineer, to review, comment and/or report on issues with the enforcement of this division.

Owner. The person that owns the real property on which a building is situated, according to the real property records of the **Milam** county in which the property is located; or the records of the appraisal district in which the property is located.

Secured. That all accessible means of ingress and egress to the vacant structure, including but not limited to all exterior doorways and windows are locked ~~so as~~ to prevent unauthorized entry by vagrants and criminals.

Unit. A part of a building distinctly separated from other spaces within the building. It must be directly accessible from an outer door or through an interior door in a shared hallway rather than by walking through another building space.

Vacant structure. That all lawful commercial activity at the building has ceased, or reasonably appears to have ceased, for 150 days; or the building contains more than three units (single building subdivided for multiple businesses), 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. ~~Vacant structures have a water account but is not active.~~

3.12.032 Applicability.

This division shall apply to all commercial vacant structures, which are now in existence or which may hereafter be constructed or converted from other uses and which are **within** the city limits.

3.12.033 Registration required.

(a) An owner is required to register their building as vacant when ~~they=~~property is not currently in productive use subject to the adopted allowed use table.; **This includes** including having active water and power service. A person commits an offense if the person owns a vacant building and fails to register within ninety (90) days from the date that written notice is issued by the city building official **or their designee** to the owner. Written notice shall be issued to the vacant structure owner by means of personal service, by first class mail to his/her last known address according to the **Milam** county appraisal district records or by posting on the property.

(b) Upon issuance of notice to register the vacant structure, the owner shall submit a registration application with the city building official **or their designee**. The registration application shall be submitted on forms provided by the city. The registration application shall include the following information supplied by the applicant:

- (1) The** address and legal description of the property.
- (2) Name**, mailing address, telephone number, and email address of all owners. Corporations or corporate entities shall submit the same information pertaining to their registered agent.
- (3) Name**, address, and telephone number for any third-party **agent** who the owner has entered into a contract or agreement with for property management.
- (4) Name** and address of all known lienholders, tenants, and all other parties with an ownership or possessory interest in the structure.
- (5) Name**, address, and (telephone number) of a person to contact in an emergency.
- (6) Proof** of comprehensive liability insurance for the property, of no less than \$500,000.00 for damages and personal injury, or \$100,000.00 for personal injury in any one accident and a surety bond for the value of the structure if insurance for the structure cannot be obtained. Said value shall be the appraised value as determined by the **Milam** county appraisal district. **This subsection is not applicable to single-family residential structures.** The insurance required herein shall remain in full force and effect at all times during the registration term. Such insurance

coverage shall specifically name the city as an additional insured. This insurance coverage shall cover all perils arising from the activities relative to this agreement. A registration applicant shall be responsible for any deductibles stated in the policy and shall not cause such insurance or bond to be canceled nor permit such insurance or bond to lapse. All insurance certificates shall include a clause to the effect that the policy shall not be canceled, reduced, restricted or otherwise limited until forty-five (45) days after the city has received written notice as evidenced by a return receipt of registered or certified mail.

(7) Complete a vacant building plan containing a plan of action and timeline for correcting all existing violations, maintaining the building while vacant, renovating or repairing the building, occupying or selling the building, and/or demolition of the building. The vacant building plan must be updated **annually when every six (6) months that** the building is required to be registered.

(8) Provide the number of buildings, dwelling units, swimming pools, spas, located in or on the premises of the vacant building and the total area in square feet of the building, the number of stories contained in the vacant building, the area in square feet of each story, and whether each story is above ~~below~~ or below ground level and any other information reasonably necessary for use by first responders in the event of a fire or other catastrophic event.

(9) Property owner shall post "No Trespass" signs on the property front door or window.

(10) Vacant structure owners shall provide written notice to the city building official **or their designee**, including a copy of the deed, of a change in ownership of the property and/or contact information for either the owner or the designated manager. Written notice shall be provided to the city no later than 30 days after said changes have occurred.

(c) Continued annual registration **(from the original date of vacancy)** of the property by the vacant structure owner is required until said structure is deemed occupied and in compliance with all relevant code requirements by the city building official **or their designee**.

(d) The vacant property will be reviewed biannually by the city building official and the code enforcement officer or his/her designee for compliance with section **3.12.036** of this division.

(e) The results of the review by the city building official and the code enforcement officer or his/her designee may require the owner ~~to~~ employ a structural engineer to determine the existence of structural damage.

3.12.034 Registration fees.

A vacant structure property owner shall tender an annual registration fee ~~and inspection charges~~ in the amount established in the fee schedule in appendix A of this code. ~~for all structures except single-family residential structures, plus an inspection charge in an amount established in the fee schedule in appendix A of this code.~~ Annual registration fees shall be due and postmarked no later than January 31st of each year.

3.12.035 Property manager or agent.

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

(b) The property manager or agent must be available at the number listed at all times in the event of an emergency or catastrophe. For all vacant properties, ~~except for single-family residential structures:~~ the name and telephone number of the property manager or agent must be posted at the front of the building, in large, legible print.

3.12.036 Standard of care for vacant property.

(a) The standard of care for all vacant structures shall be in accordance with the currently adopted International Building Code and any and all requirements of chapter 3 of this code and amendments thereto. Failure to maintain the vacant structure to the standard of care specified by the city is a violation of this division. ~~Neighboring businesses are encouraged to report vacant buildings/buildings in disrepair to the city code enforcement official for action.~~

(b) Commercial buildings which exhibit evidence of vacancy shall be maintained as to give the appearance of evidence of occupancy by:

(1) Maintaining the exterior of the property in good order including cleaned windows, a lit interior light at night with the view into the first floor to be easily viewed by police to maintain security on the premises, and façade materials maintained in a good

state of repair to include no peeling paint, missing mortar, and rusted metal and the like.

(2) All floor windows installed with clean solid glass and upper story windows shall have glass, secure-vue, plexi-glass, or painted half-inch plywood installed and secured within each window opening.

3.12.037 Factors not considered for exemptions.

(a) The pendency of a real, heritable tax foreclosure proceeding does not exempt the owner from payment of the vacant property registration or renewal fee. Only upon the issuance of a final judgement of foreclosure by the court will the record owner be relieved from payment the registration or renewal fee as of the day the final judgement of foreclosure is issued.

(b) The financial inability of the owner to pay the registration or renewal fee does not rise to the level of "indigent" for the consideration of an exemption.

(c) The filing of a bankruptcy petition does not relieve the owner from payment of the vacant property registration or renewal fee unless there are specific statutory guidelines that would otherwise exempt the owner from payment of the fees.

(d) No owner of a vacant property will be exempt from payment of the vacant property registration or renewal fee if the owner has past due municipal fees or if there are municipal liens on the vacant property.

3.12.038 Exemptions.

An owner or an owner's authorization agent may apply for an exemption to the registration fee on an annual basis. The city shall issue the exemption request if it is found provided herein upon a finding that the applicant has complied with all any of the below requirements for issuance of an exemption and the applicant has not made a false statement as to a material matter in the application. A fee waiver is only valid for twelve (12) months.

(1) A vacant building which has suffered fire damage or damage caused by extreme weather conditions may receive an exemption for a period of one (1) year from the date the building is registered. This exemption shall only be granted for the first year in which the severe weather event has occurred. be exempted for a period of one (1) year from the date of the from the registration fee this exemption is for the duration of one (1) year from the date of the fire or extreme weather event [sic].

(2) A property owner who is determined to be indigent by the city must register the property and is otherwise subject to this division but shall be exempt from the registration fees.

(3) A property owner who has obtained a building permit and is progressing in an expedient manner to prepare the premises for occupancy must register the property and is otherwise subject to this division but shall be exempt from the registration fees.

(4) Single-family residential structures are exempt from registration and registration fees.

3.12.039 Penalty.

Any person, firm or corporation who shall violate any of the provisions or terms of this division, or shall fail to comply therewith, or with any of the requirements thereof, within the city limits shall be deemed guilty of a misdemeanor and upon conviction shall be subjected to a fine not to exceed the sum of five hundred dollars (\$500.00) for each offense, in which event the penalty shall be fixed by state law and if deemed a violation of any provision which governs fire safety, zoning or public health or sanitation shall be punished by a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense. Each day the violation exists shall be deemed to constitute a separate offense. The penalty provided herein shall be in addition to any other enforcement remedies that the city may have under city ordinance and/or state law. Nothing herein shall preclude the city from taking administrative or civil action as may be permitted by law.

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Secured. That all accessible means of ingress and egress to the vacant structure, including but not limited to all exterior doorways and windows are locked to prevent unauthorized entry by vagrants and criminals.

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- (4) Name** and address of all known lienholders, tenants, and all other parties with an ownership or possessory interest in the structure.
- (5) Name**, address, and (telephone number) of a person to contact in an emergency.
- (6) Proof of comprehensive liability insurance** for the property, of no less than \$500,000.00 for damages and personal injury, or \$100,000.00 for personal injury in any one accident and a surety bond for the value of the structure if insurance for the structure cannot be obtained. Said value shall be the appraised value as determined by the Milam county appraisal district. The insurance required herein shall remain in full force and effect at all times during the registration term. Such insurance coverage shall specifically name the city as an additional insured. This

insurance coverage shall cover all perils arising from the activities relative to this agreement. A registration applicant shall be responsible for any deductibles stated in the policy and shall not cause such insurance or bond to be canceled nor permit such insurance or bond to lapse. All insurance certificates shall include a clause to the effect that the policy shall not be canceled, reduced, restricted or otherwise limited until forty-five (45) days after the city has received written notice as evidenced by a return receipt of registered or certified mail.

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a final judgement of foreclosure by the court will the record owner be relieved from payment the registration or renewal fee as of the day the final judgement of foreclosure is issued.

- (b)** The financial inability of the owner to pay the registration or renewal fee does not rise to the level of "indigent" for the consideration of an exemption.
- (c)** The filing of a bankruptcy petition does not relieve the owner from payment of the vacant property registration or renewal fee unless there are specific statutory guidelines that would otherwise exempt the owner from payment of the fees.
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- (1)** A vacant building which has suffered fire damage or damage caused by extreme weather conditions may receive an exemption for a period of one (1) year from the date the building is registered. This exemption shall only be granted for the first year in which the severe weather event has occurred.
- (2)** A property owner who is determined to be indigent by the city must register the property and is otherwise subject to this division but shall be exempt from the registration fees.
- (3)** A property owner who has obtained a building permit and is progressing in an expedient manner to prepare the premises for occupancy must register the property and is otherwise subject to this division but shall be exempt from the registration fees.
- (4)** Single-family residential structures are exempt from registration and registration fees.

3.12.039 Penalty.

Any person, firm or corporation who shall violate any of the provisions or terms of this division, or shall fail to comply therewith, or with any of the requirements thereof, within the city limits shall be deemed guilty of a misdemeanor and upon conviction shall be subjected to a fine not to exceed the sum of five hundred dollars (\$500.00) for each offense, in which event the penalty shall be fixed by state law and if deemed a violation of

any provision which governs fire safety, zoning or public health or sanitation shall be punished by a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense. Each day the violation exists shall be deemed to constitute a separate offense. The penalty provided herein shall be in addition to any other enforcement remedies that the city may have under city ordinance and/or state law. Nothing herein shall preclude the city from taking administrative or civil action as may be permitted by law.