

AN ORDINANCE 2017-05-04-0298

AMENDING CHAPTER 10 OF THE CITY CODE OF SAN ANTONIO, TEXAS, ENTITLED "BUILDING-RELATED CODES OF THE CITY OF SAN ANTONIO" BY ADDING PROVISIONS FOR WITHHOLDING THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY FOR A PERIOD NOT TO EXCEED ONE YEAR UPON PROOF THAT THE CERTIFICATE OF OCCUPANCY HAS BEEN REVOKED A MINIMUM OF TWO TIMES.

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WHEREAS, the Development Services Department received a city consideration request (CCR) from Councilman Warrick (Council District 2) proposing an amendment to Chapter 10 of the City Code pertaining to the issuance of a Certificate of Occupancy; and

WHEREAS, the CCR identified that business entities exploited a loophole in the law to operate legally under a validly issued Certificate of Occupancy despite repeatedly having their Certificates of Occupancy revoked; and

WHEREAS, the CCR requested that consideration be given to address this loophole by withholding the issuance of a Certificate of Occupancy to business entities previously subject to a minimum of two prior Certificate of Occupancy revocations. **NOW THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. Chapter 10, "Building-related Codes of the City of San Antonio" subsection (b) Certificate Issued, is hereby amended by adding provisions to withhold the issuance of a certificate of occupancy (C of O) for a period not to exceed one year if the C of O has been revoked at least twice before. Alterations are shown as underlined text.

Sec. 10-12. Certificate of occupancy.

(b) **Certificate Issued.** After the building official inspects the building or structure and finds no violations of the provisions of this chapter or other laws that are enforced by the department, the building official shall issue a certificate of occupancy that contains the following list. In addition, the building official is authorized to withhold the issuance of a certificate of occupancy to a person, as defined by the current International Building Code adopted by the City of San Antonio, for a period not to exceed one year if their certificate of occupancy had previously been revoked at least twice for the same use.

SECTION 2. Should any Article, Section, Part, Paragraph, Sentence, Phrase, Clause, or Word of this ordinance, or any appendix, for any reason be held illegal, inoperative, or invalid, or if any exception to or limitation upon any general provision in this Ordinance be held to be unconstitutional or invalid or ineffective, the remainder shall, nevertheless, stand effective and valid as if it had been enacted and ordained without the portion held to be unconstitutional or invalid or ineffective.

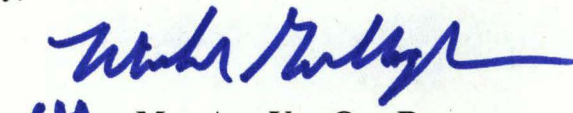
SECTION 3. There is no financial impact as a result of the passage of this Ordinance.

SECTION 4. No other provision of the City Code is amended by this Ordinance. All other provisions remain in effect.

SECTION 5. The publishers of the City Code of San Antonio are authorized to amend the City Code to reflect the changes adopted in this Ordinance, to correct typographical errors and to index, format and number paragraphs to conform to the existing City Code.

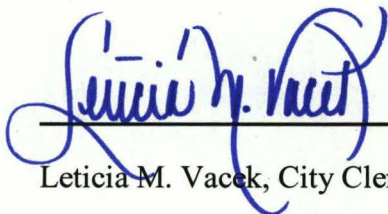
SECTION 6. This Ordinance is effective immediately upon receipt of eight affirmative votes; otherwise, it is effective 10 days after passage.

PASSED AND APPROVED this 4th day of May, 2017.


M A Y O R


Ivy Taylor

ATTEST:



Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:



Andrew Segovia, City Attorney



Agenda Item:	11						
Date:	05/04/2017						
Time:	12:23:28 PM						
Vote Type:	Motion to Approve						
Description:	An Ordinance amending Chapter 10 Building-Related Codes of the City Code of San Antonio, Texas by requiring the withholding of certificates of occupancies for one year to commercial businesses that previously had their certificates revoked at least twice. [Roderick J. Sanchez, Assistant City Manager; Michael Shannon, Interim Director, Development Services]						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Ivy R. Taylor	Mayor	x					
Roberto C. Treviño	District 1		x				x
Alan Warrick	District 2		x			x	
Rebecca Viagran	District 3		x				
Rey Saldaña	District 4		x				
Shirley Gonzales	District 5		x				
Ray Lopez	District 6		x				
Cris Medina	District 7		x				
Ron Nirenberg	District 8		x				
Joe Krier	District 9		x				
Michael Gallagher	District 10		x				



NEIGHBORHOOD PROTECTION POLICY

Presented by: Michael Shannon, P.E., CBO, Interim Director

City Council – Item 11
May 4, 2017

OVERVIEW



What

Council Consideration
Request (CCR) was
submitted on January 18,
2017



Who

Councilman Alan E. Warrick
(CD2)



Why

Amend Chapter 10 of City's
Municipal Code

BACKGROUND



Businesses with violations (bad actors) can have their C of O revoked



Can negatively affect health, safety and quality of life of surrounding neighborhoods



Clear language should be added to allow withholding C of O for 1 year to a business with history of having their C of O revoked at least twice in the past

TIMELINE



Feb. 8

Governance
Committee



Mar. 31

Building-
Related and
Fire Codes
Appeals and
Advisory Board



Apr. 17

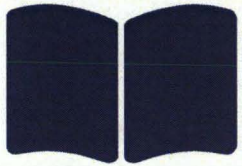
Neighborhoods
and Livability
Committee



May 4

City Council

PROPOSED

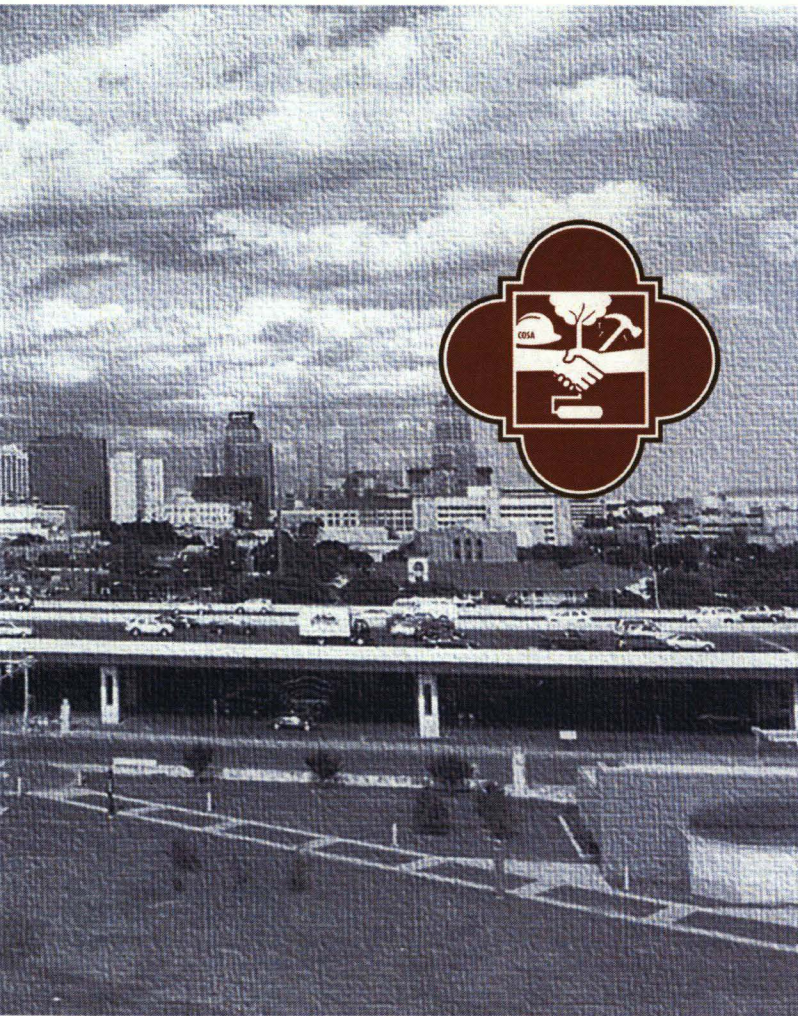


- Current code language in Ch. 10 for issuing a C of O:
 - *Section 10-12: Certificate issued.* After the building official inspects the building or structure and finds no violations of the provisions of this chapter or other laws that are enforced by the department, the building official **shall** issue a certificate of occupancy...

In addition, the building official is authorized to withhold the issuance of a certificate of occupancy to persons, as defined by the current International Building Code adopted by the City of San Antonio, for a period not to exceed one year if their certificate of occupancy had previously been revoked at least twice.

STAFF RECOMMENDATION

- 1** Approval to amend Chapter 10 as proposed
- 2** No fiscal impact to the City



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