

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 7 “BUILDINGS”, ARTICLE IV “MINIMUM BUILDING STANDARDS CODE”, OF THE CODE OF THE CITY OF FORT WORTH, TEXAS (2015), AS AMENDED, BY AMENDING SECTION 7-109 “PRESERVATION OF HISTORIC PROPERTIES” TO CLARIFY THE TYPE OF HISTORIC PROPERTIES SUBJECT TO THIS SECTION; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL PRIOR ORDINANCES AND REPEAL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR A PENALTY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER OF THE CITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Fort Worth ("City Council") seeks to improve the ability of the Code Compliance Department to obtain timely compliance with the minimum building standards code and ordinances related to public nuisances, health, safety and welfare, and to ensure the timely and efficient abatement of nuisance structure conditions;

WHEREAS, the purpose of Section 7-109 of the City Code is to provide additional authority for the Historic and Cultural Landmarks Commission to preserve substandard buildings as historic properties by determining whether the buildings can be reasonably rehabilitated to remain as a property contributing to the City of Fort Worth’s historic heritage;

WHEREAS, the Secretary of the Interior’s Standards for the Treatment of Historic Properties and the Historic Preservation Ordinance are to be applied in the consideration of applications affecting historic properties within the City of Fort Worth;

WHEREAS, the rehabilitation of historic properties involves the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features that convey its historical, cultural, or architectural values;

WHEREAS, non-contributing historic properties are defined in the Historic Preservation Ordinance as a building, site, structure, or object that does not add to the historic significance of a designated historic property and, therefore, does not possess historical, cultural, or architectural values;

WHEREAS, a building, site, structure, or object that does not possess historical, cultural, or architectural values cannot be rehabilitated as defined by both the Secretary of the Interior’s Standards for the Treatment of Historic Properties and the Historic Preservation Ordinance;

WHEREAS, because non-contributing historic properties cannot be rehabilitated as required in Section 7-109 of the City, it is necessary to except such properties from consideration thereunder;

WHEREAS, non-contributing historic properties will still require a certificate of appropriateness from the Historic Preservation Officer for any applications requesting demolition in accordance with the processes and procedures set forth the Historic Preservation Ordinance for demolition requests by an applicant other than the City of Fort Worth;

WHEREAS, this will result in a timelier and more efficient process for the abatement of nuisance structure conditions as it will allow for a more streamlined approach for reviewing and authorizing demolition of non-contributing historic structures with the continued oversight expertise of the Historic Preservation Officer; and

WHEREAS, the City Council desires to amend Section 7-109 of the City Code to except non-contributing historic properties from following the processes and procedures set forth therein in favor of the process set out in the Historic Preservation Ordinance for demolition requests by an applicant other than the City of Fort Worth.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS:

SECTION 1.

That the Code of the City of Fort Worth, Texas (2015), as amended, is hereby amended by amending Chapter 7 “Buildings”, Article IV “Minimum Building Standards”, Division 4 “Administrative and Civil Remedies”, Section 7-109 “Preservation of Historic Properties”, to revise subsection (a) and add a new subsection (i) to read as follows:

§ 7-109 PRESERVATION OF HISTORIC PROPERTIES.

(a) Prior to the issuance of notice for a hearing under § 7-102 or § 7-102A of this article, a hearing ~~shall~~ will be conducted before the Historic and Cultural Landmarks Commission of the City of Fort Worth if the building or structure ~~which~~ that is the subject of the hearing ~~is~~:

(1) Meets either (a) or (b) and also (c) below.

(a) ~~(1)~~ Individually ~~D~~designated or pending designation as:

- a. Highly significant endangered ~~property~~;
- b. Historic and cultural landmark; or
- c. Demolition delay.

(b) ~~(2)~~ A contributing historic property ~~L~~located in an area designated or pending designation as an historic and cultural landmarks district.

(c) ~~(3)~~ Is not a single-family dwelling occupied by the owner.

....

(i) In determining whether to issue a certificate of appropriateness for the demolition of a non-

contributing historic property, the City must follow the processes and procedures set forth in the Historic Preservation Ordinance for demolition requests by an applicant other than the City.

SECTION 2.

This ordinance shall be cumulative of all provisions of ordinances of the Code of the City of Fort Worth, Texas, (2015), as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event conflicting provisions of such ordinances and such Code are hereby repealed.

SECTION 3.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and, if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 4.

All rights and remedies of the City of Fort Worth, Texas, are expressly saved as to any and all violations of the provisions of the Code of the City of Fort Worth, or any other ordinances of the City, that 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 5.

Any person, firm, or corporation who knowingly, intentionally, or recklessly violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined an amount not exceeding two thousand dollars (\$2,000) for each offense. Each day that a violation exists shall constitute a separate offense.

SECTION 6.

The City Secretary of the City of Fort Worth, Texas is hereby directed to publish the caption, penalty clause and effective date of this ordinance for two (2) days in the official newspaper of the City of Fort Worth, Texas, as authorized by Texas Local Government Code Section 52.013.

SECTION 7.

All other provisions of the Code of the City of Fort Worth, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 8.

This ordinance shall take effect upon adoption and publication as required by law, and it is so ordained.

APPROVED AS TO FORM AND LEGALITY:

ATTEST:

Tyler F. Wallach
Assistant City Attorney

Mary J. Kayser
City Secretary

Date: _____

ADOPTED: _____

EFFECTIVE: _____