

ORDINANCE NO. 2016- 06

**AN ORDINANCE OF THE CITY OF UVALDE, TEXAS
APPROVING, ADOPTING AND AMENDING CHAPTER
3 OF THE UVALDE MUNICIPAL CODE FOR REVENUE AND
FINANCE CHAPTER 3.16.030 EXEMPTION FOR HISTORIC
STRUCTURES**

WHEREAS, Article VIII, Section 1-f of the Texas Constitution permitted the legislature of the State of Texas to provide for the preservation of historical resources by authorizing political subdivisions to grant exemptions or other relief from ad valorem taxes on appropriate property; and

WHEREAS, in response to such Constitutional authorization, the Legislature enacted Section 11.24 of the Tax Code allowing the governing body of a taxing unit to exempt part or all of the assessed value of a historic structure or a structure designated as a historically significant site in need of tax relief to encourage its preservation, together with the land necessary for access to and use of the structure; and

WHEREAS, the City Council finds that tax relief is needed to encourage the preservation of historic structures within the City; and

WHEREAS, the City Council of the City of Uvalde has adopted an ordinance providing for the designation of historic sites by the City Council; and

WHEREAS, pursuant to Section 11.24 of the Tax Code, the City Council of the City of Uvalde adopted Section 3.16.030 of the Code of Ordinances to provide tax relief in the form of an ad valorem tax exemption for certain historic structures; **NOW THEREFORE**,

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

Section 1. Adoption of Findings of Fact. The findings and recitations set out in this Ordinance are found to be true and correct and they are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

Section 2. Amendment of Chapter 3.16.030 Exemption for historic structures.

Replace Section 3.16.030 with the following:

3.16.030 - Exemption for historic structures.

- A. *Granting of Exemptions.* The city council shall, by ordinance, approve for partial exemption from ad valorem taxes certain historically significant structures in need of tax relief to encourage their preservation. Historic structures approved for exemption by ordinance pursuant to the provisions of this subsection shall have an exemption of 25 percent of the

assessed value of the structure. These exemptions may be applied to both residential and commercial property.

- B. *Application.* To be eligible for the historic exemption of appraised tax value, the owner of the historic property must make application annually prior to the 31st day of January to the City of Uvalde. Applicants must meet the requirements of subsection C and D of this section concerning the historic significance, preservation and maintenance of the historic structure. The application shall affirmatively set forth the owner's authorization for development department staff to visit and inspect the historic property, as well as examine the records necessary to certify whether or not the property qualifies based upon the criteria of this section.
- C. *Historic Significance.* Historically significant property shall be determined to be any structure designated by:
 - (1) National Park Service (National Register of Historic Places)
 - (2) Texas Historical Commission (Recorded Texas Historic Landmark)
 - (3) Historic Preservation Board (Local Landmark)
- D. *Preservation and maintenance.* The following items shall be used in determining whether a historic site has been maintained in accordance with minimum property, structural and health standards:
 - (1) Paint or other coatings shall be applied at reasonable intervals so as to protect exterior surfaces of a structure which are subject to decay;
 - (2) Screens and shutters shall be maintained in good repair;
 - (3) Broken windows shall be repaired or replaced;
 - (4) Exterior doors and doorways shall be maintained in good repair and operable condition;
 - (5) Skirting around the structure shall be maintained in good repair;
 - (6) Porch flooring and supports shall be maintained in a sound condition, capable of bearing an imposed load safely;
 - (7) Railings and handrails of exterior stairs, steps, balconies, porches and other exterior features shall be maintained in a sound condition so as to afford safety;
 - (8) Rotted exterior wood shall be replaced and repainted;
 - (9) Broken or partially missing gutters or downspouts shall be replaced or repaired;
 - (10) Loose bricks or stones in the exterior of a structure shall be re-established or replaced and all joints weatherproofed by proper maintenance of appropriate materials;
 - (11) The property shall be kept in conformance with all city codes.
- E. *Procedure.* Upon receipt of the sworn application, an inspection of the historic structure shall be made by development department staff and historic designations shall be verified. Upon receipt of recommendation by development staff, the city council shall hold a public hearing at which parties in interest and citizens shall have the opportunity to be heard. At least 15 days prior notice of the time and place of such hearing shall be afforded the applicants by regular mail. The city council shall be at liberty to either: accept, reject, or take other action upon the

recommendation of development staff. The city council shall enact an ordinance no later than April 15th which names the properties approved for tax exemption.

Section 3. Conflicting Ordinances. All ordinances or parts thereof conflicting or inconsistent with the provisions of this Ordinance as adopted herein, are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between this Ordinance and any other code or ordinance of the City, the terms and provisions of this Ordinance shall govern.

Section 4. Savings Clause. All rights and remedies of the City of Uvalde are expressly saved as to any and all violations of the provisions of any ordinances affecting zoning 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 5. Effective Date. This Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Tex. Loc. Gov't. Code and the City Charter.

Section 6. Severability. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity 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 of this Ordinance of any such invalid phrase, clause, sentence, paragraph or section. If any provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision, and to this end the provisions of this Ordinance are declared to be severable.

Section 7. Open Meetings. It is hereby officially found and determined 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 Open Meetings Act.


PASSED AND APPROVED on the 10 day of May, 2016.

ATTEST:



Sorayda Sanchez, City Secretary

CITY OF UVALDE, TEXAS



Don McLaughlin, Mayor