



CITY COUNCIL WORKSHOP CITY OF BAY CITY

Tuesday, March 24, 2026 at 4:30 PM
COUNCIL CHAMBERS | 1901 5th Street

COUNCIL MEMBERS

Mayor: Robert K. Nelson

Mayor Pro Tem: Jim Folse

Council Members: Benjamin Flores, Jim Folse, Bradley Westmoreland, Susan Reardon, Blayne Finlay

Vision Statement

We envision Bay City as a thriving, family-centered community where our citizens can live, work, worship, and play, while welcoming visitors to experience our beautiful environment and diverse culture.

AGENDA

THE FOLLOWING ITEM WILL BE ADDRESSED AT THIS OR ANY OTHER MEETING OF THE CITY COUNCIL UPON THE REQUEST OF THE MAYOR, ANY MEMBER(S) OF COUNCIL AND/OR THE CITY ATTORNEY:

ANNOUNCEMENT BY THE MAYOR THAT COUNCIL WILL RETIRE INTO CLOSED SESSION FOR CONSULTATION WITH CITY ATTORNEY ON MATTERS IN WHICH THE DUTY OF THE ATTORNEY TO THE CITY COUNCIL UNDER THE TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT OF THE STATE BAR OF TEXAS CLEARLY CONFLICTS WITH THE OPEN MEETINGS ACT (TITLE 5, CHAPTER 551, SECTION 551.071(2) OF THE TEXAS GOVERNMENT CODE).

CALL TO ORDER AND CERTIFICATION OF QUORUM

PUBLIC COMMENTS

REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND/OR APPROVAL

1. **Review and discuss Chapter 22 "Buildings and Building Regulations" Article XI "Vacant Buildings and Property" of the Code of Ordinance and take any action deemed necessary.** Krystal Mason, Assistant Public Works Director
2. **Review ordinances related to Planning Commission and Variance Committee functions.**

ITEMS / COMMENTS FROM THE MAYOR, COUNCIL MEMBERS AND CITY MANAGER

ADJOURNMENT

AGENDA NOTICES:

Attendance By Other Elected or Appointed Officials: It is anticipated that members of other city board, commissions and/or committees may attend the meeting in numbers that may constitute a quorum of the other city boards, commissions and/or committees. Notice is hereby given that the meeting, to the extent required by law, is also noticed as a meeting of the other boards, commissions and/or committees of the City, whose members may be in attendance. The members of the boards, commissions and/or committees may participate in discussions on the same items listed on the agenda, which occur at the meeting, but no action will be taken by such in attendance unless such item and action is specifically provided for on an agenda for that board, commission or

committee subject to the Texas Open Meetings Act.

CERTIFICATION OF POSTING

This is to certify that the above notice of a Regular Called Council Meeting was posted on the front window of the City Hall of the City of Bay City, Texas on **March 18, 2026 before 4:30 p.m.** Any questions concerning the above items, please contact the Mayor and City Manager's office at (979) 245-2137.

ARTICLE XI. VACANT BUILDINGS AND PROPERTY

Sec. 22-520. Purpose, applicability, and scope.

Purpose. The City of Bay City focuses on the revitalization of the city through marketing, promotions, events and historic preservation. As such, the city council finds that:

- (a) Buildings that are vacant and unsecured and/or not properly maintained are a blight and cause deterioration and preservation and financial instability in the city.
- (b) Buildings that are vacant and unsecured and/or not properly maintained are declared to be public nuisances and pose serious threats to the public's health and safety.
- (c) Buildings that are vacant and unsecured and/or not properly maintained are vulnerable to being set on fire.
- (d) Buildings that are vacant and unsecured and/or not properly maintained attract vagrants, gang members and criminals as prime locations to conduct illegal criminal activities.
- (e) Abatement and/or rehabilitation of buildings that are vacant and unsecured and/or not properly maintained is necessary.

Applicability. This article shall apply to all vacant buildings within the [Downtown Core sub-district of the Regulating Plan in Sec. 99-3 city limits](#) which are now in existence, or which may hereafter be constructed or converted from other uses.

Scope. This article shall not apply to a vacant building that has a valid open building permit for construction, remodeling or repair; is being actively marketed for sale or lease for a period of less than six consecutive months following the date the building became a vacant building by a licensed real estate broker or an owner is regularly advertising the property for sale; is under contract for sale or lease for a period of less than six months following the date that the building became a vacant building.

(Ord. No. 1740, § 2 (Exh. A), 11-12-2024; Ord. No. 1748, § 2 (Exh. A), 3-25-2025)

Sec. 22-521. Definitions.

Unless otherwise expressly stated, the following words, terms, and phrases, when used in this article, have the meanings ascribed to them in this section, unless the context of their usage clearly indicates a different meaning: The word "shall" is mandatory; the word "may" is permissive. All public officials, bodies, and agencies to which reference is made are those of the city, unless otherwise indicated.

Administrator means the city's city manager or his/her designee.

Board, when used as a verb, means to cover an opening with lumber, wood panels or other material.

Boarded building means a building on which any opening to the outside is covered with lumber, wood panels, or other materials.

Building means any structure used or intended for supporting or sheltering any use or occupancy to which this article applies, and includes an enclosed building, open building, and partially open building.

Commercial means any privately owned place of business operated for a profit to which the public is invited, including, but not limited to any place of amusement or entertainment and includes all adjacent parking areas under the control of the owner of the establishment.

Historical means any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The standards and guidelines can be applied to historic properties of all types, materials, construction, sizes, and use. They include both the exterior and the interior and extend to a property's landscape features, site, environment, as well as related new construction. To promote and protect the preservation of historic buildings and homes the City of Bay City requires a certificate of appropriateness to all historic structures prior to all work. This certificate approves work done on buildings within the historic district. Everything that can be seen from outside the house, including windows, doors, paint colors, materials, rooflines, gutters, fences, and yards must receive a COA confirming that it is appropriate and acceptable.

Owner means the owner of record in the county where the real property is situated; anyone identified as the owner on a registration form; the holder of an unrecorded contract for deed; a mortgagee or vendee in possession; a mortgagor or vendor in possession; and an assignee of rents, receiver, executor, trustee, lessee, or other person in possession or with the right to control of the premises or a portion of the premises. Any person who is included in this definition as an owner has joint and several obligations for compliance with the provisions of this article. A tenant who does not have the right of possession or control of a portion of the building that is unoccupied is not an owner for the purposes of this article.

Properly maintained means taking measures to:

- (a) Prevent the physical deterioration of the building;
- (b) Prevent a decline in the appearance of the building, including keeping painted surfaces with a secure and intact coating and preserving signage without physical deterioration;
- (c) Keep a building in a clean, safe, secure, and sanitary condition, compliant with all applicable codes; and
- (d) Prevent the building from becoming an attractive nuisance.

Residential use means the primary use of property is limited to one of the following:

- (a) Apartment means a room or a group of related rooms, among similar sets in one building, designed for use as a dwelling; or a multi-family building type that is comprised of three or more dwelling units, each having an entrance to a hallway, stairway, or balcony in common with at least one other dwelling unit. Apartments may be leased, rented, or owned in a condominium style of ownership;
- (b) Attached single-family dwelling;
- (c) Detached single-family dwelling; or
- (d) Duplex means a single-family attached building which contains two dwelling units, each of which is totally separated from the other by:
 - (1) An unpierced wall extending from foundation to roof ("side-by-side" duplex); or
 - (2) A ceiling/floor that extends from exterior wall to exterior wall, pierced only by a stairway that is not in side of either dwelling unit ("over-under" duplex).

Secure means to take measures to ensure that the building is weatherproof and water-tight and that the interior of the building cannot be accessed by:

- (a) Unauthorized persons; or
- (b) Birds, rodents or other animals through broken windows or other openings in the structure.

Secured by normal measures means the use of structural components of a building, including fixtures, such as doors, unbroken windows, locks, latches, electronic security systems, storm shutters, and security shutters which were installed while the building was constructed or added to the building while the building was occupied and being used for lawful purposes.

Secured by other than normal measures means a building secured by means other than those used in the design of a building or that are normally installed and utilized while a building is occupied and being used for lawful purposes. The term includes boarding any window or door opening.

Unoccupied means not being used for a lawful occupancy.

Vacant building means a building that is any of the following:

- (a) Occupied by an unauthorized person[s] and unsecured;
- (b) Unoccupied and unsecured;
- (c) Unoccupied;
- (d) Unoccupied and utilities have not been provided to the building space for a continuous period of time over six months; or
- (e) Unoccupied and has had two or more violations of property maintenance ordinances within the previous 12-month period.

(Ord. No. 1740, § 2 (Exh. A), 11-12-2024)

Sec. 22-522. Notice of vacant building; procedures.

- (a) Upon reasonable observation or upon receipt of a complaint about a building that may be a vacant building, the administrator may cause an inspection of the property in order to determine if the building should be classified as a vacant building.
- (b) If the administrator determines that a building or a portion of a building is classified as a vacant building under this article, the administrator shall make a diligent effort to contact the owner or an agent of the owner, identified by any sign posted on the property or as identified in Matagorda real property or appraisal district records, or by City of Bay City tax or utility records by telephone or electronic written communication and advise the owner or agent that the building has been identified as a vacant building and that the following measures need to be taken:
 - (1) File a completed vacant building registration, pursuant to section 22-523 of this article within 14 days from the date of notification;
 - (2) Pay the registration fee, required by section 22-524 within 14 days from the date of notification;
 - (3) If the building is not secure and would allow for unauthorized persons to enter, take immediate measures to secure the building.
- (c) If the administrator determines that a building or a portion of a building is classified as a vacant building under this article, the administrator shall mail a notice by certified mail, return receipt requested, to the owner or agent identified in subsection (b) which advises that the following measures need to be taken by the owner:
 - (1) If not yet filed, file a completed vacant building registration, pursuant to section 22-523 of this article within 14 days from the date of the notice;
 - (2) If not yet paid, pay the registration fee required by section 22-524 within 14 days from the date of the notice;

-
- (3) File a written plan to remediate maintenance items, if identified, and advise on lease or sale proceedings with the administrator within 30 days from the date of the notice;
 - (4) Secure the building temporarily by normal or other than normal measures within 14 days from the date of the notice given pursuant to section 22-522 and, for areas visible from the roadway, by normal measures within 90 days from date of the notice given, in accordance with the design standards set forth in section 22-527(b)(1).
 - (d) If code violations were identified, the administrator shall include a statement in the notice advising the owner or agent of the code violations and to expect an additional notice and requirements specific to the code violations.
 - (e) Contents of the notice. The administrator shall include information on any known financial grant opportunities with the notice.
 - (f) The administrator shall post a vacant building placard on the building nearest to the entrance.
 - (g) The notice under section 22-522 must comply with the applicable requirements of the V.T.C.A., Local Government Code 54.005.
 - (h) The administrator may issue a citation or file a complaint in municipal court for any violations of this article.
 - (i) If the owner disputes the administrator's determination that the building should be classified as a vacant building under this article, the owner shall file a written notice of appeal with the administrator within 15 days from the date of the notice provided in this section. The administrator shall schedule a hearing before the city council to determine whether the building should be classified as a vacant building. The appeal shall be placed on the city council's first available agenda. The city council shall hear the appeal in open session and shall render a decision at the conclusion of the hearing. Said decision shall be final.

Exceptions:

Upon an owner's written request to the administrator for an exception to the registration fee requirement, and a finding by the administrator that a vacant structure qualifies as described below, the following shall be exceptions from the registration fee requirements of this chapter:

1. A vacant structure that has a city building permit issued for remodel/repair, which complies with the City of Bay City, as follows:
 - a. If the work described in any building permit has not begun within 90 days from the date of issuance, the building permit shall expire and be canceled by the building official. Written notice shall be given to the persons affected.
 - b. If the work described in any building permit has not been substantially completed within one year of the date of issuance, the building permit shall expire and be canceled by the building official. Written notice shall be given to the persons affected, together with notice that further work as described in the canceled permit shall not proceed unless and until a special building permit has been obtained.
2. A vacant structure that is being actively marketed for sale or lease for less than 12 months by a licensed real estate broker or an owner who is regularly advertising the property; or
3. A vacant structure that is under a contract for sale or lease for less than 12 months.

-
4. An owner of a vacant structure that has voluntarily registered the structure prior to the issuance of any notice, consistently provides updated information and has no more than one (1) non-complied property maintenance violations within a 12-month period.

(Ord. No. 1740, § 2 (Exh. A), 11-12-2024; Ord. No. 1748, § 2 (Exh. A), 3-25-2025)

Sec. 22-523. Registration.

The owner of a vacant building, or a vacant portion of the building, shall register with the administrator, in accordance with this subsection, no later than 14 days after the owner receives written notice under section 22-522. The registration must be verified under a notary public, shall be on a form prescribed by the administrator, and shall at a minimum contain the following information:

- (a) A description of the premises, including its address and legal description;
- (b) The names, addresses, and telephone numbers of all owners with a right of control over the property;
- (c) If the owner does not reside within Matagorda County, the owner shall designate an agent who resides within Matagorda County;
- (d) If owner designates an agent with the authority to independently act on the owner's behalf to repair or maintain the property, the contract, notarized affidavit or power of attorney reflecting such authority and the ability for the agent to receive and accept notices from the city on behalf of the owner shall be submitted;
- (e) The name, address, and telephone number of the owner's property manager or agent, and whether the property manager or agent has the authority to independently act on the owner's behalf to repair or maintain the property;
- (f) The name, address, and telephone number of the owner's property manager or agent authorized to respond to any emergency or alleged violation relating to the vacant building;
- (g) Identify a time frame the building will remain vacant and a plan for maintenance of the building during the period of vacancy with certification from the administrator that the building is compliant with all applicable codes;
- (h) Measures the owner will employ to secure the building, which may include one or more of the methods as required pursuant to the design guidelines, under subsections 22-527(b)(1), (2), (3);
- (i) Administrator's action on registration. The registration submitted by the owner must be approved by the administrator as being complete and sufficient to secure the vacant building;
- (j) Term. A registration is valid for one year from (12 months) from the month of registration, which will also apply if the ownership of the vacant building changes; new registration required;
- (k) Annual registrations. The owner of a vacant building shall be required to annually register until such time as the building is returned to an authorized occupancy. The annual registration must be verified under a notary public, shall be on a form prescribed by the administrator and contain a certification from the owner that the information on file with the administrator is true and correct.
- (l) Change in ownership. The owner of a registered vacant building shall be required to disclose to any buyer that the property is under registration with the city as a vacant building. The owner shall also disclose the requirement for the buyer to advise the administrator of a proposed development plan within 90 days of closing.

- (m) Updates. If a change other than described in subsection (e) of this section occurs during the period that a registration is otherwise valid, the owner shall be required to update the information with the city secretary in writing within 14 days of the change.

(Ord. No. 1740, § 2 (Exh. A), 11-12-2024; Ord. No. 1748, § 2 (Exh. A), 3-25-2025)

Sec. 22-524. Fees.

The owner of each vacant building shall pay to the administrator a vacant building registration fee in accordance with the below referenced chart:

- (a) *Annual registration fee.* \$250.00 for commercial, \$100.00 for historical, and \$50.00 for residential To be paid on the date of registration of the vacant building and shall extend for one year from the month of registration. The registration fee shall be paid annually each year thereafter for as long as the registration remains valid.
- (b) *Annual inspection fee.* The administrator shall assess an inspection fee of \$50.00 for inspections of a vacant building against the owner of the vacant building. This fee will be charged annually for inspections associated with registration and thereafter as inspections are warranted in accordance with this article.
- (c) *Late payment charge.* Any fee required by subsections (a) or (b) of this section, which is not timely received by the administrator, shall be assessed an additional fee of:
 - (1) Late registration fee if the annual registration fee is not paid on the date of registration of the vacant building or by 15th of the month of registration each year thereafter during such time as said registration is valid: \$50.00.
 - (2) Late inspection fee if inspection fee is not paid on the date of registration of the vacant building or by 15th of the month of registration each year thereafter during such time as said registration is valid: \$50.00.

(Ord. No. 1740, § 2 (Exh. A), 11-12-2024; Ord. No. 1748, § 2 (Exh. A), 3-25-2025)

Sec. 22-525. Inspections.

- (a) The administrator shall provide for the building inspection and coordinate a fire marshal, code enforcement, and building inspector's inspection of each registered vacant building at the time of registration and in accordance with the schedule set forth below. The number of years a building has been vacant shall be measured starting on the effective date of the ordinance codified in this section.

Vacant Building Inspections	
Years Vacant	Frequency
1—3	Annually
4—6	Bi-Annually
7 +	Quarterly

- (b) In addition to the inspection referenced in subsection (a) of this section, if there is probable cause to believe that a code violation may be present in the vacant building or on the premises where the vacant building is located, the administrator shall provide for an additional fire marshal, code enforcement officer, and/or building inspector's inspection of the vacant building and/or premises.
- (c) All inspections shall be conducted to determine compliance with this article and all applicable codes.

-
- (d) The results of the inspection shall be provided to the owner of the vacant building and the person designated by the owner to facilitate a response to any emergency or alleged violation related to the vacant building.

(Ord. No. 1740, § 2 (Exh. A), 11-12-2024; Ord. No. 1748, § 2 (Exh. A), 3-25-2025)

Sec. 22-526. Standards.

Maintenance of vacant building and premises:

- (a) *Compliance with applicable laws.* Any repairs, improvements, or alterations to the vacant building or on the property must comply with all applicable laws, codes, and regulations, and as further defined under section 22-521, property maintenance ordinances.
- (b) *Duty to clean.*
- (1) The owner of a vacant building shall remove any garbage and/or rubbish from the interior of the building.
 - (2) The owner of a vacant building shall remove any garbage, rubbish, high weeds and/or brush from the premises on which the vacant building is located.
 - (3) The owner shall keep the premises on which the vacant building is located properly maintained until the building is returned to an authorized occupancy or demolished.
- (c) *Duty to secure.*
- (1) The owner of a vacant building shall lock or secure all doors, windows, and other openings to the vacant building.
 - (2) The owner shall keep a vacant building secured, safe, and properly maintained.
 - (3) If securing a vacant building by normal measures fails to keep the vacant building secure, the owner must use other than normal measures to secure the building, including boarding the vacant building in accordance with the design guidelines, under section 22-527 (b)(1), (2), (3).
 - (4) Failure of the owner to maintain a vacant building in a secured condition, which failure results in abatement by the city, is subject to lien placement and/or any applicable penalties.
- (d) *Duty to remove or repair.* The owner of a vacant building shall promptly remove or repair any element of the building or on the premises that is in a condition of decay or partial ruin by reason of neglect, misuse, or deterioration.

(Ord. No. 1740, § 2 (Exh. A), 11-12-2024; Ord. No. 1748, § 2 (Exh. A), 3-25-2025)

Sec. 22-527. Standards for boarding a vacant building.

- (a) The owner shall take measures to secure the building temporarily by normal or other than normal measures within 14 days from receipt of the notice given pursuant to section 22-522 of this section, in accordance with the following:
- (1) All unsecured doorways, windows, or other exterior openings must be covered by exterior grade wooden structural panels or other means as approved in writing by the administrator in order to ensure that such doorways, windows and other exterior openings are secured and not easily penetrated.
 - (2) The materials used to secure the building shall be:

-
- a. Flat, square, and level; and
 - b. In a manner accepted as good workmanship.

The administrator has the sole discretion to determine if the work was performed in a manner that meets the requirements and intent of this Code.

- (3) All exterior materials used to board a vacant building must be painted or coated the same color that is the predominant color of the building.
 - (4) All broken glass and any other loose material must be removed from the opening before the covering systems are installed.
 - (5) Exterior access to floor areas above the first floor, such as fire escapes and ladders, must also be secured.
 - (6) Fascia signs, overhanging signs, roof signs, and all other appurtenances, such as sun visors or awnings must be removed if they are in a dangerous condition or could create such a condition.
 - (7) All loose or defective materials, trim, or structural elements on the exterior of the building must be removed.
 - (8) Any condition which may become a hazard or danger to the public must be corrected.
- (b) The owner shall secure the building by normal measures for areas visible from the street within 90 days from receipt of the notice as described, in part, below:
 - (1) Historical: existing doors, windows, and awnings as prescribed in the certificate of appropriateness.
 - (2) Commercial: normal commercial doors, windows, and awnings.
 - (3) Residential: normal residential doors, windows, and awnings.

(Ord. No. 1740, § 2 (Exh. A), 11-12-2024; Ord. No. 1748, § 2 (Exh. A), 3-25-2025)

Sec. 22-528. Abatement notice and order to abate.

- (a) Upon finding a violation of this article, the administrator shall serve, in person or by certified mail, return receipt requested, a written notice and order to abate upon the owner.
- (b) The notice must advise the owner of the violation and comply with the requirements of V.T.C.A., Local Government Code § 54.005.
- (c) If the owner fails to abate the violation within the period stated in the notice or within any additional time as the administrator may grant, the administrator may, without further notice, enter upon the property and abate the violation. The owner is liable for the costs incurred by the city to secure the premises and to abate the violation, including any administrative expenses, materials, and labor.

(Ord. No. 1740, § 2 (Exh. A), 11-12-2024 Ord. No. 1748, § 2 (Exh. A), 3-25-2025)

Sec. 22-529. Notice of costs incurred by city; lien.

- (a) The administrator shall mail a notice to the owner and lienholder of the property upon which the nuisance has been abated of the costs incurred or expended by the city to abate the nuisance.
- (b) The notice must advise the owner and lienholder that the city proposes to assess its costs against the property and place a lien on the property to collect the costs incurred by the city.

(c) The administrator shall file a lien against the property for the city's costs.

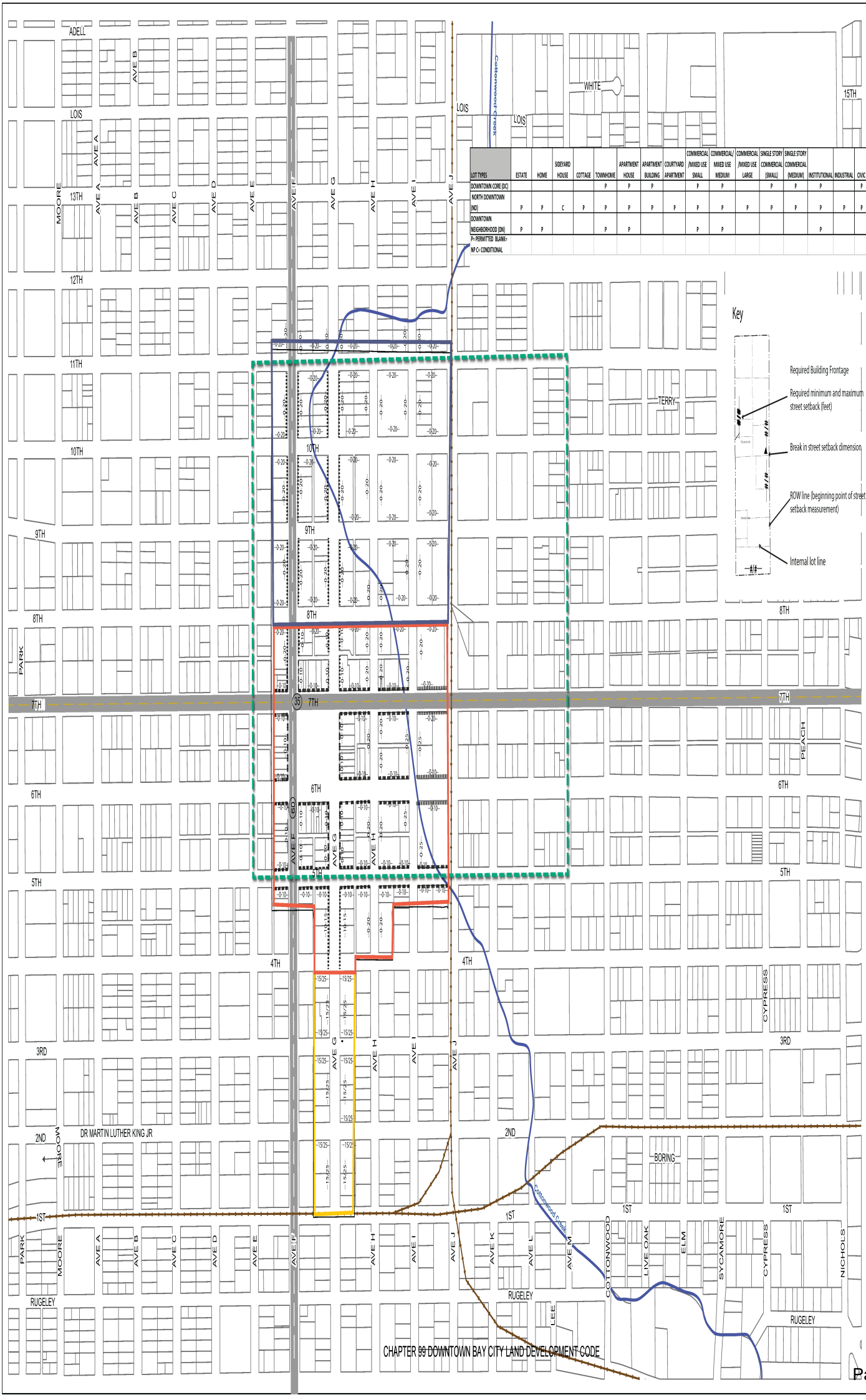
(d) Any lien filed pursuant to this section shall be security for the expenditures made.

(Ord. No. 1740, § 2 (Exh. A), 11-12-2024 Ord. No. 1748, § 2 (Exh. A), 3-25-2025)

Sec. 22-530. Enforcement authority.

The administrator is authorized to enforce the provisions of this chapter and to make all necessary inspections, to issue citations, to give notice, to file applicable charges and to otherwise cooperate in the enforcement of this article, pursuant to section 1-16 or the City of Bay City Code of Ordinances.

(Ord. No. 1740, § 2 (Exh. A), 11-12-2024 Ord. No. 1748, § 2 (Exh. A), 3-25-2025)



LOT TYPES	ESTATE	HOME HOUSE	SIDEYARD HOUSE	COTTAGE	TOWNHOME	APARTMENT HOUSE	APARTMENT BUILDING	COURTYARD APARTMENT	COMMERCIAL MIXED USE SMALL	COMMERCIAL MIXED USE MEDIUM	COMMERCIAL MIXED USE LARGE	SINGLE STORY COMMERCIAL (SMALL)	SINGLE STORY COMMERCIAL (MEDIUM)	INSTITUTIONAL	INDUSTRIAL	CIVIC
DOWNTOWN CORE (DC)																
NORTH DOWNTOWN (ND)	P	P	C	P	P	P	P	P	P	P	P	P	P	P	P	P
DOWNTOWN NEIGHBORHOOD (DN)	P	P			P	P										
P-FERMITTED BLANK																
NP-C-CONDITIONAL																



VICINITY MAP
Scale: 1 inch equals 10 miles

LEGEND

- Rail Road (TxDOT Data)
- Stream
- Required Building Frontage
- Required minimum and maximum street setback (feet)
- Break in street setback dimension
- ROW line (beginning point of street setback measurement)
- Internal lot line
- TRZ
- North Downtown (ND)
- Downtown Core (DC)
- Downtown Neighborhood (DN)
- Building Frontage (100%)
- Building Frontage (75%)



PLANACTIVE STUDIO



*Aerial Imagery from January 2012

CITY OF BAY CITY
MATAGORDA COUNTY, TEXAS



Figure 1.0
Regulating Plan



Disclaimer:
This product is offered for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property, governmental and/or public boundaries or related facilities to said boundary. No express warranties are made by Jones Carter, Inc. concerning the accuracy, completeness, reliability, or usability of the information included within this exhibit.