

**ORDINANCE NO.**

**AN ORDINANCE OF THE CITY OF LAREDO, TEXAS, AMENDING CHAPTER 21, "OFFENSES AND MISCELLANEOUS PROVISIONS," OF THE LAREDO CITY CODE BY ADDING ARTICLE XVI, "HABITUAL CRIMINAL AND NUISANCE PROPERTIES"; CREATING REGULATIONS FOR HABITUAL NUISANCE PROPERTIES AND ESTABLISHING A FEE SCHEDULE FOR PROPERTIES DEEMED A HABITUAL NUISANCE PROPERTY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, nightlife establishments can create significant noise disturbances for nearby residents, particularly during late hours or on weekends. This can disrupt the peace of residential neighborhoods, affecting residents' quality of life; and

**WHEREAS**, the City of Laredo is committed to protecting the health, safety, and welfare of its residents;

**WHEREAS**, it is essential to maintain properties in compliance with minimum property conditions and lawful operations to achieve this goal;

**WHEREAS**, habitual offenders of nuisance ordinances undermine these efforts by allowing conditions that lead to frequent health and safety concerns and criminal activity;

**WHEREAS**, such activity renders properties habitual criminal properties or habitual nuisance properties, negatively impacting the surrounding community;

**WHEREAS**, a reduction in this type of activity is essential for making properties safe, sanitary, and fit for human habitation;

**WHEREAS**, improving the quality of life for occupants of surrounding properties is a priority for the City of Laredo; and

**WHEREAS**, in pursuit of these objectives, the City of Laredo has determined that imposing appropriate fees on habitual offenders of nuisance ordinances is necessary to obtain compliance and reduce crime.

**NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAREDO THAT:**

**Section 1.** City of Laredo Code of Ordinances, Chapter 21, "Offenses and Miscellaneous Provisions," is hereby amended to include the following sections:

Sec. 21-310. – Definitions.

- (1) **ABATABLE CRIMINAL ACTIVITY** means those activities listed in Chapter 125 of the Texas Civil Practice and Remedies Code, as amended. The term does not include crimes of family violence.
- (2) **CODE VIOLATIONS** mean violations provided for in the City of Laredo Municipal Code, the City of Laredo Land Development Code, and any other City, State, or Federal laws adopted by the City of Laredo.
- (3) **HABITUAL CRIMINAL PROPERTY** is a property described in Section 21-312(1).
- (4) **HABITUAL NUISANCE PROPERTY** is a property described in Section 21-312(2).
- (5) **OWNER** means a person or entity who has ownership or title of real property, including, but not limited to:
  - a. the holder of fee simple title;
  - b. the holder of a life estate;
  - c. the holder of a leasehold estate for an initial term of five years or more;
  - d. the buyer in a contract for deed;
  - e. a mortgagee, receiver, executor, or trustee in control of real property; and
  - f. the named grantee in the last recorded deed.

**Sec. 21-311. - Authority of the Chief of Police and Director.**

- (1) The Chief of Police shall implement and enforce this article as it pertains to abatable criminal properties and may by written order establish such rules, regulations, or procedures not inconsistent with this article as the Chief of Police determines are necessary to discharge any duty under or to affect the purpose of this article as it pertains to abatable criminal properties.
- (2) The director, in collaboration with the Chief of Police, shall implement and enforce this article as it pertains to abatable nuisance properties and may, by written order, establish such rules, regulations, or procedures not inconsistent with this article as the director determines are necessary to discharge any duty under or to affect the purpose of this article as it pertains to abatable nuisance properties.

**Sec. 21-312. – Presumptions.**

- (1) A property is presumed a habitual criminal property if the property is the site:
  - a. of five or more abatable criminal activities within three hundred and sixty-five (365) days resulting in either a report of a law enforcement agency documenting an investigation of an abatable criminal activity on the property or enforcement action against any person associated with the abatable criminal activity on the property; and
  - b. at which persons have historically committed abatable criminal activities, according to recent crime data.
- (2) A property is presumed a habitual nuisance if it is the site of three or more citations for code violations within three hundred sixty-five (365) days.
  - a. A property is presumed a habitual nuisance if it is the site of three or more citations for code violations within three hundred sixty-five (365) days.
  - b. An owner of habitual criminal or nuisance property is presumed to have knowingly tolerated the abatable criminal activity or code violations at the owner's property by failing to take reasonable steps to abate them.

- c. The presumptions in this section are rebuttable at the accord meeting pursuant to Section 21-313 of this chapter.

Sec. 21-313. – Accord Meeting.

- (1) If the Chief of Police or director determines that the presumptions in Section 21-312 are satisfied, the chief or director shall notify the property owner, in writing, of the chief's or director's preliminary determination and shall provide the owner with notice to attend an accord meeting. The notice must include a copy of this article.
- (2) At the accord meeting, the following applies:
  - a. The presumed owner may present evidence that the person is not the owner or that the owner has taken reasonable steps to abate the abatable criminal activity or code violations, including, without limitation, that:
    - i. The owner has implemented monitoring and surveillance systems at the property;
    - ii. The owner complies with all regulations governing the owner's business;
    - iii. The owner is enforcing lease clauses related to reducing abatable criminal activity or code violations, such as tenant screening, enforcement of property rules, and regular tenant verification;
    - iv. The owner is communicating abatable criminal activity to the chief and cooperating with the chief, as requested;
    - v. The owner is demonstrating to the director that the owner is taking proactive steps to abate code violations on the property and
    - vi. The property complies with the standards set out in this code.
  - b. The city attorney may attend the meeting as the chief's or director's legal counsel, and the owner may bring their legal counsel.
- (3) The chief or director shall make all reasonable efforts to schedule the accord meeting during a time when the owner is available but not later than thirty (30) days from the date the accord meeting notice is deemed received or is received by the owner, whichever date is sooner.
- (4) Not later than thirty (30) days after the date of the accord meeting, the chief or director shall provide the owner with notice of the chief or director's final determination as to the presumptions under Section 21-312. Notwithstanding the foregoing, upon request of the owner during the accord meeting, the chief or director may delay the notice of determination up to sixty (60) days after the accord meeting. During this time, the owner may present additional evidence under Section 21-313(2)(a). If the owner does not appear for the accord meeting, the chief's or director's determination is final as of the date of the accord meeting provided in the notice.
- (5) Once an owner is provided notice pursuant to this article, they commit an offense if the owner fails to attend an accord meeting.

Sec. 21-314. – Annual Review.

Each year, not later than thirty (30) days after the date the chief's or director's determination as to the presumptions under Section 21-312 are final, the chief or director shall send a notice to the owner as to whether the presumptions under Section 21-312 are still satisfied. At any time, the chief or director may determine that the presumptions under Section 21-312 are no longer satisfied and shall then notify the owner of the determination.

Sec. 21-315. – Appeal from Chief's or Director's Determination.

- (1) The chief's or director's determinations under Sections 21-313 and 21-314 are final unless the owner files a written appeal to the permit and license appeal board. The appeal must be filed with the city secretary no later than ten (10) calendar days after the owner receives notice of the chief's or director's final determination. A person who does not attend the accord meeting is not entitled to an appeal under this section for one year after the accord meeting date in the notice. Only the owner is entitled to an appeal under this article.
- (2) If a written request for an appeal hearing is filed under Subsection (1) with the city secretary within the ten (10) day limit, the City Manager shall hear the appeal. The city secretary shall set a date for the hearing not later than thirty (30) days after the date the appeal is filed.
- (3) In deciding the appeal, City Manager is limited to the issues of whether the presumptions in Section 21-312 are satisfied.

Sec. 21-316. – Placarding; Conditions; Inspections; Notifications to Planning and Zoning Commission.

For a property that has been finally determined to satisfy the presumptions in Section 21-312, the following applies:

- (1) Placarding. The chief or director may require the owner to place a placard provided by the city on or near the front door or any main entrance to the structure or dwelling unit. For multitenant and commercial properties, the chief or director may also require the owner to place a placard in a conspicuous place in a common area of the property.

a. The placard must be visible at all times and must state one of the following:

“THE LAREDO POLICE DEPARTMENT HAS DECLARED THIS SITE A HABITUAL CRIMINAL PROPERTY UNDER ARTICLE XVI, CHAPTER 21, OF THE CITY OF LAREDO MUNICIPAL CODE. IF YOU HAVE QUESTIONS, PLEASE CALL DPD AT [TELEPHONE NUMBER DETERMINED BY THE CHIEF]. IF YOU SEE SOMETHING SUSPICIOUS OCCURRING AT THIS PROPERTY OR IN AN EMERGENCY, DIAL 911.”

“THE LAREDO DEPARTMENT OF CODE COMPLIANCE HAS DECLARED THIS SITE A HABITUAL NUISANCE PROPERTY UNDER ARTICLE XVI, CHAPTER 21, OF THE CITY OF LAREDO MUNICIPAL CODE. IF YOU HAVE QUESTIONS, PLEASE CALL CODE COMPLIANCE AT [TELEPHONE NUMBER DETERMINED BY THE DIRECTOR]. IF YOU WITNESS VIOLATIONS

PERTAINING TO NOISE, OVERCROWDING, OR VEHICULAR TRAFFIC INTERFERENCE OCCURRING AT THIS PROPERTY, REPORT TO 311.”

- b. A person commits an offense if the person;
  - i. fails to place a required placard on the property and keep it posted for the duration required by the chief or director or;
  - ii. without authority from the chief or director, remove or destroy the placard.
- (2) Conditions. When a property is declared a habitual criminal or nuisance property, the chief or director may place conditions on the operation of the business at the property. The property owner and the business operator are responsible for compliance with any conditions put on the property. Some conditions the chief or director may put on the property include but are not limited to:
  - a. The minimum number of security guards at the property, including parking lots, at all times or at certain times of operation.
  - b. Patrol property and adjacent areas to monitor loitering, vandalism, excessive noise, crowd control, and illegal acts.
  - c. Protocols ensuring prompt and orderly crowd dispersal from the property, including on-site and off-site parking areas.
  - d. Limit hours of entertainment activities, including live music and music disseminated by a disc jockey.
  - e. Additional protocols, including identification scanners, are needed to enforce patrons' age restrictions strictly.
  - f. Litter control protocol.
  - g. Use of a mechanical counting device to ensure maximum occupancy limits.
  - h. Bar/club/restaurant training for all or certain establishment employees.
- (3) Inspections. The chief or director may inspect the property for compliance with the conditions and activities in this Article or any other condition or activity the chief or director determines, in light of the chief's or director's training and experience, will reduce abatable criminal activity or code violations at the property.
- (4) Notification to city Planning and Zoning Department Director. If an establishment operates under a special or conditional-use permit, the chief or director shall notify the city Planning and Zoning Director to initiate the permit revocation process for the habitual criminal or nuisance property.

Sec. 21-317. – Fees.

For a property finally determined to satisfy the presumptions in Section 21-312, the owner shall pay an annual fee to the city according to the table below for each year that the presumptions in Section 21-312 are satisfied. In this section, residential and nonresidential refer to those uses as defined in the Laredo Land Development Code. The fees are not refundable in whole or in part.

RESIDENTIAL	ANNUAL FEE

<b>(by number of dwelling units)</b>	
0-2	\$1,629
3-20	\$2,009
21-59	\$2,752
60-250	\$3,564
251-500	\$4,321
501-1,000	\$5,317
1,001 or more	\$6,313

<b>NONRESIDENTIAL (by square footage of largest improvement)</b>	<b>ANNUAL FEE</b>
0-4,999	\$2,802
5,000-9,999	\$3,447
10,000-59,999	\$4,926
60,000-99,999	\$7,653
100,000 or more	\$9,825

**Sec. 21-318. – Delivery of Notices.**

Any notice to be provided by the city pursuant to this article shall be deemed effective if made to the owner. Notice is effective when:

- (1) personally delivered to the owner; or
- (2) mailed by certified U.S. mail, with return receipt requested, and addressed to the last address in the Webb County Appraisal District Records. Mailed notice shall be deemed received and effective three (3) days after the date of mailing, whether the notice was received or whether the notice was returned unclaimed or undeliverable.

**Section 2.** This ordinance shall be cumulative of all provisions of ordinances of the City of Laredo, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances 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. 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 City Council would have enacted the same without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

**Section 4.** The City Secretary of the City of Laredo is hereby directed to publish the proposed Ordinance as required by Section 2.09 of the Charter of the City of Laredo.

**Section 5.** This Ordinance shall become effective sixty (60) days after the public hearing.

**DULY PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR ON  
THIS THE \_\_\_\_ DAY OF \_\_\_\_\_, 2024.**

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**DR. VICTOR D. TREVINO  
MAYOR**

**ATTESTED:**

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**MARIO MALDONADO, JR  
CITY SECRETARY**

**APPROVED AS TO FORM:**

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**DOANH “ZONE” T. NGUYEN  
CITY ATTORNEY**