

ARTICLE 6.01 GENERAL PROVISIONS

(Reserved)

ARTICLE 6.02 PROPERTY MAINTENANCE

Sec. 6.02.001 Nuisance defined

Under the authority granted by sections 342.004 and 343.011 of the Texas Health and Safety Code, a public nuisance is defined as follows:

- (1) Keeping, storing, or accumulating refuse on premises in a neighborhood, unless the refuse is entirely contained in a closed receptacle;
- (2) Keeping, storing, or accumulating rubbish or any unused refrigerators, stoves, furniture, tires, and cans on premises in a neighborhood for ten (10) days or more, unless the rubbish or object is completely enclosed in a building or is not visible from a public street (confined behind a privacy fence);
- (3) Maintaining premises in a manner that creates an unsanitary condition likely to attract or harbor mosquitoes, rodents, vermin, or disease-carrying pests;
- (4) Allowing weeds to grow on premises in a neighborhood if the weeds are located within three hundred (300) feet of another residence or commercial establishment; or
- (5) Maintaining a building in a manner that is structurally unsafe, constitutes a hazard to safety, health, or public welfare because of inadequate maintenance, unsanitary conditions, dilapidation, obsolescence, disaster, damage or abandonment or because it constitutes a fire hazard. (For further action see article 3.06 pertaining to substandard buildings.)

Sec. 6.02.002 Offense

- (a) A person commits an offense if:
 - (1) The person violates section 6.02.001 of this article; and
 - (2) The nuisance remains unabated after the tenth (10th) day after the date on which the person receives notice of such public nuisance.
- (b) Each day a violation occurs is a separate offense.

Sec. 6.02.003 Abatement procedures; notice requirements*

- (a) The abatement procedures require that written notice of the public nuisance be given to the property owner. The notice must state:
 - (1) The specific condition that constitutes a nuisance;
 - (2) That the person receiving notice shall abate the nuisance before the tenth (10th) day after the date on which the notice is served;
 - (2) That if the person receiving notice does not abate the nuisance the city may:
 - (A) Do the work or make the improvements required; and
 - (B) Pay for the work done or improvements made and charge the expenses to the property owner.

- (b) The notice must be given:
- (1) In person;
 - (2) By United States mail;
 - (3) By publication at least twice within ten (10) consecutive days;
 - (4) By posting notice on or near a building near the property to which the violation relates;
 - (5) By posting notice on a placard attached to a stake driven into the ground on the property to which the violation relates, if the property contains no buildings.

(Ordinance adopting Code)

Sec. 6.02.004 Assessment of expenses for abatement by city; lien

- (a) The city may assess expenses incurred as authorized by section 342.006 of the Texas Health and Safety Code against the real estate on which the work is done or improvements made as follows:
- (1) By the city secretary filing a statement of expenses with the county clerk.
 - (2) The lien so filed is security for the expenditures made and interest accruing at the rate of ten (10) percent per annum on the amount due from the date of payment by the city.
- (b) The lien is inferior only to:
- (1) Tax liens; and
 - (2) Liens for street improvements.
- (c) The city may bring a suit for foreclosure in the name of the city to recover the expenditures and interest due.
- (d) The statement of expenses or a certified copy of the statement is prima facie proof of the expenses incurred by the city in doing the work or making the improvements.

Sec. 6.02.005 Penalty

Any person or persons who shall violate any provision of this article shall be deemed to be guilty of a misdemeanor and shall upon conviction be punished by a fine in accordance with the general penalty provision found in section 1.01.009 of this code. The first violation of this article may be handled by the issuance of a warning citation which will be recorded. For the second violation of any portion of this article a citation will be issued.

(Ordinance adopted 1997)