

Amendment to Ordinances
06-07-84E, 06-07-84D, 07-24-84-C and 06-11-13

(A) The following shall be deemed a nuisance:

(1) Any attractive nuisance which may prove detrimental to children whether in a building, on the premises of the building or upon an occupied premise, including but not limited to, any abandoned wells, shafts, basements, excavations, discarded refrigerators, unsecured vacant building, motor vehicles, unprotected swimming pools, unsecured trash compactors, or any structurally unsound fences or structures, or any gasoline, chemicals, lumber, trash, debris or vegetation which may prove a hazard for inquisitive children.

(2) Whatever is dangerous to human life or is detrimental to health and is contrary to the public health, safety, or welfare.

(3) Inadequate or unsanitary sewage or plumbing facilities, allowing sewage on lots, grounds, yards or any other place in the city, contrary to the public health, safety or welfare or in violation of the codes and ordinances of the city and state.

(4) Un-cleanliness, contrary to the public health, safety or welfare or in violation of the codes and ordinances of the city and state.

(5) Whatever renders air, food, or drink unwholesome or detrimental to the health of human beings, public health, safety, or welfare, or in violation of the codes and ordinances of the city and state.

(6) Graffiti of any type. This includes residential Commercial property without City Council approval.

(7) The accumulation of any other objectionable, unsanitary or unsightly matter, including, but not limited to, dead grass, tree limbs, stumps, waste paper, scrap wood or lumber, scrap metal, rags, rubber tires, bottles, appliances, furniture, dismantled or disassembled vehicle parts, discarded or abandoned construction material and exposed or uncovered fill materials.

(8) Maintaining premises in a manner that creates an unsanitary condition likely to attract or harbor mosquitoes, rodents, vermin, or disease-carrying pests; or a place or condition harboring rats or breeding flies in a populated area.

(9) Sewage, human excreta, wastewater, garbage, or other organic waste deposited, stored, discharged or exposed in such a way as to be a potential instrument or medium in disease transmission to a person or between persons.

(10) A vehicle or container that is used to transport garbage, human excreta or other organic material and that is defective and allows leakage or spilling of contents.

(11) A collection of water in which mosquitoes are breeding in the city limits.

(12) Any public nuisance known at common law or in equity jurisdiction or as defined by codes or city ordinances.

(13) Overcrowding a room with tenants.

(14) Any buildings or other structure which is in such a dilapidated or damaged condition that it is unfit for human habitation, does not serve its original intended function, or is kept in such an unsanitary condition that it is a menace to the health of people residing in the vicinity thereof, or presents a more than ordinarily dangerous fire hazard in the vicinity where it is located.

(b) It shall be unlawful for any owner, occupant, or person in control of occupied or unoccupied premises to create, allow or permit the presence of a nuisance on the premises.

(c) It shall be unlawful for any owner, occupant, or person in control of a premise to allow a nuisance on the abutting or adjacent public right-of-way, sidewalk, parkway, or alleyway as measured from the property line to the curb or pavement edge; or if no paving exists to the center of the right-of-way or alley.

Sec. 2. - Height limitations weeds, grass and uncultivated vegetation.

(a) A person commits an offense if he is an owner, occupant, or person in control of occupied or unoccupied premises in the city and permits weeds, grass, or other vegetation located on the premises to grow to a height greater than twelve (12) inches.

(b) The following shall be exempt from the requirement 6-17(a):

(1) Agricultural crops;

(2) Hay that is grown for the specific purpose of cultivation, provided that the property is mowed and baled at least once every forty-five (45) calendar days;

(3) Cultivated trees or shrubs;

(4) Wildflowers, but only until such time as seeds have matured following the final blooming of the majority of the plants.

(5) Under any of the above exemptions, it shall be an offense to permit weeds, grass, or other vegetation located within twenty (20) feet of public rights-of-way or adjacent developed properties to grow to a height greater than twelve (12) inches.

(c) It shall be unlawful for any owner, occupant, or person in control of a premises to allow grass, weeds, or other vegetation over twelve (12) inches in height to grow on the area adjacent to the property line including public right-of-way, sidewalk, parkway, or alleyway as measured from the property line to the curb or pavement edge; or if no paving exists to the center of the right-of-way or alley.

(d) It shall be the duty of any owner, occupant, or person in control of any lot, tract, or parcel of land or any portion thereof, to cut or cause to be cut and removed as necessary to comply with this section, all such grass, weeds or vegetation on the property as often as may be necessary to comply with the provisions of this section.

(e) Creeks and natural areas approved by the city shall be exempt from these requirements.

Sec. 3. - Enforcement.

For purposes of this article, enforcement officer means the person so designated by the City Council to enforce and administer this article or that person's duly authorized representative. The enforcement officer shall enforce the provisions of this article.

Sec. 4. - Notice of violations for abatement purposes.

(a) If the owner, occupant, or person in control of the property fails or refuses to comply with the provisions of this article, the city shall give written notice, prior to initiating abatement, to the property owner. The notice shall be given:

- (1) Personally to the owner in writing;
- (2) By letter addressed to the owner at the owner's address as recorded in the appraisal district records of the appraisal district in which the property is located; or
- (3) If personal service cannot be obtained:
 - a. By publication at least once within ten (10) calendar days in the official newspaper of the City;
 - b. By posting the notice on or near the front door of each building on the property to which the violation relates; or
 - c. By posting the notice on a placard attached to a stake driven into the ground on the property to which the violation relates.

(b) If a notice is mailed to a property owner and the United States Postal Service returns the notice as "refused" or "unclaimed," the validity of the notice is not affected, and the notice is considered delivered.

(c) Upon a subsequent violation of this article within the same calendar year, the city may, without further notice, issue a citation or enter the property to correct further violations and may assess the costs thereof as provided herein.

(d) If a violation covered by a notice under this section occurs within the one-year period, and the city has not been informed in writing by the owner of an ownership change, then the city without notice may take any action permitted by this section and assess its expenses as provided herein.

Sec. 5. - Abatement by city; assessment of costs.

(a) In the event any person owning, occupying, claiming or having supervision or control of any occupied or unoccupied real property fails to comply with the provisions of this article within seven (7) calendar days after delivery of proper notice as provided above, the city, or its duly authorized representative or contractor, may do the work or make the improvements required, pay for the work done or improvements made, and charge the expenses to the owner of the property pursuant to V.T.C.A., Health and Safety Code § 342.006, as amended. The expenses assessed to the owner of the property on such work has been performed shall be the actual expenses incurred by the city of not less than twenty-five dollars (\$25.00), plus a special expense fee of fifty dollars (\$50.00) to cover the city's administrative costs.

(b) A statement of expenses which includes the administrative fees as provided above shall be given to the property owner by mailing said statement to the owner's address as set forth in the records of the Limestone Appraisal District or by such other method as authorized by V.T.C.A., Health and Safety Code § 342.006(b). The statement of expenses shall, in addition to giving the

amount of the expenses incurred by the city, include the date upon which work was performed and a description of the property upon which the work was performed.

(c) The city may assess a lien against the property by filing with the Limestone County clerk in the official public records of Limestone County, Texas, a copy of the statement of expenses provided to the property owner, signed and acknowledged by the mayor or city secretary, and containing the name of the owner of the property, if known, and the legal description of the property. The city shall have a privileged lien against such property upon filing the statement of expenses with the Limestone County clerk, which lien shall be inferior only to tax liens and liens for street improvements. The lien shall bear interest at the rate of six (6) percent per annum from the date the city paid for the work performed. The city may bring a suit for foreclosure to recover the expenditures and interest due, and the statement of the 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.

(d) For purposes of V.T.C.A., Health and Safety Code § 342.007(b), the city secretary and any employee of the city designated by the City Council shall each be persons designated by the city to file a statement of expense with the Limestone County clerk.

Sec. 6 - Authorizing suits for injunctive relief.

In addition to and cumulative of all penalties, notwithstanding any penal provision of this article, the city attorney is authorized to file suit on behalf of the City, the enforcement officer or both for injunctive relief as may be necessary to enforce the provisions of this article.

Sec. 7 - Penalty for violation.

Any person, firm, partnership, corporation or association violating any of the provisions of this article be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in the sum of not more than two thousand dollars (\$2,000.00) for each offense; and each day such violation continues shall constitute a separate and distinct offense. Upon a first conviction, the fine shall not be less than fifty dollars (\$50.00). The minimum fine established in this section shall be doubled for the second conviction of the same offense within any twenty-four-month period and trebled for the third and subsequent convictions of the same offense within any twenty-four-month period. At no time shall the minimum fine exceed the maximum fine established in this section.

[Signature] 9-11-24
Mayor Date

[Signature] 9-11-24
Attest or Council Member Date

[Signature] 09-11-24
City Secretary Date