ORDINANCE NO. 06112019-01

HEALTH AND SANITATION

ARTICLE 6.01 GENERAL PROVISIONS

ARTICLE 6.01 DEFINITIONS

The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this ordinance, except where the context clearly indicates a different meaning:

Abate shall mean to eliminate by removal, repair, rehabilitation, or demolition.

Brush shall mean an uncultivated growth or dense undergrowth that may create a fire or other hazard, unsanitary condition, or harborage for rodents, vermin or pests. All trees and shrubs less than seven (7) feet in height that are not cultivated and maintained.

Building shall mean any structure, moveable premises, or fence built for support, shelter, or the enclosure of a person, animal, chattel, machine, or pierce of equipment.

Carrion shall mean the dead and putrefying of any animal, fowl or fish.

City shall mean City of Moulton.

Dangerous materials shall mean liquids, solids, structures, or components of structures that might create either directly or indirectly because of a chain reaction, harm to any property or person that would affect the public's life, health, safety, or general welfare within the city limits.

Filth shall mean any matter in a putrescent state.

Garbage shall mean decayable waste from a public or private source, including establishments, residences, or restaurants.

Junk shall mean worn out, worthless or discarded material including, but not limited to: odds and ends, old iron or other material, glass, cordage, refrigerators and appliances, if outside the building structure.

Objectionable, unsightly or unsanitary matter shall mean any matter, condition, or object which could attract rodents, reptiles, or insects, and which is or could be objectionable, unsightly, or unsanitary to a person of ordinary sensitivities.

Owner shall mean a person having title to real property and/or the person or entity identified as the owner, as recorded in the appraisal records of the Lavaca County Appraisal District, or, for purposes of this statute, the individual occupying and/or leasing the property at issue.

Person shall mean any individual, firm, partnership, association, business, corporation, or other entity.

Premises shall mean privately owned or controlled premises, including vacant lots, buildings designed or sued for residential, commercial, business, industrial or religious purposes. The term

includes a yard, ground, walkway, private alleyway, driveway, fence, porch, steps or other structural appurtenant to the premises.

Refuse shall mean heterogeneous accumulation of work out, used up, broken, rejected.

Rubbish shall mean any trash, junk, garbage, litter, refuse, debris, scrap, and any object or material which causes or is likely to cause a public hazard or nuisance.

ARTICLE 6.02 WEEDS AND LOT SANITATION

Sec. 6.02.001 Stagnant water
It shall be unlawful for any person, firm or corporation who shall own or occupy any structure, lot or lots in the city to permit or allow holes or places on said lots where water may accumulate and become stagnant, or to permit the same to remain.

Sec. 6.02.002 Filth and unwholesome conditions
It shall be unlawful for any person, firm or corporation who shall own or occupy any structure, lot or lots in the city to permit or allow any carrion, filth, or other impure or unwholesome matter to accumulate or remain thereon.

Sec. 6.02.003 Tall weeds and grass
It shall be unlawful for any person, firm or corporation who shall own or occupy any structure, residential or business lot or lots in the city to allow weeds or grass to exceed eighteen (18) inches in height, to allow brush, rubbish, or any other objectionable or unsanitary matter to accumulate or grow on said lot or lots.

Sec. 6.02.004 Improper storage of hay
It shall be unlawful for any person, firm or corporation who shall own or occupy any structure, lot or lots in the city to allow or cause the improper storage of hay so as to constitute a fire hazard to adjacent structures or lots.

Sec. 6.02.005 Ditches

It shall be the responsibility of any person, firm or corporation who shall own or occupy any structure, residential or commercial lot or lots in the city to maintain ditches adjacent to their lot of lots.

Sec. 6.02.006 Maintenance of property

It shall be the duty of each person owning, claiming, occupying, or having supervision or control of any property, occupied or unoccupied, within the city limits to keep same free from stagnant water, weeds, tall grass, rubbish, trash, junk, and any other objectionable, unsightly or unsanitary matter of whatever nature, and to keep sidewalks in from of same premises free and clear from weeds, brush, and tall grass from the line of such property to the established curb line next to adjacent thereto and to fill up, drain or re-grade any lots, grounds, or yards and any other property owned, rented, leased, managed or under his or her control at all times free from filthy or impure or unwholesome matter of any kind.

Sec. 6.02.007 Enforcement

The Chief of Police or his or her designee has authority to issue immediate citations to persons violating any provision of this ordinance in the presence of said official. The Chief of Police or his or her designee are authorized to enter upon any private property and/or premises to inspect for violations of this ordinance and to insure compliance with same. It shall be unlawful for any person to interfere with the Chief of Police or his or her designee, in the exercise of their duties authorized in this ordinance.

Sec. 6.02.008 Correction of violations

Whenever a structure or lot is found to be in violation of any section of this article, the city will provide notice to the owner or occupant of said structure or lot and allow said owner/occupant ten (10) days to correct such conditions that are in violation of this article.

(a) Whenever a structure or lot is found to be in violation of any section of this article, the city will provide notice to the owner or occupant of said structure or lot and allow said owner/occupant ten (10) days to correct such conditions that are in violation of this ordinance.

(b) Methods for notification are as follows:

(1) In person;

(2) By United States certified 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.

Sec. 6.02.009 Abatement by city

Should the owner or occupant of said lot or lots fail to correct such violations, the city may, after providing notification in accordance with section 6.02.005, do such work as necessary to correct the conditions that are in violation of this article, or cause such work to be done, and may pay therefor and charge the expenses incurred in doing such work to the owner of such lot or lots, and then such expense or expenses not reimbursed to the city shall be assessed on the lot or lots upon which such expense was incurred.

Sec. 6.02.010 Notice given within one year

Upon giving written notice to a property owner in violation of the city health ordinances, the city may inform the property owner by certified mail that if the owner commits another violation of the same kind or nature on or before the first anniversary of the date of the notice, the city may

without further notice correct the violation at the owner's expense and assess the expense against the property.

Sec. 6.02.011 Statement of expense of city; lien

The mayor or designated employee of the city shall file a statement of such expenses incurred by providing the amount of such expenses, the date on which such expenses were incurred, and the work which was performed to correct the violations with the county clerk, and the city shall have a privileged lien on such lot or lots upon which said work was done to secure the expenditures so made, in accordance with the provisions of article 4436, Revised Civil Statutes of Texas, which said lien shall be second only to tax liens and liens for street improvements.

Sec. 6.02.012 Penalty

Any person, firm, corporation, or individual who shall violate any provision of this article, upon a finding of guilty in the municipal court of the city, shall be fined in accordance with the general penalty provision found in section 1.01.009 for each violation so judged, and each and every day's violation shall constitute a separate and distinct offense. Violations of this ordinance shall be punished by a fine of not exceeding five hundred ($500.00).

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

This ordinance shall take effect on the date of approval.

PASSED AND APPROVED BY THE CITY COUNCIL OF MOULTON, TEXAS ON THIS 11th DAY OF JUNE, 2019.

Mark Zimmerman, Mayor

LuAnn D. Rogers, TRMC
City Administrator, City Secretary