Chapter 30 ENVIRONMENT

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ARTICLE I. IN GENERAL

Sec 30-1 Noises interfering with Enjoyment of Property or Public Peace and comfort

No person shall make or cause to be made any loud and raucous noise in the city, which is offensive to the ordinary sensibilities of the inhabitants of the city, which noise renders the enjoyment of life or property uncomfortable or interferes with public peace and comfort.

The following acts, among others, are declared to create loud and raucous noises, and shall be deemed a violation of this chapter, but such enumeration shall not be deemed exclusive:

1. The sounding of any horn or signal device on any automobile, motorcycle, bus, or other vehicle, except as a danger signal, as required by state law.
2. The playing of any radio, phonograph, or musical instrument in such a manner, or with such volume as to disturb the peace, quiet, comfort, or repose of persons in any dwelling, apartment, hotel, or other type of residence.
3. The keeping of any animal or fowl, which emits or makes a loud and raucous noise.
4. The use of any automobile, motorcycle, bus, or vehicle so out of repair or so loaded, which emits or creates loud grating, grinding or rattling noise.
5. The discharge into the open air of the exhaust of any stationary steam engine, stationary internal combustion engine or motor boat engine, except through a muffler or other device, which will effectively and efficiently prevent loud noises.
6. The discharge into the open air of the exhaust from any motor vehicle except through a muffler, or other device which will effectively and efficiently prevent loud and raucous noises.
7. The erection, including excavation, demolition, alteration, or repair of any building in or adjacent to a residential area other than between the hours of 7:00 am and 6:00pm on weekdays, except in the case of urgent necessity in the interest of public safety, for which a permit must be obtained from the director of public works and transportation of the city.
8. The creation of loud and raucous noise on any street adjacent to any school or court which is in session or adjacent to any public meeting place which is in session or adjacent to any public meeting place provided that conspicuous signs are located in such streets indicating that schools public meeting places, and courts are adjacent thereto.
9. The shouting and crying of peddlers, hawkers, and vendors, which disturbs the quiet, and peace of the neighborhood.
10. The use of any drum or other instrument or sound amplifying equipment for the purpose of attracting attention by the creation of noise, to any performance, show, sale or display of merchandise as to attract customers to anyplace of business
11. The use of mechanical loudspeakers or sound to amplifiers on trucks or other moving vehicles for the purpose of advertising any show, sale or display of merchandise.

Adopted

Sec. 30-2 Loudspeakers and Amplifiers

A person commits an offense if he operates or causes to operated any mechanical loudspeaker or sound amplifier in a public place or upon any public sidewalk, street, alley, or highway of the city in violation of any of the following limitations and requirements

1. No mechanical loud speaker or sound amplifier may be operated within 50 feet of the property line of the premises of a residence, except between the hours of 8:00 am and sunset, as designated by publication in a local newspaper of general circulation.
2. A mechanical loudspeaker or sound amplifier may not emit loud and raucous noises so as to interfere with the enjoyment of life or property or to interfere with public peace and comfort.
3. A mechanical loudspeaker or sound amplifier must be operated so as not to cause traffic congestion or congregation of crowds that obstructs any public sidewalk, street, alley, or highway
4. If conduct that would otherwise violate this section consists of speech or other communication, of gathering with others to hear or observe such speech or communication, or of gathering with others to picket or otherwise express in a nonviolent manner a position of social, economic, political, or religious questions, the person must be ordered to move, disperse, or otherwise remedy the violation prior to arrest or citation
5. The order required by this ordinance may be given by a peace officer, a firefighter, a person with authority to control the use of the premises, or any person directly affected by the violation.
6. It is a defense to prosecution under this ordinance that:
7. In circumstances in which this section requires an order, no order was given;
8. An order, if given was manifestly unreasonable in scope.
9. An order, if given, was promptly obeyed.
10. The mechanical loudspeaker or sound amplifier was operated in a public place within an enclosed structure an was not audible beyond the property line of the premises on which it was located.
11. The person operating the mechanical loud speaker or sound amplifier was a law enforcement officer or member of the fire department in the performance of official duties;
12. The mechanical loudspeaker or sound amplifier was operated for the purpose of alerting persons to the existence of an emergency or danger, or
13. The mechanical loudspeaker or sound amplifier was operated in the performance of emergency work necessary to restore public utilities, to restore property to a safe condition, or to protect persons or property from imminent danger, following a fire, accident, or natural disaster.

Adopted

Sec. 30-3 Maximum permissible daytime decibel limits at the bounding lot line of a residence

1. The sound pressure level at the boundary line between residential districts, as defined by the city ordinances, may not exceed the decibel limits specified herein.
2. All adjustment to sound power levels shall be adjusted from a background noise (ambient) decibel limit of 47 dB(A) measured over a 9-minutes period at various locations within the city and averaged to determine the ambient base sound level.
3. Adjustments to sound power level will be adjusted in the enforcement of this ordinance, determined by adjustments to the ambient levels and violation of this ordinance shall be sound power levels of 5 dB(A) in excess of ambient at the time of the violation.
4. This requirement of this ordinance does not apply to:

(a)The side yard placement of a unitary air conditioner or condenser provided they are maintained in good and proper operating condition.

(b)Other activities where a special permit and permission is granted for the specific activity and this activity is in compliance with the appropriate authorization.

(c) The following activities as long as they are conducted in daytime hours as a normal function of a permitted use the equipment is maintained in proper working condition:

Lawn maintenance

Repair of personal use vehicles

Home repair of place of residence

(5) In this ordinance

 (a) Residence means a single-family, duplex, or multifamily dwelling

 (b) Boundary means the property line determined by ownership of real property irrespective of

 leasehold or other interests.

 ( c)Raucous noises means wild, loud, boisterous, harsh, disorderly, rough, unruly, hoarse, riotous, rowdy,

 noisy, and unpleasantly loud. Loud and hoarse or unpleasant-sounding, or characterized by loud

 noise, shouting, and laughter.

1. Sound power level readings shall be measured by using a sound level meter that meets the standards of the American Standards Association. A calibration check should be made prior to and following any noise regulation.
2. Daytime means the hours between 7:00 am and 10:00 pm on any given day
3. Decibel (dB) means a unit for measuring the volume of a sound, equal to 20 times the logarithm to the base of 10 of the ratios of the pressure of the sound measured to the reference pressure, which is 20 micro pascals (20 micronewtons per square meter)

Adopted

Article 2. Vacant Buildings

Sec.30-4 Requirements

Every dwelling, house, building or other similar structure (referred to in this article as “building”) within the corporate limits of the city, which has been vacant for over 90 days shall comply with the following requirements:

(1) exterior doors and windows shall be kept in sound working condition and free of broken glass.

1. All exterior doors shall be equipped with a workable lock or locking device and shall be kept securely locked during the period of time such building is vacant.
2. All windows shall be secured by a latch, lock or other means so as to prevent easy entry into such structure by children, vagrants or other unauthorized persons.
3. All exterior walls and roof shall be kept in good repair and free of holes, cracks, defective materials and structural deterioration so as to keep such building from becoming a breeding place for rodents, pigeons, cockroaches and disease carrying varmints.
4. Both the interior and exterior of such building and the premises thereon shall be kept free of any accumulation of paper, hay, moss or other flammable or combustible rubbish or waste material of such quantity as to constitute an unsanitary condition.
5. Both the interior and exterior of such building and the premises shall be kept free of any accumulation of trash garbage, rubbish or any waste material of such quantity as to constitute an unsanitary condition.
6. All property and adjoining property(lots) shall be kept maintained from tall grass, weeds, all trees and shrubs shall be kept trimmed. This includes all bar ditches.

Adopted

Sec. 30-5 Inspection

The code enforcement officer of the city shall make an inspection of every building located within corporate limits of the city which has remained vacant for over 90 days, and it shall be the duty of such code enforcement officer to make written notification of any violation of this article which he or she discovers and to report such violations to the owner.

Adopted

 Sec 30-6 Date set for reinspection

Whenever a violation of this article has been discovered and reported by an inspecting officer, the code enforcement officer shall determine what reasonable time should be required for the elimination of such violation and shall in accordance with such determination set a time for reinspection of the premises.

Adopted

30-7 notice of violation and date of reinspection.

The code enforcement officer shall give written notice to the owner of such building stating the nature of the violation and the date on which a reinspection shall be made to determine if the violation has been eliminated. After reinspection and the violation has not been corrected the owner of the property may or will be summoned to court at which time, he or she could be fined up to $2000.00 for noncompliance to the violation. No reinspection shall be made until the person responsible for the violation under the provisions of this article shall have been given a reasonable time to eliminate the violation. Any owner may eliminate the violation. Any owner may eliminate the violation regardless of cost or may demolish the building to obtain compliance with the provisions of this article. When the building has been declared a nonconforming use, as defined by the Local Government Code Chapter 214.001, the owner shall be required to submit an application to repair to the code enforcement officer and to appeal any adverse ruling by the code enforcement officer to the city council for its determination as to whether such structure should be repaired or demolished.

Adopted

30-8 Postponement of reinspection date to allow additional time to eliminate violation

Any person receiving written notification of a violation of this article may request a postponement of the reinspection date to allow additional time to eliminate the violation. Such request shall be made in writing to the code enforcement officer who shall forward such request to the Chief of Police. Such request shall specifically set forth the time extension needed and requested.

Adopted

30-9 Reinspection of premises.

At the time set for reinspection of the premises, whether the time is the time first established by the code enforcement officer or the time extended by action of the city council, the code enforcement officer shall make his reinspection of the premises. If the code enforcement officer finds, upon such reinspection of the premises, that the violation has not been eliminated, the code enforcement officer shall make a written report including there in his findings, his estimate of the cost of eliminating the violation by repairs; the assessed valuation of the building as the same appears on the tax rolls of the city; and whether or not, in his opinion, such a violation presents an immediate danger to the public reasonably related to the value of the building. If the cost to eliminate the violation is not reasonably related to the value of the building and the code enforcement officer has determined that such violation present an immediate danger to the public, the Code enforcement officer shall forward such report to the city council. If the city council after due consideration, concurs in such findings, such building shall be deemed a public nuisance, and the city council may issue an order that such building be demolished, as shown by the deed of records of the county. Service of such order shall be certified mail, return receipt requested. If , at the expiration of 60 days from the date of such notice, as shown on the return receipt, the building ordered demolished has not been demolished the city council may direct the city attorney to file suit in any court of competent jurisdiction, and if such court shall determine such building to be a public nuisance, the building shall be demolished at the expense of the owner by the city, or its contractor. The city shall in each case receive bids to demolish, which shall include sale to the contractor making such bid all salvageable materials from such building. The net cost of the demolition shall be charged to the owner or other parties entitled thereto. If the cost of demolition exceeds the value of the materials of such building or structure, such excess shall be charged as lien upon the real property on which the building is situated.

Adopted

Secs. 30-10 - 30-30. Reserved.

ARTICLE III. GRASS AND WEEDS

Sec. 30-31. Definitions.

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

Premises means any lot or tract of land located within the city, whether there are any improvements located on the premises or not.

Code 1987 §9.20

Sec. 30-32. Required mowing and trimming.

It shall be unlawful for any person, owner, tenant, or agent of any premises to permit grass or weeds to grow upon any premises to a greater height than 12 inches; and if such growth is permitted, it shall be deemed a nuisance and dangerous to public health and calculated to increase the fire hazards of the city.

Code 1987§9.21

Sec. 30-33. City responsibility.

Upon finding lots or premises with grass or weeds 12 inches in height or over, the city shall notify the owners as provided in section 30-34.

Code 1987§ 9.22

Sec. 30-34. Notice of abatement.

(a) The notice required in section 30-33 must 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;

(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 if the property contains no buildings.

(b) If the city mails a notice to a property owner in accordance with subsection (a) of this section 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 as delivered.

(c) In a notice provided under this section, the city may inform the owner by regular mail and a posting on the property that if the owner commits another violation of the same kind or nature that poses a danger to the public health and safety on or before the first anniversary of the date of the notice, the city without further notice may correct the violation at the owner's expense and assess the expense against the property. If a violation covered by a notice under this subsection occurs within the one-year period, and the city has not' been informed in writing by the owner of an ownership change, the city without notice may take any action permitted by section 30 35 and assess its expenses as provided by section 30 36.

Sec. 30-35. Failure of owner to comply; work or improvements by city.

If the owner of property does not comply with the notice or requirement under this article within seven days of notice of a violation, the city may:

(1) Do the work or make the improvements required; and

(2) Pay for the work done or improvements made and charge the expenses to the owner of the property informing the property owner by letter. The letter shall state the work or improvements done, the cost associated and notation that cost is payable within fifteen (15 ) days or a lien will be placed on the property if reimbursement is not received the fifteen days granted, proceed as provided by section 30-3+6 to place a lien against the property .

Code 1987 § 9.23

Amended 10-15-2002

Sec. 30-36. Assessment of expenses; lien.

(a) The city council may assess expenses incurred under section 30 35 against the real estate on which the work is done or improvements made.

(b) To obtain a lien against the property, the mayor, city health authority, or city official designated by the mayor must file a statement of expenses with the county clerk. The lien statement must state the name of the owner, if known, and the legal description of the property. The lien attaches upon the filing of the lien statement with the county clerk.

(c) The lien obtain ed by the city council is security for the expenditures made and interest accruing at the rate of ten percent on the amount due from the date of payment by the city.

(d) The lien is inferior only to:

(1) Tax liens; and

(2) Liens for street improvements.

(e) The city council may bring a suit for foreclosure in the name of the city to recover the expenditures and interest due.

(f) 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.

(g) The remedy provided by this section is in addition to the remedy provided by section 1 14.

(h) The city council may foreclose a lien on property under this article in a proceeding relating to the property brought under V.T.C.A., Tax Code § 33 .91 et seq.

Code 1987 § 9.24, 9.25

Secs. 30-37 – 30-70. Reserved.

ARTICLE IV. LITTER

Sec. 30-71. Definitions.

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

**Authorized receptacle** means a litter, storage or collection receptacle and shall be a waterproof type receptacle of a solid and durable grade of metal of not less than ten gall on or more than 30 gallon capacity, with a tightfitting lid or cover, handles sufficiently strong for workers to empty conveniently, and shall not have anything inside preventing the free discharge of contents.

**Garbage** means putrescible animal and vegetable wastes resulting from the handling, preparing, cooking and consumption of food.

**Litter** means garbage, refuse, rubbish, and all other waste material which, if thrown or deposited, tends to create a danger to public safety, health, and welfare.

**Park** means a park, reservation, playground, beach, recreation center, or any other public area in the city owned or used by the city and devoted to active or passive recreation.

**Private premises** means any dwelling, house, building or other structure, designated or used either wholly or partly for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, ground, walk, driveway, porch, steps, vestibule, or mailbox belonging or appurtenant to such dwelling, house, building or other structure.

**Public place** means any and all streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, squares, ground s and buildings.

**Refuse** means any putrescible solid waste, except body waste, including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, and solid market and industrial waste.

**Rubbish** means non-putrescible solid waste containing both combustible and noncombustible waste, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.

**Vehicle** means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, including the rights as used exclusively, stationary railways or tracks.

Code 1987 § 9.40

Sec. 30-72. Depositing litter upon streets.

No person shall throw or deposit litter in or upon any street, sidewalk, or other public place within the city except in public receptacles or in authorized private receptacles. Persons placing litter in public or private receptacles shall do so in a manner so as to prevent it from being carried or deposited by the elements upon any street, sidewalk or other public place, or upon private property.

Code 1987 §9.41

Sec. 30-73. Depositing litter upon private property.

No person shall throw or deposit litter upon any occupied or unoccupied private property within the city, whether owned by such person or not. No owner or person in control of private property may maintain authorized private receptacles for collection of litter in such a manner that such litter will be prevented from being carried or deposited by the elements upon any street, sidewalk or other public places or upon any private property.

Code 1987 §9.42

Sec. 30-74. Throwing litter from vehicles.

No person while a driver or a passenger in a vehicle shall throw or deposit litter upon the street or any public place within the city or upon private property.

Code 1987 §9.43

Sections 30.75-30.99 Reserved

Article V Structures

Sec. 30-100 Structure Damage

When homes sustain damage the home owner or occupant of a home may temporarily take action to rectify the situation in order to keep from sustaining more damage, ie. By boarding up a window if it is accidentally broken, or putting a tarp on a roof that caved in due to deterioration or an act of God.

A three-month time period is allowed from the time of Damage for the property owner or occupant of home to make the necessary repairs. If time lapses and the problem has not been eliminated the home owner or occupant of the home owner or occupant of home is subject to a citation of up to five-hundred dollars ($500.00).

If an insurance carrier takes longer than the allotted time to complete the insurance claim, or if a home has suffered a fire, But the home is still habitable, and the homeowner/occupant needs more than the allotted time, The homeowner/occupant can call and get on the agenda, come to the council meeting with appropriate paper work and ask for a variance.

Adopted 8-12-2014