

ORDINANCE 2019-56

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS REPEALING AND REPLACING CHAPTER SIX, HEALTH AND SANITATION AS ATTACHED IN EXHIBIT A; AND REPEALING AND REPLACING CHAPTER EIGHT OFFENSES AND NUISANCES AS ATTACHED IN EXHIBIT B; AND PROVIDING FOR FINDINGS OF FACT, ADOPTION, REPEALER, SEVERABILITY, AND ENFORCEMENT; ESTABLISHING AN EFFECTIVE DATE; AND PROPER NOTICE AND MEETING.

WHEREAS, the City of Bastrop, Texas (“City”) is a Home-Rule City acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the Bastrop City Council (“City Council”), as a duly-elected legislative body, finds that it is facing significant historic and contemporary land use challenges that existing regulations were not designed to address; and

WHEREAS, the City Council has determined that it was necessary to update and reorganize sections of their Code of Ordinances where nuisances are identified; and

WHEREAS, the City Council has determined it should adopt this Ordinance prohibiting the growth of grass, weeds, and other vegetation in an uncultivated manner, the accumulation of rubbish, brush, or any other objectionable, unsightly, and unsanitary matter, and litter within the City, and to declare other nuisances, including but not limited to excessive noise, odor and light; and

WHEREAS, the City Council has found and determined that to properly implement portions of this Ordinance and abate violations thereof, it is necessary to investigate complaints, determine the property owner’s name and address, prepare and send out appropriate notices, file certain notices and liens with the Bastrop County Clerk, and supervise conduct of the work; and

WHEREAS, Texas Local Government Code section 51.001 provides the City general authority to adopt an Ordinance or police regulations that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, pursuant to Chapters 341, 342, 343, 344, 361, and 365 of the Texas Health and Safety Code, as amended; and Chapter 683 of Texas Transportation Code, as amended, the City Council wishes to establish public nuisance regulations; and

WHEREAS, the City Council finds it necessary to regulate public nuisances in order to preserve health, property, good government, and order in a Home-Rule municipality as defined under Chapter 54 of Local Government Code.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS THAT:

SECTION 1. FINDINGS OF FACT The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

SECTION 2. ADOPTION The City Council hereby adopts Chapter 6, Nuisances Ordinance, as attached in Exhibit A; and adopts Chapter 8, General Health and Sanitation Regulations, as attached in Exhibit B.

SECTION 3. REPEALER In the case of any conflict between other provisions of this Ordinance and any existing Ordinance of the City, the provisions of this Ordinance will control.

SECTION 4. SEVERABILITY If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, that invalidity or the unenforceability will not affect any other provisions or applications of this Ordinance that can be given effect without the invalid provision.

SECTION 5. ENFORCEMENT The City shall have the power to administer and enforce the provisions of this ordinance as may be required by governing law. Any person violating any provision of this ordinance is subject to suit for injunctive relief as well as prosecution for criminal violations, and such violation is hereby declared to be a nuisance.

Nothing in this ordinance shall be construed as a waiver of the City's right to bring a civil action to enforce the provisions of this ordinance and to seek remedies as allowed by law and/or equity.

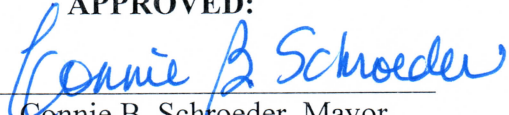
SECTION 6. EFFECTIVE DATE This Ordinance shall be effective immediately upon passage and publication.

SECTION 7. OPEN MEETINGS It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551.

READ & ACKNOWLEDGED on First Reading on the 13th day of November 2019.


READ & APPROVED on the Second Reading on the 26th day of November 2019.

APPROVED:



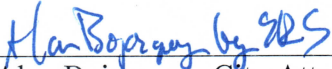
Connie B. Schroeder, Mayor

ATTEST:



Ann Franklin, City Secretary

APPROVED AS TO FORM:



Alan Bojorquez, City Attorney

Bastrop Code of Ordinances

Chapter 6: Public Nuisances

ARTICLE 6.01 - AUTHORITY OF CITY

The governing body of a municipality may:

- (1) Abate and remove a nuisance and punish by fine the person responsible for the nuisance;
- (2) Define and declare what constitutes a nuisance and authorize and direct the summary abatement of the nuisance; and
- (3) Abate in any manner the governing body considers expedient any nuisance that may injure or affect the public health or comfort.

ARTICLE 6.02 - DEFINITIONS

Abandoned motor vehicle. A motor vehicle that is inoperable, is more than five years old, and has been left unattended on public property for more than 48 hours; has remained illegally on public property for more than 48 hours; has remained on private property without the consent of the owner or person in charge of the property for more than 48 hours; has been left unattended on the right-of-way of a designated county, state, or federal highway for more than 48 hours; has been left unattended for more than 24 hours on the right-of-way of a turnpike project constructed and maintained by the Texas Turnpike Authority division of the Texas Department of Transportation or a controlled access highway; or is considered an abandoned motor vehicle under Texas Transportation section 644.153(r).

Abate. To eliminate by removal, repair, rehabilitation, or demolition.

Brush. An uncultivated growth or dense undergrowth that may create a fire or other hazard, unsanitary condition, or harborage for rodents, vermin or pests.

Building. Any structure, moveable premises, or fence built for support, shelter, or the enclosure of a person, animal, chattel, machine, or piece of equipment.

Carrion. The dead and putrefying flesh of any animal, fowl or fish.

City. The City of Bastrop, Texas. All area that has been fully annexed by the City.

Cultivate. To prepare or prepare and use for the raising of crops.

Dangerous building or structure. Any premises, building or structure that meets the definition of an improperly maintained building or substandard building.

Filth. Any matter in a putrescent state.

Garbage. Decayable waste from a public or private source, including establishments, residences, or restaurants.

Garage keeper. An owner or operator of a storage facility.

Improperly maintained building. A building, or part of a building, or the premises on which the building is located that is maintained in such a condition as to become so defective, unsightly, or in such a condition of deterioration or disrepair that the same is a nuisance causing appreciable diminution of the property values of the surrounding property or is materially detrimental to proximate properties and improvements. This includes, but is not limited to permitting or allowing or the keeping or disposing of or the scattering over the property or premises of any of the following:

- (1) Lumber, junk, trash or debris.
- (2) Excavation material.
- (3) Graffiti on any premises which is unshielded so as to cause substantial diminution of the enjoyment, use, or property values of the adjacent properties.
- (4) Buildings which are abandoned boarded up, partially destroyed, or left unreasonably in a state of partial construction.
- (5) Buildings, including unpainted buildings, which cause, or in which exist dry rot, warping, rodent, and/or termite infestation.

Impure or unwholesome matter. Any putrescible or non-putrescible condition, object or matter which tends, may, or could produce injury, death, or disease to human beings.

Junk. An accumulation for a period of five (5) days or longer of rubbish, old machinery or parts of same, old iron or other metal, glass, cordage, building materials, newspapers, abandoned vehicles, bicycles, refrigerators, stoves, washing machines, dryers, furniture, tires, cans, scrap metal, or any other object that is not completely enclosed in a building or is visible from any public street or right-of-way.

Junked vehicle. A vehicle that is self-propelled, and is:

- (A) wrecked, dismantled or partially dismantled, or discarded; or
- (B) inoperable and has remained inoperable for more than:
 - (i) 72 consecutive hours, if the vehicle is on public property; or
 - (ii) 30 consecutive days, if the vehicle is on private property.
- (C) This definition only includes a motor vehicle with an expired license plate or does not display a license plate, aircraft that does not have lawfully printed on the aircraft an unexpired federal aircraft identification number registered under Federal Aviation Administration aircraft registration regulations, or watercraft that does not have lawfully on board an unexpired certificate of number and is not a watercraft described by section 31.055 of Texas Parks and Wildlife Code.

Light trespass. Light that falls beyond the property it is intended to illuminate, in a motor vehicle driver's eyes, or upwards toward the sky.

Litter. Trash, debris, refuse, junk, garbage or other rubbish in any street, thoroughfare, alley or ditch in the city.

Lumen. The unit of measurement used to quantify the amount of light produced by a bulb or emitted from a fixture (as distinct from "watt," a measure of power consumption). The lumen rating associated with a given lamp is generally indicated on its packaging or may be obtained from the manufacturer. (Abbreviated lm)

Lux. Unit of illuminance and luminous emittance, measuring luminous flux per unit area. It is equal to one lumen per square meter. In photometry, this is used as a measure of the intensity, as perceived by the human eye, of light that hits or passes through a surface.

Motor vehicle. A vehicle that is subject to registration under Texas Transportation Code, Chapter 501 and as defined in section 531.201(11).

Motor vehicle demolisher. A person in the business of:

- (1) Converting motor vehicles into processed scrap or scrap metal; or
- (2) Wrecking or dismantling motor vehicles.

Noxious. Harmful, poisonous, or very unpleasant.

Objectionable, unsightly or unsanitary matter. 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.

Odor. A distinctive smell, especially an unpleasant one.

Outboard motor. An outboard motor subject to registration under Chapter 31 of Texas Parks and Wildlife Code.

Owner.

(a) A person having title to real property and/or the person or entity identified as the owner in the appraisal records of the county appraisal district, or, for purposes of this chapter, the individual occupying, leasing or controlling the property at issue.

(b) Any person or entity having temporary or permanent custody of, owning, keeping, sheltering, in charge of, controlling, maintaining, having property rights to, or harboring one or more animals covered by this chapter.

(c) Any person who holds the legal title to a motor vehicle or is the registered owner of a motor vehicle, any person who has the legal right of possession thereof, or any person who is the authorized representative of such person.

Person. Any individual, firm, partnership, association, business, corporation, or other entity.

Police department. The police department of the City of Bastrop.

Premises. A privately owned or controlled property, including vacant lots, buildings designed or used for residential, commercial, business, industrial or religious purposes, or otherwise. The term includes a yard, ground, walk, private alleyway, driveway, fence, porch, steps or other structural appurtenant to the premises.

Private swimming pool. A swimming pool that is privately owned, not opened to the public, and located at a private residence, condominium, or similar facility used or intended to be used, solely by the owner or occupants of such premises or the family and friends of the owner or occupants without the payment of a fee.

Refuse. A heterogeneous accumulation of worn-out, used-up, broken, rejected or worthless materials, including but not limited to garbage, rubbish, paper, or litter, and other decayable or nondecayable waste.

Rubbish. Trash, debris, rubble, stone, fragments of building materials, or other miscellaneous useless waste or rejected matter.

Rubble. Any non-decayable waste greater than fifty (50) lbs. in weight or greater than three (3) cubic feet in size.

Smoke. A visible suspension of carbon or other particles in air, typically one emitted from a burning substance.

Substandard building. A building, or part of a building, or the premises on which a building is located that has inadequate sanitation, structural hazards, hazardous electrical wiring, hazardous plumbing, hazardous mechanical equipment, faulty weather protection, fire hazard, faulty materials of construction, hazardous or unsanitary premises, inadequate exits, inadequate fire-protection or firefighting equipment or improper occupancy or any other condition that endangers the life, limb, health, property, safety or welfare of the public or the occupants thereof. Specific examples of a substandard building include, but are not limited to:

- (a) A building which does not have an adequate mechanism for the disposal of wastewater.
- (b) A building that lacks or has improper hot and cold running water to plumbing fixtures.
- (c) A building that lacks or has an improper water closet, lavatory, bathroom, or shower.
- (d) A building which has been constructed or which now exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure, of the building regulations of this city, or of any law or ordinance of this state or city relating to the condition, location or structure of buildings.
- (e) A building used or intended to be used for dwelling purposes because of dilapidation, decay, damage, or faulty construction or arrangement, or otherwise, that is unsanitary or unfit for human habitation or is in a condition that is likely to cause sickness or is likely to work injury to the health, safety or general welfare of those living within the city when so determined by the Chief of Police, code enforcement officer, or building official.
- (f) A building used or intended to be used for dwelling purposes with light, air, and/or sanitation facilities inadequate to protect the health, safety or general welfare of persons living within.
- (g) A building that by reason of obsolescence, dilapidated condition, deterioration, damage, electric wiring, gas connections, heating apparatus, or other causes is in such condition as to be a fire hazard and endangers life or other buildings or property

in the vicinity or provides a ready fuel supply to augment the spread and intensity of fire arising from any cause.

- (h) Any sidewalk or driveway which is debilitated, broken, damaged, or raised to such a degree as to be injurious to property or injurious to persons using said driveway or sidewalks.
- (i) Any portion, part or appurtenance of a building that is likely to fall, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.
- (j) A building that has become dilapidated or deteriorated to such an extent, regardless of the cause, that it has become an attractive nuisance to children who might play therein to their danger, or has become a harbor for vagrants, criminals or immoral persons, or enable persons to resort thereto for the purpose of committing nuisance or unlawful or immoral acts.

Storage facility. Includes a garage, parking lot, or establishment for the servicing, repairing, or parking of motor vehicles.

Swimming pool. A permanent swimming pool, wading or reflection pool, or hot tub or spa over eighteen (18) inches deep, located at ground level, above ground, below ground, or indoors.

Watercraft. A vessel subject to registration under Chapter 31 of Texas Parks and Wildlife Code.

Any word not defined herein shall be construed in the ordinary context used and by ordinary interpretation, not as a term of art.

Weeds. Vegetation consisting of typically short plants with long, narrow leaves, growing wild or cultivated on lawns and pasture, not to include Shrubs, bushes, and trees, cultivated flowers and cultivated wildflowers; or cultivated crops.

ARTICLE 6.03 – NUISANCE DECLARED

Whatever is dangerous to human life or health; whatever renders the ground, the water, the air or any food or drink unwholesome and a hazard to human life and health, and whatever may injure or affect the public health or comfort in any manner is declared to be a nuisance and unlawful.

ARTICLE 6.04 - SPECIFIC CONDITIONS

The things or conditions listed in this section, among others, are declared to be nuisances, but are in no way to be construed as being an exclusive enumeration. Nuisances are liable for abatement, and the persons guilty of causing, permitting, or suffering any of them upon such person's premises or in any building occupied and/or controlled by such person or on any yard or grounds surrounding such building owned and/or controlled by such person, or in or upon any street, alley, sidewalk, right-of-way, or any property, public or private, shall, be fined upon expiration of the appropriate notification for abatement, as provided in this Chapter. The City can also use abatement by City forces, whether an emergency or not as provided for in this Chapter. Nuisances are further defined as follows:

- (a) The act by any person of permitting or allowing any stagnant or unwholesome water, filth, carrion, weeds, rubbish, rubble, brush, lumber, building materials, refuse, junk, machinery or garbage, or impure or unwholesome matter of any kind, or objectionable, unsightly matter of whatever nature to accumulate or remain on any real property or premises which is owned by them or in their control, unless the offending material is entirely contained within a closed receptacle or a building and is not visible from the public right-of-way;
- (b) The act by any person of throwing, depositing or leaving any trash, debris, refuse, junk, garbage or other rubbish in any public street, thoroughfare, alley or ditch in the city;
- (c) The act by any person of owning, leasing, or having charge or possession of any premises or building in the city to maintain or fail to maintain same so that it becomes or is allowed to remain a substandard building or improperly maintained building;
- (d) The act by any person of occupying a substandard building;
- (e) The act by any person in control of or owning any premises permitting or allowing the premises to exist in an unsanitary, unhealthy, or contaminated condition or maintain the premises in such a manner that it is likely to attract or harbor mosquitoes, rodents, vermin, or disease-carrying pests, is a possible or probable medium of disease transmission to or between humans, or is a danger to public safety, health or welfare;
- (f) The act by any person owning, in control of, or operating any swimming pool, including a private swimming pool, of maintaining the swimming pool in a manner that is unsafe, unsanitary, or a danger to public safety, health or welfare;
- (g) The act by any person of planting, fixing or maintaining any trees, shrubbery or other vegetation on any parking or property within the city adjacent to the intersection of any

two (2) or more streets which obstructs the driving vision of the operator of any vehicle upon any street approaching such intersection.

- (h) The act by any person of grading, filling, blocking, or otherwise obstructing a drainage easement, failing to maintain a drainage easement, or maintaining a drainage easement in a manner that allows the easement to be clogged with debris, sediment, or vegetation;
- (i) The act by any person of grading, filling, blocking, altering or otherwise obstructing a premises or property that is located in either a floodplain and/or a floodway, or in areas that affect drainage into such regulated areas;
- (j) The act by any person of grading, filling, blocking, altering, constructing, or obstructing property so that water is discharged on to adjoining property or premises to the detriment of person or property or in a manner that causes the water to affect the safe use or stability of the adjacent property;
- (k) The act by any person of conducting any activity or harboring any animals in a manner that creates or results in noxious or offensive odors that extend beyond the property line of the originating tract or is offensive to a person of ordinary sensibilities. Odors as a result of chemicals, smoke, stagnant pools, refuse, composting, dead animals or animal excrement are per se noxious and offensive.
- (l) The act by any person of making, assisting in making, permitting, continuing, causing to be made or continued or permitting the continuance of any sound which either exceeds the maximum permitted sound levels specified in section 8.03.005(c) or otherwise unreasonably disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the limits of the city, this includes but is not limited to the specific conditions listed in section 8.03.005(e).
- (m) The act by any person of making, assisting in making, permitting, continuing, causing to be made or continued or permitting the continuance of any light that does not comply with the lighting requirements of the Bastrop Building Code and/or the Bastrop Building Block Code Technical Manual, including but not limited to the following:
 - (A) Light trespass or glare that deprives an owner or occupant of usual and reasonable use and enjoyment of a property;
 - (B) A high frequency or duration of periods when light trespass or glare is sufficient to interrupt or interfere with usual and reasonable use and enjoyment of a property; or
 - (C) Light trespass or glare that causes visual discomfort or impairment of visual performance in a manner that deprives any citizen of the city from the usual and reasonable enjoyment of a property.
 - (D) Light trespass or glare which is sufficiently intense or contrasts excessively with surrounding illumination, regardless of the intensity of the surrounding illumination, in a manner to cause impairment of visual performance or to distract from or impair the safe operation of a vehicle; or

- (E) Light trespass or glare that impairs a person's visual performance or ability to avoid obstacles in his or her path.
- (n) The act by any person of bringing, depositing, or having in the city limits a carcass or other offensive or unwholesome substance or matter;
- (o) The act by any person of permitting or disposing of any human waste in any manner other than in a toilet;
- (p) The act by any person of discharging household, industrial or commercial waste into any watercourse, impoundment, storm sewer or public thoroughfare or permitting treated or untreated domestic wastewater or the effluent from a septic tank or domestic tank or domestic on-site sewage management system to drain directly or indirectly into a ditch or stream, or across any adjacent land owner;
- (q) The act by any person of failing to connect sinks, lavatories, garbage disposals, dishwashers, clothes washing machines, shower baths, bathtubs, basins and similar plumbing fixtures or appliances to a potable water system and public sewer or to an approved domestic on-site wastewater system.
- (r) The act by any person who own property abutting the streets of the city on which shade trees are growing of failing to prune such trees or remove such trees when dead.
- (s) The act by any person of allowing an abandoned vehicle, including a part of an abandoned vehicle, to be visible from a public place or public right-of-way.
- (t) The act by any person of allowing a junked vehicle, including a part of a junked vehicle, to be visible at any time of the year from a public place or public right-of-way.

**ARTICLE 6.05 - VIOLATION DECLARED TO BE A NUISANCE PER SE;
PUNISHABLE BY FINE**

All violations of this chapter shall be declared to be nuisances per se. A person committing an offense of this chapter, and upon conviction thereof, shall be guilty of a misdemeanor and shall be subject to a fine, as provided for the general penalty provision found in section 1.01.009 of this code. Said fine shall be in addition to any cost or expense that is incurred by the city to remedy the nuisance should the responsible party fail to do so after notice and a demand for compliance by the city. Each and every day that a violation declared to be a nuisance continues shall constitute a separate offense of this article.

ARTICLE 6.06 - NUISANCE ABATEMENT AND NOTICE PROCEDURES

Sec. 6.06.001 – General Notice of Violation and Abatement Procedures.

- (a) In the event that any person fails or refuses to take necessary action to comply with this chapter within seven (7) days after notice of a violation, in writing, by the city, a representative of the city may:
 - (1) Enter upon the premises upon which the violation exists without further notice and remedy the nuisance or make the improvements required; and

- (2) Pay for all work necessary to remedy the nuisance or make a required improvement and charge all expenses and cost expended by the city to the owner.
- (b) The notice must be given:
 - (1) Personally, in writing, to the owner;
 - (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 premises is located; or
 - (3) If personal service cannot be obtained or the premises owner's address is unknown:
 - (A) By publication at least once;
 - (B) By posting the notice on or near the front door of each building on the premises to which the violation relates; or
 - (C) By posting the notice on a placard attached to a stake driven into the ground on the premises to which the violation relates, if the premises contain no buildings.
- (c) If the city mails a notice to a premises' owner in accordance with subsection (b), 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.
- (d) In a notice provided pursuant to the terms of this article, the city may inform the owner of the property or premises that if another violation of the same kind or nature that poses a danger to the public health and safety occurs on or before the first anniversary of the date the violation was committed, the city may without the seven-day notice period stated in article 6.06.001(a), correct the violation at the owner's expense and assess the expense against the premises.
- (e) 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, then the city may, without notice, take any action permitted by this article and assess its expenses as provided for herein.
- (f) Notwithstanding anything stated herein to the contrary, the city shall have the right to immediately issue a citation and/or abate a condition that is an immediate danger to the health, life, or safety of any person and to charge the owner of the premises on which the condition occurred or the person who caused the condition with all expenses and costs expended by the city in the abatement.

Sec. 6.06.002 - Authority to abate weeds without notice.

- (a) The city may abate, without prior notice to a premises owner, weeds that:
 - (1) Have grown higher than forty-eight (48) inches; and
 - (2) Are an immediate danger to the health, life, or safety of any person.
- (b) Not later than the tenth day after the date the City abates weeds under this section, the Code Enforcement Officer or designee, shall give notice to the property owner in the manner consistent with section 6.06.001(b).
- (c) The notice shall contain:
 - (1) An identification of the premises, which is not required to be a legal property description;
 - (2) A description of the violations that occurred on the premises;
 - (3) A statement that the municipality abated the weeds; and

- (4) An explanation of the premises owner's right to request an administrative hearing about the municipality's abatement of the weeds.
- (d) The city shall conduct an administrative hearing before the Police Chief or his or her designee, on the abatement of weeds under this section if, not later than the 30th day after the date of the abatement of the weeds, the premises owner files with the city a written request for a hearing with the City Secretary.
- (e) An administrative hearing conducted under this section shall be conducted not later than the 20th day after the date of a request for a hearing is filed. The owner may testify or present any witness or written information relating to the city's abatement of the weeds.
- (f) After the hearing conducted in accordance with this section, the Police Chief may uphold, modify, or overturn the actions of the Code Enforcement Officer or designee.
- (g) A municipality may assess expenses and create liens as set forth in section 6.06.003 of this chapter.
- (h) The authority of the city under this section is in addition to any other authority granted pursuant by law.

Sec. 6.06.003 - Assessment of Expenses; Lien

- (a) The city may assess expenses incurred under this article against the real estate on which the work to remedy the nuisance is done or improvements made.
- (b) To obtain a lien against a premises, the mayor, municipal health authority, or municipal 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 of the premises or property, if known, and the legal description of the premises or property. A signature on a lien statement may be a facsimile signature as defined by section 618.002, Government Code. The lien attaches upon the filing of the lien statement with the county clerk.
- (c) The lien obtained by the city is security for the expenditures made and the interest accruing at the rate of 10% 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 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 any other remedy allowed by law.
- (h) The city may foreclose a lien on a premises and/or property under this article in a proceeding relating to the property and/or premises described in Chapter 33, Subchapter E, of the Texas Tax Code.
- (i) All charges shall bear interest at the maximum legal rate per annum from the date the city incurs the expense.
- (j) The owner or any other person responsible, as provided herein, shall be jointly and severally liable for the charges.

ARTICLE 6.07 – ABATEMENT OF SUBSTANDARD OR IMPROPERLY MAINTAINED BUILDINGS

Sec. 6.07.001. - Application.

This Chapter shall apply to all substandard or improperly maintained buildings and shall apply equally to new and existing conditions.

Sec. 6.07.002. - Standards for repair, vacation or demolition.

The following standards shall be followed in ordering repair, vacation and/or demolition: If the dangerous building or structure can be feasibly repaired or the condition remedied so that it will no longer exist in violation of the terms of this Article, it shall be ordered remedied or repaired.

- (a) Repairs shall be deemed feasible only if less than 50 percent of the structure of the building must be repaired or replaced or the value of the structure is reduced by less than 50 percent because of the violations. Value shall be determined by comparing the most recent valuation for the building or structure by the Bastrop County Appraisal District with the valuation of the building or structure two years prior to the most recent valuation by the Bastrop County Appraisal District.
- (b) If the dangerous building or structure is in such a condition as to make it hazardous to the health, safety or general welfare of its occupants or the public, it shall be ordered vacated and secured, and the order may also require the occupants to be relocated.
- (c) In any case where more than 50 percent of a building or structure is damaged, decayed or deteriorated, it shall be ordered demolished or removed, unless the Construction Standards Board of Adjustments and Appeals deems that the structure can be feasibly repaired or the condition remedied. In all cases where a building cannot be repaired, it shall be ordered demolished.
- (d) If a building is ordered demolished execution of the demolition order shall not commence until 30 days after the order is mailed to the owner. The Building Official shall confirm that a verified petition appealing the demolition order has not been filed in district court before executing a demolition order.

Sec. 6.07.003. - Minimum standards for continued use or occupancy.

In this Article, the minimum standards that shall determine the suitability of a building for continued use or occupancy, regardless of the date of construction, are those found in the City's adopted building code, supplemental building code, mechanical code, supplemental mechanical code, gas code, supplemental gas code, plumbing code, supplemental plumbing code, electrical code, housing code, existing buildings code, and fire prevention codes, as amended by the City from time to time.

Sec. 6.07.004. - Commencement of proceedings.

Whenever the Building Official has determined that a building or structure is a dangerous building or structure, he shall obtain a date and time for a public hearing before the Board to determine whether the building complies with the standards set out in this Chapter. The Building

Official may seek voluntary compliance with this Chapter with the owner, lienholder or mortgagee of the building or structure before seeking a hearing before the Commission. If the Building Official receives voluntary compliance from the owner, lienholder or mortgagee, the Building Official need not seek a public hearing from the Board.

Sec. 6.07.005. - Notice of hearing.

- (a) Notice of the public hearing required under section 6.07.004 shall be sent to the owner of record, lienholder and mortgagee of the affected property. The notice shall be served at least ten calendar days prior to the hearing date. The notice may be served personally or by certified mail, return receipt requested. The executed return receipt shall be prima facie evidence of service. If the owner of record, lienholder or mortgagee of the building cannot be identified, the City shall make a diligent effort, use its best efforts, or make a reasonable effort to determine the identity and address of an owner, a lienholder or mortgagee. If a notice is mailed according to this subsection and the United States Postal Service returns the notice as "refused" or "unclaimed," the validity of the notice is not affected, and the notice shall be deemed to be delivered.
- (b) The City must post a notice of the public hearing on the front door of each improvement situated on the affected property or as close to the front door as practicable on or before the 10th day before the date fixed for the public hearing.
- (c) The City must publish a notice of the public hearing in a newspaper of general circulation in the municipality on one occasion on or before the 10th day before the date fixed for the public hearing.
- (d) The City may file a notice of the hearing in the Official Public Records of Real Property for Bastrop County.
- (e) The filing of the notice of hearing in the Official Public Records of Real Property for Bastrop County is binding on subsequent grantees, lienholders or other transferees of an interest in the property who acquire such interest after the filing of the notice and constitutes notice of the hearing on any subsequent recipient of any interest in the property who acquires such interest after the filing of the notice.

Sec. 6.07.006. - Contents of notice.

- (a) The notice must contain:
 - (1) The name and address of the owner of the affected property if that information can be determined;
 - (2) A legal description of the affected property; and
 - (3) A description of the hearing.
- (b) A notice of a public hearing required by section 6.07.004 sent to an owner, lienholder or mortgagee:
 - (1) Must include a statement that the owner, lienholder or mortgagee will be required to submit at (1) the hearing proof of the scope of any work that may be required to comply with this Chapter and the time it will reasonably take to perform the work;
 - (2) May contain a description of each violation which allegedly exists, a statement that the City may perform the required work to abate the violation if the owner fails to do so, and an explanation of the owner's right to a hearing before the Commission.

Sec. 6.07.007. - Public hearing.

At the hearing the Building Official shall present evidence of the condition of the structure and may recommend a course of action. The owner, lienholder, mortgagee or any other interested party may present evidence on any relevant issues.

Sec. 6.07.008. - Construction Standards Board of Adjustments and Appeals orders.

- (a) After the public hearing, if a building is found in violation of standards set out in this Chapter or any other applicable ordinances, the Board may:
 - (1) Find the building or structure to be a dangerous building or structure and order that the building be vacated, secured, repaired, removed or demolished by the owner within a reasonable time. The Board may order that the owner relocate the occupants within a reasonable time; or
 - (2) In the case of a single-family dwelling occupied by the owner where the health, safety and welfare of other persons will not be affected, grant an exception to any provision of this Chapter to avoid the imposition of an unreasonable hardship.
- (b) The mortgagees and lienholders shall be provided an additional reasonable amount of time to comply with the ordered action in the event the owner fails to comply with the order within the time provided for action by the owner.
- (c) A Board order shall require the owner, lienholder or mortgagee of the building to within 30 days:
 - (1) Secure the building from unauthorized entry; or
 - (2) Repair, remove or demolish the building, unless the owner or lienholder establishes at the hearing that the work cannot reasonably be performed within 30 days.
- (d) If the Board allows the owner, lienholder or mortgagee more than 30 days to repair, remove or demolish the building, the Board shall set specific time schedules for the commencement and performance of the work and shall require the owner, lienholder or mortgagee to secure the property in a reasonable manner from unauthorized entry while the work is being performed, as determined by the Board.
- (e) The Board may not allow the owner, lienholder or mortgagee more than 90 days to repair, remove or demolish the building or fully perform all work required to comply with the order unless the owner, lienholder or mortgagee:
 - (1) Submits a detailed plan and time schedule for the work at the hearing; and
 - (2) Establishes at the hearing that the work cannot reasonably be completed within 90 days because of the scope and complexity of the work.
- (f) If the Board allows the owner, lienholder or mortgagee more than 90 days to complete any part of the work required to repair, remove or demolish the building, the Board will require the owner, lienholder or mortgagee to regularly submit progress reports, as defined by the Board, to the Building Official to demonstrate compliance with the time schedules established for commencement and performance of the work. The order may require that the owner, lienholder or mortgagee appear before the Board or the Building Official to demonstrate compliance with the time schedules.
- (g) If the Board allows the owner, lienholder or mortgagee to repair, remove or demolish the building, the work shall be done in compliance with all permitting requirements of the

City, Bastrop County and State of Texas. Any repair work must comply with the applicable codes for the work to be completed.

- (h) If the owner, lienholder or mortgagee owns property, including structures and improvements on property, within the City limits of the City with a value that exceeds \$100,000.00 in total value, the Board may require the owner, lienholder or mortgagee to post a cash or surety bond in an amount adequate enough to cover the cost of repairing, removing or demolishing a building or structure. In lieu of a bond, the Board may require the owner, lienholder or mortgagee to provide a letter of credit from a financial institution or guaranty from a third-party approved by the Board. The bond must be posted, or the letter of credit or third-party guaranty provided, not later than the 30th day after the Board issues the order. Value may be determined by using the appraised value of real property and improvements as determined by the Bastrop County Appraisal District, or its successor in interest.
- (i) The owner, lienholder or mortgagee has the burden of proof to demonstrate the scope of any work that may be required to comply with the applicable City ordinances and the time it will take to reasonably perform the work.

Sec. 6.07.009. - Actions subsequent to board order.

- (a) Within ten days after the date the order is issued, the City shall:
 - (1) File a copy of the order in the office of the City Secretary; and
 - (2) Publish in a newspaper of general circulation in the municipality in which the building is located a notice containing:
 - (A) The street address or legal description of the property;
 - (B) The date of the hearing;
 - (C) A brief statement indicating the results of the order; and
 - (D) Instructions stating where a complete copy of the order may be obtained.
- (b) The Building Official shall promptly mail by certified mail, return receipt requested, a copy of the order to the owner of the building and to any lienholder or mortgagee of the building. The municipality shall use its best efforts to determine the identity and address of any owner, lienholder or mortgagee of the building. If a copy of the order is mailed according to this subsection and the United States Postal Service returns the notice as "refused" or "unclaimed," the validity of the mailing is not affected, and the copy of the order shall be deemed to be delivered.

Sec. 6.07.010. - Compliance with Board order.

- (a) If the building is not vacated, secured, repaired, removed or demolished, or the occupants are not relocated within the allotted time, the City may vacate, secure, remove, or demolish the building or relocate the occupants at its own expense.
- (b) If the City incurs expenses under subsection (a) of this section, the City may assess the expenses on, and the City has a lien against, unless it is a homestead as protected by the Texas Constitution, the property on which the building is located. The lien is extinguished if the property owner or another person having an interest in the legal title to the property reimburses the City for the expenses. The lien arises and attaches to the

property at the time the notice of the lien is recorded and indexed in the office of the County Clerk of Bastrop County. The notice must contain the name and address of the owner if that information can be determined with a reasonable effort, a legal description of the real property on which the building was located, the amount of expenses incurred by the City, and the balance due.

- (c) This section does not limit the City's ability to collect on a bond or other financial guaranty that may have been required by section 6.07.008(h).

Sec. 6.07.011. - City's authority to secure a dangerous building.

- (a) The City may secure a building the Building Official determines:
 - (1) Violates the minimum standards; and
 - (2) Is unoccupied or is occupied only by persons who do not have a right of possession to the building.
- (b) Before the 11th day after the date the building is secured, the Building Official shall give notice to the owner by:
 - (1) Personally serving the owner with written notice;
 - (2) Depositing the notice in the United States mail addressed to the owner at the owner's post office address;
 - (3) Publishing the notice in a newspaper of general circulation if personal service cannot be obtained and the owner's post office address is unknown; or
 - (4) Posting the notice on or near the front door of the building if personal service cannot be obtained and the owner's post office address is unknown.
- (c) The notice must contain:
 - (1) An identification, which is not required to be a legal description, of the building and the property on which it is located;
 - (2) A description of the violation of the municipal standards that is present at the building;
 - (3) A statement that the municipality will secure or has secured, as the case may be, the building; and
 - (4) An explanation of the owner's entitlement to request a hearing about any matter relating to the municipality's securing of the building.
- (d) The Board shall conduct a hearing at which the owner may testify or present witnesses or written information about any manner relating to the City's securing of the building if, within 30 days after the date the City secures the building, the owner files with the Building Official a written request for the hearing. The Board shall conduct the hearing within 20 days after the date the request is filed.
- (e) If the City incurs expenses under this section, the City may assess the expenses on, and the City has a lien against, unless it is a homestead as protected by the Texas Constitution, the property on which the building is located. The lien is extinguished if the property owner or another person having an interest in the legal title to the property reimburses the City for the expenses. The lien arises and attaches to the property at the time the notice of the lien is recorded and indexed in the office of the County Clerk in the county in which the property is located. The notice must contain the name and address of the owner if that information can be determined with a reasonable effort, a legal

- description of the real property on which the building was located, the amount of expenses incurred by the City, and the balance due.
- (f) After the hearing conducted in accordance with subsection (d) of this section, the Board may:
 - (1) Uphold the City's actions; or
 - (2) Order that the amount of the lien assessed under subsection (e) of this section be reduced or extinguished.
 - (g) The authority granted by this section is in addition to any other remedy provided in this Chapter or by state law.

Sec. 6.07.011. - Additional authority regarding substandard building.

- (a) A Board order issued pursuant to section 6.07.010 may require that after the expiration of the time allotted for repair, removal or demolition of a building:
 - (1) That the City repair the building or structure at the expense of the City and may place a lien on the land which the building stands or to which it is attached for the expenses of the repair; or
 - (2) Assess a civil penalty against the property owner for failure to repair, remove or demolish the building and may recover the penalty by placing a lien on the property.
- (b) The City may repair a building under subsection (a) of this section only to the extent necessary to bring the building into compliance with the minimum standards and only if the building is a residential building with ten or fewer dwelling units. The repairs may not improve the building to the extent that the building exceeds minimum housing standards.
- (c) If the Board orders the building or structure repaired or assesses a civil penalty against the owner under section 6.07.011, the City shall impose a lien against the land on which the building stands or stood, unless it is a homestead as protected by the Texas Constitution, to secure the payment of the repair expenses or the civil penalty. Promptly after the imposition of the lien, the City must file for record, in recordable form in the office of the County Clerk of Bastrop County, a written notice of the imposition of the lien. The notice must contain a legal description of the land.
- (d) Any civil penalty or other assessment imposed under this section accrues interest at the rate of ten percent from the date of the assessment until paid in full.
- (e) The City's right to the assessment lien cannot be transferred to third parties.
- (f) A lien acquired under this section by the City for repair expenses may not be foreclosed if the property on which the repairs were made is occupied as a residential homestead by a person 65 years of age or older.
- (g) The Board may assess and the City may recover a civil penalty, if ordered, against a property owner at the time of the Board hearing on violations of this Chapter, in an amount not to exceed \$1,000.00 a day for each violation or, if the owner shows that the property is the owner's lawful homestead, in an amount not to exceed \$10.00 a day for each violation, if the municipality proves:
 - (1) The property owner was notified of the requirements of the ordinance and the owner's need to comply with the requirements; and
 - (2) After notification, the property owner committed acts in violation of the ordinance or failed to take an action necessary for compliance with the ordinance.

- (h) Notice of an action taken under subsection (a) of this section shall be the same notice provided for in section 6.07.009.
- (i) The authority granted by this section is in addition to any other remedy provided in this Chapter or by State law.

Sec. 6.07.011. - Diligent or best efforts by the city.

Under this Article, the City is deemed to have made a diligent effort, used its best efforts, or made a reasonable effort to determine the identity and address of an owner, a lienholder, or mortgagee if it searches the following records:

- (a) County real property records of the county in which the building is located;
- (b) Appraisal district records of the appraisal district in which the building is located;
- (c) Records of the secretary of state;
- (d) Assumed name records of the county in which the building is located;
- (e) Tax records of the City; and
- (f) Utility records of the City.

Sec. 6.07.012. - Inspection of buildings, schools, churches, etc.

The Building Official, or their designee, may inspect or cause to be inspected periodically all public buildings, schools, halls, churches, theaters, hotels, apartments, commercial premises or tents for the purpose of determining whether any condition exist which render any such place a dangerous building or structure. The Building Official shall also inspect buildings under the following conditions:

- (a) Any premises, building, wall or structure about which complaints are filed by any person to the effect that any premises or building, wall or structure is or may be existing in violation of this Chapter;
- (b) Any premises, building, wall or structure reported by the Health, Fire or Police departments of the City as possibly existing in violation of the terms of this Chapter;
- (c) Any premises, building, wall or structure that the Building Official has reason to believe may be in violation of this Chapter, wherein such inspection is conducted in accordance with the law.

Sec. 6.07.013. - Responsibility for expense of repair, removal, demolition, etc.

- (a) Demolition, closure, removal or repair of a structure may be accomplished by the owner in compliance with this section or by the City. The expense of demolition, closure, correction, removal or repair, when performed under contract with the City or by City forces and filed in accordance with the law, constitutes a lien against the real property on which a structure stood and the lien runs and is attached to the land.
- (b) The City may use all other lawful means to collect costs from an owner.

Sec. 6.07.014. - Timely vacation of structure.

- (a) Each occupant of a structure or dwelling unit that has been ordered vacated shall vacate the structure or dwelling unit within the time specified in the order. It is unlawful for any person to occupy a structure or dwelling unit that has been ordered vacated.
- (b) A person who is ordered to vacate a structure shall not be considered a displaced person and shall not be eligible for relocation assistance if:
 - (1) The person is ordered to vacate a structure as a consequence of his own intentional or negligent conduct;
 - (2) The person began occupying the structure after the Building Official placed a red placard on the structure warning of its dangerous condition.

Sec. 6.07.015. - Reduction of occupancy load—Notice.

- (a) The Building Official shall, by certified mail, return receipt requested, sent to the last known address of the owner and occupant of a structure, as shown on the tax roll of the official records of the Tax Assessor-Collector and the records of utility service for that address of the City, give notice of a hearing to consider reduction of occupancy load of a structure or portion thereof that is overcrowded. The notice shall state:
 - (1) Identification of the building that is over-occupied;
 - (2) A description of the violation(s) with reference to the appropriate regulations;
 - (3) Required action to abate the violation;
 - (4) The right to a hearing and the time, date and location of such hearing.

Sec. 6.07.016. - Reduction of occupancy load—Public hearing.

A public hearing to consider occupancy load of a structure shall be held before a hearing panel of the Board at least ten days after receipt of notice by the owner and occupants or at least five days after the mail is returned undelivered. The Building Official shall present evidence of the overcrowded or dangerous condition of the structure and the owner, lessor or occupants may present evidence on relevant issues.

Sec. 6.07.017. - Reduction of occupancy load—Criteria for determination.

- (a) A structure or dwelling unit is overcrowded if the following standards are not met:
 - (1) Floor Space Per Person. Each structure or dwelling unit shall contain at least 150 square feet of habitable floor space for the first occupant and at least 100 square feet of additional habitable floor space for each additional occupant;
 - (2) Sleeping Space Per Person. In each structure or dwelling unit of two or more rooms, each room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor space, and every room occupied for sleeping purposes by more than one person shall contain at least 50 square feet of floor space for each occupant;

- (3) Special Provisions. Children under 12 months of age shall not be considered occupants, and children under 12 years of age shall be considered as ½ of one occupant for purposes of Subsections 1 and 2.;
- (4) Ceiling Height. For purposes of Subsections 1 and 2, a room of a structure must have a ceiling height of at least seven feet to be considered habitable space.

Sec. 6.07.018. - Reduction of occupancy load—Findings of hearing panel.

The hearing panel shall order reduction of occupancy load if it finds that the structure is overcrowded. The order to reduce the occupancy load shall be given to the occupants and the order shall also be filed in the deed records of Bastrop County.

Sec. 6.07.019. - Reduction of occupancy load—Timely compliance with order.

The occupants of a structure or dwelling unit that has been ordered reduced in occupancy load shall reduce the occupancy to the number and within the time specified in the order.

Sec. 6.07.020. - Reduction of occupancy load—Violation of order unlawful.

It is unlawful for the owner of the building or structure referred to in section 6.07.008 to permit occupancy in violation of the order.

Sec. 6.07.021. - Emergency cases.

- (a) In cases where it reasonably appears there is an immediate and imminent danger to the life or safety of any person unless a dangerous building as defined in this Chapter is immediately vacated, repaired, closed or demolished, the Building Official of building inspections shall cause the immediate vacation, repair, closure or demolition of such dangerous building or part thereof. The Building Inspector shall use the least intrusive means to abate the emergency.
- (b) The Building Inspector shall make reasonable attempts to notify the affected persons in accordance with section 6.07.008. The costs of such emergency repair, vacation or demolition of such dangerous building shall be collected in the manner as provided for by section 6.07.013.

Sec. 6.07.022. - Disconnecting public utilities.

The Building Official of building inspections may request that public utilities be disconnected in order that demolition may be accomplished without delay when an order for demolition has been issued or when an emergency situation exists.

ARTICLE 6.08 – ABATEMENT OF ABANDONED VEHICLES

Sec. 6.08.001 –Abatement of Abandoned Vehicles, Notice, Seizure, Auction Demolition Procedures.

- (a) The Police Department shall follow the procedures for taking into custody an abandoned motor vehicle, aircraft, watercraft, or outboard motor found on public or private property as provided by Texas Transportation Code, Chapter 683, Subsection B.
- (b) The Police Department shall follow the procedures for taking into custody an abandoned motor vehicle in a storage facility operated for commercial purposes as provided by Texas Transportation Code, Chapter 683, Subsection C.
- (c) The Police Department shall follow the procedures for selling, giving away, or disposing of an abandoned motor vehicle as provided by Texas Transportation Code, Chapter 683, Subsection D.

ARTICLE 6.09 – ABATEMENT OF JUNKED VEHICLES

Sec. 6.09.001 – Authority to Abate

- (a) The city may abate and remove from private or public property or a public right-of-way a junked vehicle or part of a junked vehicle that is a public nuisance pursuant to section 6.04 in accordance with the procedures and requirements of this article.
- (b) An appropriate court of the municipality or county may issue necessary orders to enforce the procedures.
- (c) Procedures for abatement and removal of a public nuisance shall be administered by regularly salaried, full-time employees of the city, except that any authorized person may remove the nuisance.
- (d) A person authorized by the city to administer the nuisance abatement procedures may enter private property to examine a public nuisance, to obtain information to identify the nuisance, and to remove or direct the removal of the nuisance.
- (e) The relocation of a junked vehicle that is a public nuisance to another location in the city or the county after a proceeding for abatement and/or removal of the public nuisance has commenced has no effect on the proceeding if the junked vehicle constitutes a public nuisance at the new location.
- (f) In addition to any other remedies specified herein and available to the city, the city may enforce this article pursuant to section 217.002 of the Texas Local Government Code.

Sec. 6.09.002 - Notice.

- (a) The Chief of Police or his designee must provide not less than ten (10) days' notice of the nature of the nuisance to:
 - (1) the last known registered owner of the nuisance;
 - (2) each lienholder of record of the nuisance; and
 - (3) the owner or occupant of
 - i. the property on which the nuisance is located; or
 - ii. if the nuisance is located on a public right-of-way, the property adjacent to the right-of-way.
- (b) Said notice shall comply with Texas Transportation Code section 683.075

Sec. 6.09.003 - Hearing.

- (a) The City Council designates the presiding judge of the Bastrop Municipal Court of Record as the official to conduct hearings under the procedures adopted under this section and in Subchapter E of Texas Transportation Code Chapter 683.
- (b) On request of a person who receives notice as provided by section 6.09.002 must be set if the request is made not later than the date by which the nuisance must be abated and removed. If a hearing is requested by a person for whom notice is required under section 6.09.002(a)(3), the hearing shall be held not earlier than the 11th day after the date of the service of notice.
- (c) A person for whom notice is required under section 6.09.002(a)(3) may, within ten (10) days after service of a notice to abate said nuisance, request of the clerk of the municipal court, either in person or in writing, and without the requirement of the bond, that a date and a time be set when he or she may appear before the presiding judge of the municipal court for a hearing to determine whether or not the motor vehicle is a junked motor vehicle. Notice of any hearing set under this section shall be delivered to the Chief of Police.
- (d) The judge of the municipal court shall hear any case brought before such court, as set out herein, and shall determine by a preponderance of the evidence whether or not the motor vehicle is a junked motor vehicle and in violation of this article. Such hearing shall not be criminal in nature and shall be as summary as due process and orderly procedure allows. At the hearing, the junked motor vehicle is presumed, unless demonstrated otherwise by the owner, to be inoperable.
- (e) Upon finding that a motor vehicle is in violation of this article, the judge of such court shall order such defendant to remove and abate such nuisance within ten (10) days. If the party fails or refuses to remove and abate the nuisance within the allotted time, the presiding judge of the municipal court may issue an order directing the Chief of Police or his designee to have the same removed from its location. If so ordered, the Chief of Police or designee shall take possession of such nuisance and remove it from its location.
- (f) If the information is available at the location of the nuisance, a resolution or order requiring removal of the nuisance must include:
 - (1) for a motor vehicle, the vehicle's:
 - (A) description;
 - (B) vehicle identification number; and
 - (C) license plate number;
 - (2) for an aircraft, the aircraft's:
 - (A) description; and
 - (B) federal aircraft identification number as described by Federal Aviation Administration aircraft registration regulations in 14 C.F.R. Part 47; and
 - (3) for a watercraft, the watercraft's:
 - (A) description; and
 - (B) identification number as set forth in the watercraft's certificate of number.
- (g) If the court determines that the junked vehicle must be removed, the vehicle cannot be reconstructed or made operable after removal.
- (h) If the court determines that the junked vehicle must be removed, notice identifying the vehicle or part of the vehicle shall be given to the Texas Department of Motor Vehicles not later than the fifth day after the date of removal.

Sec. 6.09.004 - Abatement when persons entitled to notice cannot be found.

- (a) If the post office address of the last known registered owner of the nuisance is unknown, notice may be placed on the nuisance or, if the owner is located, personally delivered.
- (b) If notice is returned undelivered, action to abate the nuisance shall be continued to a date not earlier than the 11th day after the date of the return.
- (c) Upon a showing of compliance with the applicable notice provisions, the presiding judge of the municipal court, the abatement procedures may continue and if it is determined that the nuisance is a junked vehicle the presiding judge may issue an order that complies with this Chapter.

Sec. 6.09.005 - Exemptions.

- (a) Procedures adopted under section 6.09 may not apply to a vehicle or vehicle part:
 - (1) That is completely enclosed in a building in a lawful manner and is not visible from the street or other public or private property; or
 - (2) That is stored or parked in a lawful manner on private property in connection with the business of a "licensed vehicle dealer" or "junkyard" as those terms are defined in the Texas Transportation Code and the rules promulgated thereunder, or that is an antique or special interest vehicle stored by a motor vehicle collector on the collector's property, if the vehicle or part and the outdoor storage area, if any, are:
 - (A) Maintained in an orderly manner;
 - (B) Not a health hazard; and
 - (C) Screened from ordinary public view by appropriate means, including a fence, rapidly growing trees, or shrubbery.

- (b) Definitions. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, unless the context of their usage clearly indicates another meaning.

Antique vehicle. A passenger car or truck that is at least thirty-five (35) years old.

Motor vehicle collector. A person who:

- (1) Owns one or more antique or special interest vehicles; and
- (2) Acquires, collects, or disposes of an antique or special interest vehicle or part of an antique or special interest vehicle for personal use to restore and preserve an antique or special interest vehicle for historic interest.

Special interest vehicle. A motor vehicle of any age that has not been changed from original manufacturer's specifications and, because of its historic interest, is being preserved by a hobbyist.

Sec. 6.09.006 – Junk Vehicle Disposal.

- (a) A junked vehicle, including a part of a junked vehicle, may be removed to a scrapyard, a motor vehicle demolisher, or a suitable site operated by a municipality or county.

- (b) The city may operate a disposal site if the City Council determines that commercial disposition of junked vehicles is not available or is inadequate. The city may:
- (1) Finally dispose of a junked vehicle or vehicle part; or
 - (2) Transfer it to another disposal site if the disposal is scrap or salvage only.

ARTICLE 6.10 - ENFORCEMENT

The provisions of this article shall be enforced by representatives of the city. Notwithstanding any provisions of this article to the contrary, the City Manager, building official, or his or her designee, code enforcement officer, and the Chief of Police or his or her designee has authority to issue immediate citations to persons violating any provision of this article in the presence of said official. The building official, or his or her designee, code enforcement officer, or the Chief of Police, or his or her designee, upon the showing of proper identification, are authorized to enter upon any private property and/or premises to inspect for violations of this article and to insure compliance with same. It shall be unlawful for any person to interfere with the building official, or his or her designee, code enforcement officer, or the Chief of Police or his or her designee, in the exercise of their duties under this article.

