

An ordinance providing for the general improvement of safe and sanitary living conditions; providing for definitions and standards; providing for policy requirements; providing for prohibition of unsafe conditions; and, providing for penalties for violation.

Section 1. Policy

In accordance with the previously adopted policy regarding comprehensive planning and planned community development, it is hereby declared that the policy of the City of DeLeon, Texas is to minimize unsafe and unsanitary conditions wherever found and to protect, preserve and promote public health, comfort, safety and welfare.

It is the specific intent of the ordinance to preserve the citizens from nuisance, filth, carrion, weeds, rodents, unsightly and unsanitary matter, abandoned material of wood, plastic or metal, litter, and the insect and rodent breeding environment associated with materials and oxidizing matter noted above.

It is the specific policy of the ordinance to avoid undue and unnecessary movement of usable materials owned by the citizens except where the materials provide a direct violation of the intent of the ordinance.

Temporary placement of materials used in income producing efforts of citizens may provide an environment which is prohibited. A time limit for such placement is provided.

It is the specific policy of the ordinance to deter blight and deterioration in the community and to sustain and promote a safe and sanitary environment in all areas of the community.

Section 2. Standards - Definitions

For the purposes of this section the terms used shall be interpreted as follows:

- (a) Nuisance shall include stagnant or unwholesome water, sinks, privies, filth, carrion, weeds, rubbish, brush and refuse, impure or unwholesome matter of any kind, objectionable, unsightly or unsanitary matter of whatever nature, or litter as defined elsewhere in this chapter.

- (b) Filth shall mean any matter in a putrescent state, or matter that can become putrescent.
- (c) Carrion shall mean the dead and putrefying flesh of any animal, fowl, or fish.
- (d) Weeds shall mean uncultivated vegetation, including but not limited to, grasses of a height in excess of eighteen (18) inches.
- (e) Rodents shall mean any gnawing mammal living in burrows, nests or walls of buildings and includes rats, mice, and squirrels.
- (f) Objectionable, unsightly or unsanitary matter shall mean any matter, condition, or object which is or should be objectionable, unsightly, or unsanitary when compared to the general cleanliness and repair of the community. Such matter shall be a potential hazard to the health, safety and community well-being.
- (g) Abandoned material of wood, plastic or metal, rubbish and refuse. Rubbish shall include trash, debris, rubble, stone, useless fragments of building material, and rejected or waste matter. Refuse shall mean an unsorted accumulation of worn out, used up, rejected, worthless, broken or abandoned material.
- (h) Litter shall mean any item or matter which is or is not subject to deterioration through the process known as "oxidation".
- (i) Rodent breeding environment shall mean a collection of rubbish, litter, refuse, filth, weeds, abandoned material in which rodents can pro-pagate and live with comparative safety. This environment includes abandoned materials, deteriorated houses, outhouses, privies, burrows, open piping, car bodies, chicken houses, piles of grass, tree limbs, abandoned furniture, and abandoned industrial material.
- (j) Public place shall mean any public road, street, alley, park, or sidewalk or any place to which people commonly use for purposes of business, amusement, or other lawful purposes.
- (k) Private place shall mean any place within the city not herein defined as a public place.

### Section 3. Prohibitions

- (a) The provisions of this section shall be applicable to any nuisance within the city limits of the City of DeLeon and to any nuisance outside the city limits for a distance of five thousand (5,000) feet. The five thousand

(5,000) foot provision of this section shall have no application to a nuisance existing within the city limits of any city, town, or village incorporated under the laws of the State of Texas.

(b) No person shall throw or place litter in or on a public or private place.

(c) No person shall place filth or carrion on or in a public or private place; nor allow filth or carrion to remain on or in private property.

(d) All land holders shall be responsible for removing excess weeds and brush when weeds and brush provide the environment described herein.

(e) All persons shall keep materials, supplies, equipment stored a distance of 10 feet behind the front line of the structure where the structure is used as a residence. Temporary placement of materials, supplies, and equipment shall not exceed 30 days.

(f) The placement of any rubbish, filth, weeds, litter, abandoned material, which creates a nuisance on public or private property is prohibited.

#### Section 4. Abatement - Remedies

(a) After determining a nuisance exists on any private premise, notice shall be forwarded to the owner, occupant, or both, of such premises, directing the abatement of the nuisance within thirty (30) days from the receipt of the notice.

(b) Failure of the person to whom the notice is directed to abate such nuisance within the time prescribed shall be a misdemeanor.

(c) Notice shall mean personal service in writing; correspondence sent registered or certified mail, return receipt requested, to the last known address of the owner or occupant, as applicable; or by publication as many as two (2) times within ten (10) days in a paper of general circulation within the City of DeLeon. Either of these methods alone shall be sufficient to constitute notice hereunder.

(d) Any word not herein defined shall be construed in the context used and by ordinary interpretation -- not as a word of art.

(e) After notice to the owner of the premises involved, if such nuisance is not abated within the time period specified, the city shall have full authority to abate such nuisance, or cause same to be abated.

(f) Such abatement shall be performed at the expense of the city for the account of the owners of the property.

(g) All such expenses incurred to abate such nuisance shall be assessed on and against the premises on which said expenses were expended.

(h) On filing with the county clerk of Comanche County, Texas, a statement signed by the mayor or city health officer of the City of DeLeon of the expenses actually incurred in abating such nuisance, the city shall have a lien against the premises requiring such expenses to be incurred. Such lien shall be a privileged lien second only to tax liens and liens for street improvements. Interest at the rate of ten per cent (10%) compounded annually shall accrue on the amounts expended by the city. Said interest shall be computed from the date the sums are expended by the city.

(i) For such expenditures and interest, the city may institute suit to foreclose said lien, and the statement of expenses proof of the amount expended in such work and abatement. (Ord. No. 1976, 1, 9-7-71)

Section 5. Conflicts

Any ordinance or parts of ordinances in conflict with these provisions is hereby repealed.

PASSED AND APPROVED this 13<sup>th</sup> day of April, 1981.

  
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Mayor

  
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City Secretary

Approved as to form - City Attorney

## Section 6

### Citation issuance and review

It is the specific intent of this ordinance to improve safe and sanitary living conditions, without imposing handicaps on the ability of citizens to earn their living, or to require arbitrary movement of material or equipment not in violation of this ordinance.

This ordinance recognizes the absence of zoning restrictions in the city of De Leon, and zoning restrictions are specifically excluded from this ordinance.

Any and all citations issued under the provisions of this ordinance will be reviewed by the full membership of the city council of the city of De Leon. Citations issued for execution will require passage by legal vote as defined in the city charter and/or governing regulations.