

**ABATEMENT OF PUBLIC NUISANCE**

**AN ORDINANCE OF THE CITY OF ROPESVILLE, ADOPTING THE RULES AND REGULATIONS FOR ABATEMENT OF A PUBLIC NUISANCE; IN THE CITY OF ROPESVILLE ADOPTING RULES AND REGULATION TO CONTROL THE STORAGE OR ACCUMULATION OF LITTER, REFUSE, RUBBISH, ABANDON VEHICLES, APPLIANCES, OR BUILDINGS THAT ARE STRUCTUALLY UNSAFE, PROVIDE DOCUMENT THAT ARE APPLICABLE FOR THESE REGULATIONS, PROVIDING A PENALTY, AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council for the City of Ropesville, Texas finds and determines that trash, litter, junked vehicle and junked mobile homes, boats, and abandon structures are detrimental to the public health, safety and welfare of the residents of The City of Ropesville, Hockley County, Texas.

**WHEREAS**, the City Council for the City of Ropesville, finds and determines that this Order is necessary to promote health, safety, and welfare of the residents of the City of Ropesville,

**WHEREAS**, the City Council for the City of Ropesville, desires to provide regulations to control the storage or accumulation of litter, refuse, rubbish, abandoned vehicles, refrigerators, boats, stoves, furniture, tires and cans in neighborhood areas or maintaining unsanitary or structurally unsafe buildings and premises in incorporated areas of the City of Ropesville, providing for written notice to the owner, lessee or occupant and calling for enforcement by the elimination, removal, repair, rehabilitation or Demolition of the building or nuisance including the right to a hearing before the Council, Court or any commission, board or official designated by the Court for this purpose including a lien Against the property if necessary for the costs of the abatement of the nuisance together with any Administration fees allowed, repealing all conflicting orders, if any; providing for severability; Providing for publication; and declaring an effective date.

**IT IS ORDERED BY THE CITY COUNCIL FOR THE CITY OF ROPESVILLE, HOCKLEY COUNTY, TEXAS, THAT:**

**SECTION I.**

**THE CITY COUNCIL FOR THE CITY OF ROPESVILLE, HOCKLEY COUNTY, TEXAS, HEREBY ADOPTS SECTIONS 343.001 -THROUGH 343.023 OF THE TEXAS HEALTH AND SAFETY CODE.**

**SECTION 2: Public Nuisance**

1. A person may not cause, permit, or allow a public nuisance under this section on any premises. A public nuisance is:

2. keeping, storing, or accumulating refuse on premises in a neighborhood unless the refuse is entirely contained in a closed receptacle;
3. keeping, storing, or accumulating rubbish, including newspapers, abandoned vehicles, refrigerators, stoves, furniture, tires, and cans, on premises in a neighborhood for 20 days or more, unless the rubbish or object is completely enclosed in a building or is not visible from a public street; maintaining premises in a manner that creates an unsanitary condition likely to attract, or harbor mosquitoes, rodents, vermin, or disease-carrying pests;
4. allowing weeds to grow on premises in a neighborhood if the weeds are located within 300 feet of another residence or commercial establishment~
5. maintaining a building in a manner that is structurally unsafe or constitutes a hazard to safety, health, or public welfare because of inadequate maintenance, unsanitary conditions, dilapidation, obsolescence, disaster, damage, or abandonment or because it constitutes a fire hazard-maintaining on abandoned and unoccupied property in a neighborhood a swimming pool that is not protected with: a fence that is at least four feet high and that has a latched gate that cannot be opened by a child or, a cover over the entire swimming pool that cannot be removed by a child or; maintaining a flea market in a manner that constitutes a fire hazard; discarding refuse or creating a hazardous visual obstruction on:
  - i. city-owned land or
  - ii. Land or easements owned or held by a special nonprofit, of the city as its governing body or discarding refuse on the smaller of~ the area that spans 20 feet on each side of a utility line; or the actual span of the utility easement.

### SECTION 3

This section does not apply to:

- a) A site or facility that is:
  1. permitted and regulated by a state agency; or
  2. Licensed or permitted under Chapter 361: or agricultural land. In Subsection with (c), "agricultural land" means land that qualifies for tax appraisal under: Subchapter C or D, Chapter 23, Tax Code.

### SECTION 4: Criminal Penalty:

A person commits an offense if:

1. The person violates this Section~ if the nuisance remains unabated after the 30 day after the date on which the person receives notice from the city official, agent, or employee to abate the nuisance.
2. **An offense under this section is a misdemeanor punishable by a fine of not less than \$50 or more than \$200.**

3. If it is shown at the trial of the defendant that the defendant has been previously convicted of an offense under this section, **and by Texas Penal Code Section 602(f) finds culpable mental state has been determined, the defendant has been found guilty shall be punishable by a fine of not less than \$200 or more than \$1,000.( If culpable mental state has not been determined :Section 12.23 of the Texas Penal Code defines class "C" misdemeanors as having a fine of \$500.00 )** (case law : O'REILLY vs. STATE 501 S.W. 3d 722-Tex App-DALLAS 2016)
4. **Each day a violation occurs is a separate offense.**
5. **The court shall order abatement of the nuisance if the defendant is convicted of an offense under this section.**

**SECTION 5: Injunction**

The Municipal court may by injunction prevent or restrain a violation of this chapter in the incorporated area of the city.

1. A person affected or to be affected by a violation under this chapter, including a property owner, resident of a neighborhood, organization of property owners or residents of a neighborhood, may bring suit under Subsection (a). If the court grants the injunction, the court may award the plaintiff reasonable attorney's fees and court costs

**SECTION 6: Abatement Procedures**

The abatement procedures adopted by the city Council for the City of Ropesville must be administered by regularly salaried, full-time city employee, but the removal or demolition of the nuisance, may be made by a person authorized by the person administering the abatement program.

1. The abatement procedures must require that written notice be given to:
2. the owner, lessee, occupant, agent, or person in charge of the premises; and
3. The person responsible for causing a public nuisance on the premises when: that person is not the owner, lessee, occupant, agent, or person in charge of the premises; and .the- person responsible can be identified;
4. The notice must state:
  - a. the specific condition that constitutes a nuisance;
  - b. that the person receiving notice shall abate the nuisance before the 31st day after the date on which the notice is served;) that, failure to abate the nuisance may result in: abatement: by the City or Ropesville;
  - c. assessment of costs to the person responsible for causing the nuisance when that person can be identified; and
  - d. a lien against the property on which the nuisance exists, if the person responsible for causing the nuisance has an interest in the property; and that the person receiving notice is entitled to submit; before the 31st day after the date on which the notice is served, a written request for a hearing.

5. The notice must be given:
  - a. by service in person or by registered or certified mail, return receipt requested; or if personal service cannot be obtained or the address of the person to be notified is unknown, by posting a copy of the notice on the premises on which the nuisance exists and by publishing the notice in a newspaper with general circulation in the County two times within 10 consecutive days

**The abatement procedures must require a hearing before the Municipal Court, abates the nuisance if a hearing is requested. The hearing may be conducted before the Municipal Judge or by the City Council, or any board, commission, or official designated by the city council for the City of Ropesville. The city council may designate a board, commission, or official to conduct such hearing.**

**SECTION 7: Assessment of Costs; Lien**

A City may:

1. assess the cost of abating the nuisance, the cost of legal notification by publication and an administrative fee of not more than \$100 on the person receiving notice; or
  - a. Agent receives notice of the nuisance in accordance with Section 343.022, Texas State Law
2. By resolution or order, assess the cost of abating the nuisance, the cost of legal notification by publication, and an administrative fee of not more than \$100 against the property on which the nuisance exists.
3. The city council, may not make an assessment against property unless the owner or owner's
  - a. Agent receives notice of the nuisance in accordance with Section 343.022, Texas State Law
4. To obtain a lien against the property to secure an assessment, the Municipal Court or City Council of the City of Ropesville, must file a notice that contains a statement of costs, a legal description of the property sufficient to identify the property, and the name of the property owner, if known, with the county clerk of the county in which the property is located.
5. The City of Ropesville lien to secure an assessment attaches when the notice of lien is filed and is inferior to a previously recorded bona fide mortgage lien attached to the real property to which the city's lien attaches, if the mortgage was filed for record in the office of the county clerk of the county in which the real property is located before the date on which the city files the notice of lien with the county clerk.

6. The City of Ropesville is entitled to accrue interest beginning on the 31st day after the date of the assessment against the property at the rate of five (5) percent a year.
7. The statement of costs or a certified copy of the statement of costs is prima facie proof of the costs incurred to abate the nuisance.

**SECTION 8: Authority to Enter Premises**

The City of Ropesville official, agent, or employee charged with the enforcement of health environmental, safety, or fire laws may enter any premises in the incorporated area of the city at a reasonable time to inspect, investigate, or abate a nuisance or to enforce this chapter.

**A) Before entering the premises, the official, agent, or employee must exhibit proper identification to the occupant, manager, or other appropriate person.**

**SECTION 9: Enforcement**

A court of competent jurisdiction in the city may issue any order necessary to enforce this chapter.

**SECTION 10  
Illegal Dumping; Criminal Penalties**

1. A person commits an offense if the person disposes or allows or permits the disposal of litter or other solid waste at a place that is not an approved solid waste site, including a place on or within 300 feet of a public highway, on a right-of-way, on other public or Private property, of the state, or the City of Ropesville.
2. A person commits an offense if the person receives litter or other solid waste for disposal at a place that is not an approved solid waste site, regardless of whether the litter or other solid waste or the land on which the litter or other solid waste is disposed is owned or controlled by the person.
3. A person commits an offense if the person transports litter or other solid waste to a place that is not an approved solid waste site for disposal at the site.
4. An offense under this section is a Class C misdemeanor if the litter or other solid waste to which the offense applies weighs 15 pounds or less or has a volume of 13 gallons or less.
5. An offense under this section is a Class B misdemeanor if the litter or other solid waste to which the offense applies weighs more than 15 pounds but less than 500 pounds or has a volume of more than 13gallons but less than 100cubic feet.
6. An offense under this section is a Class A misdemeanor if the litter or other solid waste to which the offense applies weighs 500 pounds or more or has a volume of 100 cubic feet or more; or the litter or other solid waste is disposed for a commercial purpose and weighs more than five pounds or has a volume of more than 13 gallons.
7. If it is shown on the trial of the defendant for an offense under this section that the defendant has previously been convicted of an offense under this section, the

punishment for the offense is increased to the punishment for the next highest category.

8. On conviction for an offense under this section, the court shall provide to the defendant a written notice that a subsequent conviction for an offense under this section may result in the forfeiture under Chapter 59, Code of Criminal Procedure, of the vehicle used by the defendant in committing the offense.
  - a. The offenses prescribed by this section include the unauthorized disposal of litter or other Solid waste in a dumpster or similar receptacle.
  - b. This section does not apply to the temporary storage for future disposal of litter or other Solid waste by a person on land owned by that person, or by that person's agent.
  - c. The City council, by rule shall regulate temporary storage for future disposal of litter or other solid waste by a person on land owned by the person or the person's agent.

A Municipality may offer a reward of \$50.00 for reporting a violation of this Section those results in a prosecution under this section.

#### **Rules and Standards; Criminal Penalty**

The Texas Board of Health shall adopt rules and standards regarding processing and Treating litter disposed in violation of this subchapter.

- (b) A person commits an offense if the person violates a rule adopted under this section.  
An offense under this section is a Class A misdemeanor.

#### **Application of Subchapter; Defenses; Presumptions**

It is an affirmative defense to prosecution under Section 365.012 that: the storage, processing, or disposal took place on land owned or leased by the defendant; the defendant received the litter from another person, the defendant, after exercising due diligence, did not know and reasonably could not have known that litter was involved; and the defendant did not receive, directly or indirectly, compensation for the receipt, storage, processing, or treatment.

#### **Injunction; Venue; Recovery of Costs**

A district attorney, a county attorney, or the attorney general may bring a civil suit for an Injunction to prevent or restrain a violation of this subchapter. A person affected or to be affected by a violation is entitled to seek injunctive relief to enjoin the violation.

Venue for a prosecution of a criminal offense under this subchapter or for a civil suit for Injunctive relief under this subchapter is in the county in which the defendant resides, the City, County in which the offense or violation occurred, in the City of Ropesville, Hockley County.

## Definitions

In this chapter:

1. "Abate" means to eliminate by removal, repair, rehabilitation, or demolition.
2. "Building" means a structure built for the support, shelter, or enclosure of a
  - a. Person, animal, chattel, machine, equipment, or other moveable property.
3. "Garbage" means decayable waste from a public or private establishment or
  - a. Restaurant. The term includes vegetable, animal, and fish offal and animal and fish
  - b. Carcasses, but does not include sewage, body waste, or an industrial by-product.
4. "Neighborhood" means:
  - a. A platted subdivision; or Property contiguous to and within 300 feet of a platted subdivision.
  - b. (5) "Platted subdivision" means a subdivision that has its approved or unapproved
    - i. plat recorded with the county clerk of the county in which the subdivision is
    - ii. Located.
  - c. (6) "Premises" means all privately owned property, including vacant land or a
    - i. Building designed or used for residential, commercial, business, industrial, or
    - ii. Religious purposes. The term includes a yard, ground, walk, driveway, fence,
    - iii. Porch, steps, or other structure appurtenant to the property.
5. "Public street" means the entire width between property lines of a road, street,
  - i. way, thoroughfare, or bridge if any part of the road, street, way, thoroughfare, or
  - ii. Bridge is open to the public for vehicular or pedestrian traffic.
6. "Receptacle" means a container that is composed of durable material and designed
  - i. to prevent the discharge of its contents and to make its contents inaccessible to
  - ii. Animals, vermin, or other pests.
7. "Refuse" means garbage, rubbish, paper, and other decayable and non-decayable
  - i. Waste, including vegetable matter and animal and fish carcasses.
8. "Rubbish" means non-decayable waste from a public or private establishment
  - i. Or residence.
9. "Weeds" means all rank and uncultivated vegetable growth or matter that:
  1. Has grown to more than 36 inches in height; or May create an unsanitary condition or become a harborage for rodents, vermin, or other disease-carrying pests regardless of the heights of the weeds.
  2. "Flea market" means an outdoor or indoor market, conducted on nonresidential premises, for selling secondhand articles or antiques, unless conducted by a Religious, educational, fraternal, or charitable organization.

In a suit for relief under this section, the prevailing party may recover its reasonable attorney fees, court costs, and reasonable investigative costs incurred in relation to the proceeding.

#### **SECTION 11:**

### **THE CITY COUNCIL FOR THE CITY OF ROPESVILLE, HOCKLEY COUNTY, TEXAS, HEREBY ADOPTS SECTIONS 365.011 THROUGH 365.015 OF THE TEXAS HEALTH AND SAFETY CODE.**

#### **Definitions**

In this subchapter:

"Approved solid waste site," means: a solid waste site permitted or registered by the Texas Natural Resource Conservation Commission;

A solid waste site licensed by a county under Chapter 361; or a designated collection area for ultimate disposal at a permitted or licensed municipal solid waste site.

1)."Commercial purpose" means the purposed of economic gain.

2)."Commercial vehicle" means a vehicle that is operated by a person for a commercial purpose or that is owned by a business or commercial enterprise.

3)."Dispose" and "dump" mean to discharge, deposit, inject, spill, leak, or place litter on or into land or water.

"Litter" means:

1. decayable waste from a public or private establishment, residence, or restaurant, including animal and vegetable waste material from a market or storage facility handling or storing produce or other food market or storage facility handling or storing produce or other food products, or the handling, preparation, cooking, or consumption of food, but not including sewage, body wastes, or industrial by-products; or non-decayable solid waste, except ashes, that consists of: combustible waste material, including paper, rages, cartons, wood, excelsior, furniture, rubber, plastics, yard trimmings, leaves, or similar materials; noncombustible waste material, including glass, crockery, tin or aluminum cans, metal furniture, and similar materials that do not burn at ordinary incinerator temperatures of 1800 degrees Fahrenheit or less; and discarded or worn-out manufactured materials and machinery, including motor vehicles and parts of motor vehicles, tires, aircraft, farm implements, building or construction materials, appliances, and scrap metal.

4.) "Motor vehicle" has the meaning assigned by Section 541.201, Transportation Code.

5) "Public highway" means the entire width between property lines of a road, street, way, thoroughfare, bridge, public beach, or park in this state, not privately owned or "Controlled, ' if any part of the road, street, way, thoroughfare, bridge, public, or park; is opened to the public for vehicular traffic; is used as a public recreational area; or is under the state's legislative jurisdiction through its police power.

6) "Solid waste" has the meaning assigned by Section 361.003.



**A municipality may offer a reward of \$50 for reporting a violation of this Section those results in a prosecution under this section.**

**SECTION 12                      Rules and Standards; Criminal Penalty**

The Texas Board of Health shall adopt rules and standards regarding processing and Treating litter disposed in violation of this subchapter.

(b) A person commits an offense if the person violates a rule adopted under this section.  
An offense under this section is a Class A misdemeanor.

**SECTION 13                      Application of Subchapter; Defenses; Presumptions**

It is an affirmative defense to prosecution under Section 365.012 that: the storage, processing, or disposal took place on land owned or leased by the defendant; the defendant received the litter from another person, the defendant, after exercising due diligence, did not know and reasonably could not have known that litter was involved; and the defendant did not receive, directly or indirectly, compensation for the receipt, storage, processing, or treatment.

**SECTION 14                      Injunctions; Venue; Recovery of Costs**

A district attorney, a county attorney, or the attorney general may bring a civil suit for an Injunction to prevent or restrain a violation of this subchapter. A person affected or to be affected by a violation is entitled to seek injunctive relief to enjoin the violation.

Venue for a prosecution of a criminal offense under this subchapter or for a civil suit for Injunctive relief under this subchapter is in the county in which the defendant resides, the City, County in which the offense or violation occurred, in the City of Ropesville, Hockley County.

In a suit for relief under this section, the prevailing party may recover its reasonable attorney fees, court costs, and reasonable investigative costs incurred in relation to the proceeding.

**SECTION 15**

**THE CITY COUNCIL FOR THE CITY OF ROPESVILLE, HOCKLEY COUNTY, TEXAS, HEREBY ADOPTS SECTIONS 683.011 THROUGH 683.016 OF THE TEXAS TRANSPORTATION CODE**

**1). Authority to Take Abandoned Motor Vehicle into Custody**

A law enforcement agency may take into custody an abandoned motor vehicle, watercraft, or outboard motor found on public or private property.

A law enforcement agency may use agency personnel, equipment, and facilities or contract for other personnel, equipment, and facilities to remove, preserve, and store an abandoned motor vehicle, watercraft, or outboard motor taken into custody by the agency under this subchapter.

## **2). Taking Abandoned Motor Vehicle into Custody: Notice**

A law enforcement agency shall send notice of abandonment to:

The last known registered owner of each motor vehicle, watercraft, boat, or outboard motor taken into custody by the agency or for which a report is received under Section 683.031; and each lienholder recorded under Chapter 50I for the motor vehicle or under Chapter 31, Parks and Wildlife Code, for the watercraft or outboard motor.

a. The notice under Subsection (a) must:

i. be sent by certified mail not later than the 10th day after the date the agency takes the abandoned motor vehicle, watercraft, or outboard motor into custody; or receives the report under Section 683.031; specify the year, make, model, and identification number of the item; give the location of the facility where the item is being held; inform the owner and lienholder of the right to claim the item not later than the 20th day after the date of the notice on payment of towing, preservation, and storage charges; or garage keeper's charges and fees under Section 683.032; and State that failure of the owner or lienholder to claim the item during the period specified by Subdivision (4) is: a waiver by that person of all right, title, and interest in the item; and consent to the sale of the item at a public auction.

b. Notice by publication in one newspaper of general circulation in the area where the motor vehicle, watercraft, or outboard motor was abandoned is sufficient notice under this

Section if the

1. Identity of the last registered owner cannot be determined;
2. The registration has no address for the owner; or
3. The determination with reasonable certainty of the identity and address of all Lienholders is impossible.

Notice by publication:

must be published in the same period that is required by Subsection (b) for notice by certified mail and contain all of the information required by that subsection; and may contain a list of more than one abandoned motor vehicle, watercraft, or outboard motor.

## **SECTION 16                      Storage Fees.**

A law enforcement agency or the agent of a law enforcement agency that takes into custody an abandoned motor vehicle, watercraft, or outboard motor is entitled to reasonable storage fees: for not more than 10 days, beginning on the day the item is taken

3. This section does not apply to an abandoned vehicle on which there is a garage keeper's lien.
4. This section does not apply to a vehicle that is: removed to a privately owned storage facility.

## **SECTION 19**

### **THE CITY COUNCIL FOR THE CITY OF ROPESVILLE, HOCKLEY COUNTY, TEXAS, HEREBY ADOPTS SECTIONS 396.001 THROUGH 396.045 OF THE TEXAS TRANSPORTATION CODE**

In this chapter:

"Automotive wrecking and salvage yard" means an outdoor place where a person stores three or more wrecked vehicles for the purpose of dismantling or wrecking the vehicles to remove parts for sale or for use in an automotive repair or rebuilding business.

"Junk" means copper, brass, iron, steel, rope, rages, batteries, tires, or other material that has been discarded or sold at a nominal price by a previous owner of the material. The term does not include a wrecked vehicle.

"Junkyard" means a place where a business that owns junk, and is operated to store, buy, or sell junk, keeps all or part of the junk outdoors until the business disposes of the junk.

"Recycling business" means a business primarily engaged in the business of converting metal or other material into raw material products that have: prepared grades; and an existing or potential economic value; using raw material products described by Paragraph (A) in the production of new products; or obtaining or storing metal or other material for a purpose described by Paragraph (A) or (B).

"Wrecked' vehicle" means a discarded, junked, damaged, or worn-out automotive vehicle that is not in a condition to be lawfully operated on a public road.

## **SECTION 20      Screening Requirements**

This section does not apply to:

1. a recycling business; or junkyard or an automotive wrecking and salvage yard entirely in a municipality and regulated by the municipality
2. a person who operates a junkyard or an automotive wrecking and salvage yard or automotive wrecking and salvage yard, that has a fence to at least six feet in height along the portion of the junkyard or automotive wrecking and salvage yard that faces a public road or residence. The person may screen the yard by any appropriate means, a fence; that will not allow the any reasonable person to see the yard with the junk, or salvage.

## **SECTION 21                      Location of Yard**

**A junkyard or an automotive wrecking and salvage yard may not be located within 50 feet of the right-of-way of a public street, state highway, or residence.**

A person may not accumulate or stack materials associated with a junkyard or an automotive wrecking and salvage yard higher than eight feet about ground level, or above the height of the fence around the yard.

**SECTION 22    Effects of Local Ordinance**

A person who operates a junkyard or an automotive wrecking and salvage yard, in screening the yard, shall comply, to the extent practicable, with an applicable ordinance adopted by a political subdivision. .

**SECTION 23:                                    Penalty**

A person commits an offense if the person knowingly violates Section 396.021 or 396.022. An offense under this section is a misdemeanor punishable by a fine of not less than \$100 or more than \$500.

Each day a violation continues is a separate offense.

**SECTION 24:                                    City License.**

To protect the public health, safety, or welfare, the Municipal court of a City of Ropesville may by ordinance require a junkyard or automotive wrecking and salvage yard to be licensed by the city.

An ordinance may:

    Impose a fee of \$25-for the issuance or renewal of a license~

    Impose a fee of not more than \$150.00 or the issuance or renewal of a license, if the Ordinance is adopted by the City of Ropesville:

    Condition the license on the operation of the junkyard or automotive wrecking and salvage yard only at a location approved by the city council for establish grounds for suspending or revoking a license if the junkyard or automotive wrecking and salvage yard is not screened. The city shall deposit each license fee received to the credit of the city general fund.

**SECTION 25:                                    Public Hearing.**

1. Before adopting an ordinance under Section 396.041, the city council must hold a public hearing.
2. Any interested member of the public may appear and testify at the hearing about the subject of the proposed ordinance.

**Notice of Hearing.**

The City Council shall: post in a public place in the city hall office, a notice of the time, place and general subject of the public hearing and Publish the notice in a newspaper of general circulation in the county.

The notice must be:

- a) Posted for the 10 days preceding the date of the public hearing; and
- b) Published in the local newsletter mailed to the citizens of Ropesville, or at least once a week for the three weeks proceeding, the week the public hearing is held.

**SECTION 26: Conflict with Other Laws.**

If a requirement, standard, or condition established under this subchapter conflicts with another law of this state, a rule adopted under state law, or a municipal ordinance, the stricter of the two provisions prevails.

**SECTION 27: Penalty.**

A person commits an offense if the person violates an ordinance adopted under this subchapter that defines an offense.

An offense under this section is a misdemeanor punishable by a fine of not less than \$100, and not more than \$500. Each day of a violation:

- (1) Violation continues is filed as a separate offense.

**SECTION 28 REPEAL OF CONFLICTING ORDERS**

All orders or parts of Orders in conflict with this Order are repealed to the extent of such conflict.

**SECTION 29 SEVERABILITY**

If any provision of this Order, or the application thereof to any person or circumstances, shall be held invalid-or unconstitutional by a Court of competent jurisdiction, such invalidity shall not affect the other provisions, or application thereof, of this Order which can be given effect without the invalid provision or application and to this end the provisions of this Order are declared to be severable.

**SECTION 30 PUBLICATION**

The City Secretary or Clerk shall publish the caption or a descriptive title of this Order one time within Ten (10) days after final passage of the Order in the local newsletter, or newspaper of general circulation in the City of Ropesville

**SECTION 31 DISTRIBUTIONS**

A certified copy of this Order shall be delivered to the ordinance book, Secretary, Police Department, and Municipal Court Judge in and for the City of Ropesville, Texas, for their information and observance.

**Maintain Information of Complainant**

**File –Mark file with number and date received**

**Information on complainant maybe CONFIDENTIAL check with city Secretary before information can be released**

**Personal observation-REPORT**

**Report**

**Maintain logs/notes of observation –take pictures**

**Violation issued must be photographed**

**Keep notes on any contact person-include telephone number and owner or person, who is in care, custody, or control of property,**

**Identify the Violation by Ordinance**

**Inspection of Structure-(include interior is required)**

**Inspection for complaint**

**Form-have a consent form to search-initial by owner, r person who is in care, custody, or control of property,**

**Administrative can have a search warrant (Law Enforcement)**

**Probable cause affidavit**

**Law Enforcement-can obtain a search warrant from Judge**

**Warrant can be issued to Law Enforcement, fire Marshall, or health officer.**

- 1. Verify Ordinance – determine if Ordinance code was violated**
- 2. Compare with latest ordinance**
- 3. Confirm notification requirement of Ordinance**

**4. Notification of Violation**

- 1. Keep record of contact**
  - a. Informal**
  - b. Verbal**
  - c. Door hanger**
  - d. Written**

**5. NOTICE TO PROPERTY OWNERS-54.005 Texas Local Government Code**

6. **A The government is required by statute, ordinance, to send notice to an owner of real property for the purpose of enforcement**
7. **“According to the real property records of Hockley County, you own the real property described in this notice. If you are no longer the owner, you must execute an affidavit stating that you no longer own the property and stating the name and address of the known owner. The notice must be delivered by certified mail, return receipt requested to this office no later than the 20 days after you received this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.”**
8. **Official notice for Abatement**
  - a. **File case number**
9. **Give notice of abatement by certified mail to owner, or person who is in care, custody, or control of property,**
10. **Time and date**
11. **Time to abate will consist with Ordinance**
12. **Notice must be clear about the Ordinance violated and the abatement requirements.**
13. **Each violation must have a separate notice but may be mailed together.**
14. **30 day notice to correct-then inspection again for correction**
15. **If corrected date and condition with pictures kept in file.**
16. **If not corrected**
17. **Notice of Violator to appear in court –certified mail**
18. **Take new pictures with date and time**
19. **Hearing**
20. **Abatement**
21. **Order to clean up property**
22. **Second notice of cost of clean-up to owner**
23. **Appropriate abatement hearing**
24. **Inspect**
25. **Began abatement-file cost with county**

## **GENERAL ENFORCEMENT PROCEDURE: CHECKLIST**

### **INSPECTION OF PREMISE OFR VIOLATIONS BASED UPON:**

**Receipt of Complaint- citizen**

**Maintain Information of Complainant**

**File –Mark file with number and date received**

**Information on complainant maybe CONFIDENTIAL check with city Secretary before information can be released**

**Personal observation-REPORT**

**Report**

**Maintain logs/notes of observation –take pictures**

**Violation issued must be photographed**

**Keep notes on any contact person-include telephone number and owner or person, who is in care, custody, or control of property,**

**Identify the Violation by Ordinance**

**Inspection of Structure-(include interior is required)**

**Inspection for complaint**

**Form-have a consent form to search-initial by owner, r person who is in care, custody, or control of property,**

**Administrative can have a search warrant (Law Enforcement)**

**Probable cause affidavit**

**Law Enforcement-can obtain a search warrant from Judge**

**Warrant can be issued to Law Enforcement, fire Marshall, or health officer.**

- 1. Verify Ordinance – determine if Ordinance code was violated**
- 2. Compare with latest ordinance**
- 3. Confirm notification requirement of Ordinance**

#### **4. Notification of Violation**

- 1. Keep record of contact**
  - a. Informal**
  - b. Verbal**
  - c. Door hanger**
  - d. Written**



5. **NOTICE TO PROPERTY OWNERS-54.005 Texas Local Government Code**
6. **A The government is required by statute, ordinance, to send notice to an owner of real property for the purpose of enforcement**
7. **“According to the real property records of Hockley County, you own the real property described in this notice. If you are no longer the owner, you must execute an affidavit stating that you no longer own the property and stating the name and address of the known owner. The notice must be delivered by certified mail, return receipt requested to this office no later than the 20 days after you received this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.”**
8. **Official notice for Abatement**
  - a. **File case number**
9. **Give notice of abatement by certified mail to owner, or person who is in care, custody, or control of property,**
10. **Time and date**
11. **Time to abate will consist with Ordinance**
12. **Notice must be clear about the Ordinance violated and the abatement requirements.**
13. **Each violation must have a separate notice but may be mailed together.**
14. **30 day notice to correct-then inspection again for correction**
15. **If corrected date and condition with pictures kept in file.**
16. **If not corrected**
17. **Notice of Violator to appear in court –certified mail**
18. **Take new pictures with date and time**
19. **Hearing**
20. **Abatement**
21. **Order to clean up property**
22. **Second notice of cost of clean-up to owner**
23. **Appropriate abatement hearing**
24. **Inspect**
25. **Began abatement-file cost with county**

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**THE STATE OF TEXAS  
CITY OF ROPESVILLE**

**ABATEMENT OF PUBLIC NUISANCE**

**On this the 12<sup>th</sup> day of September, 2017 First Reading  
On this the 28 day of September, 2017 Second Reading**

*Brenda Rabel*

**Mayor Brenda Rabel**

**ATTEST**

*Ofelia Corral*

**Ofelia Corral, City Secretary**



**Passed and Approved by the City Council and Mayor on this the 28<sup>th</sup> Day of September, 2017**

**(Approved by Attorney Jimmy Hammons)**

**GENERAL ENFORCEMENT PROCEDURE: CHECKLIST**

**INSPECTION OF PREMISE OFR VIOLATIONS BASED UPON:**

**Receipt of Complaint- citizen**

**SECTION 32**

**EFFECTIVE DATE**

The above and foregoing instrument passed by unanimous vote of the City Council of the City of Ropesville, Hockley County Texas this the 1st day of October, 2017 and hereinafter has the effect of the law

**ADOPTING THE RULES AND REGULATIONS FOR ABATEMENT OF A PUBLIC NUISANCE**

**NOW, THEREFORE,**

The City Council for the City of Ropesville, Texas, being in regular session at regular term of said Council Meeting, the following members thereof being present:

Mayor Brenda Rabel

- |                     |                  |        |
|---------------------|------------------|--------|
| ALDERMAN, WARD No.1 | Miles Evans      |        |
| ALDERMAN, WARD No.1 | David Vasquez    | absent |
| ALDERMAN, WARD No.2 | Fred Melton      |        |
| ALDERMAN, WARD No.2 | Brannon Greenlee |        |

The following proceedings, among others, were had, to -wit:  
Upon the motion made during the regular meeting time and date, the City Council voted to approve this ordinance for first reading on September 12, 2017

**THE STATE OF TEXAS  
CITY OF ROPESVILLE**

**THE INTERNATIONAL BUILDING CODE 2006**

On this the 12<sup>th</sup> day of September, 2017 First Reading  
On this the 28 day of September, 2017 Second Reading

Brenda Rabel  
Mayor Brenda Rabel

**ATTEST**

Ofelia Corral  
Ofelia Corral, City Secretary

