

**CITY OF OAK RIDGE**  
**KAUFMAN COUNTY, TEXAS**

**ORDINANCE 6-11**  
**PREMISES STANDARDS**

**AN ORDINANCE OF THE CITY OF OAK RIDGE, TEXAS, REPEALING ORDINANCES NO. 6-09, 19-09 AND 22-09 OF THE CITY OF OAK RIDGE, TEXAS, IN THEIR ENTIRETY; ADOPTING REGULATIONS RELATIVE TO CLEANLINESS OF PREMISES FOR THE CITY OF OAK RIDGE, TEXAS; ESTABLISHING DEFINITIONS; PROHIBITING NUISANCES; PROVIDING FOR REGULATIONS RELATING TO HIGH WEEDS AND GRASS, BRUSH AND OTHER OBJECTIONABLE MATERIAL; PROVIDING FOR INSPECTIONS; ESTABLISHING DUTIES OF PROPERTY OWNERS; ESTABLISHING NOTICE PROVISIONS; ESTABLISHING ABATEMENT PROCEDURES FOR NUISANCES; PROVIDING FOR LIENS FOR ABATEMENT EXPENSES; PROVIDING FOR ENFORCEMENT; ESTABLISHING JUNKED AND ABANDONED VEHICLE PROCEDURES; PROVIDING FOR THE DISPOSITION OF JUNKED OR ABANDONED VEHICLES; ESTABLISHING A PENALTY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING FOR SAID ORDINANCE TO TAKE IMMEDIATE EFFECT.**

**WHEREAS**, the City Council of the City of Oak Ridge (“City Council”) possesses, pursuant to Section 217.042 of the Texas Local Government Code, as amended, the power to regulate nuisances in the City of Oak Ridge, Texas (“City”); and

**WHEREAS**, pursuant to the Texas Health and Safety Code, Chapter 342, the City has the authority to regulate and prohibit weeds and unsanitary matter and provide for the assessment of expenses and liens after the abatement by the municipality of a violation; and

**WHEREAS**, Section 683.071 of the Texas Transportation Code provides authority for the City to regulate junked and abandoned vehicles; and

**WHEREAS**, the City Council desires to prevent junked and abandoned vehicles in all parts of the City; and

**WHEREAS**, junked and abandoned vehicles are being maintained in public view within the City; and

**WHEREAS**, the City Council hereby finds that there has been and continues to be problems with high weeds and grass, brush and other junk and debris on properties within the City that constitute a public nuisance; and

**WHEREAS**, the City Council finds that the regulation of public nuisances on private property is in the best interest of the health, safety and welfare of the citizens of the City.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OAK RIDGE, TEXAS, THAT:**

**SECTION I.**  
**FINDINGS INCORPORATED**

The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

**SECTION II.**  
**REPEAL AND ADOPTION**

Ordinances 6-09, 19-09 and 22-09 of the City of Oak Ridge, Texas, are hereby repealed in their entirety. A new Ordinance relative to Cleanliness of Premises is hereby adopted to read as follows:

**“CLEANLINESS OF PREMISES**

**A. Definitions**

Terms, words, phrases and their derivatives used, but not specifically defined in this Ordinance, shall have the meanings defined in Webster’s New Collegiate Dictionary. Words used in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine. For purposes of this Ordinance, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

*Abandoned Motor Vehicle.* A motor vehicle is abandoned if the motor vehicle:

- (1) is inoperable, is more than five years old, and has been left unattended on public property for more than forty-eight (48) hours;
- (2) has remained illegally on public property for more than forty-eight (48) hours;
- (3) has remained on private property without the consent of the owner or person in charge of the property for more than forty-eight (48) hours; or

- (4) has been left unattended on the right-of-way of a designated county, state, or federal highway for more than forty-eight (48) hours.

*Antique Auto.* Passenger cars or trucks that is at least twenty-five (25) or more years old.

*Brush.* Scrub vegetation or dense undergrowth.

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

*Collector.* The owner of one or more antique or special interest vehicle(s) who collects, purchases, acquires, trades or disposes of special interest or antique vehicles or parts of them for his own use in order to restore, preserve and maintain an antique or special interest vehicle for historic interest.

*Demolisher.* Any person whose business is to convert a motor vehicle into processed scrap or scrap metal, or otherwise to wreck or dismantle motor vehicles.

*Dump.* To dispose, discharge, place, deposit, throw, leave, sweep, scatter, unload, or toss.

*Filth.* Any matter in a putrescent state.

*Garagekeeper.* Any owner or operator of a parking place or establishment, motor vehicle storage facility or any establishment for the service, repair or maintenance of motor vehicles.

*Garbage.* Any kitchen refuse, food stuffs or related material, including all decayable waste.

*Impure or Unwholesome Matter.* Any putrescible or nonputrescible condition, object or matter which tends to, or may or could cause injury, death or disease to human beings.

*Junk.* All worn out, worthless or discarded material, including, but not limited to, any of the following materials, or parts of said materials or any combination thereof: new or used iron, steel or nonferrous metallic scrap, brass or waste materials; used and/or inoperative household appliances, household electrical or plumbing fixtures, floor coverings and/or window coverings not currently in use; used lumber, brick, cement block, wire, tubing and pipe, tubs, drums, barrels and/or roofing material not currently in use; air conditioning and heating equipment not currently in use; used vehicle components and parts not currently in use; used furniture other than that designed for outdoor use or

that which would normally be considered as antique furniture; used and/or inoperative residential lawn care equipment and machinery not currently in use; used pallets, windows or doors not currently in use; new or used sheet metal, structural steel and/or chains not currently in use; used and/or inoperable vending machines, radios and/or televisions not currently in use; and any other type of used and/or inoperable machinery or equipment not currently in use.

*Junked Vehicle.* A motor vehicle as defined in V.T.C.A., Transportation Code Ch. 683, that is self-propelled and:

- (1) Does not have attached lawfully to it:
  - a. An unexpired license plate; or
  - b. A valid motor vehicle inspection certificate; and
- (2) Is:
  - a. Wrecked, dismantled or partially dismantled, or discarded; or
  - b. Inoperable and has remained inoperable for more than:
    1. Seventy-two (72) consecutive hours, if the vehicle is on public property; or
    2. Thirty (30) consecutive days, if the vehicle is on private property.

*Matter.* That of which any physical object is composed.

*Motor Vehicle.* A vehicle that is subject to registration under V.T.C.A., Transportation Code CH. 501, as amended.

*Nuisance.* Any condition, object, material or matter that is dangerous or detrimental to human life or health; or that renders the ground, the water, the air or food a hazard or is likely to cause injury to human life or health; or that is offensive to the senses; or that threatens to become detrimental to the public health; and shall include, but not be limited to: any abandoned wells, shafts or basements, abandoned refrigerators, stagnant or unwholesome water, sinks, privies, filth, carrion, rubbish, junk, trash, debris or refuse, impure or unwholesome matter of any kind, or any objectionable, unsightly, or unsanitary matter of whatever nature.

*Objectionable, Unsightly or Unsanitary Matter.* Any matter, condition or object which is objectionable, unsightly or unsanitary to a person of ordinary sensitivities.

*Outboard Motor.* Any outboard motor subject to registration under V.T.C.A., Parks and Wildlife Code CH. 31, as amended.

*Owner.* Any person or entity shown as the property owner on the latest property tax assessment rolls or any person having or claiming to have any legal or equitable interest in the property, including any agent who is responsible for managing, leasing or operating the property.

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

*Property.* All privately owned, occupied or unoccupied property, including vacant land, and/or a building designed or used for residential, commercial, business, industrial or religious purposes. The term shall also include a yard, ground, wall, driveway, fence, porch, steps or other structure appurtenant to the property.

*Putrescible.* The decomposition of organic matter with the formation of foul-smelling, incompletely oxidized products.

*Refuse.* Heterogeneous accumulation of worn out, used, broken, rejected or worthless materials, including, but not limited to, garbage, rubbish, paper or litter, and other decayable or nondecayable matter.

*Rubbish.* Junk, trash, debris, rubble, stone, useless fragments of building materials, and other miscellaneous, useless waste or rejected matter.

*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.

*Storage Facility.* A garage, parking lot or any type of facility or establishment for the servicing, repairing, storing or parking of motor vehicles.

*Trash and Debris.* All manner of refuse including, but not limited to: mounds of dirt, piles of leaves, grass and weed clippings, paper trash, useless fragments of building material, rubble, furniture other than furniture designed for outside use, useless household items and appliances, items of salvage, such as scrap metal and wood, old barrels, old tires, objects that hold water for an extended time, tree and brush trimmings, and other miscellaneous wastes or rejected matter.

*Vegetative Growth.* Any grass, weeds, shrubs, trees, brush, bushes or vines.

*Weeds.* Any vegetation that because of its height is objectionable, unsightly or unsanitary, excluding: shrubs, bushes and trees, cultivated flowers, and cultivated crops.

*Watercraft.* A vessel that is subject to registration under V.T.C.A., Parks and Wildlife Code ch. 31, as amended.

## **B. Application**

Unless otherwise specified herein, the provisions of the Ordinance do not apply to property zoned agricultural or that has received an “agricultural-exempt” tax status from the Kaufman County Appraisal District.

### **1. Prohibited Accumulations Dumping, Stagnant Water, Trash, and Other Unsightly or Unsanitary Matter Declared a Nuisance**

- (a) It is unlawful and declared a nuisance for any person owning, claiming, occupying or having supervision or control of any real property, occupied or unoccupied, within the corporate limits of the City, to permit or allow any stagnant or unwholesome water, sinks, refuse, filth, carrion, weeds, rubbish, brush and refuse, trash, debris, junk, garbage, impure or unwholesome matter of any kind, or objectionable or unsightly matter of whatever nature, to accumulate or remain upon any such real property or within any public easement on or across such real property or upon any adjacent public street or alley right-of-way between the property line of such real property and where the paved surface of the street or alley begins.
- (b) It shall be unlawful and declared a nuisance for any person to dump, or permit to be dumped, upon or along any drain, gutter, alley, sidewalk, street, park, right-of-way or vacant lot into or adjacent to water, or any other public or private property within the corporate limits of the City, any unwholesome water, refuse, rubbish, trash, debris, filth, carrion, weeds, brush, junk, garbage, impure or unwholesome matter of any kind or other objectionable or unsightly matter of whatever kind.
- (c) It shall be the duty of all any person owning, claiming, occupying or having supervision or control of any real property, occupied or unoccupied, to keep the sidewalks in front of their property free and clear of all such matter, and to fill up, drain or regrade any lots, ground or yards which shall have stagnant water thereon, and to cleanse and disinfect any house, building, establishment, lot, yard or ground from refuse, rubbish, trash, filth, carrion, or objectionable, unsightly or

unsanitary matter of any kind, or other impure or unwholesome matter of any kind.

- (d) Stagnant water shall not include stock ponds or tanks on property which is five acres or more or has received an agriculture exemption from the county.

## **2. Weeds, Brush, and Other Objectionable or Unsightly Matter**

- (a) It shall be unlawful for any person owning, claiming, occupying or having supervision or control of any real property, occupied or unoccupied, within the corporate limits of the City, to permit weeds, brush, grass, or any objectionable or unsightly matter to grow to a height greater than 12 inches upon such real property within 100 feet of any property line which abuts street rights-of-way, alleys, utility easements, subdivided additions, developed property or any buildings or other structures. It shall be the duty of such person to keep the area from the line of his property to the curblin next adjacent to it, if there is a curblin, and, if not, then to the centerline of the adjacent unpaved street, or to the edge of the pavement, cleared of the matter referred to above. All vegetation (including hay unless the hay is cultivated on property which has been granted an agricultural property tax exemption on the most recent tax roll as certified by the county appraisal district), except regularly cultivated row crops, which exceed 12 inches in height, shall be presumed to be objectionable and unsightly matter; provided further that regularly cultivated row crops shall not be allowed to grow within the right-of-way of any public street or easement nor shall they be allowed to obstruct the necessary view to and from adjacent rights-of-way, but shall be kept mowed as provided herein.
- (b) With respect to lots, tracts or parcels of land of five or more acres or which has received an agriculture exemption from the county, the provisions of this section shall not apply to any such area greater than 100 feet from any open public street or thoroughfare, as measured from the right-of-way line of said street or thoroughfare, or an area greater than 100 feet from any adjacent property under different ownership and on which any building is located or on which any improvement exists, as measured from the property line.

## **3. Inspections**

For the purpose of ascertaining whether violations of this Ordinance exist, the code compliance officer, or his designee, is authorized to:

- (1) Inspect the exterior of a structure and premises which contain no structure;
- (2) Enter upon private property, for the purposes specified in the procedures adopted in sections 6 and 7 of this Ordinance, to examine vehicles or parts thereof, to obtain information as to the identity of vehicles and to remove or cause the removal of a vehicle or parts thereof; and
- (3) If entry onto the property is refused under (1) or (2) of this section, the code compliance officer shall have every recourse provided by law, including, but not limited to, an administrative search warrant or an injunction to secure entry. If the owner, occupant, or person in control cannot be identified or located, the code compliance officer may enter the property to the extent allowed by law.

#### **4. Duty of Owner, Occupant to Cut and Remove Weeds, Brush, and Unsightly Matter**

It shall be the duty of any person owning, claiming, occupying or having supervision or control of any real property, as described in sections 3 and 4, to remove, drain and/or fill all prohibited matter or conditions and to cut and remove all weeds, brush, impermissible vegetative growth, and other objectionable or unsightly matter as often as may be necessary to comply with sections 3 and 4 and to use every precaution to prevent the same from occurring or growing on such property.

#### **5. Junked Vehicles**

- (a) A junked vehicle is hereby declared to be a public nuisance. A junked vehicle, including part of a junked vehicle that is visible from a public place or public right-of-way:
  - (1) Is detrimental to the safety and welfare of the public;
  - (2) Tends to reduce the value of private property;
  - (3) Invites vandalism
  - (4) Creates a fire hazard;
  - (5) Is an attractive nuisance creating a hazard to the health and safety of minors;



- (6) Produces urban blight adverse to the maintenance and continuing development of municipalities; and
  - (7) Is a public nuisance.
- (b) A person commits an offense if the person allows or maintains a junked vehicle in any place, whether on private or public property, in view of the public or on a public right-of-way.
  - (c) Junked vehicle disposal.
    - (1) A junked vehicle removed under section 10 may not be reconstructed or made operable.
    - (2) A junked vehicle may be removed to a scrap yard, a motor vehicle demolisher, or any other suitable site for processing scrap or salvage.
    - (3) After a proceeding for abatement and removal of a public nuisance commences, removal of the junked vehicle to another location within the City limits where said vehicle continues to constitute a public nuisance has no effect on the proceedings already underway.
  - (d) Notice to Texas Department of Transportation. No later than the fifth day of removal of a junked vehicle, the City shall send notice to the Texas Department of Transportation identifying the vehicle, or part thereof, removed.

**6. Abandoned Motor Vehicles**

- (a) The City is authorized to take into custody an abandoned motor vehicle, watercraft, or outboard motor found on public or private property. The City may use City 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 under this Ordinance.
- (b) The City shall notify, within ten (10) days, by certified mail, return receipt requested, the last known registered owner and all lienholders of record that it has taken into custody an abandoned motor vehicle, watercraft or outboard motor under the provisions of this Ordinance. The notice shall be as prescribed under V.T.C.A., Transportation Code ch. 501, for a motor vehicle or under V.T.C.A., Parks and Wildlife Code ch. 31, for a watercraft or outboard motor. The notice shall specifically state,

in addition to the other requirements, that the failure of the owner or lienholders to exercise their right to reclaim the vehicle, watercraft or outboard motor within the time provided shall be deemed a waiver by the owner and all lienholders of all right, title and interest in the property and their consent to the sale of the abandoned motor vehicle, watercraft or outboard motor at a public auction to be held by the City.

(c) Auction or use of abandoned items; waiver of rights.

- (1) If an abandoned motor vehicle, watercraft, or outboard motor has not been claimed within twenty (20) days after the date of notice and payment of all towing, preservation and storage charges resulting from its impoundment, the City may sell the item at a public auction or use the item as provided by V.T.C.A., Transportation Code § 683.016. Proper notice of the public auction shall be given; and in the event of a motor vehicle, watercraft, or outboard motor, is to be sold in satisfaction of a garagekeeper's lien, the garagekeeper shall be notified of the time and place of such auction. Notice given in accordance with the requirements of this Ordinance, or the giving of notice of the sale of other types of abandoned property, shall be sufficient to comply with the requirements of this section.
- (2) The purchaser of a motor vehicle, watercraft or outboard motor which is sold at public auction takes title free and clear of all liens and claims of ownership, shall receive a sales receipt from the City and is entitled to register the motor vehicle, watercraft, or outboard motor and receive a certificate of title. The proceeds shall be applied first to reimburse the City for the expenses of the auction, costs of towing, preserving, and storing the items, and the cost of notice or publication as required by V.T.C.A., Transportation Code § 683.012. Any remainder from the proceeds of the sale shall be held for the owner of the motor vehicle, watercraft or outboard motor or entitled lienholder for ninety (90) days, and then shall be deposited in the special fund which shall remain available for the payment of auction, towing, preserving, storage and all notice and publication costs which result from placing other abandoned vehicles in custody, whenever the proceeds from a sale of such other abandoned vehicle, watercraft, or outboard motors are insufficient to meet these expenses and costs.
- (3) When the City takes an abandoned motor vehicle into custody that is not claimed under the provisions of V.T.C.A., Transportation Code § 683.012, or section 8(b) above, the City may use the vehicle for police department purposes. The City shall auction the vehicle

as provided by this Ordinance if the police department discontinues use of the vehicle. This section does not apply to an abandoned vehicle on which there is a garagekeeper's lien

- (d) The City is authorized to apply to the state department of highways and public transportation for authority to sell, give away, or dispose of any abandoned vehicle in its possession to a demolisher in accordance with the provisions of V.T.C.A., Transportation Code § 683.051

## **7. Garagekeeper's Duty—Abandoned Motor Vehicles**

- (a) The City, upon receipt of a report from a garagekeeper of the possession of a vehicle deemed abandoned under the provision of this Ordinance, shall follow the notification procedures set forth herein in section 8 for the giving of notice to owners and lienholders of abandoned vehicles, except that custody of the vehicle shall remain with the garagekeeper until after the notification requirements have been complied with. A motor vehicle left with a garagekeeper in a storage facility shall be deemed abandoned under the conditions of V.T.C.A., Transportation Code § 683.031.
- (b) A fee of five dollars (\$5.00) shall accompany the report of the garagekeeper and such fee shall be retained by the police department, or the City's designated law enforcement agency, and used to defray the cost of notification or other costs incurred in the disposition of such vehicles; such fee shall be deposited in the general fund of the City. Abandoned vehicles left in storage facilities, which are not reclaimed after notice given in accordance with this Ordinance, shall be taken into custody by the police department and sold at auction as in the cases of other abandoned motor vehicles, or used for department purposes as stipulated in V.T.C.A., Transportation Code § 683.016 and by City ordinance as set forth in section 8, above. The proceeds of the sale shall first be applied to the garagekeeper's charges for servicing storage and repair; provided, however, that the police department, or the City's designated law enforcement agency, shall retain an amount of two (2) percent of the gross proceeds of the sale for each vehicle auctioned, but in no event shall it retain less than ten dollars (\$10.00), to be used to defray expenses of the custody and auction.

## **8. Notice of Violation and to Abate; Failure to Comply; Correction by City**

- (a) If any person violating the terms of this Ordinance fails or refuses to comply with the demand for compliance contained in the aforementioned notice, within the time set forth in the notification as provided herein, the

City may go upon such property and do or cause to be done the work necessary to obtain compliance with this Ordinance. All costs, charges and expenses (hereinafter “charges”) incurred in doing or in having such work done shall be a charge to, and a personal liability of, such person.

- (b) Violations of sections 3, 4 and/or 6 of this Ordinance:
- (1) It shall be the duty of the code compliance officer, or his designee, to give a minimum of seven (7) days official notice, in writing, to such person violating the terms of sections 3, 4, and/or 6 of this Ordinance, subject to the provisions herein stated. The notice shall be in writing and may be served on such person violating the terms of any of these sections:
    - a. By delivering it to him in person;
    - b. By letter or written notice addressed to such person at the person's address as recorded in the county appraisal district in which the property is located and delivered by United States certified mail, return receipt requested, with a second optional copy by United States regular mail; or
    - c. If personal service cannot be obtained:
      1. Notice shall be provided by publication once within seven (7) days of the date the first notice attempt is made in the City’s official newspaper;
      2. By posting the notice on or near the front door of each building on the property to which the violations relates; or
      3. By posting the notice on a placard attached to a stake driven into the ground on the property to which the violation relates, if the property contains no buildings.
  - (2) If the City mails a notice to the property owner in accordance with subsection (b) of this section and the United States Postal Service returns the notice as refused or unclaimed, the validity of the notice is not affected, and the notice is considered as delivered.
  - (3) The City, in the notice provided herein, may inform the owner by certified mail, return receipt requested, or by regular mail in combination with a posting on the property that if the owner commits another violation of the same kind or nature and that

violation poses a danger to the public health and safety on or before the first anniversary of the date of such notice, the City, without further notice, may correct the violation at the owner's expense and assess the expense against the property. If the violation, covered by a notice under this subsection, occurs within said one-year period, and the City has not been informed in writing by the owner of an ownership change, then the City, without notice, may take any action permitted by subsection (a) of this section, and assess its expenses as provided by section 12.

(c) To abate and remove a junked vehicle from any place visible to the public, whether on private or public property, the following procedure is required:

(1) Notice.

a. Any consultant, contractor or employee of the City authorized by the city secretary to enforce this Ordinance shall:

1. Send written notice via certified mail, return receipt requested within five (5) days, to the last known registered owner of the junked vehicle; to any known lien holder of record of the junked vehicle; and to the owner or occupant of the property on which the junked vehicle is located, or, if the junked vehicle is on the public right-of-way, the owner or occupant of the property adjacent to the public right-of-way; or
2. Post written notice on the junked vehicle if the address of the last known registered owner of the junked vehicle is unknown; or
3. Hand deliver notice to the last known registered owner of the junked vehicle if his or her physical location is known.

b. The notice must state the nature of the nuisance, and that:

1. The junked vehicle must be abated and removed no later than the tenth day after the date on which the notice was personally delivered or mailed; and
2. Any request for a hearing must be made in writing and received by the department before that ten-day period expires.

- c. If any notice is returned undelivered, action to abate the nuisance shall continue to a date not earlier than the eleventh day after the date of the return.
- d. In the case where a person receiving notice neither requests a hearing nor abates the nuisance within the ten-day period provided in this subsection 10(c), the City shall, in compliance with subsection 10(c), give notice of a public hearing, providing the date, time and place of the hearing.

(2) Hearing.

- a. The judge of the municipal court shall conduct all hearings under this section.
- b. If a person receiving notice of a junked vehicle requests a hearing, the public hearing shall occur not earlier than the eleventh day after the date of the service of notice. If a person has not responded to the initial notice, a public hearing may occur five (5) business days after the date on the notification of public hearing.
- c. At the hearing, the junked vehicle is presumed, unless demonstrated otherwise by the owner, to be inoperable.

(3) Abatement and removal of nuisance.

- a. Request for abatement and removal of junked vehicle.
  - 1. After receiving written notice from the City regarding the public nuisance created by a junked vehicle:
    - A. The owner of the junked vehicle may request and authorize the City to remove the junked vehicle; or
    - B. The owner or occupant of the private property upon which the junked vehicle is located may request and authorize the city to remove the junked vehicle if the City cannot locate the vehicle's owner.
  - 2. Before the City removes a junked vehicle, the person requesting removal under this section must execute an authorization and indemnification agreement, thereby

allowing the City to enter the private property and holding the city harmless from any claim of injury or damage sustained as a result of the removal and disposal of the junked vehicle.

- b. Abatement and removal of junked vehicle after hearing.
  - 1. Should the municipal court judge find that a junked vehicle, or part thereof, is located in an area visible from a public place or in a public right-of-way, the judge shall order abatement and removal of the junked vehicle.
  - 2. If the information is available at the location of the nuisance, an order requiring removal of the nuisance must include the vehicle's description, vehicle identification number, and license plate number.
  - 3. The municipal court may issue orders necessary to enforce the procedures and removal of the public nuisance.

## **9. Additional Authority to Abate Nuisance**

- (a) The City may abate, without notice, weeds that:
  - (1) Have grown higher than 48 inches; and
  - (2) Are an immediate danger to the health, life, or safety of any person.
- (b) Not later than the tenth (10<sup>th</sup>) day after the date the City abates weeds under this section, the City shall give notice to the property owner in the manner required by section 10(b). The notice shall contain:
  - (1) An identification, which is not required to be a legal description, of the property;
  - (2) A description of the violations of the ordinance that occurred on the property;
  - (3) A statement that the City abated the weeds; and
  - (4) An explanation of the property owner's right to request an administrative hearing about the City's abatement of the weeds.

- (c) The City shall conduct an administrative hearing before the Building Standards Commission 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 property owner files with the City a written request for a hearing. An administrative hearing conducted under this section shall be conducted not later than the 20th day after the date a request for a hearing is filed. The owner may testify or present any witnesses or written information relating to the City's abatement of the weeds.
- (d) The City may assess expenses and create liens under this section in the same manner as the City assesses expenses and creates liens under section 12. A lien created under this section is subject to the same conditions as a lien created under section 12. The authority granted the City by this section is in addition to the authority granted by section 12.

#### **10. Expenses Incurred by City; Lien**

- (a) If a notice describing the violation and the City's rights to impose a lien on the property without further notice as provided for herein is delivered to the owner of such real property, and he fails or refuses to comply with such demand for compliance within the seven-day time period established herein, the aforementioned charges shall be, in addition to a charge to and personal liability of said owner, a privileged lien upon and against such real property, including all fixtures and improvements thereon.
- (b) To perfect the lien against the real property, the City Secretary or other municipal official designated by the City Council, such as the code compliance officer, shall file a written statement of such charges with the county clerk of Kaufman County for filing in the county land and deed records. The statement shall be deemed sufficient if it contains the following minimum information; however, it also may contain other information deemed appropriate by the mayor, the code compliance officer or their duly appointed representative or designee:
  - (1) The name of the owner of the real property, if known;
  - (2) A legal description of the real property;
  - (3) A statement of the charges incurred by the City in doing or in having such work done as necessary to bring the real property into compliance with this Ordinance; and
  - (4) A notarized affidavit executed by the code compliance officer, or his duly appointed representative, stating that all prerequisites



required by this Ordinance for the imposition of the charges and the affixing of the lien have been met and that all statements and/or representations made therein are true and correct. The lien attaches upon the filing of the lien statement with the county clerk.

- (c) All such charges shall bear interest at the rate of ten percent per annum from the date of payment by the City. The lien obtained is security for the expenditures made and is inferior only to tax liens and liens for street improvements. The City may bring suit to collect the charges, institute foreclosure proceedings, or both. The written statement of such charges provided for herein, or a certified copy thereof, shall be prima facie evidence of the City's claim for charges or right to foreclose the lien. The owner of the real property or any other person claiming, occupying or having supervision or control of the real property shall be jointly and severally liable for such charges.
- (d) This remedy is in addition to any penal provision provided for herein.

### **11. Exception**

The provisions of sections 7 and 8 of this Ordinance do not apply to a vehicle or vehicle part that is:

- (1) Completely enclosed in a building in a lawful manner, and is not visible from the street or other public or private property; or
- (2) Stored or parked in a lawful manner on private property in connection with the business of a licensed vehicle dealer or junkyard, or that is an antique or special interest vehicle or vehicle part stored by a vehicle collector on the collector's property, where the vehicle or vehicle part and the outside storage area 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.

### **12. Enforcement**

The provisions of this Ordinance shall be enforced by the code compliance officer and his duly appointed representative, and it shall be unlawful for any person to interfere with or hinder the code compliance officer and his duly appointed representative in the exercise of their duties under this Ordinance.

Notwithstanding any provisions contained herein to the contrary, the code compliance officer and his duly appointed representative are hereby granted the authority to issue immediate citations to persons violating any provision of this Ordinance in their presence.

### **13. Penalty Upon Failure to Comply**

- (a) Any person violating or failing to comply with any provision or requirement of sections 3, 4 and/or 6 of this Ordinance, who continues to violate or fail to comply with same after seven days after notice is given and received as set forth in section 10, shall also be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount not to exceed \$2,000.00, such offenses being violations of the health and safety ordinance of the City. A separate offense shall be deemed committed upon each day during or on which a violation or failure to comply occurs or continues to occur. This section shall be in addition to and cumulative of the provisions for abatement of the nuisance by the City and charging the cost of same against the owner of the property.
- (b) An offense under sections 7 or 8 of this Ordinance is punishable by a fine not to exceed two hundred dollars (\$200.00). A separate offense occurs each and every day the violation described in this subsection continues. The municipal court shall order abatement and removal of the public nuisance on conviction of this offense.
- (c) Notwithstanding the foregoing, any violation of any provision of this Ordinance which constitutes an immediate danger or threat to the health, safety and welfare of the public may be enjoined in a suit brought by the City for such purpose.
- (d) In addition to any other remedies or penalties contained herein, the City may enforce the provisions of this Ordinance pursuant to the applicable provisions of Chapter 54 of the Texas Local Government Code, which chapter provides for the enforcement of municipal ordinances.
- (d) Allegation and evidence of a culpable mental state are not required for the proof of an offense defined by this Ordinance.”

### **SECTION III.** **SEVERABILITY CLAUSE**

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court

of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation of this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

**SECTION IV.**  
**REPEALER CLAUSE**

Any provision of any prior ordinance of the City, whether codified or uncodified, which is in conflict with any provision of this Ordinance, is hereby repealed to the extent of the conflict, but all other provisions of the ordinances of the City, whether codified or uncodified, which are not in conflict with the provisions of this Ordinance shall remain in full force and effect.

**SECTION V.**  
**EFFECTIVE DATE**

This Ordinance shall become effective immediately upon its passage and publication as required by law.

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Oak Ridge, Texas, on this the 27<sup>th</sup> day of January, 2011.

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Roy W. Perkins, Mayor City of Oak Ridge

ATTEST:

\_\_\_\_\_  
Jan Shedd, City Secretary  
City of Oak Ridge