

ORDINANCE NO.2007-04

AN ORDINANCE OF THE CITY OF INGLESIDE ON THE BAY, TEXAS TO PROTECT THE PUBLIC HEALTH AND PROMOTE THE PUBLIC WELFARE OF THE CITY OF INGLESIDE ON THE BAY, TEXAS, PROVIDING STANDARDS FOR LOTS WITHIN THE CORPORATE LIMITS OF THE CITY; PROVIDING FOR NOTICE OF A VIOLATION TO BE GIVEN TO THE OWNERS OF A LOT; PROVIDING FOR THE IMPLEMENTATION AS PROVIDED HEREIN; PROVIDING FOR ASSESSMENT OF COSTS; PROVIDING FOR THE FIXING OF A LIEN; DEFINING CERTAIN PROHIBITED ACTS, AND PROVIDING PENALTIES FOR VIOLATION, WAIVER OF LIABILITY; PROVIDING A SEVERABILITY CLAUSE; REPEALING PREVIOUS ORDINANCES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF INGLESIDE ON THE BAY, STATE OF TEXAS:

The following provisions shall be and constitute the City of Ingleside on the Bay, Texas, Nuisance Abatement Ordinance:

ARTICLE 1: GENERAL

- A. All weeds, brush, rubbish, junk and unsightly matter are hereby declared public nuisances and prohibited.

ARTICLE 2: DEFINITIONS

- A. BRUSH - All trees or shrubbery under seven feet in height and less than two inches in diameter which are not maintained, cared for or cultivated.
- B. CODE ENFORCEMENT OFFICIAL - The designated authority charged with the administration and enforcement of this ordinance or his duly authorized representative.
- C. DEBRIS - Dirt, concrete, rocks, brick or other building materials not being used for on-site improvements.
- D. JUNK – including but not limited to: all worn-out, worthless and discarded material, other metals, glass paper and cordage, discarded, abandoned or worn-out: manufactured materials and machinery, including motor vehicles and/or parts of motor vehicles, tires, aircraft, boats, farm implements, building or construction materials, appliances and/or parts of appliances, and scrap metal.
- E. OBJECTIONABLE, UNSIGHTLY OR UNSANITARY MATTER - Animal, vegetable or mineral matter or any composition or residue thereof.
- F. LOT - A measured parcel of land having fixed boundaries and designated on a plot or survey of the City of Ingleside on the Bay, Texas.
- G. OBSTRUCTION - Any thing blocking any alleyway or anything covering any fire hydrant.
- H. OWNER - Any person owning any interest in a lot.

- I. RUBBISH - Garbage, trash and other discarded articles and material.
- J. TRASH - All refuse other than garbage, debris and brush; including any household trash and yard trash (grass clippings, leaves, etc., piled or bagged)
- K. WEEDS - Means all rank and uncultivated vegetable growth or matter that:
 - 1. Has grown to more than 18" in height; or
 - 2. May create any unsanitary conditions or become a harborage for rodents, vermin or other disease-carrying pests, regardless of the height of the weeds.

ARTICLE 3. STANDARD

1. Standards

- A. The existence of brush, debris, junk, objectionable, unsightly or unsanitary matter, rubbish, trash or weeds upon a lot in violation of the ordinance is hereby declared to constitute a public nuisance subject to the abatement procedures prescribed in this ordinance. The exception being properly maintained compost piles.
- B. It shall be unlawful for any owner, or person who has supervision and control of any lot, occupied or unoccupied, improved or unimproved, within the corporate limits of the City of Ingleside on the Bay to permit weeds or grass to grow to a height greater than 18" upon said premises.
- C. With respect to large tracts of undeveloped property under single ownership, the provisions of this ARTICLE shall not be applicable to the area in excess of 10 feet from any open public street or alley or to the area in excess of 25 feet from any adjacent property under different ownership on which habitable dwellings are located. The exception to this standard would be the corner on Starlight and North Sandpiper that has had visibility, where the maintenance is determined by the visibility.
- D. It shall be unlawful for any owner, or person who has control of any lot, occupied or unoccupied, improved or unimproved, within the corporate limits of the City to permit the open storage of any icebox, refrigerator, stove or similar items upon any such lot.

2. Illegal dumping.

- A. Chapters 342 and 365, Health & Safety Code are hereby adopted by the City of Ingleside on the Bay.
- B. 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, or into inland or coastal water of the State.
- C. 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.

ARTICLE 4. DUTY TO ABATE

- A. It shall be the duty of any owner, or person who has control of any lot, occupied or unoccupied, improved or unimproved, within the corporate limits of the City to cut or cause to be cut and remove such brush, debris, rubbish, trash, junk, iceboxes,

refrigerators, stoves and any and all other objectionable, unsightly or unsanitary matter of whatever nature, or caused to be removed, as often as may be necessary to comply with the provisions of Article 3.

ARTICLE 5. NOTICE OF PROPERTY OWNER TO ABATE

- A. The Code Enforcement Official shall notify the owner or person who has control of a lot in writing of the existence of a violation of Article 3 upon such lot. Such notice shall require the abatement of such violation within 10 days of date of such notice unless application has been made for a bird habitat, some special habitat of a special creature or native vegetation.
 - B. With respect to lots under single ownership that have native vegetation and/or native habitats, the natural vegetation may be allowed to grow to provide the habitat to remain in its natural state, however, the carrion, filth, any other unsightly, objectionable or unsanitary matter may not be allowed to accumulate.
1. The notice is to be given:
 - a. by certified return receipt letter addressed to the owner at owner's post office address; or
 - b. By publication at least twice within ten (10) consecutive days if personal service cannot be obtained or the owner's post office address is unknown.

ARTICLE 6. ABATEMENT BY CITY; LIEN FOR COST

- A. Should the City of Ingleside on the Bay perform the services required under the provision of this ordinance the fee to be charged to the owner or owners of such lot or lots is set at the rate of \$100.00 (one hundred dollars) per hour plus an inspection and administration fee of \$100.00 (one hundred dollars) provided, however, that the minimum charge to be assessed shall be \$200.00 (two hundred dollars). The additional fees for each subsequent violation within a twelve month period shall be \$200.00 per violation for the second and third violation and \$500.00 per violation for the fourth or more violations
- B. The owner of the lot that has been mowed or cleaned by the City shall be charged for the expense of the City's work which shall include but not limited to the expenses of inspection or testing by third parties, photography, newspaper publication costs, title search locating, or contacting the owner, labor, and equipment costs for mowing and clean up of the lot, landfill fees, plus an administrative fee to cover the City's costs in administering the work.
- C. The Code Enforcement Official shall certify the expenses incurred in enforcing the provisions of this ordinance for billing to the owner of the property. The bill becomes an account receivable upon completion and shall be due within thirty (30) days.
- D. If after thirty (30) days from billing, payment in full has not been made, the City shall assess the expenses on and have a lien against the property filed.

- E. Notice of the lien shall be provided to the County Clerk on a form approved by the City Attorney. 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. The lien notice must contain the name of the owner, a legal description, the amount of expenses incurred by the City, the interest rate to be charged and the balance due.
- F. The City's lien is a privileged lien subordinate only to the tax liens and all previously recorded bona fide Mortgage liens attached to the real property to which the City's lien attaches and interest accruing at the rate of ten (10) percent on the amount due.
- G. The lien shall be extinguished if the owner reimburses the City for the total amount due.

ARTICLE 7. PROHIBITED ACTS.

- A. It shall be unlawful for the owner of a lot in violation of this ordinance to fail or refuse to comply with the order of the Code Enforcement Official.
- B. It shall be unlawful for any person to obstruct or interfere with the implementation of any action required by the order of the Code Enforcement Official.

ARTICLE 8. ADMINISTRATIVE LIABILITY

- A. No officer, agent or employee of the City of Ingleside on the Bay shall be personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this ordinance. Any suit brought against any officer, agent or employee of the City as a result of any act required or permitted in the discharge of his duties under this ordinance shall be defended by the City Attorney until the final determination of the proceedings.


ARTICLE 9. RIGHT TO APPEAL

- A. The owner or owners of a property or the representative of the owner has the right to appeal the notification of abatement under this ordinance to the City Council with written notice to appear before the council at the next regularly scheduled meeting of the council.

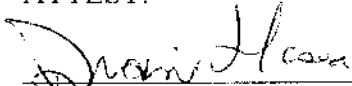
ARTICLE 10. VALIDITY

- A. If any section, paragraph, sentence, clause, phrase or provision of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this ordinance.
- B. All ordinances or parts of ordinances including Ordinance 1992-17 and Ordinance 1995- 08 and any other ordinances in conflict herewith are hereby repealed
- C. This ordinance shall become effective after adoption and publication one time in the official newspaper of the City of Ingleside on the Bay.

PASSED, APPROVED AND SIGNED ON THIS 20th DAY OF February, 2007.


CYNTHIA B. FOSTER
MAYOR

ATTEST:


DIANE HOSEA
CITY SECRETARY

**CITY OF
INGLESIDE
ON THE BAY
HAS PASSED THE
FOLLOWING
ORDINANCES
ORDINANCE NO.
2007-03**

An ordinance of the City of Ingleside on the Bay, Texas finding, after reasonable notice and hearing, that AEP Texas Central Company's existing rates are unreasonable; finding that AEP Texas Central Company's requested revenues resulting from electric transmission and distribution rates and charges within the

**ORDINANCE NO.
2007-04**

An ordinance of the City of Ingleside on the Bay, Texas to protect the public health and promote the public welfare off the City of Ingleside on the Bay, Texas, providing standards for lots within the corporate limits of the City; providing for notice of a violation to be given to the owners of a Lot; providing for the implementation as provided herein; providing for assessment of cost; providing for the fixing of a lien; defining certain pro-

hibited acts, and providing penalties for violation, waiver of liability; providing a severability penalties for violation, waiver of liability, providing a severability cause, repealing previous ordinances.

The originals of which are on file with the City Secretary at City Hall.

Published in The Ingleside Index, February 28, 2007

**THE STATE OF TEXAS
COUNTY OF SAN PATRICIO:**

Before me, the undersigned authority, personally appeared

Clay Morgan

of The Ingleside Index, who after being

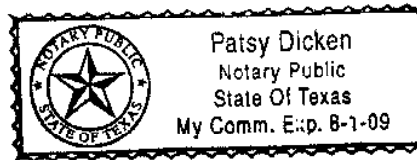
by me duly sworn, on his oath deposes and said:

1. That (he) (she) is Publisher of The Ingleside Index a weekly newspaper published in San Patricio County, Texas.

2. That the ~~City of Ingleside On the Bay~~ City of Ingleside On the Bay published and passes the following ordinances 2007-3 and 2007-4 hereto annexed, was published in the regular issues of said Ingleside Index once each week for One (1) week successive weeks said publications having been made on the February 28, 2007

3. That a printed copy of said Notice as the same appeared in said issues is attached hereto.

Clay Morgan



Sworn to and subscribed before me this 1st day of March, 2007

Patsy Dicken
Notary Public, San Patricio County, Texas

PUBLICATION FEE: \$ 64.97