

ORDINANCE NO. 201-10

**AN ORDINANCE OF THE CITY OF HACKBERRY, TEXAS, AMENDING
ORDINANCE NO. 173-08, SECTION 3. PROPERTY MAINTENANCE – PUBLIC
NUISANCES; PROVIDING FOR SEVERABILITY, SAVINGS, AND EFFECTIVE
DATE.**

WHEREAS, the City Council of the City of Hackberry, Texas, has determined the desirability and necessity of providing standards to protect the health, safety and welfare of the citizens of Hackberry by establishing standards regulating nuisances, debris, waste, weeds, rubbish, brush and other objectionable, unsightly or unsanitary matter; and

WHEREAS, there is a need for the authority to protect and preserve the public health, safety, order, property values, and welfare of the citizens of Hackberry, Texas, as well as to maintain a healthful, clean and beautiful environment; and

WHEREAS, this Ordinance is intended to supplement and to coordinate existing litter control and removal efforts, and not terminate existing efforts nor, except as specifically stated, to repeal or effect any other ordinance governing or prohibiting litter or the control and disposition of waste.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF HACKBERRY,
TEXAS:**

**ARTICLE I. AMENDING SECTION 3. PROPERTY MAINTENANCE
– PUBLIC NUISANCES**

Ordinance Number 173-08, Section 3. Property Maintenance – Public Nuisances is hereby amended to read:

Section 3. Property Maintenance – Public Nuisances.

It is hereby declared to be a public nuisance for any owner or other person in control of the property or premises to keep or maintain the property, premises or rights-of-way in such a manner that any of the following conditions are found to exist:

- (a) Abandoned, dismantled, wrecked, inoperable, unlicensed, and discarded objects, furniture, equipment or appliances such as, but not limited to vehicles, boats, water heaters, refrigerators, clothes dryers, washing machines, cooking stoves, heating stoves, air conditioners, microwave ovens, televisions, dishwashers, furniture which is not designed for outdoor use, household fixtures, machinery, equipment, cans or containers standing or stored on the property or on sidewalks or streets which can be viewed from a readily accessible places, or which are stored on private property in violation of any other law or ordinance;

Exceptions:

1. Inoperable vehicles, boats, or equipment in the restoration process which are completely covered with a tarp-like covering, and are not visible from right-of-ways, a street or alley.
 2. Appliances scheduled for sanitation pickup that have the doors removed, and are set out for removal on the scheduled removal date.
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- (b) Utility, construction, landscaping, cattle or other such trailers parked within the front yard and visible from a public street;
 - (c) Sand, gravel, dirt or other landscaping materials shall not be within the front yard in excess of sixty (60) days.
 - (d) Discarded garbage, rubbish, refuse, or recyclable items which have not been recycled within thirty (30) days of being deposited on the property which are determined by an Enforcement Officer to constitute a fire hazard or to be detrimental to human life, health or safety;
 - (e) Oil, grease, paint, other petroleum products, hazardous materials, volatile chemicals, pesticides, herbicides, fungicides or waste (solid, liquid or gaseous) which is determined by and Enforcement Officer to constitute a fire or environmental hazard, or to be detrimental to human life, health or safety;
 - (f) Litter (*excluding: (1) materials for a construction project on the property with a valid permit, and (2) lumber for household repairs stacked neatly, off the ground, not higher than four feet, nor longer than twenty feet stored in the backyard*), salvage materials, including but not limited to auto parts, scrap metals, tires, other materials stored on premises in excess of seventy-two (72) hours;
 - (g) Receptacles for discarded materials and recyclables which are left in the front yard following the day of the regularly scheduled refuse pick-up for the property;
 - (h) Swimming pool, pond, spa, other body of water, or excavation which is abandoned, unattended, unsanitary, empty, which is not securely fenced, or which is determined by the Enforcement Officer to be detrimental to life, health or safety;
 - (i) Any premises which detrimentally impacts the surrounding neighborhood because of dilapidation, deterioration or decay or is unsafe for the purpose for which it is being used or is not secured or is improperly secured;
 - (j) Any premises meeting the definition of an Attractive Nuisance as defined in Section 1 of Ordinance No. 173-08.
 - (k) Any premises with a Common Continuing Nuisance as defined in Section 1 of Ordinance No. 173-08.

- (1) Any condition on a property which meets the requirements of subparagraph (1), (2) or (3), below:

(1) Is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property;

(2) Affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal; or

(3) Litter or other refuse which may constitute a threat or detriment to public safety, health, welfare or property values.

ARTICLE II. SEVERABILITY

Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clause and phrase be declared unconstitutional or invalid.

ARTICLE III. SAVINGS

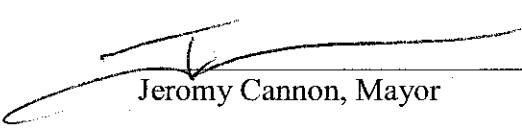
This Ordinance shall be cumulative of all other ordinances of the city and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of, and only to the extent, those ordinances are in direct conflict with the provisions of this Ordinance. If any provision of this Ordinance conflicts with Chapter 342 of the Texas Health and Safety Code, then Chapter 342 shall control.

ARTICLE IV. EFFECTIVE DATE


This ordinance shall become effective from and after its adoption and publication as required by law.

ADOPTED by the City Council of the City of Hackberry, Texas, on this the 10th day of August, 2010.

APPROVED:


Jeromy Cannon, Mayor

Attest:


Carolyn Watts
City Secretary