

AN ORDINANCE OF THE CITY OF LOWRY CROSSING, TEXAS

ORDINANCE NO. 125

AN ORDINANCE OF THE CITY OF LOWRY CROSSING, TEXAS, HAVING IMPLEMENTED SUBCHAPTER C, CHAPTER 54, LOCAL GOVERNMENT CODE; MAKES IT UNLAWFUL FOR ANY PERSON OWNING, OR HAVING SUPERVISION OF REAL PROPERTY WITHIN THE CITY TO PERMIT A CONDITION TO EXIST ON SAID PROPERTY THAT IS A SAFETY OR HEALTH HAZARD AS A RESULT OF: (1) FAILURE TO COMPLY WITH CITY BUILDING AND RELATED CODES; OR (2) BY PERMITTING A BUILDING OR IMPROVEMENT THAT IS SO DETERIORATED THAT IT HAS BECOME A DANGEROUS BUILDING OR (3) BY PERMITTING AN ACCUMULATION OF REFUSE, VEGETATION, OR OTHER MATTER THAT CREATES A BREEDING AND LIVING PLACE FOR INSECTS AND RODENTS; OR (4) BY PERMITTING WEEDS, BRUSH OR ANY OTHER "COMBUSTIBLE MATERIAL" TO GROW TO A GREATER HEIGHT THAN TWELVE (12) INCHES WITHIN ONE HUNDRED FIFTY (150) FEET OF ANY PROPERTY LINE; AND ALSO, MAKING IT UNLAWFUL TO CAUSE LOSS OF VALUE TO ADJACENT PROPERTY AS A RESULT OF THE CONDITION, USE OR APPEARANCE OF THE PROPERTY; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY FOR VIOLATION OF THIS ORDINANCE OF FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500.00) FOR EACH OFFENSE; PROVIDING HOWEVER, WHERE A DIFFERENT PENALTY HAS BEEN ESTABLISHED BY STATE LAW FOR SUCH OFFENSE THE PENALTY SHALL BE THAT FIXED BY STATE LAW, AND FOR ANY OFFENSE WHICH IS A VIOLATION OF LAW THAT GOVERNS FIRE SAFETY, ZONING, OR PUBLIC HEALTH AND SANITATION, INCLUDING THE DUMPING OF REFUSE, THE PENALTY SHALL BE A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

SECTION 1. **ADOPTION OF STATE REGULATIONS NOTED**

The City Council having heretofore in Ordinance 115, as amended, implemented Subchapter C, Chapter 54, Local Government Code, hereby adopts this ordinance applicable to the following:

1. The preservation of public safety, relating to the materials or methods used to construct a building or improvement, including the foundation, structural elements, electrical wiring or apparatus, plumbing and fixtures, entrances or exits;
2. The fire safety of building or improvement, including provisions relating to materials, types of construction or design, warning devices, sprinklers or other fire suppression devices, availability of water supply for extinguishing fires, or location, design, or width of entrances or exits;
3. Relating to dangerously damaged or deteriorated buildings or improvements; or

4. Relating to conditions caused by accumulation of refuse, vegetation, or other matter that creates breeding and living places for insects and rodents.

SECTION 2. COMPLIANCE WITH CITY BUILDING AND RELATED CODES

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 create, or permit to continue on said property, a condition that is a safety or health hazard as a result of the construction or maintain on said property a building or improvement, including the foundation, structural elements, electrical wiring or apparatus, plumbing and fixtures, entrances or exits, that is not in compliance with the building, plumbing, electrical, fire, or other codes adopted by the City.

SECTION 3. SPECIFIC COMPLIANCE WITH CITY FIRE CODE

It shall be unlawful for any person owning, claiming, occupying or having supervision or control of any real property, building or improvement, occupied or unoccupied, within the corporate limits of the City, to create, or permit to continue on said property, a condition that is a safety or health hazard as a result of a violation of the Fire Code of the City, including defective or inoperable warning devices, sprinklers, or other fire suppression devices.

SECTION 4. DANGEROUS BUILDINGS

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 construct or maintain on said property a building or improvement that is so deteriorated that it has become a dangerous building. As used in this section a Dangerous Building shall mean any building or improvement that has become so deteriorated that it:

1. is a safety or health hazard to persons who may enter or come near or be in contact with, such structure;. or
2. is a safety or health hazard by reason of being open to or easily accessible to vagrants, children, and other unauthorized persons; or
3. creates an attractive nuisance for children where they may encounter health or safety hazards; or
4. creates a breeding and living place for insects and rodents; or
5. contains accumulations of refuse, vegetation or other matter that creates a breeding and living place for insects and rodents or other safety or health hazards to persons.

SECTION 5. **PROPERTY VIOLATIONS CAUSING LOSS OF VALUE TO ADJACENT PROPERTY AS A RESULT OF THE CONDITION, USE, OR APPEARANCE OF PROPERTY**

- 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 construct or maintain on said property a building, or improvement that has become so deteriorated that its appearance causes a loss of value to adjacent property.
- B. 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 maintain on said property a condition, use, or appearance, that results in a loss of value to adjacent property.

SECTION 6. **THE ACCUMULATION OF REFUSE, VEGETATION, OR OTHER UNWHOLESOME MATTER**

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 maintain or permit to remain on said property, though not necessarily related to a building or improvement, an accumulation of refuse, vegetation, or other matter that:

1. creates a breeding and living place for insects and rodents or other like safety or health hazard to persons or adjacent property; or
2. creates an attractive nuisance for children where they may encounter health or safety hazards such as, but not limited to, old refrigerators, or junk type vehicles or other equipment ; or
3. presents an accumulation, the appearance of which causes a probable loss of value to adjacent properties;

As used in this section the term "other matter" shall include, but not be limited to, an accumulation of inoperable motor vehicles or machinery; rubbish in the form of debris left upon properties after any building or other structures on such properties have been destroyed by fire or other calamity and the same not restored to its original or better condition, or removed from the property within ninety (90) days from the date of such destruction, or intentionally wrecked or demolished by the owner, or moved from such property to another location; or vacated by a prior owner or tenant; or the accumulation of building materials not intended for immediate use.

SECTION 7. WEEDS, BRUSH AND UNWHOLESOME MATTER

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 or any other "combustible material" to grow to a greater height than twelve (12) inches upon any such real property within one hundred fifty (150) feet of any property line. All vegetation, not regularly cultivated, and which exceeds twelve (12) inches in height shall be presumed to be a fire hazard and constitute a nuisance.

SECTION 8. REPEALING CLAUSE

All parts of ordinances, inconsistent or in conflict with the provisions of this ordinance are hereby repealed.

SECTION 9. SEVERABILITY CLAUSE

If any article, paragraph or subdivision, clause or provision of this ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof, other than the part so decided to be invalid or unconstitutional.

SECTION 10. SAVINGS CLAUSE

An offense, the date of which is alleged to be prior the effective date of this ordinance, shall be governed by the prior law and ordinances, as amended, in effect on the date the offense is alleged to have been committed, and the former law is continued for this purpose.

SECTION 11. PENALTY CLAUSE

Any person firm or corporation violating any provision of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be subject to a fine not to exceed the sum of five hundred dollars (\$500.00) for each offense; providing however, where a different penalty has been established by state law for such offense the penalty shall be that fixed by state law, and for any offense which is a violation of law that governs fire safety, zoning, or public health and sanitation, including the dumping of refuse, the penalty shall be a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense; and every day any offense is continued shall constitute a new and separate offense..

SECTION 12. EFFECTIVE DATE

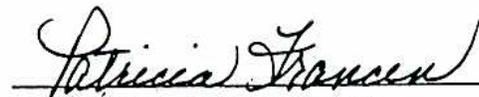
This ordinance shall take effect immediately after its passage and publication of the caption, as the law in such cases provides.

DULY ADOPTED by the City Council of the City of Lowry Crossing, Texas, on the 3 day of APRIL, 2001.

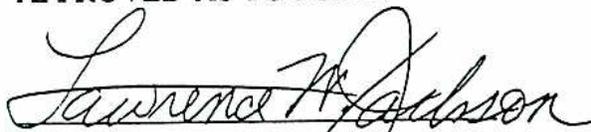
APPROVED:


MAYOR

ATTEST:


CITY SECRETARY

APPROVED AS TO FORM:


Lawrence W. Jackson, City Attorney