



## City of Whitehouse

### ORDINANCE 13-0521-02

**AN ORDINANCE, AMENDING ORDINANCE #263 DATED JUNE 23, 1986, PROMOTING SAFETY, PROSPERITY, AND THE GENERAL WELFARE FOR ITS CITIZENS; CONSERVING THE VALUE OF PROPERTY; PROVIDING FOR THE CONTINUOUS ENJOYMENT OF PERSONAL AND RESIDENTIAL PROPERTY; MAINTAINING THE STABILITY OF RESIDENTIAL NEIGHBORHOODS BY DECLARING AND DEFINING A NUISANCE; ESTABLISHING DEFINITIONS; ESTABLISHING REGULATIONS REGARDING THE ACCUMULATION OF TRASH, WEEDS AND GRASS, OUTDOOR STORAGE, STANDING DEAD TREES, STORAGE OF INOPERATIVE VEHICLES, AND MAJOR VEHICLE REPAIRS IN PUBLIC VIEW; ESTABLISHING NOTICE GUIDELINES AND ENFORCEMENT AUTHORITY; PROVIDING A PENALTY CLAUSE; AUTHORITY TO ISSUE CITATIONS; REPEALING ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT; PROVIDING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.**

#### **SECTION 1. DEFINITIONS**

For purposes of this ordinance, certain terms are defined as follows:

1. City Limits means the city limits of Whitehouse, Texas.
2. Enforcing Agent means a Code Enforcement Officer, City Marshal, or Peace Officer.
3. Improved Property means a lot, tract, or parcel of land that meets the following criteria: (1) a building or structure has been affixed to the land; and (2) the land has been cleared of trees and/or brush, or made ready for use, or made more desirable, valuable, profitable, or not left in a wild or natural state. If any portion of a lot, tract, or parcel of land is Improved Property, the entire lot, tract, or parcel of land is considered Improved Property.
4. Inoperative Motor Vehicle means a Motor Vehicle that (1) does not have affixed unexpired license plates and a valid current inspection sticker, and (2) the condition of which is one or more of the following: wrecked; dismantled; partially dismantled; not in a condition to be legally driven upon public streets; abandoned; or discarded.
5. Major Vehicle Repairs means repairs to a Motor Vehicle or trailer that take the Responsible Person more than fourteen (14) days to complete. Examples of Major Vehicle Repairs include engine building/rebuilding, transmission work, body repair, and other work ordinarily performed by a mechanic or body shop. Major Vehicle Repairs does not include ordinary maintenance work such as oil changes, battery replacement, cleaning, and other routine maintenance unless the ordinary maintenance work takes more than fourteen (14) days to complete.
6. Motor Vehicle means an automobile, truck, motorcycle, boat, recreational vehicle, or other similar vessel.
7. Responsible Person means a natural person, firm, corporation, corporate officer, partnership, association of persons, owner, agent, occupant, or any individual or entity

having supervision or control of any Motor Vehicle, lot, tract, parcel of land or portion thereof, occupied or unoccupied, within the City Limits.

8. Trash means discarded material, which includes rubbish, brush, furniture, household appliances, tires, batteries, construction material, household garbage, brush, lawn clippings, food, and other similar items.
9. Unimproved Property means any real property that does not fit the definition of Improved Property.

## **SECTION 2. TRASH**

It shall be unlawful for any Responsible Person to allow the accumulation of Trash or any other unsanitary or unsightly materials on property, occupied or unoccupied, within the City Limits. Any such accumulation shall constitute a fire hazard and nuisance to the public health and shall be subject to the Enforcement Provisions of this ordinance.

## **SECTION 3. WEEDS AND GRASS**

It shall be unlawful for any Responsible Person to allow weeds or grass to grow to a height of greater than twelve (12) inches on an Improved Property, occupied or unoccupied, within the City Limits. Weed or grass growth in excess of twelve (12) inches in height shall constitute a fire hazard and nuisance to the public health and shall be subject to the Enforcement Provisions of this ordinance.

It shall be unlawful for any Responsible Person to cut and remove weeds and grass on an Unimproved Property fewer than three (3) times per calendar year. Cutting and removing weeds and grass on an Unimproved Property fewer than three (3) times per calendar year shall constitute a fire hazard and nuisance to the public health and shall be subject to the Enforcement Provisions of this ordinance.

## **SECTION 4. OUTDOOR STORAGE**

It shall be unlawful for any Responsible Person to allow the storage of materials, equipment, or commodities not currently in use, on property, occupied or unoccupied, within the City Limits, in a manner that is not screened from public view. Any such improper storage shall constitute a fire hazard and nuisance to the public health and shall be subject to the Enforcement Provisions of this ordinance.

## **SECTION 5. STANDING DEAD TREES**

It shall be unlawful for any Responsible Person to allow standing dead trees on property, occupied or unoccupied, within the City Limits, that could fall and cause injury to neighboring persons or property. A failure to safely cut and remove any standing dead tree shall constitute a danger to the public health and safety and shall be subject to the Enforcement Provisions of this ordinance.

## **SECTION 6. MAJOR VEHICLE REPAIRS**

It shall be unlawful for any Responsible Person to conduct Major Vehicle Repairs, in public view, on their property, occupied or unoccupied, within the City Limits. Major Vehicle Repairs, however, may lawfully be conducted inside of a garage, building, or other area that is screened from public view. Any Major Vehicle Repairs in public view shall constitute a nuisance to the public and shall be subject to the Enforcement Provisions of this ordinance.

## **SECTION 7. STORAGE OF INOPERATIVE VEHICLES**

- (A) It shall be unlawful for any Responsible Person to allow an Inoperative Motor Vehicle to be parked, placed, stored, or left, in public view, upon property, occupied or unoccupied, within the City Limits for a period of time in excess of thirty (30) days. Any storage of inoperative vehicles in public view for a period of time in excess of thirty (30) days shall constitute a nuisance to the public and shall be subject to the Enforcement Provisions of this ordinance.
- (B) This section shall not apply to Inoperative Motor Vehicles situated within a completely enclosed building or structure, otherwise screened from public view, or located wholly on property of a legally established and properly zoned facility that engages in the business of motor vehicle repair.

## **SECTION 8. ENFORCEMENT PROVISIONS: NOTICE**

- (A) An Enforcing Agent is authorized to notify a Responsible Person that they are in violation of this ordinance and to allow them ten (10) days to abate or remedy the violation. If notice is mailed, the ten (10) day compliance period does begin until three (3) days from the day of mailing.
- (B) The notice shall be in writing and shall specify the specific ordinance section(s) that the Responsible Person is violating.
- (C) The Enforcing Agent will issue only one (1) notice during the calendar year in which the violation occurs. If, after notice has been given, repeat violations occur or continue to exist on the same property within the same calendar year, additional notification is not required and citations may issue without further notice.
- (D) The Enforcing Agent may serve notice on a Responsible Person by hand delivery or through certified mail, return receipt requested. A Responsible Person is considered on notice once they are handed written notice or when the notice is placed in the mail.

## **SECTION 9. ENFORCEMENT PROVISIONS: FAILURE TO ABATE OR REMEDY**

- (A) If notice was given and the ten (10) day compliance period has ended, an Enforcing Agent may issue a citation for the violation if the Responsible Person has failed to abate or remedy the violation.

(B) If notice was given and more than ten (10) days have elapsed since the ten (10) day compliance period has ended, the City of Whitehouse may abate or remedy the violation at the expense of the Responsible Person. If such action is taken, a bill will be mailed to the Responsible Person. If this bill is not paid within thirty (30) days of mailing, the City of Whitehouse is authorized place a lien on the property in violation for the amount owed.

#### **SECTION 10. PENALTIES**

Any Responsible Person in violation of this ordinance shall be subject to a fine, upon conviction in the Municipal Court of the City of Whitehouse, not to exceed two hundred dollars (\$200.00) for each offense. Each and every day the violation has not been abated or remedied shall be deemed a separate and distinct offence, and shall be subject to an independent penalty.

#### **SECTION 11. SAVINGS CLAUSE**

It is the intent of the Whitehouse City Council that the sections, subsections, paragraphs, sentences, clauses, and phrases of this ordinance are severable, and if any section, subsection, sentence, clause, or phrase shall be declared unconstitutional or invalid, such unconstitutionality or invalidity shall not affect any remaining sections, subsections, clauses, or phrases of this ordinance, to the extent possible.

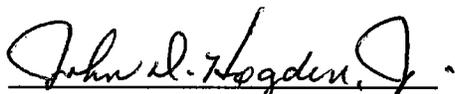
#### **SECTION 12. REPEALING CLAUSE**

This ordinance repeals and replaces all prior ordinances or parts of ordinances in conflict herein.

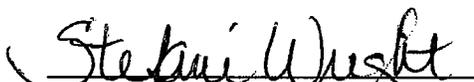
#### **SECTION 13. EFFECTIVE DATE**

This ordinance becomes effective and enforceable when signed by the Mayor and attested to by the City Secretary.

**PASSED, APPROVED, and ADOPTED** on this 21<sup>st</sup> day of May 2013.

  
John D. Hogden Jr., Mayor

ATTEST:

  
Stefani Wright, City Secretary