

PROPERTY MAINTENANCE ORDINANCE

An ordinance commonly known as the City of Poth "Property Maintenance Ordinance", making it unlawful to permit excessive or unwarranted growth of weeds, debris, trash, rubbish, or exposed salvageable material within the city limits of the City of Poth, Texas; providing for purposes and goals; setting forth criteria for public code violation; establishing duties of property owners with regard to maintenance of property; providing for the giving of notice by the City of Poth and its officials upon complaints requiring correction of violations; providing for correction of the public code violation by the City of Poth, Texas; providing for the collection of costs, levying fines and collection of liens; providing for civil fines; providing for severability; providing for a repeal clause; providing for inclusion in the code; providing for an effective date;

BE IT ENACTED BY THE POTH CITY COUNCIL OF POTH, TEXAS:

SECTION I. SHORT TITLE

This ordinance shall be known and cited as the City of Poth Property Maintenance Ordinance.

SECTION II. PURPOSES AND GOALS

The purpose and intent of this ordinance is to protect the public health, safety and welfare, and to protect the aesthetic and property values of properties by providing for abatement of unsanitary and unsafe conditions, including the accumulation of litter and debris and overgrown vegetation, which constitutes a code violation on land subject to and in violation of this ordinance.

SECTION III. PROHIBITED CONDITIONS

The excessive accumulation of weed growth or grass excluding seed pods, to a height in excess of eighteen (18") inches high are subject to this ordinance or rubbish, trash, debris, or manmade materials upon any lot, tract, or parcel of land where such growth or accumulation increases the conditions leading to a haven or breeding place for snakes, rats, rodents or other vermin of like or similar character, or creates a breeding place for mosquitoes, creates a fire hazard to adjacent properties or adversely affects or impairs the economic welfare of adjacent properties or creates a hazard at road intersections or rights-of-way within the City shall be declared a public code violation and is hereby prohibited. Dead, decaying, or living trees that pose a natural threat of damage to permitted buildings on adjacent property are hereby declared to be a public code violation.

Said public code violations shall not apply to any unincorporated areas of the City. This ordinance applies to all incorporated areas within the city limits of the City of Poth, Texas.

Prohibited conditions of this section shall apply to the various zoning districts in the following manner:

- (1) The excessive weed growth and the grass height provisions shall be applicable to tracts or parcels of land zoned commercial, industrial, or residential to the extent the accumulation of weed growth and grass height lies within 100' of any improved property.
- (2) The trash and debris provisions of this ordinance shall apply to any tract or parcels that are zoned commercial, industrial, residential, agricultural/residential, or agricultural without any distance limitation to adjacent property.
- (3) Only the trash and debris provisions, without any distance limitations to adjacent property shall apply to parcels with natural vegetation which shall be defined as any parcel of land considered naturally vegetated if the parcel has not been cleared or mowed subsequent to January 1, 2001 except those lots mowed for the first time.

SECTION IV. DUTY OF PROPERTY OWNERS

It shall be the duty of the owner of any lot, tract, or parcel of land within the incorporated areas of the City to reasonably and effectively control the excessive growths and accumulations described in Section III of this ordinance.

SECTION V. NOTICE TO PROPERTY OWNER TO CORRECT PROHIBITED CONDITIONS

A. If the City of Poth finds and determines that a public code violation exists, as described in Section III of this ordinance, it shall so notify the record owner of the offending property in writing and demand that such owner cause the situation to be remedied. The notice shall be given by certified mail addressed to the owner or owners of the property described with the names and addresses as shown upon the most recent records of the Wilson County Property Appraiser, and shall be determined complete and sufficient when so addressed and deposited in the United States mail with proper postage prepaid. Once official notification has been mailed and the letter is returned to the City of Poth because forwarding address or data from Property Appraiser's records are not current, the City of Poth shall post the offending property for a period of ten (10) days. Upon the expiration of the posting date, the City of Poth shall have the right to order a contractor to mow, clean, or otherwise correct the violation of the offending property and bill the property owner as defined in Section VI of this ordinance.

B. The notice shall be in substantially the following form:

NOTICE OF PUBLIC CODE VIOLATION

Date

NAME OF OWNER (S)

ADDRESS:

All records indicate that you are the owner(s) of the following property located in the city limits of Poth, Texas:

(Legal Description of Property)

An inspection of this property discloses, and the City of Poth has determined, that a Public Code Violation exists thereon so as to constitute a violation of the City of Poth Ordinance _____:

(Description of Condition of Property)

You are hereby notified that unless the condition above described is remedied as required by this ordinance within twenty (20) days upon receipt of this letter, the City will abate this condition and has the right to hire a contractor to remedy the problem and bring the property in compliance. The listed owner of the property will bear the cost of the work, including advertising costs, a Nuisance Administrative Surcharge of twenty-five (\$25.00) dollars, Inspection fee of twenty (\$20.00) dollars per site visit, and other expenses. If this cost is not paid within 20 days from the completion of such work, the City of Poth has a right to impose a Special Assessment Lien upon the property for total amounts incurred.

Furthermore, please be advised that the City of Poth has the right to foreclose on properties upon which a lien has been placed and not paid within one (1) year.

The enclosed list of contractors is provided for your convenience. However, you are not obligated to use the services of these contractors and have the authorization to obtain your own contractor.

Your cooperation is greatly appreciated, and if you should have any questions regarding this matter, please contact the City of Poth by calling 830-484-2111.

SECTION VI. COLLECTION OF COSTS AND RECORDS

- A. Generally, after causing a condition prohibited by Section III of this ordinance to be remedied, the City of Poth shall certify the expenses incurred in remedying the condition including any unpaid administrative costs whereupon such costs shall be payable within thirty (30) days, after which a Special Assessment Lien and an Administrative Surcharge will be made upon the property which shall be payable with interest at a rate of ten (10%) percent per annum from the date of such certification until paid. Such lien shall be enforceable in the same manner as a

Special Assessment Lien in favor of the City and shall be satisfied at any time by payment thereof including accrued interest. Notice of such lien shall be filed in the Office of the City Municipal Court and recorded among the public records of the City and County.

B. Right to Foreclosure and Pay Costs - The Judge of municipal court shall keep complete records relating to the amount payable for the liens above described.

C. Penalties and Fines - In the event the Special Assessment Lien is not paid within one (1) year, the City Attorney may commence foreclosure proceedings to foreclose upon the Special Assessment Lien. The foreclosure shall be conducted pursuant to procedure set forth in General Law for the foreclosure of Special Assessment Liens. In the event the lien is foreclosed upon, the owner of the property, which is subject to foreclosure, shall, in addition to any other charges, pay the City's reasonable attorney's fees in such foreclosure proceedings. The City shall have the right to compromise or settle any lien by accepting payment of less than the full amount of the lien for good cause.

SECTION VII. CIVIL FINES

In the event the owner or owners of any lot, tract, parcel of land, fails to remedy the condition on his or her property within the time set forth in the notice required by Section V of this ordinance, hereof a Citation may be issued. Any violation of this ordinance may be considered a civil infraction for purposes of the issuance of a citation. Issuance of a citation will subject the owner to a maximum civil penalty not to exceed five hundred (\$500.00) dollars plus administrative costs and fees including but not limited to site visits. Each day that a violation continues after the time set forth in said Notice of Violation or citation shall constitute a separate offense. All penalties, fines, fees, and costs collected under this ordinance shall be credited to the City of Poth.

SECTION VIII. ADDITIONAL ENFORCEMENT

Nothing contained in this ordinance shall prohibit the CITY OF POTH from enforcing its codes or ordinances by any other means allowed or permitted by law.

SECTION IX. PERMIT DENIAL

While any unpaid charges or liens exist on the subject property no building or zoning permit or license or any other form of City approval shall be issued to anyone affecting or relating to the subject property until such lien or charges are satisfied or satisfactory arrangements are made with the city for payment.

SECTION X. SEVERABILITY

It is declared to be the intent of the City Council of Poth, Texas, that if any section, subsection, clause, sentence phrase or provision of this Ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of the remaining portions of this Ordinance.

SECTION XI. REPEAL

This ordinance hereby repeals Ordinance No. 012201-B and any code provisions in conflict with the provisions hereof.

SECTION XII. INCLUSION IN THE CODE

It is the intention of the City of Poth, and it is hereby provided, that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Poth, Texas. To this end, the section of this Ordinance may be renumbered or re-lettered to accomplish such intention, and that the word "ordinance" may be changed to "section, "article", or other appropriate designation.

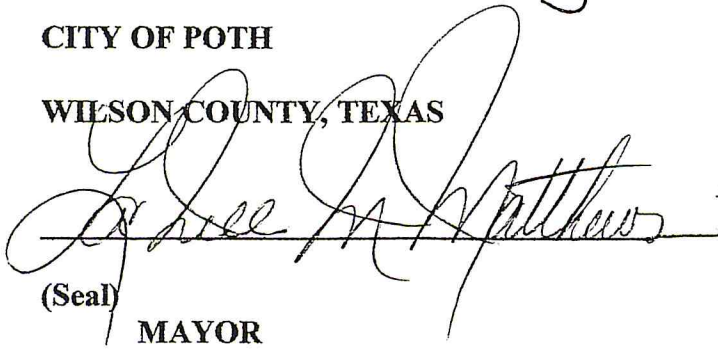
SECTION XIII. EFFECTIVE DATE

This Ordinance shall become effective upon adoption by the Poth City Council and approved by the Mayor et al.

ADOPTED BY THE CITY COUNCIL OF POTH, TEXAS, in Regular Session this 22 day of JANUARY, 2004 A.D.

CITY OF POTH

WILSON COUNTY, TEXAS


(Seal)
MAYOR

APPROVED:

Attest:

By Gladya Billimek
CITY SECRETARY

AMENDMENT

ORDINANCE NO: 012201 –B PROPERTY MAINTENANCE

AMENDMENT NO: I

SECTION NO: V

ORDINANCE NO. 012201-B is hereby amended as follows:

SECTION V. NOTICE TO PROPERTY OWNER TO CORRECT PROHIBITED CONDITIONS

- A. If the City of Poth finds and determines that a public code violations exists, as described in Sections III of this ordinance, it shall so notify the recorded owner of the offending property of violation and demand that such owner cause the situation to be remedied. Notification to property owner shall be by:
1. A “Courtesy Letter stating the violation and need for remedy allowing 10 days to respond and/or
 2. A written “Warning” issued by the Poth Police Department, signed by property owner/owners; and/or,
 3. “Certified Mail” addressed to the owner or owners of the property described with the names and addresses as shown upon the most recent records of the Wilson County Property Appraiser, and shall be determined completed and sufficient when so addressed and deposited in the United States Mail with proper postage prepaid.
 - a. Once official notification has been mailed and the letter is returned to the City of Poth because forwarding address or data from Property Appraiser’s records are not current, the City of Poth shall post the offending property for a period of ten (10) days .
 - b. Upon the expiration of the posting date, the City of Poth shall have the right to order a contractor to mow, clean, or otherwise correct the violation of the offending property and bill the property owner as defined in Section VI of this ordinance.
- B. The notice shall be in substantially the following form:

NOTICE OF PUBLIC CODE VIOLATION

Date

NAME OF OWNER (S)

ADDRESS:

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(Legal Description of Property)

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(Description of Condition of Property)

Your are hereby notified that unless the condition above described is remedied as required by this ordinance within twenty (20) days upon receipt of this letter, the City will abate this condition and has the right to hire a contractor to remedy the problems and bring the property in compliance. The listed owner of the property will bear the cost of the work, including advertising costs, a Nuisance Administrative Surcharge of Twenty-five (\$25.00) dollars, Inspection Fee of twenty (\$20.00) dollars per site visit, and other expenses. If this cost is not paid within 20 days from the completion of such work, the City of Poth has a right of impose a Special Assessment Lien upon the property for total amounts incurred.

Furthermore, please be advised that the City of Poth has the right to foreclose on properties upon which a lien has been placed and not paid within one (1) year.

Your cooperation is greatly appreciated, and if you should have any questions regarding this matter, please contact the City of Poth by calling 830-484-2111.

PASSED and APPROVED this 15th day of October 2007.



Chrystal Eckel -- Mayor

ATTEST:



Gladys Billimek - City Secretary