

TITLE IX: GENERAL REGULATIONS

Chapter

90. HEALTH AND SANITATION; NUISANCES

91. JUNK VEHICLES

92. ANIMALS

CHAPTER 90: HEALTH AND SANITATION; NUISANCES

Section

General Provisions

- 90.01 Noise
- 90.02 Odorous matter

Lot Maintenance

- 90.15 Regulations
- 90.16 Open burning
- 90.17 Notice to correct or remove condition
- 90.18 Abatement

Trash

- 90.30 Definition
- 90.31 Digging pits to dispose of trash

GENERAL PROVISIONS

§ 90.01 NOISE.

(A) *Noise; use of amplifying devices.*

- (1) It shall be unlawful for any person to use or operate, or cause to be used or operated, any mechanical or electrical device, machine, apparatus or instrument to intensify or to amplify or to reproduce the human voice or any other sound in such a way as to materially disturb a reasonable person, on any public street within the corporate limits of the city. It shall likewise be unlawful for any person to use or operate, or cause to be used or operated, any mechanical or electrical device, machine, apparatus or instrument to intensify or to amplify or to reproduce the human voice, or to produce, reproduce, intensify or amplify any other sound, in any building or on any premises in the city whereby the sound therefrom is cast directly upon the public streets or places or where such device is maintained

and operated for advertising purposes or for the purpose of attracting the attention of the passing public, or which is so placed or operated that the sounds coming therefrom can be heard to the disturbance or inconvenience of travelers upon any street or public place, or of persons in neighboring premises.

- (2) The purpose of subsection (a) of this section is to prevent any noise in, near or on any public street which is reasonably calculated to disturb the peace and good order of the neighborhood or of persons owning, using or occupying property adjacent to such public streets.
- (3) Notwithstanding the provisions of subsections (a) and (b) of this section, the city council may issue permits for the use of loudspeakers or other sound-amplifying devices.
- (4) State Law Reference: V.T.C.A., Local Government Code § 217.003(d).
- (B) *Exemptions*. The following uses and activities shall be exempt from the noise level regulations herein specified:
 - (1) Noises not directly under control of the property user;
 - (2) Noises emanating from construction and maintenance activities between the hours of 7:00 a.m. and 8:00 p.m.;
 - (3) Noises of safety signals, warning devices, and emergency pressure relief valves;
 - (4) Transient noise of moving sources such as automobiles, trucks, and airplanes; and
 - (5) Events sanctioned by the city.

(Ord. 2011-27(f), passed 11-12-2015) Penalty, see § 10.99

§ 90.02 ODOROUS MATTER.

- (A) No use shall be located or operated which involves the emission of odorous matter from a source of operation where the odorous matter exceeds the odor threshold at the bounding property line or any point beyond the tract on which such use or operation is located.
- (B) The odor threshold as herein set forth shall be determined by observation by a person or persons. In any case, where uncertainty may arise or where the operator or owner of an odor emitting use may disagree with the Enforcing Officer or where specific measurement of odor concentration is required, the method and procedures specified by the American Society for Testing Materials (A.S.T.M.) shall be followed.
 - (1) *Fire or explosive hazard material*.
 - (a) No use involving the manufacture or storage of compounds or products which decompose by detonation shall be permitted, except that chlorates, nitrates, perchlorates, phosphorus, and similar substances and compounds in small quantities for use by industry, school laboratories, druggists, or wholesalers may be permitted when approved by the city.
 - (b) The storage and use of all flammable liquids and materials such as pyroxylin plastics, nitrocellulose film, solvents, and petroleum products shall be permitted only when such storage or use conforms to the standards and regulations of the adopted Fire Code.
 - (2) *Toxic and noxious matter*. No operation or use shall emit a concentration across the bounding property line of the tract on which such operation or use is located of toxic or noxious matter which will exceed 10% of the concentration considered as the threshold limit

for an industrial worker, as such standards are set forth by the state's Department of Health in *Threshold Limit Values Occupational Health Regulation No. 3*, a copy of which is hereby incorporated by reference.

- (3) *Vibration*. No operation or use shall at any time create earth-borne vibrations which, when measured at the bounding property line of the source operation, exceed the limits of displacement set forth in the following table in the frequency ranges specified.

<i>Frequency Cycles per Second</i>	<i>Displacement in Inches</i>
0 to 10	0.0010
10 to 20	0.0008
20 to 30	0.0005
30 to 40	0.0004
40 and over	0.0003

(Ord. 2011-27(f), passed 11-12-2015) Penalty, see § 10.99

LOT MAINTENANCE

§ 90.15 REGULATIONS.

- (A) The owners or occupants of all developed lots shall at all times maintain premises in a clean, safe, and sanitary condition. Any grass or weeds must be less than 12 inches tall. Undeveloped lots are exempt from mowing, but they cannot be used for storage. Refrigerators and other large appliances shall not be placed out of doors. Accumulation of garbage, trash, or rubbish of any kind will not be permitted. Playground equipment and children's toys shall be kept in a neat and orderly fashion.
- (B) The owners or occupants of all lots shall not, at any time, store any wrecked or junked vehicle, watercraft, motor home, travel trailer, or camper on the property.
- (C) Digging of pits for disposal of garbage, household items, or hazardous materials is not allowed on any lot within the city.

(Ord. 2011-27(f), passed 11-12-2015) Penalty, see § 10.99

Cross-reference:

Junk vehicles, see Ch. 91

Trash disposal, see § 90.31

Statutory reference:

Sanitation, Solid Waste Disposal Act, see Tex. Health and Safety Code, Title 5, Subtitle B, Ch 361

§ 90.16 OPEN BURNING.

- (A) No fires of any kind shall be allowed on property that does not have an available and appropriate water source.
- (B) Burning of items such as leaves, wood, grass cuttings, or paper will be permitted. Domestic waste may be burned on private property in accordance with TCEQ regulations, Tex. Administrative Code, Ch. 30, Ch. 111, § 111.209.
- (C) All fires shall be extinguished before leaving any property unattended.
- (D) No outdoor fires of any kind will be allowed during a called burn ban without the express written approval of the Fire Marshal or Fire Chief. All allowable fires during a burn ban shall be in a barrel container with approved “spark shield” as a covering.

(Ord. 2011-27(f), passed 11-12-2015) Penalty, see § 10.99

§ 90.17 NOTICE TO CORRECT OR REMOVE CONDITION.

- (A) For removal of nuisance as listed in § 90.15, the Code Enforcement Officer or his or her designee will send written notice by certified or first-class mail to the last known address of the property owner of record to remove nuisance within 14 days.
- (B) Notice shall state the following:
 - (1) Nature of public nuisance;
 - (2) That the nuisance must be removed or abated within 14 days; and
 - (3) Phone number and person to contact to discuss removal or plans for abatement of nuisance.

(Ord. 2011-27(f), passed 11-12-2015)

§ 90.18 ABATEMENT.

- (A) After expiration of the initial 14 days, the Code Enforcement Officer or his or her designee shall send written notice by certified mail to the last known address of the property owner of record.
- (B) In the event of default on the part of the owner or occupant of any lot in observing the requirements and with such default continuing 30 days after written notice sent by certified mail to last known address of the owner of record, the Code Enforcement Officer or his or her designee has reason to believe that there is a violation of some code and obtains a warrant from a magistrate explaining the reason, which is “probable cause”, may, without liability, enter upon said lot and cause to be cut such weeds and grass and remove or cause to be removed such garbage, trash, or rubbish or do anything necessary to secure compliance with these restrictions so as to place said lot in clean, safe, and sanitary condition, and may charge the owner or occupant of such lot for the cost of such work.
- (C) The owner or occupant, as the case may be, agrees by the purchase or occupation of the property to pay such statement immediately upon receipt thereof.

(Ord. 2011-27(f), passed 11-12-2015)

TRASH

§ 90.30 DEFINITION.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

LITTER. Any human-made material that if thrown, discarded, or disposed as prohibited by this subchapter may create a danger to public health, safety, or welfare, or degrades the environment.

LITTER shall include, but is not limited to, any garbage, trash, refuse, rubbish, newspaper, magazine, glass, metal, plastic or paper container, construction waste, or any discarded object. It shall also include disposal of brush, tree, and grass cuttings placed in the city's right-of-way or property not belonging to the property owner.

(Ord. 2011-27(f), passed 11-12-2015)

Statutory reference:

Trash, see Tex. Health and Safety Code, § 365.012

§ 90.31 DIGGING PITS TO DISPOSE OF TRASH.

At no time shall it be permissible to dig pits on any lot within the city limits for the disposal of household appliances, trash, or hazardous materials.

(Ord. 2011-27(f), passed 11-12-2015) Penalty, see § 10.99

Cross-reference:

Regulations for lot maintenance, see § 90.15

Statutory reference:

Sanitation, see Tex. Health and Safety Code, Title 5, Subtitle B, Ch. 361

CHAPTER 91: JUNK VEHICLES

Section

- 91.01 Definitions
- 91.02 Junked vehicles declared a nuisance
- 91.03 Notice to abate nuisance
- 91.04 Municipal Court
- 91.05 Authority to enforce
- 91.06 Notice to the state's Highway Department
- 91.07 Disposal
- 91.08 State law references

- 91.99 Penalty

§ 91.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ANTIQUÉ VEHICLE. A motor vehicle that is at least 25 years old.

COLLECTOR. The owner of one or more antique and special interest vehicles who collects, purchases, acquires, trades, or disposes of special interest or antique vehicles, or parts of them, for personal use in order to restore, preserve, and maintain an antique or special interest vehicle for historic interest.

JUNKED MOTOR VEHICLE. Any motor vehicle or parts of motor vehicle, as defined in the Tex. Transportation Code, Ch. 683 Subchapter E, and Ch. 501, that:

- (1) Does not have lawfully affixed to it both an unexpired license plate or plates, or a valid motor vehicle safety inspection certificate;
- (2) Is wrecked, dismantled or partially dismantled, or discarded;
- (3) Is inoperable and has remained inoperable for more than 72 consecutive hours if the vehicle is on public property, or 30 consecutive days if the vehicle is on private property;
- (4) Any recreational vehicle, which shall include a travel trailer, motor home, bus conversion, or pop-up camper, which is required to be registered under the laws of this state;
- (5) Any trailer or semi-trailer, other than manufactured housing, that has a gross vehicle weight that exceeds 7,500 pounds;
- (6) Any watercraft or outboard motor subject to registration under Tex. Parks and Wildlife Code, Ch. 31; or
- (7) Any aircraft subject to registration with the Federal Aviation Administration or the Secretary of State, this shall also include Unmanned Aircraft Systems (UAS).

PERSON. Any individual, firm, corporation, partnership, association, company, or organization of any kind.

SPECIAL INTEREST VEHICLE. A motor vehicle of any age that has not been altered or modified from the original manufacturer's specifications and, because of its historic interest, is being preserved by hobbyists.

(Ord. 2011-27(f), passed 11-12-2015)

§ 91.02 JUNKED VEHICLES DECLARED A NUISANCE.

- (A) Junked motor vehicles, or parts of junked motor vehicles, which are located in any place where they are visible from a public place or public right-of-way, are detrimental to the safety and welfare of the general public; tending to reduce the value of private property, to invite vandalism, to create fire hazards, to constitute attractive nuisances creating a hazard to the health and safety of minors, and are detrimental to the economic welfare of the state by producing urban blight which is adverse to the maintenance and continuing development of the city.
- (B) Such vehicles, or parts of vehicles, are therefore declared to be a public nuisance, provided that this section shall not apply with regard to the following:

- (1) Any motor vehicle, or part thereof, which is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property;
- (2) Any motor vehicle, or part thereof, which is stored or parked in a lawful manner on private property in connection with the business of a licensed vehicle dealer or junkyard;
- (3) Any motor vehicle, or part thereof, located in an appropriate storage place or depository maintained at a location specifically designated and in a manner approved by the city; or
- (4) Any operable or inoperable antique or special interest vehicle stored by a collector on the collector's property, if the motor vehicle and the outdoor storage area are maintained in a manner so that they do not constitute a health hazard and are screened from ordinary public view by means of a screen fence, trees, shrubbery, or other means authorized by the City Council.

(Ord. 2011-27(f), passed 11-12-2015)

§ 91.03 NOTICE TO ABATE NUISANCE.

- (A) For abatement and removal of a public nuisance from private property or public right-of-way within the city, the Mayor or his or her designee shall send notice to the owner of the junked motor vehicle and the owner or occupant of the premises where the nuisance exists, if on private property, or the owner or occupant of the premises adjacent to the public right-of-way on which the nuisance exists.
- (B) The notice shall state the following:
 - (1) The nature of the public nuisance;
 - (2) It must be removed and abated within ten days;
 - (3) If a hearing is desired before removal of that vehicle or vehicle parts, a request for such a hearing shall be made before the expiration of the ten-day period; and
 - (4) The owner shall request, either in person or in writing, the Mayor or City Secretary to set a date and time for hearing.
- (C) The notice must be mailed by certified mail with a five-day return requested to the last known registered owner of the junked motor vehicle and lien holder of record, and the owner or occupant of the private property, public property, or public right-of-way on which the public nuisance exists. If any notice is returned undeliverable by the United States Post Office, the Code Enforcement Officer or his or her designee shall affix a tag to said junked motor vehicle. Said tag shall state that said junked motor vehicle is a public nuisance, that it must be removed and abated within ten days, and that a request for a hearing before City Council must be made before the expiration of the ten-day period.
- (D) If, within ten days after receipt of notice from the Mayor or his or her designee to abate the nuisance as herein provided, the owner of the junked motor vehicle or occupant of the premises shall give written permission to the Mayor or his or her designee for removal of the junked motor vehicle from the premises, the giving of such permission shall be considered compliance with the provisions of this section.

(Ord. 2011-27(f), passed 11-12-2015)

§ 91.04 MUNICIPAL COURT.

If the nuisance is not removed and abated, and a hearing is not requested before the City Council within the ten-day period provided by § 91.03, a complaint concerning this public nuisance is to be filed in the Municipal Court of the city. If it is determined that the defendant is in violation of this chapter, the defendant shall be deemed guilty of a misdemeanor and subject to a fine of not more than \$200. The Judge of the Municipal Court shall then further order said defendant to remove and abate the nuisance within ten days, the same being a reasonable time. If the defendant shall fail to remove and abate the nuisance within the ten-day period ordered by the Judge, the Judge may issue an order directing the Mayor to have the nuisance removed and the Mayor or his or her duly authorized agent shall take possession of the junked motor vehicle, or part thereof, and remove it from the premises. The order shall include a description of the vehicle and the correct identification number and license number of the vehicle, if the information is available at the site.

(Ord. 2011-27(f), passed 11-12-2015)

§ 91.05 AUTHORITY TO ENFORCE.

The Code Enforcement Officer or his or her designee may enter private property when a junk motor vehicle, or parts of a junk motor vehicle, can be viewed from a public place or public right-of-way to obtain information as to the identity of the vehicle or vehicle parts that constitutes the nuisance. The Municipal Court Judge may issue orders necessary to enforce this chapter.

(Ord. 2011-27(f), passed 11-12-2015)

§ 91.06 NOTICE TO THE STATE'S HIGHWAY DEPARTMENT.

Within five days after the date of removal of any vehicle under this chapter, notice shall be given to the state's Highway Department. Said notice must identify the vehicle or vehicle parts thereof removed.

(Ord. 2011-27(f), passed 11-12-2015)

§ 91.07 DISPOSAL.

The Mayor or his or her designee shall thereafter dispose of said junk motor vehicle or vehicle parts in such manner as the City Council may provide.

(Ord. 2011-27(f), passed 11-12-2015)

§ 91.08 STATE LAW REFERENCES.

- (A) Tex. Transportation Code, Ch. 683 and 501, Abandoned Motor Vehicles;
- (B) Tex. Parks and Wildlife Code, Ch. 31; and
- (C) The Federal Aviation Administration.

(Ord. 2011-27(f), passed 11-12-2015)

§ 91.99 PENALTY.

Anyone violating this chapter shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than \$200.

(Ord. 2011-27(f), passed 11-12-2015)

CHAPTER 92: ANIMALS

Section

- 92.01 Restrictions
- 92.02 Fencing
- 92.03 Vaccination of pets
- 92.04 Dangerous and exotic animals
- 92.05 Livestock regulation
- 92.06 Sanitary conditions required
- 92.07 Animal care guidelines

- 92.99 Penalty

§ 92.01 RESTRICTIONS.

No residential lot shall be used for the purpose of raising swine, goats, sheep, rabbits, fowl (except a resident may keep six hen chickens (no roosters) as long as they are kept either caged or inside of a 5 foot high fence), or other animals for commercial or personal purposes, or as a place for keeping horses, mules (except as allowed by § 92.05(B)), cattle, or other animals. The occupants of each residence may keep the usual customary domestic animals as “pets”, but no commercial cat or dog kennel shall be permitted. Keeping more than five dogs and/or cats shall be considered a commercial endeavor.

(Ord. 2011-27(f), passed 11-12-2015) Penalty, see § 92.99

§ 92.02 FENCING.

All pets shall be fenced in with approved fencing that will contain the animal. Pets under 12 inches shall have a fence at least four feet in height and all pets over 12 inches shall have a fence of at least five feet in height. In the ground electric fences will also be allowed to control pets. Any dog not in a fenced area must be on a leash. Liability for pets and livestock is the responsibility of the animal’s owner.

(Ord. 2011-27(f), passed 11-12-2015)

§ 92.03 VACCINATION OF PETS.

All dogs and cats four months of age and older must be vaccinated annually for rabies with an anti-rabies vaccine approved by the state's Department of Health and administered by the veterinarian licensed by the state per Tex. Administrative Code, Title 25, Part 1, Ch. 169, Subchapter A, Rule 169.29:

- (A) A metal certificate of vaccination with the year of vaccination, a certificate number, and the name, address, and phone number of the vaccinating veterinarian must be securely attached to a collar or harness that must be worn by the dog or cat at all times; and
- (B) In addition to the metal certificate (rabies tag), the official rabies vaccination certificate issued by the vaccinating veterinarian shall be maintained by the owner of the dog or cat, containing the information designated by the state's Department of Health including, but not limited to, the owner's name, address, and telephone number, identification of the animal species, sex, age, size (pounds), predominant breed and colors, vaccine used (producer, expiration date, and serial number), date vaccinated, rabies tag number, and the veterinarian's signature and license number.

(Ord. 2011-27(f), passed 11-12-2015)

Statutory reference:

Rabies Control Act of 1981, see Tex. Health and Safety Code, Ch. 826

Vaccination of dogs and cats required, see Tex. Health and Safety Code, § 826.016

Vaccination requirement, see Tex. Administrative Code, § 169.29

Municipality may establish local rabies control program, see Tex. Health and Safety Code, § 826.015

§ 92.04 DANGEROUS AND EXOTIC ANIMALS.

- (A) A **DANGEROUS ANIMAL** is defined as making an unprovoked attack on a person or acts like it is going to when it is out of the enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own. Tex. Health and Safety Code, Ch. 822-041, Subchapter D states that the owner of a dangerous dog must register the dog with the Animal Control office, or the Sheriff's office in areas without an Animal Control office, and restrain the dog at all times on a leash when outside its secure enclosure. The owner must also purchase a \$100,000 liability insurance policy specific for the dog to cover the cost of potential damage to a person. This law became effective in 1991.
- (B) No person shall keep, harbor, own, or knowingly allow to be in or upon the person's premises, or release in the lakes or within the city limits, any dangerous exotic animal including any lion, tiger, leopard, bobcat, bear, wolf, coyote, fox, or any deadly dangerous or venomous reptile or any other exotic animal considered to be dangerous.

(Ord. 2011-27(f), passed 11-12-2015) Penalty, see § 92.99

§ 92.05 LIVESTOCK REGULATION.

Authority of city to prohibit or otherwise regulate the keeping of livestock and swine, Tex. Local Government Code, § 215.026(b).

- (A) It shall be unlawful for a person to keep swine or cattle within the city.
- (B) The possession, harboring, or keeping of horses, mules, or goats in the city, District I, is permitted on tracts or parcels of land of one acre or more in size per animal; provided that no owner shall possess, harbor, or keep more than a total of four horses, mules, or goats contained within appropriate fencing.
- (C) Any enclosure, pasture, pen, corral, or other restrictive area for horses, mules, or goats shall be of sufficient strength and construction so as to keep such animals confined. All gates must be of sufficient strength and construction so as to keep animals confined.

(Ord. 2011-27(f), passed 11-12-2015) Penalty, see § 92.99

Cross-reference:

Fencing, see §§ 154.135 through 154.140

§ 92.06 SANITARY CONDITIONS REQUIRED.

The owner or person in possession of animals shall keep yards, pens, and enclosures in which such animals are confined in such a manner so as not to give off odors offensive to persons of ordinary sensibilities residing in the vicinity, or to breed or attract flies, mosquitoes, or other noxious insects, or in any manner as to endanger the public health or safety, or create a public nuisance.

(Ord. 2011-27(f), passed 11-12-2015) Penalty, see § 92.99

§ 92.07 ANIMAL CARE GUIDELINES.

The following are established as guidelines for animal care and are not intended to contravene the provisions for animal cruelty contained in the state's Penal Code.

- (A) *Provisions for food, shelter, and care, generally.* No owner shall fail to provide any animal with sufficient, good, and wholesome food and water, proper shelter, and protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment.
- (B) *Abuse of animals and animal fighting.* No person shall beat, cruelly ill-treat, torment, overload, overwork, or otherwise abuse an animal, or cause, instigate, or permit any dog fighting, cockfighting, bullfighting, or other combat between animals or between animals and humans.
- (C) *Abandonment.* Texas law defines abandonment (“dumping”) as the act of abandoning an animal in the person's custody without making reasonable arrangements for assumption of custody by another person. No person shall abandon any animal within the city limits. Any animal left without proper food, water, or shelter shall be considered abandoned. Animal Control shall impound any abandoned animal.

(Ord. 2011-27(f), passed 11-12-2015) Penalty, see § 92.99

Statutory reference:

Causing animals to fight is unlawful, see Tex. Penal Code, § 42.09(6)

Cruelty/inhumane treatment to animals, see Tex. Penal Code, § 42.09

§ 92.99 PENALTY.

Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.