

CHAPTER 6

HEALTH & SANITATION*

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* **State Law reference**—Authority to enforce laws to protect public health, V.T.C.A., Health & Safety Code, Sec. 121.003; Local regulation of sanitation, V.T.C.A., Health & Safety Code, ch. 342; Authority to make regulations for the promotion of health and the suppression of disease, V.T.C.A., Health & Safety Code, Sec. 122.005; Minimum standards of sanitation and health protection, V.T.C.A., Health & Safety Code, ch. 341.

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ARTICLE 6.100 WEEDS, BRUSH, RUBBISH AND OBJECTIONABLE MATTER*

Sec. 6.101 Definitions

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them.

Any and all other objectionable, unsightly, or unsanitary matter of whatever nature. All uncultivated vegetable growth, objects, and matter not included within the meaning of the other terms defined in this section, which are liable to produce or tend to produce an unhealthy, unwholesome, or unsanitary condition on the premises or within the general locality where the same is situated.

Brush. All trees or shrubbery under seven feet (7') in height which are not cultivated or cared for by persons owning or controlling the premises on which such trees or shrubbery are growing.

Person. Shall include an individual, firm, association, organization, partnership, trust, company or corporation.

Rubbish. All refuse, useless articles, discarded clothing and textiles of all sorts, and in general, all litter and other things usually included within the meaning of the term rubbish.

Weeds. Uncultivated vegetable growth or matter, including grasses, which has grown to a height of more than twelve inches (12"), or which, regardless of height, is liable to become an unwholesome or decaying mass or breeding place for mosquitoes or vermin.

(Ordinance adopting Code)

Sec. 6.102 Weeds, Brush, Rubbish, Etc., As a Nuisance

Whenever weeds, brush, rubbish, and any other objectionable, unsightly, or unsanitary matter of whatever nature shall exist on any lot or tract of land, or in any building or structure thereon, or when any lot or tract of land shall have holes or depressions in the surface thereof or otherwise be in a condition that the same holds or is liable to hold stagnant water therein, or if, from any other cause, such lot or tract of land shall be in such condition as to be liable to cause disease or produce, harbor, or spread disease germs of any nature or tend to render the surrounding atmosphere unhealthy, unwholesome, or obnoxious, the same shall constitute a public nuisance, the prompt abatement of which is

* State Law reference—Authority of municipality to regulate weeds and grass, V.T.C.A., Health & Sanitation Code, Sec. 342.004.

hereby declared to be a public necessity. The person guilty of causing or permitting any such nuisance upon his or her premises, or lot or tract of land, or in any building or structure thereon, or causing any such nuisance upon any street, alley, sidewalk, or gutter immediately adjacent to such premises shall be deemed in violation of this article. (Ordinance adopting Code)

Sec. 6.103 Inspection

The city building inspector, or other representative designated by the city council, shall have the authority to request admission to inspect, at a reasonable time without advance notice, any premises, lot, tract, building, structure, or private street, if he or she has received a complaint, or on his or her own initiative if he or she believes a nuisance as herein defined, exists. If such admission is denied, or if he or she deems it advisable, the said inspector, or his or her designated representative, shall have the authority to obtain a warrant, in accordance with applicable law, for the purpose of allowing the inspection. (Ordinance adopting Code)

Sec. 6.104 Abatement

(a) Notice. In the event that any person owning, claiming, occupying or having supervision or control of any real property, occupied or unoccupied, within the corporate limits of the city fails to comply with the provisions of this article, it shall be the duty of the person designated by the city council to enforce the provisions of this article to give ten (10) days' notice in writing to such person, or by letter addressed to such person at his post office address, or by publication two (2) time within ten (10) consecutive days in the city's official newspaper, or by posting the notice on a placard attached to the property to which the violation relates, or by posting the notice on a placard attached to a stake driven into the ground on the property to which the violation relates, if the property contains no buildings.

In the notice herein provided for, the city shall have the right to inform the property owner that if he or she commits another violation of the same kind or nature on or before the first anniversary of the date of the notice, the city may, without further notice, correct the violation at the owner's expense and assess the expense against the property.

(b) Action by city to abate. If the owner fails or refuses to remove the nuisance within ten (10) days following notice as provided above, the city may do or cause to be done that which will abate such public nuisance, and may pay therefor, and charge the expenses incurred in doing such work or having such work done or improvements made to the person who owns such lot, tract, or premises. If such work is done or improvements made at the expense of the city, then such expenses shall be assessed on the real estate, lot, tract, or premises upon which such expense was incurred.

(Ordinance adopting Code)

Sec. 6.105 Collection of Expenses

The city shall file a statement of expenses giving the amount of such expense, the date on which such work was done, a legal description of the premises upon which such work was done or improvements made, and the name of the owner of the property with the county clerk of the county in which the premises are located. The city shall have a privileged lien on such lot or real estate upon which such work was done, or improvements made, to secure the expenditures so made, in accordance with Article 4436, Texas Revised Civil Statutes, as amended, or as it may hereafter be amended, which lien shall be second only to tax liens or liens for street improvements, and such amount shall bear ten percent (10%) interest from the date of payment of such expenses. For any such expense and interest, as aforesaid, suit may be instituted and recovery and foreclosure of such lien may be had in the name of the city, and the statement of expenses so made, as aforesaid, or a certified copy thereof, shall be prima facie proof of the amount expended for such work or improvements. (Ordinance adopting Code)

**ARTICLE 6.200 ABANDONED REFRIGERATORS
AND SIMILAR CONTAINERS***

(a) It shall be unlawful for any person, firm or corporation in the City of Ladonia to place or allow to be placed outside any building or dwelling in a location accessible to children any discarded or abandoned refrigerator, ice box or other similar container with a door or doors that may become locked.

(b) Discarded or abandoned refrigerators, ice boxes and similar containers with doors that may become locked, located or allowed to be located on premises outside buildings or residences and accessible to children are hereby declared to be dangerous and to constitute a public nuisance and a serious menace to life, since it is generally known that children of tender years are likely to enter and become locked in said airtight containers.

(c) The duties of this article are imposed alike on the owner of the refrigerator, ice box or other container, and the owner or occupant of premises where the receptacle is permitted to remain.

(d) Any person, firm or corporation violating any of the provisions of this article shall, upon conviction, be fined in accordance with the general penalty provision found in Section 1.106 of this code and each days violation of said article shall constitute a separate offense.

(Ordinance adopting Code)

* State Law reference—Unlawful to abandon or keep refrigerators or other airtight container which can be latched, V.T.C.A., Health & Safety Code, Sec. 756.011 et seq.

ARTICLE 6.300 STORAGE OF PERSONALTY AND JUNK**Sec. 6.301 Nuisance**

Unsheltered storage of old, unused, stripped, junked, and other automobiles not in good and safe operating condition, and of any other vehicles, machinery, implements, and/or equipment and personal property of any kind which is no longer safely usable for the purposes for which it was manufactured, which hereinafter are collectively described as "said personalty," for a period of thirty (30) days or more (except in junk yards) within the corporate limits of this city, is hereby declared to be a nuisance and dangerous to the public safety.

Sec. 6.302 Abatement of Nuisance by Owners

The owner, owners, tenants, lessees and/or occupants of any lot within the corporate limits of this city upon which such storage is made, and also the owner, owners, and/or lessees of said personalty involved in such storage (all of whom are hereinafter referred to collectively as "owners"), shall jointly and severally abate said nuisance by the prompt removal of said personalty into completely enclosed buildings authorized to be used for such storage purposes, if within the corporate limits of the city, or otherwise to remove it to a location without said corporate limits.

Sec. 6.303 Penalty for Failure of Owner to Abate Such Nuisance

If said owners allow said nuisance to exist or fail to abate said nuisance they, and each of them, upon conviction thereof shall be fined in accordance with the general penalty provision found in Section 1.106 of this code for each offense and a separate offense shall be deemed committed on each day during or on which such nuisance is permitted to exist.

Sec. 6.304 Abatement by City

(a) Whenever said owners fail to abate said nuisance then the city shall remove the said personalty to a location of its selection, the expenses therefor to be billed to said owners, jointly and severally, said bill to be recoverable in a suit at law.

(b) When said personalty has been removed and placed in storage by the city, as provided for herein, said personalty shall be sold by the city after the lapse of such time as is provided by law. If the proceeds of such sale or insufficient to pay the costs of abatement said owners shall be liable to the city for the balance of the costs, jointly and severally, to be recoverable in a suit at law. If the proceeds are in excess of the balance shall be paid to said owners, or deposited in the city treasury for their use.

(Ordinance adopting Code)

ARTICLE 6.400 LITTER REGULATIONS

Sec. 6.401 Depositing of Litter Prohibited

(a) It shall be unlawful for any person, firm or corporation, in person or by his agent, employee or servant, to cast, throw, sweep, sift or deposit in any manner in or upon any public way or other public place in the city or any river, canal, public water, drain, sewer or receiving basin within the jurisdiction of the city, any kind of dirt, rubbish, waste article, thing or substance whatsoever, whether liquid or solid. Nor shall any person, firm or corporation, cast, throw, sweep, sift, or deposit any of the aforementioned items anywhere within the jurisdiction of the city in such manner that it may be carried or deposited in whole or in part, by the action of the sun, wind, rain, or snow into any of the aforementioned places.

(b) Provided, that this section shall not apply to the deposit of material under a permit authorized by any ordinance of the city; or to goods, wares or merchandise deposited upon any public way or other public place temporarily, in the necessary course of trade, and removed therefrom within two (2) hours after being so deposited; or to articles or thing deposited in or conducted into the city sewer system through lawful drains in accordance with the ordinances of the city relating thereto.

Sec. 6.402 Vehicles to be Covered

It shall be unlawful for any person, firm or corporation, in person or by his or its agent, employee or servant, to use any vehicle to haul any kind of dirt, rubbish, waste articles or thing or substance, whether liquid or solid, unless such vehicle is covered to prevent any part of its load from spilling or dropping at all times while such vehicle is in motion on any street or alley in the municipality. Provided, however, that the requirements herein for covering such vehicles shall not apply to vehicles carrying brush cuttings, tree trimmings, branches, logs and similar waste material, if such matter is securely lashed to such vehicle to prevent spilling or dropping as aforesaid.

Sec. 6.403 Penalty

Any person, firm or corporation violating any of the provisions of this article shall be fined in accordance with the general penalty provision found in Section 1.106 of this code for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(Ordinance adopting Code)

