

UNSIGHTLY OR UNSANITARY PERSONAL PROPERTY

Sec. 38-141. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Personalty means objectionable, unsightly or unsanitary matter or machinery, implements, equipment or unsightly personal property of any kind.

(Code 1993, § 38-101)

Cross references: Definitions generally, § 1-2.

Sec. 38-142. Nuisance declared.

It shall be unlawful for any person to leave personalty, as defined in section 38-141, on property within the city for a period of ten days or more, and such action shall be deemed a nuisance, and dangerous to the public health.

(Code 1993, § 38-102)

Sec. 38-143. Removal of personalty.

It shall be the duty of any owner, occupant or agent in charge of any premises to remove any personalty as often as may be necessary to comply with section 38-142, and to use every precaution to prevent the property from becoming a nuisance as declared in such section.

(Code 1993, § 38-103)

Sec. 38-144. Report of violation.

All police officers within the city shall watch for any violation of this division, and shall at once report all of the facts of such violation to the police chief.

(Code 1993, § 38-104)

Sec. 38-145. Failure to remove personalty.

It shall be unlawful for any person, whether owner, occupant or agent of any property within the city, to fail, refuse and neglect to remove any personalty on any lot owned, controlled or occupied by such person, within seven days after notice as provided in section 38-147.

(Code 1993, § 38-105)

State law references: Abatement procedure, V.T.C.A., Health and Safety Code § 342.006.

Sec. 38-146. Removal of personalty by city.

If a nuisance consists of personalty, and such nuisance is not removed within seven days from the date of notice as provided in section 38-147, the city shall remove the personalty to a location of the city's selection, and the expenses for such removal shall be recoverable as designated in section 38-148.

(Code 1993, § 38-106)

State law references: Abatement procedure, V.T.C.A., Health and Safety Code § 342.006.

Sec. 38-147. Notice.

(a) Any notification required in this division may be given:

(1) Personally to the owner in writing;

(2) By letter addressed to the owner at the owner's address as recorded in the appraisal district records; or

(3) If personal service cannot be obtained, then notice shall be given by:

a. Publication at least once;

b. Posting the notice on or near the front door of each building on the property to which the violation relates; or

c. Posting the notice on a placard attached to a stake driven into the ground on the property to which the violation relates.

(b) If the city mails a notice to a property owner in accordance with subsection (a) of this section and the United States Postal Service returns the notice as refused or unclaimed, the validity of the notice shall not be affected, and the notice shall be considered to have been delivered.

(c) In a notice provided under this section, the city may inform the owner by regular mail and a posting on the property, or by personally delivering the notice, that if the owner commits another violation of the same kind or nature that poses a danger to the public health and safety on or before the first anniversary of the date of the notice, the city, without further notice, may correct the violation at the owner's expense and assess such expense against the property. If a violation covered by a notice under this subsection occurs within the one-year period, and the city has not been informed in writing by the owner of an ownership change, then the city, without notice, may take any action permitted by section 38-146 and assess the expense of such action as provided in section 38-148.

(Code 1993, § 38-107)

State law references: Similar provisions, V.T.C.A., Health and Safety Code § 342.006.

Sec. 38-148. Lien for removal of personalty by city.

If personalty is not removed by the owner and occupant or agent of the property upon which such personalty is located within the time specified in section 38-145, the police chief shall cause such personalty to be removed, and the expense of such removal paid by the city shall be a lien against the property pursuant to V.T.C.A., Health and Safety Code § 342.007. A statement signed by the police chief or code enforcement officer of such expenses shall be filed in the office of the county clerk. The city shall have a lien on such property, second only to tax liens and liens for street improvements, to secure the payment of the expenditure. The expenditure shall bear interest from the date of payment of such expenses by the city until such expenditure is paid at the rate of ten percent per annum, which shall also be secured by a lien as is specifically provided in V.T.C.A., Health and Safety Code § 342.007.

(Code 1993, § 38-108)

State law references: Lien, V.T.C.A., Health and Safety Code § 342.007.