

ORDINANCE NO. 2025-05-30-F08-OR

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STARBASE, TEXAS, ADOPTING INTO ITS CODE OF ORDINANCES THIS ORDINANCE ENTITLED "NUISANCES" PURSUANT TO TEXAS LOCAL GOVERNMENT CODE CHAPTERS 214 AND 217, TEXAS HEALTH AND SAFETY CODE CHAPTER 341, TEXAS TRANSPORTATION CODE CHAPTER 683, AND OTHER LAW, WHICH ORDINANCE SHALL GOVERN THE DEFINITION AND EXISTENCE OF NUISANCES IN THE CITY, THE REMEDIATION OF SAME, AND GENERAL STANDARDS BY WHICH PROPERTY WITHIN THE CITY WILL BE KEPT AND MAINTAINED; MAKING FINDINGS; PROVIDING SEVERABILITY, REPEALER AND SAVINGS CLAUSES; PROVIDING AN EFFECTIVE DATE; AND FINDING AND DETERMINING THE MEETING AT WHICH THIS ORDINANCE IS ADOPTED TO BE OPEN TO THE PUBLIC AS REQUIRED BY LAW.**

**WHEREAS**, the City of Starbase ("City"), having over 500 inhabitants, possesses the powers of a Type A general law municipality in the State of Texas pursuant to the provisions of Texas Local Government Code § 51.051; and

**WHEREAS**, state law provides that municipalities in this State have the authority to regulate nuisances, substandard structures, junked vehicles, health and safety threats, and other matters addressed herein pursuant to Texas Local Government Code chapters 214 and 217, Texas Health and Safety Code chapter 341, Texas Transportation Code chapter 683, and other law; and

**WHEREAS**, the City Commission of the City of Starbase (the "City Commission") finds that it is in the interest of the City to regulate such conditions to ensure the health, safety, and welfare of the citizens of the City are maintained; and

**WHEREAS**, it is deemed necessary by the City Commission to adopt this Nuisance code into the code of ordinances of the City to govern such conditions; and

**WHEREAS**, the City Commission acknowledges that should the ordinances of the City be codified, this ordinance should be codified as a chapter therein entitled "Nuisances."

**NOW, THEREFORE BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF STARBASE, TEXAS:**

**SECTION 1. Findings Incorporated.** The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

**SECTION 2. Enactment.** That this Nuisance Ordinance be enacted and including into the Code of Ordinances of the City of Starbase, Texas.

**SECTION 3. Nuisance Ordinance.** The Nuisance Ordinance is as follows:

**ARTICLE I. IN GENERAL**

**Secs. 1—9. Reserved.**

**ARTICLE II. LITTER, TRASH, WEEDS AND OTHER NUISANCES**

**Sec. 10. Definitions.**

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

*Abate* means to eliminate by removal, repair, rehabilitation, or demolition.

*Building* means any structure used or intended for supporting or sheltering any use or occupancy.

*Brush* means scrub vegetation or dense undergrowth.

*Carrion* means the dead and putrefying flesh of any animal, fowl or fish.

*Dump* means to dispose, discharge, place, deposit, throw, leave, sweep, scatter, unload, toss or leak junk, garbage, refuse or trash and debris on or into land or water.

*Filth* means any matter in a putrescent state.

*Garbage* means any kitchen refuse, food stuffs or related material, including all decayable waste.

*Impure or unwholesome matter* means any putrescible or non-putrescible condition, object or matter which tends, may, or could cause injury, death or disease to human beings.

*Litter* means all worn out, worthless or discarded material, including, but not limited to, any of the following materials, or parts of said materials or any combination thereof: new or used iron, steel or nonferrous metallic scrap, brass or waste materials; used and/or inoperative household appliances, household electrical or plumbing fixtures, floor coverings and/or window coverings not currently in use; used lumber, brick, cement block, wire, tubing and pipe, tubs, drums, barrels, and/or roofing material not currently in use; air conditioning and heating equipment not currently in use; used vehicle components and parts not currently in use; used furniture other than that designed for outdoor use; used and/or inoperative residential lawn care equipment and machinery not currently in use; used pallets, windows or doors not currently in use; new or used sheet metal, structural steel and/or chain not currently in use; used and/or inoperable vending machines, radios and/or televisions not currently in use; leaves, grass clippings and yard debris, brush, and any other materials that result from landscaping maintenance and land cleaning or clearing operations; and any other type of used and/or inoperable machinery or equipment not currently in use, used tires and other miscellaneous wastes or rejected matter.

*Matter* means that of which any physical object is composed.

*Nuisance* means any condition, object, material or matter that is dangerous or detrimental to human life or health; or that renders the ground, the water, the air or food a hazard or likely to cause injury to human life or health; or that is offensive to the senses; or that threatens to become

detrimental to the public health; and shall include, but not be limited to: any abandoned wells, shafts or basements, abandoned refrigerators, stagnant or unwholesome water, sinks, privies, filth, carrion, rubbish, junk, trash, debris or refuse, impure or unwholesome matter of any kind, any objectionable, unsightly, or unsanitary matter of whatever nature.

*Objectionable, unsightly or unsanitary matter* means any matter, condition or object which is objectionable, unsightly or unsanitary to a person of ordinary sensitivities.

*Owner* means any person or entity shown as the property owner on the latest property tax assessment rolls or any person having or claiming to have any legal or equitable interest in the property, including any agent who is responsible for managing, leasing or operating the property.

*Person* means any individual, firm, partnership, association, business, corporation or other entity.

*Property* means all privately owned, occupied or unoccupied property, including vacant land, and/or any buildings. The term shall also include a yard, ground, wall, driveway, fence, porch, steps or other structure appurtenant to the property.

*Putrescible* means the decomposition of organic matter with the formation of foul-smelling, incompletely oxidized products.

*Refuse* means heterogeneous accumulation of worn out, used, broken, rejected or worthless materials, including, but not limited to, garbage, rubbish, paper or litter, and other decayable or nondecayable matter.

*Structure* means that which is built or constructed.

*Vegetative growth* means any grass, weeds, shrubs, trees, brush, bushes or vines.

*Weeds* means any vegetation that because of its height is objectionable, unsightly or unsanitary, excluding: shrubs, bushes and trees, cultivated flowers, and cultivated crops.

## **Sec. 11. Prohibited accumulations, dumping, stagnant water, trash, and other unsightly or unsanitary matter declared a nuisance.**

- (a) It is unlawful and declared a nuisance for any person owning, claiming, occupying or having supervision or control of any real property, occupied or unoccupied, within the corporate limits of the city, to permit or allow any stagnant or unwholesome water, sinks, refuse, filth, carrion, weeds, rubbish, brush and refuse, trash, debris, junk, garbage, impure or unwholesome matter of any kind, or objectionable or unsightly matter of whatever nature to accumulate or remain upon any such real property or within any public easement on or across such real property or upon any adjacent public street or alley right-of-way between the property line of such real property and where the paved surface of the street or alley begins.
- (b) It shall be unlawful and declared a nuisance for any person to dump, or permit to be dumped, upon or along any drain, gutter, alley, sidewalk, street, park, right-of-way or vacant lot into or adjacent to water, or any other public or private property within the corporate limits of the city, any unwholesome water, refuse, rubbish, trash, debris, filth, carrion, weeds, brush, junk, garbage, impure or unwholesome matter of any kind or other objectionable or unsightly matter of whatever kind.

- (c) It shall be the duty of all such persons to keep the sidewalks in front of their property free and clear of all such matter, and to fill up, drain or regrade any lots, ground or yards which shall have stagnant water thereon, and to cleanse and disinfect any house, building, establishment, lot, yard or ground from refuse, rubbish, trash, filth, carrion, or objectionable, unsightly or unsanitary matter of any kind, or other impure or unwholesome matter of any kind.

**Sec. 12. Grass or weeds in excess of twelve inches in height declared a nuisance and prohibited.**

- (a) It shall be unlawful for any person owning, claiming, occupying or having supervision or control of any real property, occupied or unoccupied, within the corporate limits of the city to fail to remove or mow any weeds or grass growing in excess of twelve (12) inches in height anywhere on said real property, including easements and rights-of-way.

Exception: The cutting, pruning or elimination of trees, shrubs and vegetation located on property in a naturally vegetative state as determined by the city administrator, or their designee.

- (b) It shall be unlawful for any person owning, claiming, occupying, or having supervision or control of any real property, occupied or unoccupied, within the corporate limits of the city to fail to remove or mow wildflowers after such time as seeds have matured following the final blooming of the majority of the plants, or native grasses after such time as the majority of a species have gone dormant.
- (c)
- (d) The provisions of this section shall not apply to any area greater than one hundred (100) feet from any open street or thoroughfare, as measured from the right-of-way line of such street or thoroughfare, and greater than one hundred (100) feet from any adjacent property under different ownership and on which any building is located or on which any improvement exists, as measured from the property line for lots, tracts, or parcels.
- (f) Property included as part of a conservation easement shall be exempt from these provisions.

**Sec. 13. Vegetation and dirt in alley, street or sidewalk.**

- (a) An owner, occupant, or person in control of any private premises abutting an alley, street, or sidewalk within the city commits an offense if he allows any vegetation, including, but not limited to, trees, shrubbery, bushes, and vines, to grow on the premises so as to project across the property line.

Exception:

- (1) Any vegetation that projects over or into an alley or street and is at a height of at least fifteen (15) feet above the alley or street pavement; or
- (2) Any vegetation that projects over a public sidewalk and is at a height of at least eight (8) feet above the sidewalk pavement and does not obstruct the visibility of a traffic control sign, signal or device or interfere with garbage or trash collection adjacent to the sidewalk.

- (b) An owner, occupant, or person in control of any private premises abutting an alley, street, or sidewalk within the city commits an offense if he allows any vegetation to grow over or upon the surface of an improved right-of-way.
- (c) An owner, occupant, or person in control of any private premises abutting a public sidewalk within the city commits an offense if he allows dirt, garbage, rubbish or other matter that impedes the use of the public sidewalk to remain on the sidewalk.
- (d) Vegetation growing in violation of this section is a nuisance and may be abated by the city in accordance with section 15 of this article.

**Sec. 14. Inspections.**

For the purpose of ascertaining whether violations of this code exist, the city administrator, or their designee, is authorized to inspect:

- (a) The exterior of a structure and premises which contain no structure; and
- (b) If entry onto the property is refused, the city administrator, or their designee, shall have every recourse provided by law, including, but not limited to, an administrative search warrant or an injunction to secure entry. If the owner, occupant, or person in control cannot be identified or located, the city administrator, or their designee may enter the property to the extent allowed by law.

**Sec. 15. Notice of violation and to abate; failure to comply; correction by city.**

- (a) It shall be the duty of the city administrator, or their designee, or his duly appointed representative to give a minimum of seven (7) days' official notice to such person violating the terms of this article, subject to the provisions herein stated. The notice shall be in writing and may be served on such person violating the terms of this section by any one or more of the following methods:
  - (1) Delivering it to him in person;
  - (2) By letter or written notice addressed to such person at the person's address as recorded in the appraisal district in which the property is located and delivered by United States regular mail; or
  - (3) If personal service cannot be obtained:
    - a. By publication once within seven (7) consecutive days in the city's official newspaper;
    - b. By posting the notice on or near the front door of each building on the property to which the violations relates; or
    - c. 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.
- (b) If such person violating the terms of this article fails or refuses to comply with the demand for compliance contained in the aforementioned notice, within seven (7) days after the date of notification as provided herein, the city may go upon such property and do or cause to be done in order to obtain compliance with this article. All costs, charges and expenses

(hereinafter "charges") incurred in doing or in having such work done shall be a charge and fine to, and a personal liability of, such person.

- (c) If the city mails a notice to the property owner in accordance with subsection (b) of this section and the United States Postal Service returns the notice as refused or unclaimed, the validity of the notice is not affected, and the notice is considered as delivered.
- (d) The city, in the notice provided herein, may inform the owner by certified mail, return receipt requested or regular mail and a posting on the property 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 such notice, the city, without further notice, may correct the violation at the owner's expense and assess the expense against the property. If the violation, covered by a notice under this subsection, occurs within said 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 subsection (a) of this section, and assess its expenses as provided by section 16.

**Sec. 16. Additional authority to abate nuisance.**

- (a) The city may abate, without notice, weeds that:
  - (1) Have grown higher than forty-eight (48) inches; and
  - (2) Are an immediate danger to the health, life, or safety of any person in the opinion of the city administrator, or their designee, or the fire marshal.
- (b) Not later than the tenth day after the date the city abates weeds under this section, the city shall give notice to the property owner. The notice shall contain:
  - (1) An identification, which is not required to be a legal description, of the property;
  - (2) A description of the violations of the ordinance that occurred on the property;
  - (3) A statement that the city abated the weeds;
  - (4) An explanation of the property owner's right to request an administrative hearing about the city's abatement of the weeds; and
  - (5) A statement of the charges incurred by the city in doing or in having such work done as necessary to bring the real property into compliance with this article.
- (c) If the property owner files a written request with the city administrator, or their designee, no later than thirty (30) days after the date of the abatement of the weeds, the city shall conduct an administrative hearing before the city commission on the abatement of weeds under this section. An administrative hearing conducted under this section shall be conducted not later than the twentieth day after the date a request for a hearing is filed. The owner may testify or present any witnesses or written information relating to the city's abatement of the weeds. The city commission shall determine what amount, if any, is owed by the property for the abatement of the violation. If the property owner fails to submit a written request for an administrative hearing within thirty (30) days of the abatement, the property owner forfeits any right to an administrative hearing and will be responsible for the cost of the abatement plus any administrative fees and interest as allowed by this chapter.

- (d) The city may assess expenses and create liens under this section as it assesses expenses and creates liens under section 17. A lien created under this section is subject to the same conditions as a lien created under section 17. The authority granted the city by this section is in addition to the authority granted by section 17.

**Sec. 17. Expenses incurred by city; lien.**

- (a) If a notice describing the violation and the city's rights to impose a lien on the property without further notice as provided for herein is delivered to the owner of such real property, and he fails or refuses to comply with such demand for compliance within the seven-day time period established herein, the aforementioned charges shall be, in addition to a charge to and personal liability of said owner, a privileged lien upon and against such real property, including all fixtures and improvements thereon.
- (b) To perfect the lien against the real property, the city clerk shall file a written statement of such charges with the county clerk of the county for filing in the county land and deed records. Said statement shall be deemed sufficient if it contains the following minimum information; however, it may also contain such other information deemed appropriate by the mayor, the city administrator, or their respective designee, or his duly appointed representative:
  - (1) The name of the owner of the real property, if known;
  - (2) A legal description of the real property;
  - (3) A statement of the charges incurred by the city in doing or in having such work done as necessary to bring the real property into compliance with this article.
- (c) All such charges shall bear interest at the rate of ten (10) percent per annum from the date of payment by the city. The lien obtained is security for the expenditures made and is inferior only to tax liens and liens for street improvements. The city may bring suit to collect the charges, institute foreclosure proceedings, or both. The written statement of such charges provided for herein, or a certified copy thereof, shall be prima facie evidence of the city's claim for charges or right to foreclose the lien. The owner of the real property or any other person claiming, occupying or having supervision or control of the real property shall be jointly and severally liable for such charges.
- (d) This remedy is in addition to any penal provision provided herein.

**Sec. 18. Enforcement.**

The provisions of this article shall be enforced by the city administrator, or their designee, and it shall be unlawful for any person to interfere with or hinder the city administrator, or their designee, in the exercise of their duties under this article.

**Sec. 19. Penalty for violation of article.**

- (a) Any person or entity who violates or fails to comply with any provision or requirement of this article, who continues to violate or fail to comply with same, seven (7) days after notice is given and received as set forth in section 15 shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in a sum of no less than one hundred fifty

dollars (\$150.00) and not to exceed two hundred dollars (\$200.00) for the first conviction, a fine of no less than three hundred dollars (\$300.00) and not to exceed four hundred fifty dollars (\$450.00) for the second conviction, and a fine of no less than four hundred fifty-one dollars (\$451.00) and not to exceed two thousand dollars (\$2,000.00) for the third conviction and any conviction thereafter.

- (b) In addition to imposing a criminal penalty the city may, in accordance with the state law, bring a civil action against a person violating a provision of this code. The civil action may include, but is not limited to, a suit to recover a civil penalty authorized by state law for each day or portion of a day during which the violation is committed or continued.
- (c) The civil penalties provided for in this section, and any criminal penalties, are in addition to any other enforcement remedies including injunctive relief that the city may have under city ordinances and state law.

**Secs. 20—24. Reserved.**

**Sec. 25. Swimming pool nuisances.**

The following shall be considered public nuisances:

- (a) A swimming pool that does not contain a fence surrounding it that is at least four (4) feet in height, has a self-closing and self-latching gate and has no openings in the fence that would allow the passage of a four-inch diameter sphere.

Exception: If the pool contains a cover over the entire swimming pool that cannot be removed by child.

- (b) A person commits an offense if the person allows or permits water within a swimming pool to become stagnant to the point that the bottom of the pool is not clearly visible or the water has an offensive odor.

**Sec. 26. Disposal of litter or refuse.**

- (a) A person commits an offense if the person disposes or allows or permits the disposal of litter or refuse at a place that is not an approved solid waste site, including a place on or within three hundred (300) feet of a public highway, on a right-of-way, on other public or private property.
- (b) A person commits an offense if the person receives litter or refuse for disposal at a place that is not an approved solid waste site, regardless of whether the litter or the land on which the litter is disposed is owned or controlled by the person.
- (c) A person commits an offense if the person transports litter or refuse to a place that is not an approved solid waste site for disposal at the site.
- (d) A person commits an offense if the person throws or deposits litter or refuse in or upon any street, sidewalk or other public place within the city, except in public receptacles or in authorized private receptacles each of which shall have serviceable covers in good repair.
- (e) A person commits an offense if the person in control of any private property fails to maintain the premises free of litter and refuse. Provided, however, that this paragraph shall



not prohibit the storage of litter in authorized private receptacles for collection nor prohibit the appropriation of yard trimmings, leaves or similar materials from the property to a beneficial use, such as, but not limited to, composting. Composting shall comply with all requirements in 30 Texas Administrative Code § 332.4.

- (f) A person commits an offense if the person sweeps into or deposits in any gutter, street or other public place within the city the accumulation of litter or refuse from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter and refuse.

#### **Sec. 27. Litter or refuse on property.**

- (a) A person commits an offense if the person keeps, stores or accumulates litter or refuse on a premises unless the refuse is entirely contained in a closed receptacle.
- (b) A person commits an offense if the person keeps, stores or accumulates litter or refuse on a premises for ten (10) days or more.

#### **Sec. 28. Outside storage.**

Open storage is prohibited unless specifically allowed within the zoning district in which the property is located.

Exception: Firewood, BBQ grills, recreational items, working lawn equipment, landscaping and planters.

#### **Sec. 29. Buildings and structures.**

A person commits an offense if the person maintains a building or structure in a manner that is structurally unsafe or constitutes a hazard to safety, health, or public welfare because of inadequate maintenance, unsanitary conditions, dilapidation, obsolescence, disaster, damage or abandonment or because it constitutes a fire hazard.

**Secs. 30—39. Reserved.**

### **ARTICLE III. ABANDONED VEHICLES**

#### **Sec. 40. Definitions.**

The following words, terms and phrases, when used in this article, shall have the following meanings:

*Abandoned vehicles.* A motor vehicle is abandoned if the motor vehicle:

- (1) Is inoperable, is more than five (5) years old, and has been left unattended on public property for more than forty-eight (48) hours;
- (2) Has remained illegally on public property for more than forty-eight (48) hours;
- (3) Has remained on private property without the consent of the owner or person in charge of the property for more than forty-eight (48) hours;
- (4) Has been left unattended on the right-of-way of a designated county, state, or federal highway for more than forty-eight (48) hours;
- (5) Has been left unattended for more than twenty-four (24) hours on the right-of-way of a turnpike project constructed and maintained by the Texas Turnpike Authority

division of the Texas Department of Transportation or a controlled access highway;  
or

(6) Is considered an abandoned motor vehicle under Transportation Code § 644.153(r).

*Aircraft garage keeper* shall mean the owner or operator of a storage facility specifically designated for aircraft, as defined by Transportation Code § 24.001(1).

*Motor vehicle* means:

- (1) Any motor driven or propelled vehicle required to be registered under the laws of this state;
- (2) A trailer or semitrailer, other than manufactured housing, that has a gross vehicle weight that exceeds four thousand (4,000) pounds;
- (3) A travel trailer;
- (4) An off-highway vehicle, as defined by Transportation Code § 551A.001; or
- (5) A motorcycle or moped that is not required to be registered under the laws of this state.

*Motor vehicle demolisher* means a person whose business is to convert a motor vehicle into processed scrap or scrap metal or to otherwise wreck or dismantle a motor vehicle.

*Outboard motor* shall mean an outboard motor subject to registration under Parks and Wildlife Code ch. 31.

*Police department* shall mean any certified peace officer employed by the city or contracted to the city to provide law enforcement services, regardless of what department holds that officer's commission;

*Special interest vehicle* means 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.

*Storage facility* includes a garage, parking lot, or establishment for the servicing, repairing, or parking motor vehicles.

*Watercraft* a vessel subject to registration under Parks and Wildlife Code ch. 31.

#### **Sec. 41. Enforcement of division.**

A person authorized by the city to administer the procedures authorized by this division may enter private property for the purposes specified in the procedures to examine a vehicle or vehicle part, obtain information as to the identity of the vehicle, and remove or cause the removal of a vehicle or vehicle part that constitutes a nuisance. The municipal court of the city may issue orders necessary to enforce the procedures.

#### **Sec. 42. Penalty for violation of article.**

A person who violates a provision of this article is guilty of a separate offense for each day or portion of a day during which the violation is committed, continued or permitted.

**Sec. 43. Authority to take possession.**

A member of the police department may take into custody an abandoned motor vehicle, aircraft, watercraft or outboard motor found on public or private property. The police department may use its own personnel, equipment, and facilities or contract for other personnel, equipment, and facilities to remove, preserve, store, send notice regarding, and dispose of an abandoned motor vehicle, aircraft, watercraft, or outboard motor taken into custody by the police department under this section.

**Sec. 44. Notification of owner and lienholders.**

- (a) *Notice.* The police department shall send notice of abandonment as required by Transportation Code § 683.012, as amended. A licensed vehicle storage facility that takes possession of an abandoned motor vehicle under authority of the police department shall comply with all provisions of Occupations Code ch. 2303.
- (b) *Consequences and effect of failure to reclaim.* The consequences and effect of failure to reclaim an abandoned motor vehicle are set forth in a valid notice given in this subsection.

**Sec. 45. Storage fees.**

If the police department takes into custody an abandoned motor vehicle, aircraft, watercraft or outboard motor, the city is entitled to reasonable storage fees as allowed under Transportation Code § 683.013.

**Sec. 46. Use by police department.**

If the police department takes an abandoned motor vehicle into custody and the motor vehicle is not claimed, the police department may use or transfer the vehicle as allowed under Transportation Code § 683.016.

**Sec. 47. Auction or use of abandoned items; waiver of rights.**

If an abandoned motor vehicle, aircraft, watercraft, or outboard motor is not claimed under section 44, the police department may auction the vehicle per Transportation Code § 683.014.

**Sec. 48. Auction proceeds.**

A law enforcement agency is entitled to reimbursement from the proceeds of the sale of an abandoned motor vehicle, aircraft, watercraft, or outboard motor as allowed by Transportation Code § 683.015.

**Sec. 49. Garagekeeper's duty: Abandoned motor vehicles.**

The duties of a garagekeeper shall be as stated in V.T.C.A. ,Transportation Code § 683.031.

**Sec. 50. Garagekeeper's fees and charges.**

Garagekeepers shall be entitled to collect the fees contained in Transportation Code § 683.032.

**Sec. 51. Unauthorized storage fee; offense.**

- (a) A person commits an offense if the person charges a storage fee for a period for which the fee is not authorized by section 50.
- (b) An offense under this subsection is a misdemeanor punishable by a fine of not less than two hundred dollars (\$200.00) or more than one thousand dollars (\$1,000.00).

**Sec. 52. Disposal of vehicle abandoned in storage facility, other property.**

- (a) The police department may dispose of any vehicle abandoned in a storage facility as required by Transportation Code § 683.034.
- (b) Any personal property other than vehicles covered under section 66 et seq. abandoned or left unclaimed upon the streets, alleys or other public ways of the city for a period exceeding ten (10) days shall be taken up by any police officer of the city and stored and held in such place as may be designated by city administrator or his or her designee.
- (c) An accurate record of any property taken up by the police department under this section shall be kept in the office of the city administrator or his or her designee, with the date of such taking.
- (d) Any person who shall satisfactorily establish that he is the owner hereof, may reclaim any personal property taken up under this section from the city administrator or his or her designee at any time after the taking thereof and before the sale thereof under the provisions of section 52, upon payment to the city clerk of the necessary expense of taking and storing the same, to be certified by the city administrator or his or her designee.
- (e) Whenever, in the judgment of the city administrator or his or her designee, sufficient articles have been accumulated and held under section 51 for a period of sixty (60) days or more to justify the expense of a sale thereof, the same may be sold by the city administrator or his or her designee, at public auction. Each item of such property which has been held by the police department for more than sixty (60) days shall be sold to the highest bidder for cash, and the chief of police shall convey to the purchaser, by bill of sale, title to such property. Accurate records of each sale shall be kept showing the price for which each article was sold.
- (f) At any time within six (6) months after the sale of any property pursuant to this section, the owner of such property, upon written application, shall be entitled to receive the proceeds of the sale from the city, less the necessary expense of taking, storing and selling the property. Application for repayment by the owner of any such property shall be filed with the city clerk and passed upon by the city commission.

**Sec. 53. Unattended vehicles.**

- (a) *Obstructing traffic.* It shall be unlawful to leave a vehicle unattended within a public right-of-way or on public property that obstructs traffic.
- (b) *Removal.* Notwithstanding any of the other provisions of this division, any unattended vehicle that obstructs traffic within a public right-of-way or on public property may be immediately removed by the police department.

- (c) *Authority of city to remove.* The city shall have the authority to immediately remove any vehicle which is on public property and causes an immediate threat to human safety, health, welfare, or any governmental function, or creates a public disturbance.

**Secs. 54—69. Reserved.**

#### **ARTICLE IV. JUNKED AND INOPERABLE VEHICLES**

##### **Sec. 70. Definitions.**

The following words, terms and phrases, when used in this article, shall have the following meanings:

*Aircraft* means a device that is invented, used, or designated for air navigation or flight, other than a parachute or other device used primarily as safety equipment.

*Inoperable vehicle* shall mean any vehicle, whether a motor or non-motorized vehicle and as defined within this section or the Texas Transportation Code, which cannot be operated on the public roadway due to lack of current registration or physical condition, in accordance with all applicable state laws and this Code.

*Junked vehicle* means a vehicle that:

- (1) Is self-propelled; and
- (2) Is:
  - a. Wrecked, dismantled or partially dismantled, or discarded; or
  - b. Inoperable and has remained inoperable for more than:
    1. Seventy-two (72) consecutive hours, if the vehicle is on public property; or
    2. Thirty (30) consecutive days, if the vehicle is on private property; and
    3. Displays an expired license plate or does not display a license plate.
- (3) An aircraft that does not have lawfully printed on the aircraft an unexpired federal aircraft identification number registered under Federal Aviation Administration aircraft registration regulations in 14 C.F.R. Part 47, even if such aircraft is exempt from such requirements by other law; or
- (4) A watercraft that:
  - a. Does not have lawfully on board an unexpired certificate of number; and
  - b. Is not a watercraft described by V.T.C.A. Parks and Wildlife Code § 31.055.

*Motor vehicle* means:

- (1) Any motor driven or propelled vehicle required to be registered under the laws of this state;
- (2) A trailer or semitrailer, other than manufactured housing, that has a gross vehicle weight that exceeds 4,000 pounds;
- (3) A travel trailer;
- (4) An off-highway vehicle, as defined by V.T.C.A. Transportation Code § 551A.001; or

- (5) A motorcycle or moped that is not required to be registered under the laws of this state.

*Motor vehicle collector* means a person who:

- (1) Owns one (1) or more antique or special interest vehicles; and
- (2) Acquires, collects, or disposes of an antique or special interest vehicle or part of an antique or special interest vehicle for personal use to restore and preserve an antique or special interest vehicle for historic interest.

*Motor vehicle demolisher* means a person in the business of:

- (1) Converting motor vehicles into processed scrap or scrap metal; or
- (2) Wrecking or dismantling motor vehicles.

*Special interest vehicle* means a motor vehicle of any age that has not been changed from original manufacturer's specifications and, because of its historic interest, is being preserved by a hobbyist.

*Utility trailer* shall mean a non-motorized vehicle designed to be pulled by a motor vehicle, and used to transport personal property, materials or equipment, whether or not permanently affixed to the bed of the trailer.

#### **Sec. 71. Junked vehicles—Public nuisance.**

- (a) Declared public nuisance. A junked vehicle that is located in a place where it is visible from a public place or public right-of-way is detrimental to the safety and welfare of the general public, tends to reduce the value of private property, invites vandalism, creates fire hazards, constitutes an attractive nuisance creating a hazard to the health and safety of minors, and is detrimental to the economic welfare of the city by producing urban blight adverse to the maintenance and continuing development of the city and is a public nuisance.
- (b) Maintenance. A person commits an offense if that person maintains a public nuisance as determined under this article.
- (c) Any junked vehicle shall be screened from any right-of-way or adjacent property by means of a solid opaque fence or shall be enclosed within a building. In no case shall any cover placed over a junked vehicle constitute adequate screening.
- (d) Vehicle repair businesses may have up to five (5) junked vehicles legally parked on the business property which are not screened from public view regardless of whether the vehicles are currently registered and inspected, provided that the vehicles are not wrecked, dismantled, partially dismantled, dilapidated, have broken window glass, or have one (1) or more flat tires.
- (e) Vehicle repair businesses may not maintain junked vehicles on their property in excess of one hundred twenty (120) consecutive days. The vehicles on the property must be on the property for the purpose of repair. Additionally, a current, valid work order must be maintained for every vehicle. A current, valid work order is a work order that is one hundred twenty (120) days old or less.
- (f) This section shall not apply to a vehicle or vehicle part that is:

- (1) Completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property; or
- (2) A vehicle or vehicle part that is stored or parked in a lawful manner on private property in connection with the business of a licensed vehicle dealer or junkyard; or
- (3) An unlicensed, operable or inoperable antique or special interest vehicle stored by a collector on the collector's property, if the 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 fence, rapidly growing trees, shrubbery or other appropriate means.

**Sec. 72. Junked Vehicles —Procedures for abating.**

- (a) *Generally.* The procedures for abatement and removal of a junked vehicle or a part of a junked vehicle as a public nuisance from private property, public property or a public right-of-way shall be in accordance with the provisions below. If a conflict exists between the provisions below and Transportation Code § 683.074, the provisions of Transportation Code § 683.074 shall be followed.
- (b) *Public or private property; notice and service.*
  - (1) For a nuisance on public or private property, a notice of not less than ten (10) days, stating:
    - a. The nature of the nuisance;
    - b. That the nuisance must be removed and abated within ten (10) days; and
    - c. That a request for a hearing must be made before expiration of the ten-day period.
  - (2) The notice must be mailed, by certified mail with a five-day return requested, or delivered by the United States Postal Service with signature confirmation service to:
    - a. The last known registered owner of the junked motor vehicle or part of a junked vehicle;
    - b. Each lienholder of record of the junked motor vehicle or part of a junked vehicle; and
    - c. The owner or occupant of:
      1. The property on which the junked motor vehicle or part of a junked motor vehicle is located; or
      2. If the junked motor vehicle or part of a junked motor vehicle is located on a public right-of-way, the property adjacent to the right-of-way.
  - (3) If the post office address of the last known registered owner of the nuisance is unknown, notice may be placed on the nuisance or, if the owner is located, personally delivered.

- (4) If the notice is returned undelivered by the United States Postal Service, official action to abate the nuisance shall be continued to a date not less than eleven (11) days after the date of the return.
- (c) *Reconstruction or making operable of junked vehicles.* In addition, a vehicle that is declared a junked vehicle is prohibited from being reconstructed or made operable after it has been removed by the city.
- (d) *Hearing; order for removal.* Upon request, a public hearing shall be held before the municipal court. If a hearing is requested by the owner or occupant of the public or private premises or by the owner or occupancy of the premises adjacent to the public right-of-way on which the junked vehicle is located, it shall be held within ten (10) days after service of notice to abate the nuisance. At the hearing, it is presumed, unless demonstrated otherwise by the owner, that the vehicle is inoperable. If the court determines the vehicle is in violation of this article, the court shall issue orders to abate the nuisance. An order requiring the removal of the junked vehicle 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.
- (e) *Notice to state department of highways and public transportation.* Notice shall be given to the state department of highways and public transportation not later than the fifth day after the date of removal. The notice shall identify the vehicle or vehicle part.
- (f) *Notice to state department of parks and wildlife.* Notice shall be given to the state department of parks and wildlife not later than the fifth day after the date of removal. The notice shall identify the watercraft.
- (g) *Enforcing persons.* All actions taken in regard to junked vehicles will be taken by regularly salaried, full-time employees of the city, except that the removal of a vehicle or vehicle part from property may be by any duly authorized person.

### **Sec. 73. Inoperable vehicles and inoperable motor vehicles.**

- (a) *Declared nuisance.* An inoperable vehicle or inoperable motor vehicle that is located in a place where it is visible from a public place, adjoining private property or a public right-of-way is detrimental to the safety and welfare of the general public, tends to reduce the value of private property, invites vandalism, creates fire hazards, constitutes an attractive nuisance creating a hazard to the health and safety of minors, and is detrimental to the economic welfare of the city by producing urban blight adverse to the maintenance and continuing development of the city and is a public nuisance.
- (b) *Maintenance of nuisance.* A person commits an offense if that person maintains a public nuisance as determined under this article.
- (c) Any inoperable vehicle or inoperable motor vehicle shall be screened from any right-of-way or adjacent property by means of a solid opaque fence or shall be enclosed within a building. In no case shall any cover placed over an inoperable vehicle or inoperable motor vehicle constitute adequate screening.
- (d) Vehicle repair businesses may have up to five (5) inoperable vehicles or inoperable motor vehicles legally parked on the business property which are not screened from public view



regardless of whether the vehicles are currently registered and inspected, provided that the vehicles are not wrecked, dismantled, partially dismantled, dilapidated, have broken window glass, or have one (1) or more flat tires.

- (e) Vehicle repair businesses may not maintain inoperable vehicles or inoperable motor vehicles on their property in excess of one hundred twenty (120) consecutive days. The vehicles on the property must be on the property for the purpose of repair. Additionally, a current, valid work order must be maintained for every vehicle. A current, valid work order is a work order that is one hundred twenty (120) days old or less.
- (f) This section shall not apply to a vehicle or vehicle part that is:
  - (1) Completely enclosed within a building in a lawful manner and is not visible from the street or other public or private property; or
  - (2) A vehicle or vehicle part that is stored or parked in a lawful manner on private property in connection with the business of a licensed vehicle dealer or junkyard; or
  - (3) An unlicensed, operable or inoperable antique or special interest vehicle stored by a collector on the collector's property, if the 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 fence, rapidly growing trees, shrubbery or other appropriate means.
- (g) Abatement and removal. An inoperable vehicle or inoperable motor vehicle that is not abated or removed within a thirty-day time period beginning from the date of the first notice of the public nuisance will be declared a junked vehicle. The procedures for abatement and removal of the junked vehicle shall be as stated in section 72.

#### **Sec. 74. Enforcement of division.**

A person authorized by the city to administer the procedures authorized by this division may enter private property for the purposes specified in the procedures to examine a vehicle or vehicle part, obtain information as to the identity of the vehicle, and remove or cause the removal of a vehicle or vehicle part that constitutes a nuisance. The municipal court of the city may issue orders necessary to enforce the procedures.

#### **Sec. 75. Penalty for violation of article.**

- (a) Any person or entity who violates a provision shall be fined in a sum of no less than one hundred fifty dollars (\$150.00) and not to exceed two hundred dollars (\$200.00) for the first conviction, a fine of no less than three hundred dollars (\$300.00) and not to exceed four hundred fifty dollars (\$450.00) for the second conviction, and a fine of no less than four hundred fifty-one dollars (\$451.00) and not to exceed five hundred dollars (\$500.00) for the third conviction and any conviction thereafter.
- (b) In addition to imposing a criminal penalty the city may, in accordance with the state law bring a civil action against a person violating a provision of this Code. The civil action may include, but is not limited to, a suit to recover a civil penalty authorized by state law for each day or portion of a day during which the violation is committed or continued.

- (c) The civil penalties provided for in this section, and any criminal penalties, are in addition to any other enforcement remedies including injunctive relief that the city may have under city ordinances and state law.

**Secs. 76—120. Reserved.**

## **ARTICLE VI. SEPTIC AND SIMILAR WASTES**

**Secs. 121-128. Reserved.**

## **ARTICLE VII. PREMISES MAINTENANCE**

### *PART A. MINIMUM PROPERTY STANDARDS*

#### **Sec. 129. General.**

- (a) *Title.* This part A. shall be known as the Minimum Property Standards Code and shall be hereinafter referred to in this part as the "code."
- (b) *Purpose.* The purpose of this code is to provide minimum standards to protect the health, safety, morals, and welfare of the citizens of the City of Starbase by establishing minimum standards applicable to the use, occupancy and maintenance of all structures, buildings and properties. Minimum standards are established with respect to utilities, facilities, and other physical components essential to make structures safe, sanitary, and fit for human use and habitation. It is further declared to be the purpose and intent of this code to regulate and control public nuisances and other conditions or circumstances that adversely affect the health, safety or welfare of the general public. It is not intended that this code be interpreted or enforced to require the city to intervene in matters which are primarily personal or private in nature and which may appropriately be resolved between or among private interests without material damage to the public health, safety, or welfare.
- (c) *Compliance.* This code is found to be remedial and essential to the public interest, and it is intended that this code be liberally construed to effect its purpose. All structures within the city on the effective date of this code, or constructed thereafter, must comply with the provisions of this code.
- (d) *Scope.* This code shall apply to all zoning districts, land, properties, structures, and buildings within the city, including all vacant, occupied, residential, nonresidential, improved or unimproved land, properties, structures and buildings.
- (e) *Other ordinances.* If any other ordinances or codes of the city conflict with this code and the standards or regulations established herein, the higher or stricter standard or regulation shall prevail.

#### **Sec. 130. Definitions.**

The following definitions shall apply in the interpretation and enforcement of this article. When terms are not defined in this article, they shall have their ordinary accepted meanings within context with which they are used.

*Building* means any structure used or intended for supporting or sheltering any use or occupancy.

*Building code* means the International Residential Code, for cases involving one- and two-family dwellings, or the International Building Code for all other structures, both promulgated by the International Code Council, as adopted by this jurisdiction.

*Enforcement authority* means the city administrator of the City of Starbase or his/her designee.

*Graffiti* means words, phrases, designs, symbols, letters, or drawings written, painted, scratched or applied in any other way to any sidewalk, fence, wall, window, walls of buildings, tree, or other structure or item or to any portion or element thereof, whether the property is public or private, regardless of its content or nature and regardless of the nature of the material of the structural component or property.

*Nuisance* means the following:

- (1) Any public nuisance known at common law.
- (2) Any attractive nuisance which may prove detrimental to children whether in a building, on the premises of a building, or upon an unoccupied lot. This includes any abandoned wells, shafts, basements, or excavations; abandoned refrigerators and motor vehicles; any structurally unsound fences or structures; or any lumber, trash, fences, debris or vegetation which may be hazardous for children;
- (3) Whatever is dangerous to human life or is detrimental to health, as determined by the health officer;
- (4) Any tree, shrub, or other plant which creates a hazard or risk of damage or destruction to persons or property;
- (5) Any substandard condition under this code.

*Owner* means a person claiming, or in whom vested, the ownership, dominion, or title of real property, including but not limited to:

- (1) Holder of fee simple title;
- (2) The holder of a life estate;
- (3) The holder of a leasehold estate for an initial term of five (5) years or more;
- (4) The buyer in possession, or having right of possession under a contract for deed;
- (5) The mortgagee, receiver, executor, or trustee in possession or control or having the right of possession or control of real property; but not including the holder of a leasehold estate or tenancy for initial term of less than five (5) years; and
- (6) In the case of a cooperation or partnership, "owner" includes an officer, partner, or manager of the entity.

*Person* means any individual, corporation, organization, partnership, association, or any other legal entity.

*Premises* means a lot, plot or parcel of land including the buildings, structures, landscaping or trees thereon.

*Property* means a lot, plot, or parcel of land, including any structures on the land.

*Repair* means the replacement of existing work with the same kind of material used in the existing work, not including additional work that would change the structural safety of the building, or that would affect or change required exit facilities, a vital element of an elevator, plumbing, gas piping, wiring or heating installations, or that would be in violation of a provision of law or ordinance. The term "repair" or "repairs" shall not apply to any change of construction.

*Structure* means that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner. Structure shall include but is not limited to any residential building, non-residential building, dwelling, condominium, townhouse, apartment unit, detached garage, shed, awning, fence, screening wall, sign, swimming pool, excavation.

*Tenant* means any person or their agent who occupies a structure or property.

*Unauthorized* means without the permission of the owner or the person in control of the property, whether public or private.

### **Sec. 131. Enforcement.**

- (a) The enforcement authority for this code shall be the city administrator of the City of Starbase or his/her designee.
- (b) The enforcement authority is authorized at reasonable times to inspect:
  - (1) Premises which contain no structure; and
  - (2) The exterior of a structure and premises which contain a structure, provided, however, if such structure is occupied, the enforcement authority shall first present proper credentials and request entry on the premises;
- (c) The enforcement authority shall have the power to obtain search warrants allowing the inspection of any specified premises to determine the presence of a health hazard or unsafe building condition, including but not limited to any structural, property, or utility hazard, or in violation of any health or building regulation, statute, or ordinance.

### **Sec. 132. Penalty for violation of article.**

- (a) In addition to imposing a criminal penalty the city may, in accordance with the state law bring a civil action against a person violating a provision of this code. The civil action may include, but is not limited to, a suit to recover a civil penalty authorized by state law for each day or portion of a day during which the violation is committed or continued.
- (b) Any person, firm, or corporation violating the provisions of this part A, article VII, shall be subject to a fine, upon conviction in the municipal court, in a sum of no less than one hundred fifty dollars (\$150.00) and not to exceed two hundred dollars (\$200.00) for the first conviction, a fine of no less than three hundred dollars (\$300.00) and not to exceed four hundred fifty dollars (\$450.00) for the second conviction, and a fine of no less than four hundred fifty-one dollars (\$451.00) and not to exceed two thousand dollars (\$2,000.00) for the third conviction and any conviction thereafter. If the conviction relates to property

zoned for nonresidential purposes, fines for each tier of offense shall double but may not exceed two thousand dollars (\$2,000.00).

- (c) The civil penalties provided for in this section, and any criminal penalties, are in addition to any other enforcement remedies including injunctive relief that the city may have under city ordinances and state law.

### **Sec. 133. Responsibility.**

- (a) It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use, occupy or maintain any premises, building or structure, or cause or permit the same to be done in violation of this code.
- (b) Every owner and tenant of any premises shall maintain such premises in compliance with this code and in a clean, sanitary, and safe condition; and shall dispose of rubbish, garbage, junk or other waste in a lawful manner.
- (c) An owner shall not let, rent, or lease any premises for occupancy or use which does not comply with this code.

### **Sec. 134. Minimum standards; exterior grounds.**

- (a) *Sanitation.* All exterior property areas shall be maintained in a clean, safe, and sanitary condition. All portions of a building or structure shall be removed from the site within ten (10) days if the building or structure is demolished.
- (b) *Grading and drainage.* No filling, excavation or other improvement shall be performed or constructed on any property which will have an adverse effect on an existing drainage pattern on an adjacent property.
- (c) *Trees, shrubs and plants.*
  - (1) Trees, shrubs, and plants shall not obstruct the access to or from any door or window of any structure which is used, or is required by city codes and ordinances to be used, for ingress or egress.
  - (2) Trees, shrubs, or plants that are dead and which are hazardous to persons or property shall be removed.
- (d) *Nuisances.* All properties shall be maintained free of any nuisances.
- (e) *Erosion control.* The unpaved areas of the front yard shall be maintained with grass, ground cover, or other type of landscaping to such an extent that the soil, when wet, will not be picked up and spread to sidewalks or adjacent private or public property and is not subject to erosion during rains.
- (f) *Antennas, towers, stacks, etc.* Antennas, towers, stacks, satellite dishes, and similar structures must be maintained structurally sound, free of deterioration, firmly secured, and must comply with applicable requirements of the City of Starbase Zoning Ordinance, as amended.
- (g) *Accessory structures.* Carports, awnings, patio covers, garages, sheds, storage buildings, and other accessory structures shall be maintained structurally sound, and free of deterioration.

- (h) *Swimming pools and spas.* Swimming pools, spas, and similar structures shall be maintained safe, secure, free of stagnant water, and structurally and mechanically sound in accordance with the City of Starbase Code of Ordinances.
- (i) *Graffiti.* It shall be unlawful for any person who shall be in any place, public or private, to deface, write or mark, cut, print, stamp, indent or display any word, sentence, symbol, or figure on public or privately owned buildings, permanent structures, or places located on or within the city without the authorization of the property owner.

**Sec. 135. Minimum standards; exterior structure maintenance.**

- (a) *General.* The exterior of a structure shall be maintained structurally sound.
- (b) *Structural members.* All supporting structural members of all structures shall be kept structurally sound, free of deterioration, and maintained capable of safely bearing the dead and live loads upon them.
- (c) *Exterior surfaces.* The foundation, exterior wall, floor, roof, and all exterior surfaces of every structure shall be maintained in a state of repair sufficient to exclude rats, rodents, birds, vermin, and other animals. The exterior wall surface materials of every structure shall be maintained weatherproof or the surface protected as required to prevent deterioration.
- (d) *Foundation walls.* All foundation walls shall be maintained so as to safely carry applicable dead and live loads that are imposed upon the foundation walls.
- (e) *Exterior walls.* The exterior wall of every structure shall be free of holes, breaks, loose or rotting boards or timbers, and any other conditions which might admit rain or dampness to the interior portions of the walls or to the interior of the structure. The exterior wall surface materials of every structure shall be maintained weatherproof or the surface protected as required to prevent deterioration.
- (f) *Roofs.* The roof of every structure shall be structurally sound, tight, and free of leaks, and roof drainage shall be adequate to prevent rain water from causing dampness in the walls or interior portion of the structure. Roof coverings shall not be composed of tarps, plastic sheets or other materials not designed for permanent use.
- (g) *Decorative features.* The cornices, entablatures, belt courses, corbels, terra cotta trim, wall facings and similar decorative features of every structure shall be maintained in good repair with proper anchorage and in a safe condition.
- (h) *Exterior attachments.* All exterior canopies, marquees, signs, awnings, stairways, fire escapes, standpipes, rain gutters, exhaust ducts and similar overhang extensions attached to a structure shall be maintained in good repair and be properly anchored so as to be kept in a safe and sound condition, and their exterior surface materials shall be maintained weatherproof and shall be surface coated or protected as required to prevent deterioration.
- (i) *Chimneys.* All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe, sound, properly mortared and in good repair, and their exterior surface materials shall be maintained weatherproof and shall be surface coated or protected as required to prevent deterioration.

- (j) *Stairs and porches.* Every stair, porch, balcony, and all appurtenances attached thereto shall be so constructed as to be safe to use and capable of supporting the loads to which it is subjected and shall be kept in sound condition and good repair, and their exterior surface materials shall be maintained weatherproof and shall be surface coated or protected as required to prevent deterioration.
- (k) *Window and door frames.* The windows, doors, and frames of every habitable structure shall be constructed and maintained in such relation to the adjacent wall construction so as to exclude rain as completely as possible from entering the dwelling or structure.
- (l) *Weathertight.* The windows and exterior doors of every habitable structure shall be fitted in their frames so as to be reasonably weathertight and shall be kept in sound condition and good repair.
- (m) *Glazing.* Every window and/or window sash shall be fully supplied with approved glazing materials which are without open cracks and holes. A window and/or window sash may be temporarily secured and/or closed with alternate materials approved by the enforcement authority for periods during actual construction, remodeling, or repairs, provided the period of time does not exceed thirty (30) days. The enforcement authority may grant extensions of time due to extenuating circumstances. When such an extension is granted, the material covering the window must be painted to match the exterior of the building.
- (n) *Garage doors.* Garage doors shall be capable of being closed reasonably plumb, and shall be kept in sound condition and good repair.
- (o) *Unauthorized entry.* Regardless of its structural condition, a building that is unoccupied by its owners, lessees, or other invitees shall be adequately secured to prevent unauthorized entry or use by vagrants or other uninvited persons as a place of harborage or could be entered or used by children.

**Sec. 136. Securing of buildings or structures.**

- (a) All vacant or unoccupied structures or parts of structures completely secure from unauthorized entry.
- (b) In the event that a structure becomes unsecure after compliance with the standards in this section, the owner or responsible person shall resecure immediately and maintain said building in a secure manner.

**Sec. 137. Substandard property; repair; vacate.**

- (a) Any structure, building or premises in violation of the minimum standards set forth herein is substandard and declared to be a nuisance. The failure of the owner or tenant to maintain any premises or structure in accordance with the minimum standards set forth in this code shall be grounds for the enforcement authority to declare the property substandard.
- (b) All buildings or portions thereof which are determined to be substandard as defined in this code are declared to be prima facie public nuisances to the extent of such substandard condition, and shall be abated by repair, rehabilitation, demolition, or removal, in accordance with the procedure provided in this code.

- (c) Whenever an occupied structure, building or property is determined to be substandard and is in such condition as to make it immediately dangerous to the life, limb, property, safety, or welfare of the public or of the occupants, the enforcement authority shall order such building, structure or property vacated.

**Sec. 138. Recovery of costs; lien.**

- (a) If a notice describing the violation and the city's rights to impose a lien on the property without further notice as provided for herein is delivered to the owner of such real property, and he fails or refuses to comply with such demand for compliance within ten-day time period established herein, the aforementioned charges shall be, in addition to a charge to and personal liability of said owner, a privileged lien upon and against such real property, including all fixtures and improvements thereon.
- (b) To perfect the lien against the real property, the city clerk shall file a written statement of such charges with the county clerk of the county for filing in the county land and deed records. Said statement shall be deemed sufficient if it contains the following minimum information; however, it may also contain such other information deemed appropriate by the mayor, the city administrator or their designee:
  - (1) The name of the owner of the real property, if known;
  - (2) A legal description of the real property;
  - (3) A statement of the charges incurred by the city in doing or in having such work done as necessary to bring the real property into compliance with this article; and
- (c) All such charges shall bear interest at the rate of ten (10) percent per annum from the date of payment by the city. The lien obtained is security for the expenditures made and is inferior only to tax liens and liens for street improvements. The city may bring suit to collect the charges, institute foreclosure proceedings, or both. The written statement of such charges provided for herein, or a certified copy thereof, shall be prima facie evidence of the city's claim for charges or right to foreclose the lien. The owner of the real property or any other person claiming, occupying or having supervision or control of the real property shall be jointly and severally liable for such charges.
- (d) This remedy is in addition to any penal provision provided herein.

**Sec. 139. Notice of violation.**

- (a) It shall be the duty of the city administrator, or their designee, to give a minimum of ten (10) days' official notice to such person violating the terms of this article, subject to the provisions herein stated. The notice shall be in writing and may be served on such person violating the terms of this section by:
  - (1) Delivering it to him in person;
  - (2) By letter or written notice addressed to such person at the person's address as recorded in the appraisal district in which the property is located and delivered by United States regular mail; or
  - (3) If personal service cannot be obtained:



- a. By publication once within seven (7) consecutive days in the city's official newspaper;
  - b. By posting the notice on or near the front door of each building on the property to which the violations relates; or
  - c. 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.
- (b) If such person violating the terms of this article fails or refuses to comply with the demand for compliance contained in the aforementioned notice, within ten (10) days after the date of notification as provided herein, the city may go upon such property and do or cause to be done in order to obtain compliance with this article. All costs, charges and expenses (hereinafter "charges") incurred in doing or in having such work done shall be a charge to, and a personal liability of, such person.
- (c) If the city mails a notice to the property owner in accordance with subsection (b) of this section and the United States Postal Service returns the notice as refused or unclaimed, the validity of the notice is not affected, and the notice is considered as delivered.
- (d) If the owner does not take the ordered action within the allotted time, the municipality shall make a diligent effort to discover each mortgagee and lienholder having an interest in the building or in the property on which the building is located. The municipality shall personally deliver or send by certified mail, return receipt requested, to each identified mortgagee and lienholder a notice containing:
  - (1) Identification, which is not required to be a legal description, of the building and the property on which it is located;
  - (2) Description of the violation of municipal standards that is present at the building; and
  - (3) Statement that the municipality will vacate, secure, remove, or demolish the building or relocate the occupants of the building if the ordered action is not taken within a reasonable time. If the order of the enforcement authority is not complied with, the city, after appropriate notice and hearing, may vacate, secure, remove, or demolish the building or relocate the occupants at its own expense.
- (e) Prior to the issuance of a citation issued for failure of a person to remove graffiti from property under his or her control under the provisions of this chapter, the owner must be given notice of the violation. Notice may be made personally to the owner in writing or by publication in the official newspaper at least twice within seven (7) consecutive days. If no action is taken by the owner, a citation may be issued seven (7) days after notification of violation.

**Secs. 140—150. Reserved.**

#### *PART B. DANGEROUS AND UNSAFE STRUCTURES*

##### **Sec. 151. Definitions.**

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

*Building official* shall mean the building official of the city or their authorized agents, assistants, deputies or representatives.

*Dilapidated structure* means a building or structure which has been neglected of repairs or maintenance necessary to keeping the building or structure in compliance with the applicable building and housing codes of the city, the extent of such neglect being that the cost of necessary repairs to gain compliance with such codes exceeds the present value of the building or structure without regard to the value of the land.

*Director of public works* shall mean the director of the public works department of the city or their authorized agents, assistants, deputies or representatives. This may be the city administrator or their designee.

*Fire chief* shall mean the chief of the fire department of the city or their authorized agents, assistants, deputies or representatives. By designation of the city administrator, this may be the head of a partner fire department, a volunteer fire department, or an emergency service district serving the city.

*Nuisance* means a nuisance in fact and, if left unabated, endangers the possession or use of adjoining property or creates and unreasonable danger to the public health and safety.

#### **Sec. 152. Purpose of part B.**

It is the purpose of this part B. to provide a just, equitable and practicable method, to be cumulative with and in addition to any other remedy available at law, whereby buildings or structures which are dilapidated, unsafe, dangerous, unsanitary, or are a menace to the life, limb, health, property, safety and general welfare of the people of the city, or which constitute a fire hazard, may be required to be repaired, vacated or demolished.

#### **Sec. 153. Declaration of nuisance; duty of building official.**

- (a) In the event of an emergency which, in the opinion of the building official, creates imminent danger to human life or health, the building official may declare building or structure, which is structurally unsafe, a fire hazard or otherwise dangerous, to be a hazard to the public health and safety.
- (b) The building official shall promptly cause such building, structure or portion thereof to be made safe or removed. For this purpose, they may at once enter such structure or land on which it stands, or abutting land or structures, with such assistance and at such cost as he may deem necessary. He may vacate adjacent structures and protect the public by appropriate fence or such other means as may be necessary, and for this purpose, may close a public or private way. Such costs incurred shall be charged to the owner of the premises involved and shall be collected in the manner provided by law.

#### **Sec. 154. Dangerous buildings designated.**

For the purpose of this article, any building or structure that has one (1) or more of the following conditions or defects is a dangerous building:

- (1) Whenever any door, aisle, passageway, stairway or other means of exit is not of sufficient width or size, or is not so arranged as to provide safe and adequate means

of exit, in case of fire or panic, for all person housed or assembled therein who would be required to, or might, use such door, aisle, passageway, stairway or other means of exit.

- (2) Whenever any portion thereof has been damaged by earthquake, wind, flood or by any other cause in such a manner that the structural strength or stability thereof is appreciably less than it was before such catastrophe and is less than the minimum requirements of the city building code for a building of similar structure, purpose or location.
- (3) Whenever any portion or member or appurtenance thereof is likely to fall or to become detached or dislodged or to collapse and thereby injure persons or damage property.
- (4) Whenever any portion thereof has settled to such an extent that the walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of new construction.
- (5) Whenever the building or structure or any portion thereof, because of dilapidation, deterioration, decay, faulty construction or because of the removal or movement of some portion of the ground necessary for the purpose of supporting such building or portion thereof, or some other cause, is likely to partially or completely collapse, or some portion of the foundation or underpinning is likely to fall or giveaway.
- (6) Whenever for any reason whatsoever the building or structure or any portion thereof is manifestly unsafe for the purpose for which it is used.
- (7) Whenever the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle third of the base.
- (8) Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become an attractive nuisance to children who might play therein to their danger, or as to afford a harbor for vagrants, criminals or immoral persons, or to enable persons to resort thereto for the purpose of committing a nuisance or unlawful or immoral act.
- (9) Any building or structure which has been constructed or which now exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure of the building regulations of this city as set forth in the building code or of any provisions of the fire prevention ordinances, when so determined and reported by the fire marshal, or of any law or ordinance of this state or city relating to the condition, location or structure of buildings.
- (10) Whenever a building or structure, used or intended to be used for dwelling purposed, because of dilapidation, decay, damage or faulty construction or arrangement or otherwise, in unsanitary or unfit for human habitation or is in a condition that is likely to cause sickness or disease, when so determined by the health officer, or is likely to work injury to the health, safety or general welfare of those living within.

- (11) Whenever a building or structure, used or intended to be used for dwelling purposes, has light, air, and sanitation facilities inadequate to protect the health, safety or general welfare of persons living within.
- (12) Whenever any building or structure, by reason of obsolescence, dilapidated condition, deterioration, damage, electric wiring, gas connections, heating apparatus or other cause, is in such condition as to be a fire hazard and is so situated as to endanger life or provide a ready fuel supply to augment the spread and intensity of fire arising from any cause.
- (13) Roofs. The roof of every structure shall be structurally sound, tight, and free of leaks, and roof drainage shall be adequate to prevent rain water from causing dampness in the walls or interior portion of the structure. Roof coverings shall not be composed of tarps, plastic sheets or other materials not designed for permanent use.
- (14) Weathertight. The windows, doors, and frames of every habitable structure shall be constructed and maintained in such relation to the adjacent wall construction so as to exclude rain as completely as possible from entering the dwelling or structure.
- (15) Whenever any building or structure is:
  - a. Dilapidated, substandard, or unfit for human habitation and a hazard to the public health, safety, and welfare;
  - b. Regardless of its structural condition, unoccupied by its owners, lessees, or other invitees and is unsecured from unauthorized entry to the extent that it could be entered or used by vagrants or other uninvited persons as a place of harborage or could be entered or used by children; or
  - c. Boarded up, fenced, or otherwise secured in any manner if:
    - 1. The building constitutes a danger to the public even though secured from entry; or
    - 2. The means used to secure the building are inadequate to prevent unauthorized entry or use of the building.

**Sec. 155. Notice and order to repair, vacate or demolish generally.**

- (a) *Generally.* Upon their own finding that a building or structure is a fire hazard or is unsafe or is dilapidated or is dangerous or is a hazard to public safety or health, or upon the complaint to the building official by any person that a building or structure is a fire hazard or is unsafe or is dilapidated or is dangerous or is a hazard to the public safety or health, the building official shall deliver a notice in writing stating in detail the conditions which render the building or structure, or portion thereof, to be unsafe, dangerous or a hazard, and ordering the repair, vacation and repair or demolition thereof by a specific date. The building official may, when it is determined that additional time will be necessary to complete the work ordered, extend such time upon the application of the owner or person charged with the duty of complying with such order.
- (b) *Notice of hearing.* The building official shall set the matter for hearing before the city commission. Notice of the date, hour and place of the hearing shall be posted and served at

least ten (10) days before the date set for the hearing in the manner and upon the persons specified in this section. The notice shall order all interested parties who desire to be heard to appear and show cause, if any they have, why the building or structure or portion thereof involved in the proceedings should not be repaired, vacated and repaired, or demolished.

- (c) *Identification of property.* To determine the identity of a property owner, mortgagee, or lienholder, the building official shall:

(1) Search the following records:

- a. County real property records of Cameron County;
- b. Appraisal district records of Cameron County;
- c. Records of the secretary of state, if the property owner or lienholder is a corporation, partnership, or other business association;
- d. Assumed name records of Cameron County;
- e. Tax records of the City of Starbase; and
- f. Utility records of the City of Starbase.

(2) Have a title search performed by a title company.

- (d) *Upon whom to be served.* Notice of all proceedings before the city commission must be given by:

- (1) Certified mail, return receipt requested, deliver by the United States Postal Service using signature confirmation service, or personally deliver to the record owner of the affected property, and each mortgagee and holder of a recorded lien against the affected property, as shown by the records of the office of the County Clerk of Cameron County;
- (2) And to all unknown owners, by posting a copy of the notice on the front door of each improvement situated on the affected property or as close to the front door as practicable.
- (3) The notice shall be posted and mailed on or before the tenth day before the date of the hearing before the city commission and must state the date, time, and place of the hearing. In addition, the notice must be published in newspaper of general circulation in the City of Starbase on one (1) occasion before the tenth day before the date fixed for the hearing.
- (4) When a notice is mailed in accordance with this section to a property owner or lienholder and the United States Postal Service returns the notice as "refused" or "unclaimed", the validity of the notice is not affected and is considered delivered.

- (e) *Contents of notice.* The notice must contain the following information:

- (1) An identification, which is not required to be a legal description, of the building and the property on which it is located;
- (2) A description of the violation of municipal standards that is present at the building;

- (3) A statement that the owner, lienholder or mortgagee will be required to submit at the hearing proof of the scope of any work that may be required to comply with the ordinance and the time it will take to reasonably perform the work; and
  - (4) A statement that the city will vacate, secure, remove, or demolish the building or relocate the occupants of the building if the ordered action is not taken within a reasonable time. If the order of the building official is not complied with, the city, after appropriate notice and hearing, may vacate, secure, remove, or demolish the building or relocate the occupants at its own expense.
- (f) *Filing in property records.* The city may file notice of the hearing in the official public records of real property in the county in which the property is located. The notice shall contain the name and address of the owner of the affected property if that information can be determined, a legal description of the affected property and a description of the hearing. The filing of the notice is binding on subsequent grantees, lienholder or other transferees of an interest in the property who acquire such interest after the filing of the notice, and constitutes notice of the hearing on any subsequent recipient of any interest in the property who acquired such interest after the filing of the notice.
- (g) *Affidavits as to service and posting, receipt card.* Upon giving notice as provided herein, the building official shall file with the city clerk an affidavit thereof certifying to the time and manner in which such notice was given and posted. He shall also file therewith any receipt card that may have been returned to him in acknowledgement of the receipt of such notice by registered or certified mail.

#### **Sec. 156. Hearing.**

- (a) At the time stated in the notice, the city commission shall hold a hearing and hear and consider any relevant evidence offered by the fire chief or the building official, or both, as well as the owner, occupant or person in charge and control, mortgagee or beneficiary under any deed of trust, lessee or any other person having any estate or interest in the building or structure, pertaining to the matters set forth in the notice to repair, vacate and repair, or demolish.
- (b) Findings of fact and decision/order of the city commission. After hearing evidence from any interested party the commission may:
  - (1) Find that the structure is not dangerous, substandard, dilapidated, unfit for human habitation or a hazard to the public health, safety and welfare, and refer the matter to the building official for appropriate action.
  - (2) Find that the structure is dangerous, substandard, dilapidated, unfit for human habitation, or a hazard to the public health, safety, and welfare and order:
    - a. Demolition of the structure within a reasonable time;
    - b. Repair or correction of the structure within a specified period of time;
    - c. Require the relocation of occupants in a reasonable time;
    - d. Repair or correction of the structure within a specified period of time and demolition of the structure if the repair or correction is not timely effected;

- e. Repair or correction of the structure by the owner, mortgagee, or lienholder within a specified period of time and repair, demolition, or correction by the city if not timely effected by the owner, mortgagee, or lienholder;
  - f. An action be brought in district court in accordance with Local Government Code § 214.003 for the appointment of a receiver of the property.
- (c) Within ten (10) days after the date that the order is issued, the city shall:
  - (1) File a copy of the order in the office of the city clerk; and
  - (2) Publish in a newspaper of general circulation in the city in which the building is located a notice containing:
    - a. The street address or legal description of the property;
    - b. The date of the hearing;
    - c. A brief statement indicating the results of the order; and
    - d. Instructions stating where a complete copy of the order may be obtained.
- (d) The city may file a copy of the order in the official public records of real property in the county in which the property is located. The filing of the notice is binding on subsequent grantees, lienholders, or other transferees of an interest in the property who acquire such interest after the filing of the order, and constitutes notice of the hearing on any subsequent recipient of any interest in the property who acquired such interest after the filing of the order.
- (e) After the hearing, the city shall promptly mail by certified mail with return receipt requested, deliver by the United States Postal Service using signature confirmation service, or personally deliver a copy of the order to the owner of the building and to any lienholder or mortgagee of the building as determined in accordance with section 155. When a notice is mailed via certified mail, return receipt requested, to a property owner or lienholder and the United States Postal Service returns the notice as "refused" or "unclaimed", the validity of the notice is not affected.
- (f) Remediation.
  - (1) If the city commission declares a building substandard or requires repairs to be made to the building, the repair work or demolition, such work shall be completed not more than thirty (30) days from the date of the order.
  - (2) If the city commission allows the owner, lienholder, or mortgagee more than thirty (30) days to repair, remove, or demolish the building, the city commission shall establish specific time schedules for the commencement and performance of the work and shall require the owner, lienholder, or mortgagee to secure the property, as required by this code, to prevent unauthorized entry while the work is being performed, as determined by the city commission. The order may require that the owner, lienholder, or mortgagee appear before the commission or commission's designee to demonstrate compliance with the time schedules.

- (3) The city commission may not allow the owner, lienholder, or mortgagee more than ninety (90) days to repair, remove, or demolish the building or fully perform all work required to comply with the order unless the owner, lienholder, or mortgagee:
  - a. Submits a detailed plan and time schedule for the work at the hearing; and
  - b. Establishes at the hearing that the work cannot reasonably be completed within ninety (90) days because of the scope and complexity of the work.
- (4) If the city commission allows the owner, lienholder, or mortgagee more than ninety (90) days pursuant to subsection (f)(3) above to complete any part of the work required to repair, remove or demolish the building, the city shall require the owner, lienholder, or mortgagee to regularly submit progress reports to the municipality to demonstrate compliance with the time schedules established for commencement and performance of the work. The order may require that the owner, lienholder, or mortgagee appear before the commission or commission's designee to demonstrate compliance with the time schedules. If the owner, lienholder or mortgagee owns property, including structures or improvements on property, within the city boundaries that exceeds one hundred thousand dollars (\$100,000.00) in total value, the commission may require the owner, lienholder, or mortgagee to post a cash or surety bond in an amount adequate to cover the cost of repairing, removing or demolishing a building. In lieu of a bond, the commission may require the owner, lienholder or mortgagee to provide a letter of credit from a financial institution or a guaranty from a third party approved by the commission. The bond must be posted, or the letter of credit or third party guaranty provided not later than the 30th day after the date the commission issues the order.
- (g) The order issued by the city commission may specify a reasonable time as provided by the time limits described in section 156 herein for the building, structure, or improvement to be vacated, secured, repaired, removed, or demolished by the owner or for the occupants to be relocated by the owner and an additional reasonable time for the ordered action to be taken by any of the mortgagees or lienholders in the event the owner fails to comply with the order within the time provided for action by the owner. Under this subsection, the city is not required to furnish any notice to a mortgagee or lienholder other than a copy of the order provided pursuant to section 156(d) in the event the owner fails to timely take the ordered action.

#### **Sec. 157. Appeal of city commission decision.**

Any owner, lienholder, or mortgagee or record jointly or severally aggrieved by any decision of the city commission may present a petition to a district court, duly verified, setting forth that the decision is illegal, in whole or in part, and specifying the grounds of the legality. The petition must be filed by an owner, lienholder, or mortgagee within thirty (30) calendar days after the date a copy of the final decision of the city commission is mailed by first class mail, certified, return receipt requested or is personally delivered, to all persons to whom notice is required to be sent. If no appeals are taken from the decision of the city commission within the required period, the decision of the city commission shall, in all things, be final and binding.



**Sec. 158. Failure to comply with orders given under article; penalty for violation.**

- (a) The owner or other person having charge and control over any building or structure determined by the building official or, upon appeal, by the city commission to be unsafe and a public nuisance, who shall fail to comply with any order to repair, vacate and repair, or demolish such building or structure or any portion thereof, shall be guilty of a Class C misdemeanor.
- (b) The occupant or lessee in possession, who fails to comply with any order to vacate any building or structure or any portion thereof in accordance with any order given as provided for in this article, shall be guilty of a Class C misdemeanor.
- (c) Whenever in this article an act is prohibited or declared to be unlawful, the violation of any such provision of this article shall be punished by a fine not exceeding two thousand dollars (\$2,000.00). Each day any violation of this article shall continue shall constitute a separate offense. Sec. 159. Action by city.
- (a) *Authority to vacate or demolish.* Whenever an order to repair, vacate and repair, or demolish any building or structure or any portion thereof has not been obeyed within the time set by the city commission, the city administrator, or their designee, or the city commission shall have the power, in addition to any other remedy herein provided, to:
  - (1) Cause the building or structure ordered to be repaired or to be vacated until such time as the necessary repairs have been made. Repair of a structure may be accomplished by the city but only to the extent necessary to bring the structure into compliance with minimum standards and only if the structure is a residential structure with not more than ten (10) dwelling units. No person shall thereafter occupy or permit to be occupied any such building, until and unless the necessary repairs have been made and the building inspector has approved same and issued a permit to reoccupy such building or structure;
  - (2) Request the director of public works to cause the building or structure to be demolished and the land restored to a reasonably clear and level condition, including the filling of any excavation to the finished grade of the surrounding area. The demolition of any building or structure, and the sale of the materials thereof, may be by a contract awarded, following advertisement for bids, to the best bidder; or when time is of the essence, the demolition maybe be accomplished with force account labor or any other reasonable means at the discretion of the city commission.
- (b) *Report of demolition.* Upon completion of the demolition of any building or structure or any portion thereof under this section, the director of public works shall cause to be prepared and filed with the city commission a report specifying:
  - (1) The work done;
  - (2) The cost of the work and incidental direct expenses;
  - (3) A description of the real property upon which the building or structure was located;
  - (4) The names and addresses of the persons entitled to notice pursuant to section 155;
  - (5) Administrative cost in complying with and accomplishing the purposes and procedures of this article; and

- (6) The total assessment against the lot and legal owner(s) proposed to be levied to pay the cost thereof.
- (c) *Hearing on report and assessment of costs.* Upon filing of the report of the director of public works, as provided in (b) above, the city commission shall, by resolution, fix the day, hour and place when it will hear and pass upon the report, together with any objections or protests which may be raised by any property owner liable to be assessed for the cost of such demolition, and any other interested persons. At least ten (10) days before the date set for the hearing, the director of public works shall cause copies of their report and notice of the filing of their report and of the day, hour and place when the city commission will hear and pass upon the report, and any objections or protests thereto, to be posted and served in the manner and upon the persons specified in section 156. A copy of the notice shall be published once, at least ten (10) days prior to the date set for the hearing, in the official newspaper of the city. The commission may make such revisions, corrections or modifications in the report as it may deem just, and the report, as submitted or as revised, corrected and modified, together with the assessment, shall be confirmed by ordinance. The decision of the commission on the report and the assessment and all protests or objections shall be final and conclusive.
- (d) *Contest of assessment.* The validity of any assessment levied under the provisions of this section shall not be contested in any action or proceeding unless the same is commenced within thirty (30) days after the assessment is confirmed.
- (e) *Assessment as lien on property.* The amount of the cost of abating such nuisance upon the various lots or parcels of land, including incidental expenses, as confirmed by the city commission, shall constitute special assessments, respectively, until paid. Such lien shall, for all purposes, take priority over all other liens except tax liens and/or paving assessment liens. The city clerk shall cause a certified copy of such special assessment lien to be filed with the county clerk in the deed records of the county. Such special assessment liens shall bear interest at the rate of ten (10) percent per annum from the date of filing of the same with the county clerk until paid in full, and such lien shall be collected in the same manner as other assessment liens are collected under the laws of the state.

**Sec. 160. Removal of orders or notices posted under article.**

It shall be unlawful for any person to remove any notice or order posted as required in this article.

**Sec. 161. Interfering with enforcement of article.**

It shall be unlawful for any person to obstruct, impede or interfere with any officer, agent or employee of the city or with any person who owns or holds any estate or interest in any building or structure or any portion thereof which has been ordered to be repaired, vacated and repaired, or demolished, or with any person to whom such building or structure has been lawfully sold pursuant to the provisions of this article, whenever any such officer, agent, employee, purchaser or person having an interest or estate in such building or structure pursuant to the provisions of this article, or in performing any necessary act preliminary to or incidental to such work, or authorized or directed pursuant thereto.

**Sec. 162. Abrogation.**

The provisions of this article shall not be deemed to repeal by implication any provisions of

the fire department code, the building code or any other ordinance of the city, and the adoption hereof shall not be deemed to affect or diminish the power or authority of any officer or employee of the city to condemn any building or structure erected or maintained in violation of any provision of the fire prevention ordinances, the building code or any other ordinance of the city.

**Secs. 163—177. Reserved.**

*PART C. MINIMUM MAINTENANCE STANDARDS: INTERIOR PREMISES*

**Secs. 178—209. Reserved.**

*PART D. RENTAL REGISTRATION PROGRAM*

**Sec. 210—220. Reserved**

**SECTION 4. Penalty.** Supplementing any penalties set forth in the Nuisance Ordinance, any person, firm, or corporation violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine not to exceed \$2,000 for all violations involving fire safety, or public health and sanitation and shall be fined not more than \$500 for all other violations of this Ordinance. Each day or any portion thereof during which any violation of this Ordinance occurs or continues shall be deemed a separate offense and upon conviction thereof shall be punishable as herein provided.

**SECTION 5. Severability.** It is hereby declared to be the intention of the City Commission that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this code shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Commission without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

**SECTION 6. Repealer.** This Ordinance shall be cumulative of all provisions of all ordinances of the City of Starbase, affecting budget and fiscal years, as amended, and shall not repeal any of the provisions of such ordinances, except in those instances where provisions of such ordinances are in direct conflict with the provisions of this Ordinance.

**SECTION 7. Engrossment/Enrollment.** The City Clerk is hereby directed to enroll and engross this Ordinance by reflecting the passage of this Ordinance in the minutes of the City Commission and by filing this Ordinance in the Ordinance Records of the City.

**SECTION 8. Publication.** The City Clerk is hereby directed to publish the caption, penalty clause, and effective date of this Ordinance as provided by law.

**SECTION 9. Effective Date.** This Ordinance shall become effective upon its passage and publication as required by law, and it is so ordained.

**PASSED AND APPROVED** by the City Commission of the City of Starbase, Texas, on this 30<sup>th</sup> day of May 2025.

CITY OF STARBASE, TEXAS



Bobby Peden, Mayor

ATTEST:



Caroline Cole, City Clerk

APPROVED AS TO FORM:



Wm. Andrew Messer, City Attorney