

ORDINANCE NO: 18-05

AN ORDINANCE BY THE GOVERNING BODY OF THE CITY OF NEWCASTLE, TEXAS SETTING REQUIREMENTS FOR THE MAINTAINING OF PROPERTY WITHIN THE CITY OF NEWCASTLE IN REGARDS TO STRUCTURES, JUNKED VEHICLES, ABANDONED VEHICLES, AND GRASS, WEEDS, BRUSH OR OTHER UNCULTIVATED PLANTS WHICH ARE NUISANCES; NOTICE OF VIOLATION; ACTION TAKEN BY CITY IF COMPLIANCE NOT MET; LIABILITY; REPEALER; SEVERABILITY; EFFECTIVE DATE; PROPER NOTICE AND MEETING.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEWCASTLE, TEXAS:

SECTION 1. NUISANCES

1. Upon the discovery of any of the following public nuisances on any property within the corporate City limits of the City of Newcastle, Texas or extrterritorial jurisdiction of the City, notice shall be sent to the property owner and tenant, lessee and/or occupant of the premises that they are in violation of a this City Ordinance through the existance of one or more of the following conditions being present:

- a. “Any house that is dilapidated, substandard, or unfit for human habitation and a hazard to the public health safety and welfare, or an unoccupied building, whether secured or not, that poses a danger to the public or could be used by children or vagrants” As stated in the Local Government Code, is hereby required to be repaired, removed or demolished as deemed acceptable by safety and health standards.

- b. Any junked vehicle or part of a junked vehicle, as defined by Texas Transportation Code 683.071 stating that a junk vehicle is any vehicle that is self-propelled and inoperable and does not have attached to it an unexpired license plate or a valid motor vehicle inspection certificate; if it is wrecked or dismantled or discarded; or has remained inoperable for more than 45 consecutive days, is hereby in violation of this Ordinance if any of the following should occur:

1. is detrimental to the safety and welfare of the public;
2. tends to reduce the value of private property;
3. invites vandalism;
4. creates a fire hazard;
5. is an attractive nuisance creating a hazard to the health and safety of minors;
6. produces an environment that is adverse to the growth and continued development of the City
7. is a public nuisance.

- c. Any abandoned vehicle which:

1. is inoperable, is more than 5 years old and has been left unattended on a public property for more than 48 hours;
2. has remained illegally on public property for more than 48 hours;
3. has remained on private property without the consent of the owner or person in charge of the property for over 48 hours;
4. has been left unattended on the City Easement, or designated County, State or Federal highway for more than 48 hours;
5. is considered an abandoned motor vehicle under Texas Transportation Code 644.153(r).

- d. The growth of any grass, weeds, brush or other uncultivated plants to any height greater than 12” on any property inside the City of Newcastle, Texas.
- e. The accumulation of garbage, trash, rubbish, refuse or other objectionable, unsightly or unsanitary matter on any property within the City of Newcastle, Texas.
- f. The accumulation of stagnant water on any property; and/ or
- g. Any human-made barriers and/or natural growth on any property, causing visual line of sight obstructions of an intersection onto any City right-of-way, street, road or alley within 15 feet of the intersection.

SECTION 2. NOTICES

Notice shall be given to property owner(s) and tenant(s), lessee(s) or occupant(s) of the premises for any violation of this Ordinance, sent by certified/ registered return receipt via mail delivery. They shall be notified they have not less than 10 days but not more than 30 days, dependant upon the violation, to begin the work necessary to come into compliance with this Ordinance. If any person cannot be reached via mail, and the property owner's address is unknown, the City has the option of public notice of the violation at least twice within 10 consecutive days or by posting the notice on or near each building 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. The notice shall also inform the owner that if they do not comply with the Ordinance within the allotted time, the City will take action.

Section 3. ACTION TO BE TAKEN

Property owner(s) or a responsible party shall comply with this City Ordinance within the allotted time given or the City may take the following actions:

- a. Do the work or make the improvements required; and
- b. Pay for the work done or improvements made and charge the expenses to the owner of the property.
- c. If the property owner does not abate the nuisance and come within complete compliance of this Ordinance within the time allotted, the City may assess all reasonable and necessary expenses incurred in doing the work and making the improvements required in abating the nuisance against the property owner, and may assess a privileged lien against the property upon which the work was conducted. To obtain a lien against the property, the Mayor, or other municipal officer designated by the Mayor, must file a statement of expenses or affidavit with the Young County Clerk.

1. The lien obtained is security for the expenditures made by the City and interest accruing at the rate of 10% on the amount due from the date of payment by the municipality.

2. This lien is inferior only to:

- a. Tax liens; and
- b. Liens for street improvements.

3. The City of Newcastle may bring a lawsuit of foreclosure of the property in the name of the City in order to recover the expenditures and interest due.

(Tex. Health and Safety Code § 342.007)

SECTION 4. LIABILITY

Neither the City of Newcastle, Texas nor any authorized agent acting under the terms of this Ordinance shall be liable or have any liability by reason of orders issued or work done in compliance with the terms of this Ordinance.

SECTION 5. REPEALER

The provisions of this Ordinance shall be cumulative of all other Ordinances or parts of Ordinances governing or

regulating the same subject matter that is hereby covered within this Ordinance, however, that all prior Ordinances or parts of Ordinances inconsistent or in anyway conflicting with any provision of this Ordinance are hereby expressly repealed to the extent that such inconsistency is apparent.

SECTION 6. SEVERABILITY

If any section, subsection, sentence, clause, or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of the Ordinance. The Governing Body hereby declares that it would have passed this Ordinance and each section, subsections, sentences, clauses or phrases thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

SECTION 7. EFFECTIVE DATE

This Ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

SECTION 8. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED AND APPROVED ON THIS THE 14TH DAY OF MAY, 2018.

Gina Maxwell, Mayor

ATTEST:

Cory C. Spurlin
Newcastle City Secretary