

AN ORDINANCE OF THE CITY OF WESTON, TEXAS, COLLIN COUNTY, TEXAS, HAVING IMPLEMENTED SUBCHAPTER C, CHAPTER 54, TEXAS LOCAL GOVERNMENT CODE; MAKING IT UNLAWFUL FOR ANY PERSON OWNING, OR HAVING SUPERVISION OF REAL PROPERTY WITHIN THE CITY TO PERMIT A CONDITION TO EXIST ON SAID PROPERTY THAT IS A SAFETY OR HEALTH HAZARD, AS A RESULT OF (1) FAILURE TO COMPLY WITH CITY BUILDING AND RELATED CODES; OR (2) BY PERMITTING A BUILDING OR IMPROVEMENT THAT IS SO DETERIORATED THAT IT HAS BECOME A DANGEROUS BUILDING OR (3) BY PERMITTING AN ACCUMULATION OF REFUSE, OR OTHER MATTER THAT CREATES A BREEDING AND LIVING PLACE FOR INSECTS AND RODENTS; OR (4) BY PERMITTING ANY OTHER "COMBUSTIBLE MATERIAL" TO BE PRESENT WITHIN ONE HUNDRED FIFTY (150) FEET OF ANY PROPERTY LINE; AND ALSO, MAKING IT UNLAWFUL TO CAUSE LOSS OF VALUE TO ADJACENT PROPERTY AS A RESULT OF THE CONDITION, USE OR APPEARANCE OF THE PROPERTY; PROVIDING A PENALTY FOR VIOLATION OF THIS ORDINANCE OR FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500.00) FOR EACH OFFENSE; PROVIDING HOWEVER, WHERE A DIFFERENT PENALTY HAS BEEN ESTABLISHED BY STATE LAW FOR SUCH OFFENSE THE PENALTY SHALL BE THAT FIXED BY STATE LAW, AND FOR ANY CONDITION AFFECTING PUBLIC HEALTH AND SANITATION, INCLUDING THE DUMPING OF REFUSE THE PENALTY SHALL BE A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; AND PROVIDING AN EFFECTIVE DATE.

#### SECTION 1

#### **ADOPTION OF STATE REGULATIONS NOTED**

The City Council having heretofore implemented Subchapter C, Chapter 54, Local Government Code, hereby adopts this ordinance applicable to the following:

1. The preservation of public safety, relating to the materials or methods used to construct a building or improvement, including the foundation, structural elements, electrical wiring or apparatus, plumbing and fixtures, entrances or exits;
2. Relating to dangerously damaged or deteriorate buildings or improvements; or

3. Relating to conditions caused by accumulation of refuse, or other matter that creates breeding and living places for insects and rodents.

## **SECTION 2**

### **COMPLIANCE WITH CITY BUILDING AND RELATED CODES**

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 create, or permit, to continue on said property, a condition that is a safety or health hazard as a result of the construction or maintain on said property a building or improvement, including the foundation, structural elements, electrical wiring or apparatus, plumbing and fixtures, entrances or exits, that is not in compliance with the building, plumbing, electrical, fire, or other codes adopted by the City.

## **SECTION 3**

### **DANGEROUS BUILDINGS**

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 construct or maintain on said property a building or improvement that is so deteriorated that it has become a dangerous building. As used in this section a Dangerous Building shall mean any building or improvement that has become so deteriorated that it:

1. is a safety or health hazard to persons who may enter or come near or be in contact with, such structure; or
2. Is a safety or health hazard by reason of being open to or easily accessible to vagrants, children, and other unauthorized persons; or
3. creates a nuisance attractive to children where they may encounter health or safety hazards; or
4. creates a breeding and living place for insects and rodents; or
5. contains accumulations of refuse or other matter that creates a breeding and living place for insects and rodents or other safety or health hazards to persons.

## **SECTION 4**

### **PROPERTY VIOLATIONS CAUSING LOSS OF VALUE TO ADJACENT PROPERTY AS A RESULT OF THE CONDITION, USE OR APPEARANCE OF THE PROPERTY**

- 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 construct or maintain on said property a

building, or improvement that has become so deteriorated that its appearance causes a loss of value to adjacent property.

- 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 maintain on said property a condition, use, or appearance, that results in a loss of value to adjacent property.

## **SECTION 5**

### **THE ACCUMULATION OF REFUSE OR OTHER UNWHOLESOME MATTER**

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 maintain or permit to remain on said property, though not necessarily related to a building or improvement, an accumulation of refuse or other matter that:

1. creates a breeding and living place for insects and rodents or other like safety or health hazard to persons or adjacent to property; or
2. creates a nuisance attractive to children where they may encounter health or safety hazards such as, but not limited to, old refrigerators, or junk type vehicles or other equipment; or
3. presents an accumulation, the appearance of which causes a probable loss of value to adjacent properties;

As used in this section the term "other matter" shall include, but not be limited to, an accumulation of machinery, rubbish in the form of debris left upon properties after any building or other structures on such properties have been destroyed by fire or other calamity and the same not restored to its original or better condition, or removed from the property within ninety (90) days from the date of such destruction, or intentionally wrecked or demolished by the owner, or moved from such property to another location; or vacated by a prior owner or tenant; or the accumulation of building materials not intended for immediate use.

## **SECTION 6**

### **PENALTY**

Any person violating or failing to comply with any provision of this Ordinance, shall be fined, upon conviction, in an amount no more than Five Hundred Dollars (\$500.00), providing however, where a different penalty has been established by state law for such offense the penalty shall be that fixed by state law, and for any offense which is a violation of law that governs fire safety, zoning, or public health and sanitation, including the dumping of refuse, the penalty shall be a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense; and separate offenses shall be deemed committed each day during or on which a violation occurs or continues.

**SECTION 7****CUMULATIVE REPEALER CLAUSE**

This Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances, or parts thereof, in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided however, that any complaint, action, claim or lawsuit which has been initiated or has arisen under or pursuant to such other Ordinances on the date of adoption of this Ordinance shall continue to be governed by the provisions of such Ordinance and for that purpose the Ordinance shall remain in full force and effect.

**SECTION 8****SAVINGS CLAUSE**

All rights and remedies of the City of Weston, Texas are expressly saved as to any and all violations of the provisions of any other ordinance affecting safety and health hazards which have secured the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances same shall not be affected by this Ordinance but may be prosecuted until final disposition by the court.

**SECTION 9****SEVERABILITY**

The provisions of this Ordinance are severable. However, in the event this Ordinance or any procedure provided in this Ordinance becomes unlawful, or is declared or determined by a judicial, administrative or legislative authority exercising its jurisdiction to be excessive, unenforceable, void, illegal or otherwise inapplicable, in whole in part, the remaining and lawful provisions shall be of full force and effect and the City shall promptly promulgate new revised provisions in compliance with the authority's decision or enactment.

**SECTION 10****PUBLICATION CLAUSE**

The City Secretary of the City of Weston is hereby directed to publish in two issues of the Official newspaper of the City of Weston, the exact Caption, Penalty and Effective Date clause of this Ordinance as required by the Texas Local Government Code.

**SECTION 11****EFFECTIVE DATE**

This Ordinance shall become effective from and after its date of passage in accordance with law.

NOW THEREFORE:

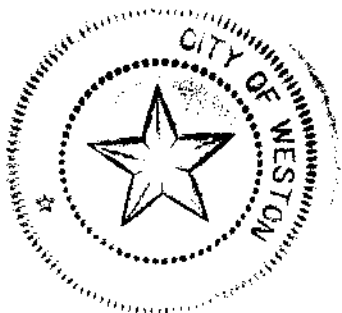
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WESTON,  
TEXAS:

PASSED AND APPROVED this 11<sup>th</sup> day of March, 2003

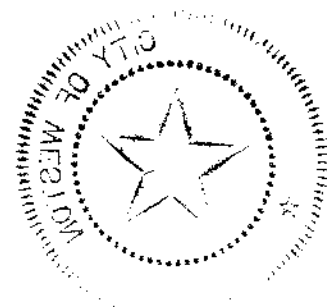
*Patti Harrington*  
Patti Harrington, Mayor

ATTEST:

*Michele Smith*  
Michele Smith, City Secretary



5375 005430



ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW (THE STATE OF TEXAS) COUNTY OF COLLIN I hereby certify that this instrument was FILED in the File Number Sequence on the date and the time stamped hereon by me, and was duly RECORDED, in the Official Public Records of Real Property of Collin County, Texas on

MAR 14 2003

Brenda Taylor



Filed for Record in:  
Collin County, McKinney TX  
Honorable Brenda Taylor  
Collin County Clerk

On Mar 14 2003  
At 3:49pm

Doc/Num : 2003- 0047329

Recording/Type:OR 19.00  
Receipt #: 9938