

CITY OF PENELOPE, TEXAS

ORDINANCE NO. 0725001

AN ORDINANCE OF THE CITY OF PENELOPE, TEXAS, ESTABLISHING DEFINITIONS AND REGULATIONS FOR UNSANITARY OR UNSIGHTLY CONDITIONS ON PRIVATE PREMISES AND ADOPTING A PROCEDURE FOR ABATEMENT OF UNSANITARY OR UNSIGHTLY CONDITIONS ON PRIVATE PREMISES; PROVIDING FOR FINDINGS OF FACT, ENACTMENT, REPEALER, SEVERABILITY, PENALTIES, PUBLICATION, AN EFFECTIVE DATE, AND PROPER NOTICE AND MEETING.

WHEREAS, the City of Penelope, Texas ("City"), is a Type A general-law municipality located in Hill County, created in accordance with the provisions of Chapter 6 of the Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, pursuant to Texas Local Government Code Chapter 51, the City has general authority to adopt ordinances and regulations that are for the good government, peace or order of the City and that are necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, pursuant to Texas Health and Safety Code Chapter 342, the City Council may adopt an ordinance regulating Unsanitary or Unsightly Conditions on Private Premises as a public nuisance to be abated and the City may adopt procedures for the abatement and removal of such junked vehicles from private or public property or public right-of-way consistent with the applicable state laws; and

WHEREAS, the City Council finds that Unsanitary or Unsightly Conditions on Private Premises are public nuisances that are detrimental to the public safety and welfare, tend to reduce property values, invite vandalism, create fire hazards, are attractive nuisances creating hazards to the health and safety of minors, produce urban blight adverse to the maintenance and continuing development of the City, and therefore it is necessary to continue to regulate Unsanitary or Unsightly Conditions on Private Premises to preserve and maintain the public health, safety, and welfare of the citizens of Penelope, Texas; and

WHEREAS, City Council finds that repealing Ordinance No. 051910 A + B, and adopting Ordinance No. 0725001 in its place, is necessary and proper and in the best interests of the City and the public.

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

SECTION 1. Findings of Fact. The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

SECTION 2. Repeal and Enactment. Ordinance No. 051910 A + B is hereby repealed and the City of Penelope, Texas, hereby adopts Ordinance No. 0725001 a copy of which

is attached hereto as “**Exhibit A**” and incorporated fully by reference for all purposes.

SECTION 3. Repealer. This Ordinance shall be cumulative of all provisions of the Ordinances of the City of Penelope, Texas, as amended, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinances, in which case the conflicting provisions of such Ordinances are hereby repealed in so far only as to any direct conflict with the provisions of this Ordinance.

SECTION 4. Severability. The phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable. If any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional, invalid, or unenforceable a court or administrative agency with jurisdiction over the matter, such declaration shall not be construed to affect any other valid phrases, clauses, sentences, paragraphs, and sections of this Ordinance.

SECTION 5. Penalties. The penalties for any person violating any of the provisions of this Ordinance, shall be as set forth in Exhibit “A.”

SECTION 6. Publication. The City Secretary is hereby directed to record and publish this Ordinance, as authorized by Chapter 52, Texas Local Government Code.

SECTION 7. Effective Date. This Ordinance shall be in full force and effect from and after its passage, and it is so ordained.

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, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551.

READ, CONSIDERED, PASSED AND APPROVED BY THE CITY COUNCIL OF PENELOPE, TEXAS, AT A REGULAR MEETING ON THE 30 DAY OF July, 2025.

Approved this the 30 day of July, 2025.


Phillip Esparza, Mayor

ATTEST:

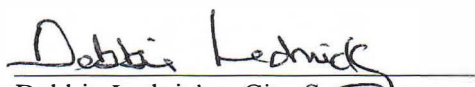

Debbie Lednick, City Secretary

EXHIBIT "A"

ORDINANCE NO. 0725001

(As adopted by City of Penelope, Ordinance No. 0725001, on July 30, 2025.)

UNSANITARY OR UNSIGHTLY CONDITIONS ON PRIVATE PREMISES

Section 1. Stagnant water.

It shall be unlawful for the owner of any lot or other premises in the city to allow or permit holes or places where water may accumulate and become stagnant to be or remain on the lot or premises, or to allow or permit the accumulation of stagnant water thereon, or to permit stagnant water to remain thereon.

Section 2. Accumulation of carrion, filth, etc.

It shall be unlawful for the owner of any lot, building, house, establishment, or premises in the city to allow or permit any carrion, filth, or any other impure or unwholesome matter of any kind to accumulate or remain thereon.

Section 3. Growth or accumulation of weeds, rubbish, etc.

It shall be unlawful for the owner of any lot or premises in the city to allow or permit weeds, grass, and brush to grow more than twelve inches (12") in height, nor shall any owner of any lot or premises allow rubbish, debris, or any other unsightly, objectionable, or unsanitary matter of whatever nature to accumulate or remain on any lot or premises.

Section 4. Notice to remedy or remove condition.

- (a) Whenever any condition described in this ordinance is found to exist on any premises within the city, the owner of the premises shall be notified by the city, in writing, to correct, remedy, or remove the condition within seven (7) days after the notice, and it shall be unlawful for any person to fail to comply with the notice.
- (b) The notice provided for in subsection (a) of this section shall be given:
 - (1) Personally to the owner in writing;
 - (2) By letter addressed to the owner at the owner's address as recorded in the appraisal district's records; or
 - (3) If personal service cannot be obtained, notice may be given by:
 - (A) Publication at least once;
 - (B) Posting the notice on or near the front door of each building on the property to which the violation relates; or
 - (C) Posting the notice on a placard attached to a stake driven into the ground on the property to which the violation relates, if the property contains no buildings.
 - (4) If a municipality mails a notice to a property owner in accordance with this subsection 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.
- (c) Annual notice. The notice provided to the property shall inform the property owner that if the owner commits another violation of the same kind or nature that poses a danger to the

public health and safety on or before the first anniversary of the date of the notice, the municipality without further notice may correct the violation at the owner's expense and assess the expense against the property. Once the city has given such annual notice, no further notice shall be required prior to abatement for that lot, tract, or parcel of land for a one-year period. If the city does not receive notice of a change in ownership, the city may abate any nuisance contained on the property covered by this ordinance without further notice and assess expenses to the owner within the one-year period.

Section 5. Correction or removal by city authorized.

If the owner of any lot or premises upon which a condition described in this ordinance exists fails to correct, remedy, or remove the condition within seven (7) days after notice to do so is given in accord with this ordinance, the city may do work or make improvements as are necessary to correct, remedy, or remove the condition, or cause the same to be done, and pay therefor and charge the expenses incurred thereby to the owner of the lot. The expenses of the abatement shall be charged to the owner of the property. The doing of the work by the city shall not relieve the person from prosecution for failure to comply with the notice in violation of Section 4(a).

Section 6. Statement of city's expenses.

Whenever any work is done or improvements are made by the city under the provisions of Section 5 and the expenses are not timely paid by the owner, the city may assess expenses incurred against the real estate on which the work is done or improvements made. The mayor, on behalf of the city, shall file a signed statement of the expenses incurred thereby with the county clerk. The statement shall state the name of the owner, if known, and the legal description of the property, give the amount of the expenses, and the date or dates on which the work was done or the improvements were made.

Section 7. Lien for city's expenses.

After the statement provided for in Section 6 is filed, the city shall have a privileged lien on the lot or real estate upon which the work was done or improvements made, to secure the expenses thereof. The lien shall be second only to tax liens and liens for street improvements, and the amount thereof shall bear interest at the rate of ten (10) percent per annum from the date the statement was filed. For any expenditures and interest, suit may be instituted and recovery and foreclosure of the lien may be had in the name of the city, and the statement of expenses made in accord with Section 6, or a certified copy thereof, shall be prima facie proof of the amount expended for the work or improvements.

Section 8. Authority to immediately abate dangerous weeds, woody plants, grasses, vines, overgrowth, and other plant forms.

- (a) Notwithstanding any of the foregoing sections, the city may abate, without notification, weeds that:
 - (1) Have grown higher than forty-eight inches (48"); and
 - (2) Are an immediate danger to the health, life, or safety of any person.
- (b) The city must give notice, in the manner provided in this ordinance, to the property owner no later than the tenth (10th) day after the date the city abates weeds under this section. The

notification shall contain:

- (1) An identification, which is not required to be a legal description, of the property;
 - (2) A description of the violation of this ordinance that occurred on the property;
 - (3) A statement that the city abated the weeds; and
 - (4) An explanation of the property owner's rights to request an administrative hearing regarding the city's abatement of the weeds.
- (c) The city council shall conduct an administrative hearing on the abatement of weeds under this section if, not later than the thirtieth (30th) day after the date of the abatement of the weeds, the owner files a written request for a hearing with the city secretary.
- (d) The city council shall conduct the administrative hearing not later than the twentieth (20th) day after the date a request for hearing is filed. At the hearing, the owner may testify or present any witnesses or written information relating to the city's abatement of the weeds.
- (e) The city may assess expenses and create liens under this section in the same manner and subject to the same conditions as set forth in Section 7 above.
- (f) The authority granted the city by this section is in addition to the authority granted by Section 5.

Section 9. Offense and penalty.

- (a) A person who intentionally, knowingly, recklessly, or with criminal negligence violates a provision of this ordinance, or who fails to perform a duty required of them under this ordinance, commits an offense.
- (b) A person is guilty of a separate offense for each day or part of a day during which a violation is committed, continued, or permitted.
- (c) The minimum fine established in Subsection (d) will be doubled for the second conviction of the same offense within any 24-month period and tripled for the third and subsequent convictions of the same offense within any 24-month period. At no time may the minimum fine exceed the maximum fine established in Subsection (d).
- (d) An offense under this ordinance is a class C misdemeanor punishable by a fine not to exceed two thousand dollars (\$2,000.00) and, upon a first conviction, not less than \$50.
- (e) All remedies and penalties provided for in this ordinance are in addition to any other enforcement remedies that the city may have under city ordinances and state law.