

AN ORDINANCE STATING PURPOSE; DEFINING TERMS;  
DECLARING THE ACCUMULATION OF STAGNANT OR STANDING  
WATER, RUBBISH, TRASH, CARRION, FILTH, AND OTHER  
UNSIGHTLY, UNSANITARY, OR UNWHOLESOME MATERIAL  
AND/OR ALLOWING BRUSH TO GROW AND/OR ALLOWING WEEDS  
TO GROW TO A HEIGHT OF TWELVE INCHES OR MORE A  
PUBLIC NUISANCE; REQUIRING ABATEMENT OF SAID PUBLIC  
NUISANCE; AUTHORIZING ABATEMENT BY THE CITY;  
PROVIDING FOR THE ESTABLISHMENT OF A PRIVILEGED LIEN  
UPON LOTS UNDER ARTICLE 4436a, TEXAS REVISED CIVIL  
STATUTES; PROVIDING FOR FORECLOSURE OF SUCH  
PRIVILEGED LIEN; AND DECLARING AN EMERGENCY:

WHEREAS, allowing the accumulation of stagnant or standing  
water, rubbish, trash, or other unsightly or unsanitary or un-  
wholesome material or allowing weeds and/or brush to grow creates  
a breeding place for vermin, pests, and disease which is detri-  
mental to the public health and detracts from the value of sur-  
rounding properties;

THEREFORE: BE IT ORDAINED by the City of Orchard, Texas:

ARTICLE I: SHORT TITLE AND PURPOSE

- A. Short title: The short title of this Ordinance shall be "Lot  
Regulation Ordinance."
- B. Purpose: The purpose of this Ordinance is to promote the  
safety and welfare of the citizens of the City of Orchard  
through regulation of maintenance of lots within the City.

ARTICLE II: DEFINITIONS

- A. City shall mean the City of Orchard.
- B. Lot shall mean any lot, ground or yard, whether the same be  
vacant or occupied and whether platted or described by metes  
and bounds located within corporate limits of the City of  
Orchard and includes unsubdivided acreage tracts of 5.0  
acres or less.
- C. Person shall mean any individual, firm association, organi-  
zation, partnership, company, or corporation or any other  
legal entity owning or having an interest in any lot.
- D. Notice shall mean notice to abate a public nuisance given  
as required by this Ordinance.
- E. Residence shall mean any structure designed for human habit-  
ation, whether occupied or not.



ARTICLE III: DECLARATION OF NUISANCE

The accumulation of stagnant or standing water, rubbish, trash, carrion, filth, or other unsightly, unsanitary or unwholesome material upon any lot and/or allowing brush to grow and/or allowing weeds to grow to a height of twelve (12") inches or more upon any lot being a breeding ground for vermin, pests, and disease and thereby detrimental to the public health, be and is hereby declared to be a public nuisance.

ARTICLE IV: ABATEMENT AND NOTICE TO ABATE PUBLIC NUISANCE

- A. Abatement Required: All lots within the corporate limits of the City shall be kept free from the accumulation of stagnant or standing water, rubbish, trash, carrion, filth, or any other unsightly, unsanitary, or unwholesome material; nor shall any person owning or having an interest in any lot allow brush and/or weeds in excess of twelve inches in height to grow upon any such lot; nor shall any person allow or suffer the accumulation of stagnant or standing water, rubbish, trash, carrion, filth or any other unsightly, unsanitary or unwholesome material or allow or suffer brush and/or weeds in excess of twelve inches in height to grow within 500 feet of any residence located within the City.
- B. Notice to Abate: If any person owning or having an interest in any lot or any property within 500 feet of any residence located within the City shall allow or suffer the accumulation of stagnant or standing water, rubbish, trash, carrion, filth, or any other unsightly, unsanitary, or unwholesome material, or shall allow or suffer brush to grow or weeds in excess of twelve inches in height to grow upon any lot in the City, shall be given written notice to abate such public nuisance which notice shall contain (1) the location and/or legal description of said lot, (2) an accurate description of the conditions existing which constitute the public nuisance, (3) the action to be taken by the person to abate the public nuisance and a statement directing that the person shall abate the public nuisance within ten days, (4) a statement advising any such person that failure to abate the public nuisance within the ten days could result in the City doing or causing such work to be done in order to abate any such public nuisance, any expenses incurred in doing or having such work done being charged to such person or assessed against such lot upon which such expenses were incurred, and (5) a statement that pursuant to Article 4436a, Texas Revised Civil Statutes, the City shall have a privileged lien upon such lot for any such expenses so incurred in abating any public nuisance including ten percent interest on the amount of said expenses from date of payment, and (6) that civil suit may be instituted to enforce and foreclose said lien. Such notice shall be given to the record owner and to any person in possession of or occupying or using said lot by certified mail, five day return requested, or, if the owner's address be unknown such notice may be given by publication by posting said notice upon said lot and conspicuously in a public place within the City at least twice within ten consecutive days.



ARTICLE V: ABATEMENT BY CITY, ESTABLISHMENT AND FORECLOSURE OF LIEN

If any person shall fail or refuse to abate any public nuisance as directed within ten days, the City may do such work or cause such work to be done to abate any public nuisance and may, at the option of the City, charge the expenses incurred in doing or having such work done to the person so refusing to abate any public nuisance or may cause the expenses incurred by the City in doing or causing such work to be done to the assessed against the lot; a statement of such expenses to be filed with the county clerk to establish a privilege lien upon such lot as provided in Article 4436a, Texas Revised Civil Statutes, for all such expenses so incurred together with interest at ten percent upon the amount of such expenses from date of same. The City may, at its option, institute civil suit to foreclosure any such lien so established in the name of the City.

ARTICLE VI: DECLARATION OF AN EMERGENCY

WHEREAS, an emergency is apparent for the immediate preservation of health, safety, and general welfare of the citizens of the City of Orchard that requires this Ordinance become effective immediately; therefore, this Ordinance shall be effective from and after the date of its passage and approval.

PASSED AND APPROVED this the 13th day of January, 1987.

CITY OF ORCHARD

Eugene L. Demmy  
MAYOR

Rodney C. Paulock  
COUNCILMAN

David Kalbf  
COUNCILMAN

ATTEST:

Ray E. Supan  
SECRETARY

THE STATE OF TEXAS

COUNTY OF FORT BEND

I, Kaye E. Supak, the duly appointed, qualified, and acting Secretary of the City of Orchard, Fort Bend County, Texas, hereby certify that the above and foregoing Ordinance of the City of Orchard was passed at a regular meeting of its council of the City of Orchard held the 13 day of January, 1987; that the written notice of the date, hour, place and subject of said meeting was posted at least 72 hours preceding the scheduled time of said meeting on a bulletin board located in a public place in the City of Orchard which is convenient and readily accessible to the general public at all times; that the Mayor, Eugene L. Demny, and Councilmen, David Kolafa, and Rod C. Pavlock, were present at said meeting and acted as the board throughout, that said Ordinance has been approved by the Mayor and is duly attested by the Secretary; that the same has been duly enrolled in the records of the City of Orchard, Fort Bend County, Texas.

EXECUTED under my hand and official seal of the City of Orchard, Fort Bend County, Texas, this the 13th day of January, 1987.

Kaye E. Supak  
SECRETARY