

Chapter 6 – Health and Sanitation

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ARTICLE 06.01.00. PROPERTY MAINTENANCE

Sec. 06.01.01. Words defined.

- A. The following words and phrases when used in this article shall have the meaning respectively ascribed to them as follow:
1. *Brush.* Shrubs, bushes, small trees, or other vegetation of species that does not grow into a forest.
 2. *Carrion.* The dead flesh of decaying animal matter.
 3. *Filth.* Any substance or matter which is unsanitary, squalid, unclean or foul.
 4. *Impure or wholesome matter.* Any condition or substance which may, tends to, or is liable to be detrimental or injurious to the health or life of any natural person.
 5. *Objectionable unsightly, or unsanitary matter.* All uncultivated vegetable growth, objects and matter not included within the meaning of the other terms as herein used which are liable to produce or tend to produce an unhealthy, unwholesome or unsanitary condition for property within the general locality where such growth is situated.
 6. *Premises.* The whole or the area owned by or under the control of any person, and the term shall include the area between the rear property line and shall extend beyond the property line of any such lot or parcel or real estate to the curb line or adjacent street where a curb line has been established.
 7. *Rubbish.* Nonputrescible solid waste, consisting of both combustible and noncombustible waste, such as paper wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves wood, glass, bedding, crockery, and similar materials.
 8. *Stagnant water.* A pool, puddle, or body of water which is motionless, not flowing or not running in current or stream.
 9. *Weeds.* All wild growth of noxious grass or undergrowth, or all rank and uncultivated vegetables growth or matter which has grown to more than six (6) inches in height, or which, regardless of height, is liable to become unwholesome, decaying mass or a harboring place for mosquitoes or vermin. (Ord. No. 94-11, § 2, 11-1-1994)

Sec. 06.01.02. General definition of nuisance.

- A. Whatever is dangerous to human life or health, whatever renders the ground, the water, the air or any food or drink unwholesome and is a hazard to human life and health is hereby declared to be a nuisance. (Ord. No. 94-11 § 3, 11-1-1994)

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Sec. 06.01.03. Specific nuisances.

A. The maintaining, using, placing, depositing leaving or permitting to be or remain on any public or private property any of the following items, conditions or actions are hereby declared to be and constitute a nuisance; provided, however, this enumeration shall not be deemed or constructed to be conclusive, limiting or restrictive:

*State law references: Authority of municipality to regulate weeds, grass, etc., V.T.C.A., Health and Safety Code, Section 342.004.

1. Weeds, brush and other rank vegetation.
2. Accumulation of filth, rubbish, trash, refuse, junk and other things such as inoperable or partially dismantled trailers, large appliances, barbecue pits, stack of lumber, limbs and palm leaves, inoperable or junked lawn mowers, bedding or other items deemed objectionable. (Ord. 05-04,7-6-04)
3. Any condition which provides harborage for rats, mice, snakes and other vermin.
4. Any building or other structure which is in such a dilapidated condition that it is unfit for human habitation, or kept in such an unsanitary condition that it is a menace to the health or people residing in this vicinity thereof, or presents a more than ordinarily dangerous fire hazard in the vicinity where it is located.
5. All unnecessary or unauthorized noises and annoying vibrations, including animal noises.
6. All disagreeable or obnoxious odors and stenches, as well as the conditions, substances or other causes which give rise to the emission or generation of such odors and stenches.
7. Any carrion.
8. The pollution of any public well or cistern stream, lake, canal or body of water by sewage, dead animals, creamery, industrial wastes or other substances, such as oil, motor oil, gasoline mixtures, hazardous materials, chemicals, hair dye, paints, pesticides.
9. Any building, structure or other place or location where any activity which is in violation of local, state or federal law is conducted, performed or maintained.
10. Any accumulation of stagnant water permitted or maintained on any lot or piece of ground.
11. Dense smoke, noxious fumes, gas, soot, or cinders, in unreasonable quantities.
12. Any impure or unwholesome matter.
13. Any unsightly or unsanitary matter.

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14. The act of any person or permitting or allowing any weeds, filth or rubbish if any kind remain in front of, back of or at the side of any premises owned by such person.
15. The act of scattering or distributing any advertisements circulars, handbills, printed or written announcements upon the streets or grounds within the limits of the City. These items, if distributed, must be affixed securely to fence or door knob.
16. Any informative signs, i.e. garage sales, yard sales, home sales or political must be removed immediately after the event.
17. Any type of batteries, tires, wheels, engine parts, automotive/truck/trailer/boat parts.
18. Unconnected bathtubs, showers and hot tubs in public view.
(Ord. No. 94-11, § 4, 11-1-1994; Ord. No. 99-09, §§ 1, 2, 11-2-1999)

Sec. 06.01.04. Any other.

- A. Any other act or thing done or suffered within the City limits, which may cause interference with the enjoyment by any member or members of the community, or any person or persons, who may thereby be deprived of his or their right to be free from offensive or unpleasant odors or vapors, and to breath fresh air and to be free from the sounds or noises which generally disturb a member or members or the community.
(Ord. No. 94-11 § 5, 11-1-1994)

Sec. 06.01.05. Prohibited.

- A. The owner or person in control of any private property shall at all times maintain the premises free and clear of all nuisances and each owner is required to maximize surface water drainage to eliminate stagnant water on the private property. (Ord. No. 2017-05, 03-28-17)
- B. Any such nuisance shall be removed from such premises and disposed of. Said lot, or lots, or parcels of real estate, in addition to those grounds within their respective boundaries, shall be held to include all lots or parcels or ground lying and being adjacent to and extending beyond the property line of any such lot or lots or parcels of real estate to the curb line of adjacent streets, and where a curb line has been established and fourteen (14) feet beyond the property line where no curb line has been established on adjacent streets. (Ord. No. 94-11, § 6, 11-1-1994; Ord. No. 99-09, § 3, 11-2-1999)

Sec. 06.01.06. Notice and Assessment of City's Expense

- A. Whenever the existence of any such nuisance as herein defined on any lot or lots or parcels of real estate situated within the corporate limits of the City of Bayou Vista shall come to the knowledge of the Mayor, it shall be his/her duty and she/he shall forthwith cause a written notice identifying such property to be issued to the person, firm or corporation owning or having possession or control of same allowing seven (7) days to abate the nuisance.
- B. Such notice shall further state that in default of the performance of the above recondition, the City of Bayou Vista may, at once, do such work or may cause the same to be done and may pay therefore and charge the cost and expense incurred in doing or have such work done or improvements made, to the owner of such property,

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and may penalize an owner or occupant violating the provisions of this article, and may fix a lien thereon as hereinafter provided.

- C. If the owner of property in the City of Bayou Vista does not comply with this article within seven (7) day of notice of a violation, the City may:
1. do the work or make the improvements required; and
 2. pay for the work done or improvements made and charge the expenses to the owner of property
- D. The notice must 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 records of the appraisal district in which the property is located; or
 3. if personal service cannot be obtained;
 - a. by publication at least once;
 - b. by posting the notice on or near the front door of each building on the property to which the violation relates; or
 - c. by posting notice on a placard attached to a stake driven into the ground on the property to which the violation relates.
 - d. In the event the City mails a notice to a property owner in accordance with subsection B, and the United State Postal Service returns the notice a s "refused" or "unclaimed" the validity of the notice is not affected, and the notice is considered as delivered.
 - e. In a notice provided under this section, the owner may be informed by regular mail and a posting on the property, or by personally delivering the notice, 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 City without further notice may correct the violation at the owner's expense and assess the expense against the property. If a violation covered by a notice under this subsection occurs within the 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 C. and assess its expenses as provided by Sec. 06.01.07. (Ord. No. 94-11 § 7, 11-1-1994; Ord. No. 03-02; Article 6.100, Section 6.106, paragraph (a), (b), (c), (d), (e), (f); 08-06-02)
 - g. Expenses incurred due to any action taken by the city to correct any Condition coming under Section 6.106, including a \$50.00 service charge to cover the City's administrative costs, plus attorney's fees, if any, and penalty charges, shall be assessed against the owners of all outstanding interests in the property involved. An itemized bill of such costs will be mailed to each such owner if the address is known. (Ord. No. 2014-05, 10-28-14)

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Sec. 06.01.07. City's Expenses Declared Lien

- A. The Board of Aldermen of the City may assess expenses incurred under Sec. 06.01.06 against the real estate on which the work is done or improvements made and shall include an Administrative Fee of \$250. (Ord. No. 04-07, § 1, 08-07-07) . (Ord. No. 2014-05 -10-28-14)
- B. To obtain a lien against the property, the mayor or official designated by the Mayor must file a statement of expenses with the County Clerk of Galveston County, Texas. The lien statement must state the name of the owner, if known, and the legal description of the property. The lien attaches upon the filing of the lien statement with the County Clerk.
- C. The lien obtained by the City of Bayou Vista is security for the expenditures made and interest accruing at the rate of ten percent (10%) per annum on the amount due from the date of payment by the City.
- D. The lien is inferior only to:
 - (1) tax liens; and
 - (2) liens for street improvements
- E. The City may bring a suit for foreclosure in the name of the City to recover the expenditures and interest due.
- F. The statement of expenses or certified copy of the statement is prima facie proof of the expenses incurred by the City in doing the work or making the improvements.
- G. The remedy provided by this section is in addition to the remedy provided by Section 06.01.09 of this Code.
- H. The governing body of the City may foreclose a lien on property under this section in a proceeding relating to the property brought under Subchapter E, Chapter 33, of the Tax Code. (Ord. No. 94-11 § 8, 11-1-94; Ord. No. 03-02; Article 6.100, Section 6.107, paragraph (a), (b), (c), (d), (e), (f) (g), (h); 08-06-02)

Sec. 06.01.08. Summary abatement.

- A. In addition to the foregoing remedy and cumulative thereof if it shall be brought to the attention of the Board, and (shall by Board be determined) that any such nuisance, or nuisances, as herein before described are likely to have an immediate adverse effect upon the public health, comfort or safety, then and in that event the board may, by appropriate resolution or motion, order said nuisance or nuisances summarily abated by this City of Bayou Vista in a reasonable and prudent manner. (Ord. No. 94-11 § 9, 11-1-1994)

Sec. 06.01.09. Penalty

- A. Any owner, lessee, or occupant, whether a natural or a corporation, or any agent, servant, representative or employee of any such owner, lessee or occupant, including any person ownership, occupancy or control of any lot or lots or parcel of real estate or any part thereof, or interest therein situated within the limits of this City, in which there exists any nuisance as herein defined who shall allow or permit any such nuisance to be created or to remain and continue if created and established, or who shall fail, refuse or neglect to remove or abate such nuisance by cutting, grubbing or removing such weeds, brush, rubbish or other objectionable, unsightly or unsanitary matter of whatever nature as the case may be or by filling in, draining, leveling, or otherwise regulating such lot or lots or parcels of real estate so as to prevent stagnant

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water standing therein within seven (7) days from the date of service of notice thereon, as herein before provided, shall be fined in accordance with the general penalty provision found in section 1.106 of this Code. Refusal or neglect shall continue to exist shall constitute a separate offense. (Ord. No. 94-11 § 10, 11-1-94; Ord. No. 03-02; Article, Section 6.109; 08-06-02)

NOTE: Ordinance 2016-05, amending Chapter 6 of the Code of Ordinances, of the City of Bayou Vista, Texas, was approved at the Regular Called Meeting of City Council on 02-23-16 for the purpose to provide continuity with the numbering system with all the Articles and Sections within the Code and to replace the word “village” for the word “City.”

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ARTICLE 06.02.00. LITTER

Sec. 06.02.01. Definitions

- A. For the purposes of this article the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The words "shall" is always mandatory and not merely directory.
1. *Authorized private receptacle.* A litter storage and collection receptacle.
 2. *Garbage.* The putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.
 3. *Litter.* "Garbage," "refuse," and "rubbish" as defined herein and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare.
 4. *Person.* Any person, firm, partnership, association, corporation, company or organization of any kind.
 5. *Private premises.* Any dwelling, house, building, or other structure, designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building, or other structure.
 6. *Public place.* Any and all streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, squares, spaces, grounds, and buildings.
 7. *Refuse.* All putrescible and non-putrescible solid waste (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, and solid market and industrial wastes.
 8. *Rubbish.* Non-putrescible solid wastes consisting of both combustible and non-combustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.
 9. *Vehicle.* Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively upon stationary rails or tracks.

Sec. 06.02.02. Litter in public places.

- A. No person shall throw or deposit litter in or upon any street, sidewalk or other public place within the City except in public receptacles, in authorized private receptacles for collection, or in official city refuse disposal areas. (Ord. No. 40-86, § II, 3-4-1986)

Sec. 06.02.03. Placement of litter in receptacles so as to prevent scattering.

- A. Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property. (Ord. No. 40-86, § III, 3-4-1986)

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Sec. 06.02.04. Sweeping litter into gutters prohibited.

- A. No person shall sweep into to deposit in any gutter, street or other public place within the City the accumulation of litter 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. (Ord. No. 40-86, § IV, 3-4-1986)

Sec. 06.02.05. Merchants' duty to keep sidewalks free of litter.

- A. No person owning or occupying a place of business shall sweep into or deposit in any gutter, street or other public place within the City the accumulation of litter from any building or lot occupying places of business within the City shall keep the sidewalk in front of their business premises free of litter. (Ord. No. 40-86, § V, 3-4-1986)

Sec. 06.02.06. Litter thrown by person in vehicle.

- A. No person, while a driver or passenger in a vehicle, shall throw or deposit litter upon any street or other public place within the City, or upon private property. (Ord. No. 40-86, § IV, 3-4-1986)

Sec. 06.02.07. Truck loads causing litter.

- A. No person shall drive or move any truck or other vehicle within the City unless such vehicle is so constructed or loaded as to prevent any load, contents or litter from being blown or deposited upon any street, alley or other public place. Nor shall any person drive or move any vehicle or truck within the City, the wheels or tires on which carry onto or deposit in any street, alley or other public place, mud, dirt, sticky substances, litter or foreign matter of any kind. (Ord. No. 40-86, § VII, 3-4-1986)

Sec. 06.02.08. Posting notices prohibited.

- A. No person shall post or affix any notice, poster or other paper or device, calculated to attract the attention of the public, to any lamp post, public utility pole or shade tree, or upon any public structure or building, except as may be authorized or required by law. (Ord. No. 40-86, § VIII, 3-4-1986)

Sec. 06.02.09. Litter on occupied private property.

- A. No person shall throw or deposit litter on any occupied private property within the City whether owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk or other public place or upon any private property. (Ord. No. 40-86, § IX, 3-4-1986)

Sec. 06.02.10. Owner to maintain premises free of litter.

- A. The owner or person in control of any private property shall at all times maintain the premises free of litter. Provided, however, that this article shall not prohibit the storage of litter in authorized private receptacles for collection. (Ord. No. 40-86, § X, 3-4-1986)

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Sec. 06.02.11. Litter on vacant lots.

- A. No person shall throw or deposit litter on any open or vacant private property within the City whether owned by such person or not. (Ord. No. 40-86, § XI, 3-4-1986)

Sec. 06.02.12. Citation, arrest and bail.

- A. Any security officer, duly appointed by the City of Bayou Vista may arrest any person violating this article without a warrant under the following conditions:
1. If such security officer or any person charged with the enforcement of this article has reasonable cause to believe, and does believe that any person has violated any provision of this article.
 2. Whenever any person is arrested for any violation of this act, he shall be immediately taken before a magistrate.
 3. Whenever a person is arrested for any violation of this article and such person is not immediately taken before a magistrate as herein before required, the arresting officer shall prepare in duplicate a written notice to appear in the municipal court of the City of Bayou Vista. Such notice shall contain the name and address of such person, the license number of his vehicle, if any, the number of his driver's license. if any, the offense charged, and the time when such person shall appear in court.
- A. The time specified in such notice to appear must be at least ten (10) days after such arrest unless the person arrested shall demand an earlier hearing.
- B. The arrested person. in order to secure a release as provided in this section, must: give a written promise to appear in court by signing a duplicate the written notice prepared by the arresting officer. The original said notice shall be retained by said officer and the copy thereof delivered to the person arrested from custody.
- C. The arrested person shall not be allowed to sign the aforementioned notice to appear in court. thereby securing matter of right, but such signing of a notice to appear in matter of discretion with the arresting officer.
- D. Any person who violates his written promise to appear in court without showing good cause shall be guilty of a misdemeanor regardless of the disposition of the charge upon which he was originally arrested. (Ord. No. 40-86, § XII, 3-4-1986)

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ARTICLE 06.03.00 DEBRIS IN CANALS OR WATERWAYS

Sec. 06.03.01. Unlawful items.

- A. No person, including, residents, visitors and/or contractors, shall cause to enter, or place or store any of the following items in such a manner that winds or tides can cause such items to enter, any canal or waterway located within the City of Bayou Vista, Texas:
1. Grass cuttings, limbs, branches, leaves, blooms, or any other cuttings from trees, shrubs, or lawn.
 2. Building materials of any kind, including but not limited to:
 - a. Wood, vinyl or aluminum siding.
 - b. Any pieces of wood, whole or cut.
 - c. Gypsum board.
 - d. Carpet.
 - e. Insulation.
 - f. Nails.
 - g. Wiring.
 - h. Paneling.
 - i. Concrete.
 - j. Brick.
 - k. Plastic or metal pipe.
 - l. Glass.
 3. Plastic, styrofoam or paper products.
 4. Cigarette or cigar butts, wrappers or lighters.
 5. Human or animal feces.
 6. Clothing, furniture refuse and trash of any kind.
 7. Food scraps.
 8. Cans, bottles or containers of any kind.
 9. Crab trap floats or markers.
 10. Gasoline, diesel, grease, oil, paint, varnish, or any other household or industrial chemical.
 11. Dead fish or crabs, not including fish heads, backbones, crab shells of a species normally found in local canals which may be thrown back in moderate quantities. (Ord. No. 99-11, 11-2-1999)

Sec. 06.03.02. Penalties

- A. Any violation of any section, subsection, or part of this article shall be deemed a misdemeanor and, upon final conviction, every person, firm, association, corporation or partnership guilty of such violation shall be fined in accordance with the general penalty provision found in section 1.106 of this Code. (Ord. No. 99-11, 11-2-1999)

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