

CITY OF COUPLAND, TEXAS

ORDINANCE No. 2023-11-21-01

AN ORDINANCE OF THE CITY OF COUPLAND, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF COUPLAND, TEXAS, CREATING AN ORDINANCE FOR SANITATION AND ENVIRONMENTAL QUALITY; PROVIDING DEFINITIONS; PROVIDING FOR A PROCEDURE FOR REMOVAL OF ITEMS IN VIOLATION OF THIS ORDINANCE AND PENALTY; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING AN OPEN MEETINGS CLAUSE; AND PROVIDING RELATED MATTERS.

WHEREAS, the City of Coupland, Texas, desires to adopt regulations regarding sanitation and environmental quality; and

WHEREAS, Chapter 342 of the Texas Health and Safety Code provides authority for municipalities to regulate sanitation and environmental quality.

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

Section 1. Findings. The Foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council of the City of Coupland, Texas, and are made a part hereof for all purposes as findings of fact.

Section 2. Adoption of Sanitation and Environmental Quality Ordinance. The City of Coupland, Texas, hereby adopts the Sanitation and Environmental Quality Ordinance attached hereto as **Exhibit A** and incorporated by reference herein.

Section 3. Repealing all Conflicting Ordinances. All ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance as adopted herein are amended to the extent of such conflict or inconsistency. In the event of a conflict or inconsistency between this ordinance and any other code or ordinance of the City of Coupland, the terms and provisions of this ordinance control.

Section 4. Savings Clause. The City Council of the City of Coupland, Texas hereby declares that if any section, subsection, paragraph, sentence, clause, phrase, word or portion of this Ordinance is declared invalid, or unconstitutional, by a court of competent jurisdiction, that, in such event that it would have passed and ordained any and all remaining portions of this ordinance without the inclusion of that portion or portions which may be so found to be unconstitutional or invalid, and declares that its intent is to make no portion of this Ordinance dependent upon the validity of any portion thereof, and that all said remaining portions shall continue in full force and effect.

Section 5. Severability. If any provision of this Ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

Section 6. Open Meetings. It is hereby officially found and determined that the meeting at which this ordinance was considered was open to the public as required and that public notice of the time, place,

SANITATION AND ENVIRONMENTAL QUALITY

I. Definitions.

The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Brush means scrub vegetation or dense undergrowth.

Carrion means the dead and putrefying flesh of any animal, fowl, or fish.

Filth means any matter in a decaying state.

Garbage means all decayable wastes.

Impure or unwholesome matter means any decaying or non-decayable object or matter which tends, may, or could produce injury, death, or disease to human beings.

Junk means all worn out, worthless, or discarded material, including, but not limited to, old machinery or parts of same, old iron or other metal, glass, cordage or building materials.

Owner means the person or entity having been recorded as the owner of real property by the Williamson County Central Appraisal District.

Public Nuisance means the keeping, storing, or accumulating of refuse that is not entirely contained in a closed receptacle; the keeping, storing, or accumulating rubbish, including newspapers, abandoned vehicles, refrigerators, stoves, furniture, tires, and cans, on premises in a neighborhood or within 300 feet of a public street for ten days or more, unless the rubbish or object is completely closed in a building or is not visible from a public street; maintaining a premises in a manner that creates an unsanitary condition likely to attract or harbor mosquitos, rodents, vermin, or other disease-carrying pests.

Refuse means a heterogeneous accumulation of worn out, used up, broken, rejected, or worthless materials, and includes garbage, rubbish, paper or litter, and other decayable or nondecayable waste.

Rubbish means trash, debris, rubble, stone, and fragments of building materials.

Stagnant water means standing water that has accumulated and is conducive to spreading disease.

Weeds means vegetation that because of its height is objectionable, unsightly, or unsanitary, but excluding:

- (1) Shrubs, bushes and trees;
- (2) Cultivated flowers and cultivated wild flowers;
- (3) Cultivated crops.

II. Unsanitary Conditions.

It shall be unlawful to accumulate stagnant water, weeds and brush, or allow a public nuisance, or to permit the same to remain, on real property in the city.

III. Removal of Condition by City; Penalty.

(a) Owners of property that are not in compliance with this ordinance shall be provided with notice of the violation. Notice must be given:

- (1) personally to the owner in writing; or

(2) by letter addressed to the owner at the owner's address as recorded in the Williamson County Central Appraisal District records of the appraisal district in which the property is located; or

(3) if personal service cannot be obtained:

(i) by publication at least once;

(ii) by posting the notice on or near the front door of each building on the property to which the violation relates; or

(iii) by posting the notice on a placard attached to a stake driven into the ground on the property to which violation relates.

(b) If the city mails a notice to an owner in accordance with Section (a) above, and the United States Postal Service returns the notices as, "refused," or, "unclaimed," the validity of the notice is not affected, and the notice is considered delivered.

(c) If the owner does not comply with this ordinance within seven (7) days of notice of violation, the city may:

(1) remove the cause of the violation; and

(2) pay for the removal of the violation and charge the expense of the removal to the owner.

(3) The city may assess the expenses incurred for the removal of the violation against the real property by the mayor directing a city official to file a lien in the Official Public Records of Williamson County, Texas, consisting of the statement of expenditures made in the removal of the violation stating the name of the owner, if known, and a legal description of the property. The lien attaches upon filing and the city may bring a suit in foreclosure to recover the expenditures.

(4) In addition to the above, the City may punish the Owner as described in Section IV.

IV. Penalty for Violations.

Any person violating any provision of this ordinance shall be punished by a fine of two hundred dollars (\$200.00). Each and every day that such violation continues shall constitute a separate offense.

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

Section 7. Effective Date. This Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Texas Local Government Code.

PASSED AND APPROVED THIS 19 DAY OF December, 2023.

ATTEST:

Rachel Wyszczak
City Secretary, City of Coupland

Russell Schmidt
Russell Schmidt, Mayor of the City of Coupland