



Ordinance No. 133

AN ORDINANCE OF THE CITY OF PATTISON, TEXAS ESTABLISHING REGULATIONS RELATED TO PUBLIC NUISANCES PERTAINING TO TREE BRANCHES, SHRUBBERY AND OR SIMILAR VEGETATION; TO REGULATE AND ABATE ANY NUISANCE FOUND TO AFFECT THE PUBLIC HEALTH AND SAFETY OF THE CITIZENS OF PATTISON; ESTABLISHING ABATEMENT PROCEDURES AND NOTICES; PROVIDING A PENALTY FOR VIOLATIONS; PROVIDING FOR SEVERABILITY.

WHEREAS, pursuant to Section 217.002 of the Texas Local Government Code, except as otherwise prohibited, the City may abate and remove a nuisance and punish by fine the person responsible for the nuisance; and

WHEREAS, pursuant to Subsection 217.002 of the Texas Local Government Code, the City may define and declare what constitutes a nuisance and direct the abatement of nuisance; and

WHEREAS, pursuant to Subsection 217.002 of the Texas Local Government Code, the City may abate in any manner the City considers expedient any nuisance that may injure or affect the public health; and

WHEREAS, the City Council of the City of Pattison now deems it appropriate to establish regulations related to nuisances and to regulate and abate any nuisance found to affect the public health and safety of the citizens of the City of Pattison.

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

Section 1. The facts and recitations set forth in the preamble of this ordinance are hereby found to be true and correct.

Division 1. Prohibited conditions; declaration of nuisance; violation.

Section 1. The following conditions are prohibited:

1. It shall be unlawful for any owner, occupant or person in charge of any property or premises to:
 - a. Allow the branches of any tree to extend over or into a public street or alley at a height less than fourteen and one-half (14 1/2) feet;
 - b. Allow the branches of any tree to extend over a public sidewalk at a height of less than seven (7) feet.
 - c. Allow any shrubbery or similar vegetation to extend into or over any public street, alley or sidewalk blocking or hindering pedestrian or vehicular access.



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- d. Allow branches of any tree, shrubbery or similar vegetation to extend into or over any public street, alley that obscures a motorist's or pedestrian's view of any street intersection, sign or traffic control device.
 - e. Allow branches of any tree, shrubbery or similar vegetation to extend into or over any public street, alley that hinders or impairs the passing of a motorist or pedestrian.
 - f. Allow branches of any tree, shrubbery or similar vegetation to extend into or over any public street, alley that causes or creates a hazard that could reasonably cause property damage or personal injury.
2. The City may cut, trim, or remove any Tree, shrubbery or similar vegetation that encroaches upon a public Street, Alley or Sidewalk in violation of this section, to the extent needed to comply with this section.
 3. This remedy is in addition to any other remedy provided by this ordinance or other applicable law.

Each condition prohibited by this section is specifically declared to be a public nuisance, and as such, may be abated.

Division 2. General Abatement Procedure and lien.

Section 1. Notice to property owner.

1. Required. If the City determines that a nuisance, as defined in this article, exists on any lot, tract or parcel of real estate within the City, notice shall be given to the owner of the real estate upon which the nuisance exists.
2. Contents. Notice given to the owner of the real estate upon which a nuisance exists or the person causing or permitting the nuisance to exist, shall identify the nuisance, identify the property upon which the nuisance exists, and direct the owner or person to take action within ten days of the notice to remove the nuisance. The notice shall also state that the owner has the right to appeal to the City's order within seven (7) calendar days of the service of such order. Review of such order shall be made by the Mayor and a decision will be issued promptly.



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3. Service or posting. The notice shall be given:
 - a. Personally, to the owner in writing; or
 - b. 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.
 - c. If personal service cannot be obtained:
 1. By publication at least once;
 2. By posting the notice on or near the front door of each building on the property to which the violation relates; or
 3. By 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. Refused mail. If the City mails a notice to a property owner in accordance with this Section, 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.
 5. Notification **regarding subsequent violations**. In a notice provided under this section, the City may inform the owner by regular mail, and a posting on the property, 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 section 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 Division 1, Section 1 and assess its expenses as provided by Division 2, Section 2.

Section 2. Abatement by City authorized; payment of costs.

If the owner fails or refuses to remove the nuisance within ten days following notice as provided in Section 2, or fails to appeal the notice to the Mayor as provided in Section 1, the City may do or cause to be done that which will abate such public nuisance, and may pay therefore, and charge the expenses incurred in doing such work or having such work done or improvements made to the person who owns such lot, tract, or premises or the owner of such lot, tract, or



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premises immediately adjacent to such street, alley, sidewalk or gutter upon which the nuisance exists. If such work is done or improvements made at the expense of the City, then such expenses may be assessed on the real estate, lot, tract or premises upon which such expense was incurred or to the property owner immediately adjacent to such premises upon which such expense was incurred.

Section 3. Collection of expenses incurred by City.

1. Statement of expenses. The mayor, or municipal official designated by the mayor shall file a statement of expenses incurred the amount of such expense, the date on which such work was done, and a description of the premises upon which such work was done or improvements made, with the county clerk of the county in which the premises are located. A signature on a lien statement may be a facsimile signature as defined by V.T.C.A., Government Code § 618.002.
2. Lien. 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. The City shall have a privileged lien on such lot or real estate upon which such work was done, or improvements made, to secure the expenditures so made, in

accordance with V.T.C.A., Health and Safety Code § 342.001 et seq., which lien shall be second only to tax liens or liens for street improvements. Such amount shall bear ten percent interest from the date of payment or occurrence of such expenditure by the City. The council may foreclose a lien on property under this division in a proceeding relating to the property brought under V.T.C.A., Tax Code Ch. 33, subch. E (V.T.C.A., Tax Code § 33.91 et seq.)

Section 4. Penalty.

1. Any condition caused or permitted to exist in violation of any provisions of this ordinance shall be deemed a public nuisance and may be abated by the City as provided herein.
2. In addition to the remedies as herein provided, the City may, any person violating any provisions of this ordinance shall be deemed guilty of a misdemeanor upon conviction and shall be subject to a penalty in an amount not to exceed \$500.00. Each day of violation shall constitute a separate offense.

Section 5. Conflicts.

All ordinances or parts inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.



RESOLUTION NO 2020 -010

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF PATTISON, TEXAS ADOPTING A
SCHEDULE OF FEES, FOR THE APPLICATION,
PERMIT AND INSPECTION FOR THE CONSTRUCTION OF CELL TOWERS.**

WHEREAS, the City Council met on the 4th day of August 2020 pursuant to the Texas Open Meetings Act; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PATTISON, TEXAS:

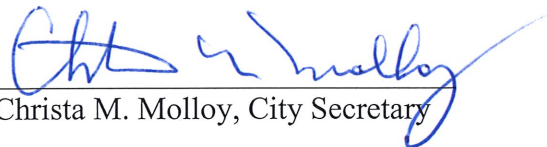
Section 1. A schedule of fees for the review of applications, issuance of permit and inspection of a request to construct a cell tower, as set forth in **Exhibit "A"** attached hereto and made a part hereof, is hereby adopted.

Section 2. All established fees, resolutions or parts of resolutions inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

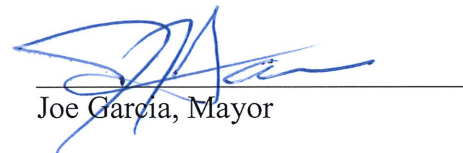
Section 3. The schedule of fees adopted hereby shall take effect immediately upon adoption of this Resolution.

PASSED, RESOLVED AND APPROVED this 1st day of September 2020.

ATTEST:


Christa M. Molloy, City Secretary

APPROVED:


Joe Garcia, Mayor