

ORDINANCE NO. 2025-10

AN ORDINANCE OF THE CITY OF BRECKENRIDGE, TEXAS AMENDING CHAPTER 10 “GARBAGE, TRASH, WEEDS AND OTHER WASTE”, ARTICLE I “IN GENERAL”, DIVISION 2 “CLEANLINESS OF PREMISES”, SECTION 10-8 “SERVICE OF NOTICE; RECEIPT” OF THE BRECKENRIDGE CODE OF ORDINANCES TO REMOVE THE REQUIREMENT THAT NOTIFICATION BE SENT BY CERTIFIED MAIL; PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Breckenridge, Texas (the “City”) is a home-rule city operating pursuant to its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution;

WHEREAS, the City has “the power to enact and enforce ordinances necessary to protect health, life, and property, and to prevent and summarily abate and remove all nuisances within the city” pursuant to Section 3.2 of the City Charter;

WHEREAS, to that end, the City Commission of the City (the “City Commission”) adopted Chapter 10, Article I, Division 2 of the Breckenridge Code of Ordinances to regulate nuisance conditions on property within the City;

WHEREAS, Section 10-8 of said Division requires that notices of violation be sent by certified mail, but this is not required under Section 342.006 of the Texas Health and Safety Code 342.006; and

WHEREAS, the City Commission finds that it would be more cost effective and efficient to remove the requirement that these notices be sent to property owners via certified mail.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF BRECKENRIDGE, TEXAS:

I. Amendment of Section 10-8. Chapter 10 “Garbage, Trash, Weeds and Other Waste”, Article I “In General”, Division 2 “Cleanliness of Premises”, Section 10-8 “Service of notice; receipt” of the Breckenridge Code of Ordinances is amended to read as follows, and all articles, chapters, sections, paragraphs, sentences, phrases, and words not expressly amended hereby are hereby ratified and affirmed.

Sec. 10-8. Service of Notice; receipt.

(a) The notice required by this division may be served on the owner by any of the following methods:

- (1) Personally to the owner in writing;
- (2) By letter addressed to the owner at the owner’s address as recorded in the Stephens County Appraisal District records; or
- (3) If personal service cannot be obtained, service can be made by:
 - a. Publication in a newspaper of general circulation in the area 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.

(b) 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.

II. Open Meetings. It is hereby officially found and determined that the meeting at which this ordinance is 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, Chapter 551, Government Code.

III. Severability. The provisions of this Ordinance are declared to be severable. If any section, sentence, clause, or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, sentences, clauses, or phrases of this Ordinance, but they shall remain in effect notwithstanding the invalidity of any other part.

IV. Effective Date. This ordinance shall become effective immediately upon its adoption by the City Commission.

PASSED, APPROVED, AND ADOPTED on this the 6th day of May 2025.

Bob Sims, Mayor

ATTEST:

Jessica Sutter, City Secretary

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