

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS, AMENDING CHAPTER 42 “HEALTH & SANITATION,” “ARTICLE II- WEEDY LOTS, UNSANITARY, UNSIGHTLY CONDITIONS ON PRIVATE PROPERTY” OF THE CITY OF MISSION CODE OF ORDINANCES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Mission, Texas is a home-rule municipality with the full power of local self-government; and

WHEREAS, the City Council of the City of Mission finds it necessary to update its health and sanitation Chapter, Article II. Weedy Lots, Unsanitary, Unsightly Conditions on Private Property to be consistent with the Texas State Health and Safety Code for local governments; and

WHEREAS, upgrading the established health and sanitation code serves the public interest and promotes efficient municipal administration

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

SECTION 1: That the Code of Ordinances of the City of Mission, Chapter 42- Health & Sanitation, Article II – Weedy Lots, Unsanitary, Unsightly Conditions on Private Property are hereby amended by adding the language (**added**) and deleting the language that is (~~stricken~~) to read in full as follows. *The remaining sections are to remain in force.*

Sec. 42-31. Definitions.

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

Abate means to eliminate or remedy:

- a) By removal, repair, rehabilitation, or demolition;
- b) In the case of a nuisance, by prohibition or control of access; and
- c) In the case a nuisance, by removal, remediation, storage, transportation, disposal, or other means of waste management.

Any and all other objectionable, unsightly or unsanitary matter of whatever nature all uncultivated vegetation, grass, and plant growth this term shall apply to objects and matters not included within the meanings of the other terms used in this article, which are liable to produce or tend to produce an unhealthy, unwholesome or unsanitary condition to the premises within the general locality where the same are situated, and shall also include any species of weed, grass or vegetation and plant growth which might or may tend to be unhealthy to individuals residing within the general locality of where the same are situated.

Brush means all trees, including palm and citrus trees, but not limited to, all shrubbery, hedge trimmings, tree limbs, branches and trimmings, plant and shrub trimmings, leaves and limbs, yard cleanings, and other similar items which are not cultivated nor cared for by persons owning or controlling the premises.

Building means a structure built for the support, shelter, or enclosure of a person, animal, chattel, machine, equipment, or other moveable property.

Garbage means decayable waste from a public or private establishment or restaurant. The term includes vegetables, animal and fish offal and animal and fish carcasses, but does not include sewage, body waste, or an industrial by-product.

Lot or parcel of real estate means, in addition to those grounds within their respective boundaries, all lots or parcels of ground lying and being adjacent thereto and extending beyond the property line of any such lot or parcel of real estate to the curblineline of adjacent streets where a curblineline has been, and 14 feet beyond the property line where no curblineline has been established.

Neighborhood means:

- a) A platted subdivision or
- b) Property contiguous to and within 300 feet of a platted subdivision.

Platted Subdivision means a subdivision that has its approved or unapproved plat recorded with the county clerk of the county in which the subdivision is located.

Premises means all privately-owned property, including vacant land or a building designed or used for residential, commercial, business, industrial, or religious purposes. The term includes a yard, ground, walk, driveway, fence, porch, steps, or other structure appurtenant to the property.

Public Street means the entire width between property lines of a road, street, way, thoroughfare, or bridge if any part of the road, street way, thoroughfare, or bridge is open to the public for vehicular or pedestrian traffic.

Refuse means garbage, rubbish, paper, and other decayable and nondecayable waste, including vegetable matter and animal and fish carcasses.

Rubbish means nondecayable waste from a public or private establishment or residence.

Trash means all refuse, rubbish, rejected tin cans, old vessels of all sorts, and, in general, all litter and all other things usually included within the meaning of such term.

Weeds means all rank and uncultivated vegetation, grass or plant matter which has grown to more than 12 inches in height or which, regardless of height, is liable to produce an unhealthy, unsightly, unwholesome, or unsanitary condition or become a harboring place for mosquitos, vermin, or ~~vectors~~ **or other disease-carrying pests, regardless of the height of the weeds.**

Sec. 42-32. Prohibited conditions and/or acts.

- (a) It shall be unlawful ~~for~~ any person, as the owner, tenant, or agent, and/or both, of any premises to allow or permit any filth, grass, weeds, brush, trimmings, plants that are not cultivated, **plant growth**, rubbish, trash, and all other objectionable, unsightly or unsanitary matter of whatever nature, or any other impure or unwholesome matter of any kind to accumulate, remain, or exists thereon, covering or partly covering the surface of any lot or parcel of real estate situated within the city, **including the city's street's and alley's rights-of-way fronting or rearing the property.**
- (c) It shall be unlawful for any person, as owner, **tenant, or agent, and/or** ~~occupant- both,~~ of any lot or premises in the city, to allow or permit the existence of any ~~palm tree or similar type tree~~ on such premises when such tree is dead or damaged and **in** such condition poses a serious

threat to property or life on such premises or an adjacent lot of an adjacent public right-of-way, and such condition is hereby declared to be a nuisance in the city.

- (d) It shall be unlawful for any person, as owner, ~~tenant, or agent, and/or occupant~~ **both**, of any lot or other premises in the city, to allow or permit holes or places where water may accumulate and become stagnant to be or remain on such lot or premises or to allow or to permit the accumulation of stagnant water thereon, or to permit stagnant water to remain thereon.
- (e) It shall be unlawful for any person, as owner, tenant, or agent, and/or both of any lot or other premises in the city, to keep, store, or accumulate refuse on premises in a neighborhood unless the refuse is entirely contained in a closed receptacle.
- (f) It shall be unlawful for any person, as owner, tenant, or agent, and/or both of any lot or other premises in the city to maintain premises in a manner that creates an unsanitary condition likely to attract or harbor mosquitoes, rodents, vermin, or other disease-carrying pests.
- (g) It shall be unlawful for any person, as owner, or agent, and/or both of any agricultural zoned property in the city to allow weeds to grow on premises if the weeds are located within 50 feet of a developed property or any public street or ROW.

Sec. 42-34. Duty to remove after cutting.

- (a) It shall be unlawful on any premises for any person, as the owner, tenant, or agent, ~~and/or~~ **both**, including commercial maintenance firms and landscapers or any combination thereof, within the city to leave any unsightly piles, windrows of debris or weeds, grass or brush which would serve as habitat for rodents, snakes or other vectors of disease on such premises after the same has been cut from the premises.
- (b) Any such grass, weeds, or brush so cut shall be removed and or hauled from such premises promptly and be disposed of, in an appropriate manner. If the brush is to be burned, such burning shall be done under the supervision of and with the permission of the **Fire Marshal** of the city. Commercial maintenance firms and landscapers shall be liable and responsible for all such material as caused by their business.

Sec. 42-35. Right of entry.

- (a) The code enforcement officer, city health officer, or any other appropriate city official shall, after proper notification, have the right and authority to go onto any premises within the city at any reasonable time for the purpose of making inspections to ascertain if the premises are free from weeds, trash, rubbish, or other noxious or unhealthy matter. It shall be unlawful for any person to prevent such official from making such inspections or to interfere therewith in any manner.
- (b) If any person ~~shall~~ refuse to allow the city official to enter onto any property in the city for the purposes of conducting the inspection as provided in this section, the city official shall make application to the municipal judge for an administrative search warrant to be issued by the judge. Such application shall contain an affidavit from the city official stating the reason for entry upon the premises and shall also state the time and general condition for entry. The municipal court judge for the city is hereby authorized to issue administrative search warrants to allow the code enforcement officer, city health officer, or any other appropriate city official

to enter any premises within the city under the terms and conditions as deemed by the municipal court judge. The judge may also request that the chief of police furnish police officers of the city to assist in the enforcement of any warrant issued under the provisions of this section. It shall be unlawful for any person having control of any premises for which an administrative search warrant has been issued to prohibit entry onto the premises by the person as authorized under this administrative search warrant.

Sec. 42-38. Notice to abate.

- (a) Whenever the existence of any nuisance on any lot or parcel of real estate or property situated in the city shall come to the knowledge of the code enforcement officer, it shall be the duty of such city official to cause a written notice to be issued forthwith to the person owning or having possession or control of the same, identifying such property and requiring such person to abate such nuisance by removing such weeds, brush, rubbish, or other objectionable, unsightly, unhealthy, unsafe, or unsanitary matter of whatever nature, as the case may be. Such notice will be sent by ~~certified~~ **regular** mail, in which case such notice shall inform the owner that if the owner commits another violation of the same kind or nature as provided in this section, which violation occurs on or before the first anniversary day from the date of such notice, the city shall, without further written notice, correct the violation at the owner's expense and assess the expense against the owner.
- (c) Such notice shall require the abatement of such nuisance by mowing and removing such weeds, brush, rubbish or other objectionable, unsightly or unsanitary matter of whatever nature as the case may be, within ~~48 hours~~ **ten (10) calendar days** from the date of service of such notice. Such notice shall further state that, in default of the performance of such condition, the city may, at once, cause such abatement to be done and charge the cost and expense incurred in doing or having such work done or improvements made, to the owner of such property.

Sec. 42-39. Contents of notice.

- (a) The notice to the owner, tenant, or to the person owning or having possession and control of a lot, property, or parcel of real estate, where a public nuisance has been found to exist shall contain the following items:
 - (1) A statement identifying such property.
 - (2) A statement requiring the abatement of such nuisance within ~~seven~~ **ten (10) calendar** days from the date of ~~receipt~~ of such notice;
 - (3) ~~A statement notifying such person that they can appeal the determination of a public nuisance made by the code enforcement officer with the city manager for the city within five days from the date of receipt of such notice, and if so appealed, the city manager shall hold the hearing and render his decision no later than the end of such seven day period.~~
 - (4) A statement notifying such owner that if such nuisance is not abated, within the ~~seven-day~~ **ten (10) calendar day** period, the city will cause, at once, the same to be done and charge the owner with the costs and expenses incurred in doing or having such work done.

- (5) Such notice shall require the abatement of such nuisance by mowing and removing such weeds, brush, rubbish or other objectionable, unsightly or unsanitary matter of whatever nature as the case may be, within ~~48 hours~~ **ten (10) calendar days** from the date of service of such notice. Such notice shall further state that, in default of the performance of the above condition, the city may, at once, cause such abatement to be done and charge the cost and expense incurred in doing or having such work done or improvements made, to the owner of such property.

Sec. 42-40. Abatement procedures.

- a) If the owner ~~shall~~ fail or refuse to abate a nuisance, the city may, at its option, elect to cause such nuisance to be abated at its expense. When the abatement is done, the code enforcement officer shall compile the cost of such work done or improvements made in abating such nuisance and shall provide such list to the finance director.

- b) **Authority to Abate Dangerous Weeds.** The City of Mission may abate, without notice, weeds that: have grown higher than 48 inches; and are an immediate danger to the health, life, or safety of any person.

- (1) Not later than the 10th day after the date the city abates under this section, the city shall give notice to the property owner.

The notice shall contain: 1) an identification, which is not required to be a legal description, of the property, 2) a description of the violations of the ordinance that occurred on the property, 3) a statement that the city abated the weeds, and 4) an explanation of the property owner's right to request an administrative hearing about the city's abatement of the weeds.

- (2) The city shall conduct an administrative hearing on the abatement of weeds under this section if, not later than the 30th day after the date of the abatement of the weeds, the property owner files with the city a written request for a hearing.

- (3) An administrative hearing conducted under this section shall be conducted not later than the 20th day after the date a request for a hearing is filed. The owner may testify or present any witnesses or written information relating to the city's abatement of the weeds.

- (4) The city may assess expenses and create liens under this section as it assesses expenses and creates liens.

Sec. 42-41. Billing for rendered services and costs.

- (a) When any work is done or improvements **are** made by the city under the provisions stated in this article, the finance director shall provide a bill to such property owner, at his last known address, listing the following:

- (1) Description of property sufficient to identify the same, and where property has been subdivided, a description by lot and block number of any particular subdivision shall be sufficient;
- (2) Statement of the particular violation;
- (3) Services or improvements rendered by the city or anyone authorized by the city;

- (4) All costs and expenses incurred for such abatement of such nuisance plus \$100.00 for an administrative fee;
- (5) That payment is due and payable within 30 days of notice date of rendered services;
- (6) Penalties which may be imposed for nonpayment.

SECTION 2. SAVINGS AND REPEALER.

All ordinances or parts of ordinances not amended by this Ordinance shall remain in full force and effect.

SECTION 3. SEVERABILITY.

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions, which shall remain in full force and effect.

SECTION 4. CODIFICATION.

The City Secretary is authorized to codify this Ordinance in the City of Mission Code of Ordinances and to make non-substantive formatting and numbering changes necessary for codification.

SECTION 5. PUBLICATION.

The City Secretary is authorized and directed to publish this Ordinance as required by law.

SECTION 6. EFFECTIVE DATE.

This Ordinance shall take effect immediately upon adoption and publication as required by law.

PASSED, APPROVED, AND ADOPTED this ____ day of _____, 2026.

Norie Gonzalez Garza, Mayor

ATTEST:

Anna Carrillo, City Secretary

APPROVED AS TO FORM:

City Attorney