

**TOWN OF PONDER  
ORDINANCE NO. 23-07**

**AN ORDINANCE OF THE TOWN OF PONDER, AMENDING AND  
ADDING TO THE TOWN OF PONDER CODE OF ORDINANCES,  
CHAPTER 74, SIDEWALKS**

**WHEREAS**, the Town of Ponder has enacted a Code of Ordinances, containing rules for the Town; and

**WHEREAS**, said Code must from time to time be amended; and

**WHEREAS**, the Town Council for the Town of Ponder, Texas has determined that it is necessary and expedient to amend the Code to and add sections;

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PONDER, TEXAS:**

That the Town of Ponder Code of Ordinance be amended as shown in Exhibit A attached to this Ordinance.

**PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF PONDER, TEXAS, THIS 12th day of June, 2023.**

**APPROVED:**

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**John Bassler, Mayor**

**ATTEST:**

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**Sheri Clearman, Town Secretary**

## Chapter 74 SIDEWALKS

### §§ 74.01 Maintenance of sidewalks by property owners or occupants.

- (A) It shall be the exclusive duty, obligation, responsibility and liability of owners or occupants of real property abutting upon streets within the territorial limits of the Town of Ponder, as listed in division (B) below, **at their own cost and expense**, to maintain and keep the sidewalks bordering their property, level and free of depressions, excavations, elevations, inequalities, obstacles, obstructions or encroachments, or any other defect, natural or artificial, above or below ground level, or which overlap, impinge upon or appropriate any part of the sidewalk area or the space eight feet above it.
- (B) The location to which division (A) above applies is all sidewalks and structures erected in a public right-of-way which has been dedicated to public use by plat filed with the Denton County Appraisal District.
- (C) Any persons violating any provision of this section shall be deemed guilty of a misdemeanor after having been served notice of violation as described in §74.02 and punished by a fine in accordance with the penalty provision found in §74.03.
- (D) It shall be the duty of the Chief of Police, his designee or assign, or a registered Code Enforcement Officer to inspect or cause to be inspected all Public Right of Way sidewalks within the territorial limits of the town, for the purpose of enforcement of this sub-chapter (§74.01).

### § 74.02 Sidewalk maintenance: Enforcement procedure and notice requirements

In the event that the owner or occupant of any lot, tract, parcel of land, or portion thereof, situated within the corporate limits of the town, shall fail to comply with §74.01, then the Chief of Police, his designee or assign, or a registered Code Enforcement Officer may issue Notice of Violation to the owner.

- (A) The notice may be issued:
  - (1) Personally, to the owner (and occupant if applicable) in writing;
  - (2) By letter addressed to the owner at the owner's post office address as listed within records held at the Denton County Appraisal District, and occupant at the address where the violation exists if the property is not occupied by the owner; or
  - (3) If personal service cannot be obtained or the owner's post office address is unknown:
    - (a) By publication at least twice within ten consecutive days;
    - (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 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.
- (B) This notice must contain:
  - (1) The property address where the violation exists;
  - (2) A description of the violation;
  - (3) Grant no less than 10-days to abate the violation;
  - (4) Contain language informing of the possibility of fine or lien if compliance is not obtained; and

(5) Contain language informing that a notice of violation will only be given once per calendar year, and future violations of this same code could result in fine or lien without further notice.

### **§ 74.03 Sidewalk maintenance: Penalty**

Any person, or any owner or occupant, or agent of any owner or occupant, violating any of the terms of §74.01 shall be subject to a fine, upon conviction in the municipal court, which shall not exceed \$200.00, and each and every day that the premises shall remain in a condition which violates the terms of §74.01 shall constitute a separate and distinct offense. Upon the trial of any person brought before the court, the court is authorized to fix a time within which any such person may be allowed to abate the violation, if in the judgment of the court, the action is deemed advisable.

### **§ 74.04 Sidewalk maintenance: Authority of the town to abate and notice requirements**

If the owner of property in the town does not comply with a municipal ordinance or requirement under this subchapter within ten days of a notice of a violation as described in §74.02, the town 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 the property; and
- (3) Fine the owner or occupant of the property as described in § 74.03; and
- (3) The town may assess expenses and create liens against the property where the violation existed. A lien created under this section is subject to the conditions under §74.05.

### **§ 74.05 Assessment of expenses; lien.**

- (A) The Town of Ponder may assess expenses incurred under § 74.04 against the real estate on which the work is done or improvements made.
- (B) To obtain a lien against the property, the mayor, municipal health authority or other municipal official designated by the mayor must file a statement of expenses with the County Clerk of Denton County. 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 Town of Ponder is security for the expenditures made and interest accruing at the rate of ten percent on the amount due from the date of payment by the town.
- (D) The lien is inferior only to:
  - (1) Tax liens; and
  - (2) Liens for street improvements.
- (E) The Town of Ponder may bring a suit for foreclosure in the name of the town to recover the expenditures and interest due.
- (F) The statement of expenses or a certified copy of the statement is prima facie proof of the expenses incurred by the town in doing the work or making the improvements.
- (G) The remedy provided by this section is in addition to the remedy provided by §74.03 of this chapter.
- (H) The Town of Ponder may foreclose a lien on property under this subchapter in a proceeding relating to the property brought under Tex. Tax Code Subchapter E, Chapter 33.