

CITY OF PORT LAVACA
PART II – CODE OF ORDINANCES

EXHIBIT A

CHAPTER 20 ENVIRONMENT AND HEALTH

ARTICLE III. – ACCUMULATIONS ON PROPERTY

Sec. 20-46. Assessment for failure to remove accumulation after notice.

Should the person causing the accumulation or the owner or occupant of the property upon which exists any violation of this article fail or refuse to eliminate and remove such conditions within seven days after notice to such person, owner or occupant, then the city may enter into the property and do such work or cause same to be done and charge the expense incurred or as determined in Appendix A, whichever is greater, including the administrative fee as determined in the Appendix A, to the person, owner or occupant to whom the notice was given.

(Ord. No. G-9-04, § 7, 11-8-2004)

Sec. 20-47. Statement of expense; lien.

If the owner fails or refuses to eliminate and remove the illegal accumulations after seven days' prior notice and fails to pay the assessment after 60 days, the city secretary shall file with the county clerk a statement of expenses incurred under section 20-44(b) setting forth the amount of such expenses, the date on which work was done and a description of the property upon which such work was done. The city shall have a privileged lien second only to tax liens or liens for street improvements on such real estate upon which such work was done to secure the expenditures so made along with ten percent interest from the date the lien is filed. For any such lien and interest, suit may be filed and foreclosure had in the city's name. The statement of expense or a certified copy thereof shall serve as prima facie proof of the amount expended in any such work.

In the event the lien is filed, the city ~~charge an administrative fee of the statement of expenses which represents the administrative cost of the process to obtain the lien,~~ will file the lien for the amount due, plus all associated costs and fees, including filing and administrative fees as referenced in appendix A of this Code.

(Ord. No. G-9-04, § 8, 11-8-2004; Ord. No. G-4-16 , § 1, 4-11-2016)

ARTICLE XI. – OPERATION OF A JUNKYARD

Sec. 20-503. Penalty for violations of article.

Any person convicted of a violation of any provision, restriction of requirement of this chapter shall be deemed guilty of a misdemeanor and shall be fined in a sum not exceeding \$2,000.00. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(Ord. No. G-5-15 , § 3, 5-11-2015)

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Secs. 20-504 – 20-510. - Reserved.

ARTICLE XII. – LITTER

State Law reference:

HEALTH AND SAFETY CODE TITLE 5. SANITATION AND ENVIRONMENTAL QUALITY SUBTITLE B. SOLID WASTE, TOXIC CHEMICALS, SEWAGE, LITTER, AND WATER CHAPTER 365. LITTER

Sec. 20-511. Definitions.

Containers. City-approved metal or heavy plastic receptacles or city-owned dumpsters used for the storage or disposal of solid wastes, and pedestrian litter containers provided on public sidewalks and elsewhere for the disposal of litter by pedestrians.

Litter. Any solid waste, trash, debris, rubbish, refuse, garbage or junk not placed in a container.

. Includes but is not limited to yards, grounds, driveways, entranceways, passageways, parking areas, working areas, storage areas, vacant lots and recreation facilities owned by private individuals, firms, corporations, institutions and organizations.

Public property. Includes but is not limited to streets, street medians, roads, road medians, catchbasins, sidewalks, strips between streets and sidewalks, alleys, lanes, public rights-of-way, public parking lots, school grounds, parks, publicly owned recreation facilities and municipal bodies of water and waterways.

Sec. 20-512 Littering, dumping prohibited.

- (a) It shall be unlawful for any person to throw, discard, place or deposit litter in any manner or amounts on any public or private property within the corporate limits of the city except in containers.
- (b) Persons placing litter in public receptacles shall do so in such a manner as to prevent the litter from being carried or deposited by the elements.

Sec. 20-513 Litter from motor vehicle.

It shall be unlawful for any person, while a driver or passenger in or upon a motor vehicle, to throw or deposit litter, garbage, rubbish, or refuse or the like onto public or private property.

Secs. 20-514 – 20-520. - Reserved.

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ARTICLE XIII. – GRAFFITI

Sec. 20-521. Definitions.

***Aerosol paint.* An aerosolized paint product.**

***Etching or engraving device.* A device that makes a deliniation or impression on tangible property, regardless of the manufacturer's intended use for the device.**

***Indelible marker.* A device that makes a mark with paint or ink product that is specifically formulated to be more difficult to erase, wash out, or remove than ordinary paint of in products.**

Sec. 20-522. Offense.

A person commits an offense if, without the effective consent of the owner, ther person intentionally or knowingly makes markings, including inscriptions, slogans, drawings, or paintings on the tangible property of the owner with:

- (a) Paint, including aerosol paint;**
- (b) Indelible marker; or**
- (c) An etching or engraving device**

Secs. 20-523 – 20-530 - Reserved.