

ORDINANCE 12-02-02

AN ORDINANCE OF THE CITY OF ENNIS, TEXAS AMENDING THE CODE OF ORDINANCES BY REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND ADOPTING REVISED CODES THAT DEAL WITH RESIDENTIAL PROPERTY NEGLECT, PROPERTY SAFETY AND THE MAINTENANCE OF STRUCTURES, EQUIPMENT AND EXTERIOR PROPERTY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY OF A FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000) FOR EACH AND EVERY OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Ennis, Texas has determined that existing codes of the City are inadequate to address the needs, goals and objectives of the City by providing for the public health, safety and general welfare; and

WHEREAS, the City Commission has determined that the public health, safety and general welfare can best be served to the benefit of all citizens by the adoption of revised codes that deal with residential property neglect and safety.

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

Section 1. That the findings set out in the preamble to this ordinance are hereby in all things approved.

Section 2. That there is hereby enacted a new Ordinance regulating the maintenance of structures, equipment and exterior property within the City of Ennis, Texas:

Maintenance of Structures, Equipment and Exterior Property

Section 3. General Maintenance Requirements

(a) Scope. Provisions herein shall govern the minimum conditions and the responsibilities of persons for maintenance of residential structures, equipment and exterior property.

(b) Responsibility. The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter. Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control.

(c) Vacant structures and land. All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

Section 4. Exterior Property Areas

(a) All exterior property and premises shall be maintained in a clean, safe and sanitary condition.

(b) Unless authorized within a zoning district and under conditions thereof, it shall be unlawful for

any person to allow, permit, conduct or maintain objectionable, unsightly or unsanitary conditions, items, situations or events on any portion of a lot or tract, outside of an enclosed structure, visible from a public street or adjacent property, or under a carport or covered patio or other projecting overhang that includes, but is not limited to:

- (1) Furniture, appliance and other items left outside that were or are not intended for outdoor use that includes broken or damaged lawn furniture, outdoor structure(s), lawn and garden accessories and sculpture;
- (2) Building materials or any item by itself used in construction that is not serving its intended purpose where there is not an active building permit;
- (3) Clothing, papers, broken glass, scrap materials, pipe, barrels, piles or stacks of unused brick or stone, uninstalled fence and/or fence materials;
- (4) Portable containers intended for chemicals, including gas tanks and cylinders, unless being currently used and not for a period longer than 48 hours;
- (5) Brush, trash, wood piles, fallen trees or large parts of trees such as the trunk or main branches, dead trees or other dead vegetation;
- (6) Lawn equipment in whole or in part where such is kept outside and unprotected from the elements;
- (7) Unlicensed and/or inoperable trailers;
- (8) Boats not on trailers for longer than 30 days;
- (9) Any condition, situation, event or action as described herein where item(s) are covered by tarpaulin(s) or other such cover including the tarpaulin(s) or other such cover;
- (10) Parts typically associated with trucks, cars, motorcycles, boats, farm equipment, construction equipment or other vehicle that includes, but is not limited to body parts, tires, wheels, batteries, upholstered items, engines, drive train components; plows, disks, rakes and other such items;
- (11) A boat on a trailer, car, truck, trailer or other vehicle with axle(s) not currently licensed and/or registered;
- (12) Any vehicle or part thereof elevated or raised off the ground for maintenance or repair for a period longer than 48 hours;
- (13) Storage containers of any type, with the exception of approved type and location of waste containers, where used for personal items, inventory or other storage exceeding 72 hours;

- (14) Semi trucks and/or trailers or parts thereof parked on a property or in front of a property used as or zoned for residential use or where located anywhere where such vehicle is not conducting work at that time related to the vehicle other than where permitted within the approved zoning district and subject to terms and conditions thereof;
- (15) Commercial vehicles larger than a one ton pick-up truck, parked on a property or in front of a property used as or zoned for residential use or where located anywhere where such vehicle is not conducting work at that time related to the vehicle other than where permitted within the approved zoning district and subject to terms and conditions thereof;
- (16) Construction equipment in whole or in part where the equipment is not being used for its intended purpose on the property where parked or stored unless otherwise allowed within that zoning district subject to terms and conditions thereof;
- (17) Farm equipment or appurtenances on property other than zoned for agricultural use unless permitted within the appropriate zoning district subject to terms thereof;
- (18) Vehicle of any type and in any location zoned or used for a use other than a single-family or duplex dwelling that is parked on a surface other than concrete or HMAC, built according to City standards. For single-family or duplex use, gravel may be allowed by the code official where it is determined that gravel represents an improved drive surface that has been historically used as a driveway for the property;
- (19) The placing or accumulation of any material or item in any area of a property that does or could provide nesting, harborage or feeding for vermin or pest, or that could negatively affect the environment's ecological system from runoff, areas emitting an odor or odors for longer than 24 hours that a person of reasonable sensibilities may distinguish from ambient odors, seepage of fuels, oils, chemical or non-organic compounds into the soils, and similar such events;
- (20) The accumulation of materials that emit any gases, noxious fumes, or odors to such extent that the same or any of them shall, by reason of such offensive odors become a source of endangerment to the health, safety and welfare to immediate surrounding property or to persons living or passing in the vicinity within the city; and
- (21) Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

Section 5 Penalties for Violations.

- (A) Any person who violates any provision of this chapter shall be guilty of an offense and shall be punished by a fine not to exceed the sum of \$2,000.00; provided, however, that

if a defendant has been previously convicted under this chapter for a similar offense, the defendant shall be fined an amount not less than \$200.00 nor more than \$2,000.00.

- (B) Each offense shall be considered a separate violation.
- (C) Window Fines for violations of any provision of this chapter shall be set as follows:
 - (1) First Offense - \$100.00.
 - (2) Second Offense - \$200.00.
 - (3) Third Offense - \$300.00.

Section 6. That, except as expressly provided otherwise herein, this ordinance shall be cumulative of all ordinances of the City of Ennis, Texas, as amended; provided, however, that all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict only.

Section 7. If any section, paragraph, subdivision, clause, phrase or provision of this Ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this Ordinance as a whole or any part or provision thereof other than the part so decided to be invalid or unconstitutional.

Section 8. This ordinance shall take effect immediately from and after its passage and publication in accordance with law and with the Charter of the City of Ennis and it is accordingly ordained.

PASSED AND APPROVED on First reading this the ___ day of January, 2012

PASSED AND APPROVED on Second reading this the ___ day of February, 2012.

RUSSELL R. THOMAS, Mayor
City of Ennis, Texas

ATTEST:

SHIRLEY TRULL,
City Secretary