

ORDINANCE NO. O-06-05

AN AMENDMENT TO AN EXISTING ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NIXON, TEXAS ESTABLISHING REGULATIONS AND RULES REGARDING STAGNANT WATER, OVERGROWN WEEDS AND/OR GRASS AND OTHER UNSANITARY MATTER ON PROPERTY WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF NIXON, TEXAS; PENALTIES; SEVERABILITY AND ESTABLISHMENT OF EFFECTIVE DATE.

WHEREAS, it is the intent and duty of the City Council to protect the public health, safety, and welfare of its Residents pursuant to Chapter 51 of the Local Government Code;

WHEREAS, the City Council finds it prudent, for health and safety, to include an Amendment to previously ordained regulations pursuant to ordinance #O-06-05 concerning regulations within the corporate boundaries of the City of Nixon.

WHEREAS, the attached Amendment to Ordinance O-06-05 shall constitute an amendment to the current City of Nixon regulations, subject to future amendments, and said Amendment to the original Ordinance O-06-05

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

Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

Article I. Definitions:

For the Purpose of this Ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- (a) **Firewood cord:** A stack of wood four (4) feet wide by eight (8) feet long by four (4) feet high.
- (b) **Face cord:** A rick is often used interchangeably with a "face cord," which has the same 4 ft x 8 ft face but variable depth.
- (c) **Firewood:** Any wood or wood product used or intended to be used as heating fuel in a residence. Painted or treated wood shall not be considered firewood.
- (d) **Neat, secure stack:** A stack of firewood that is stacked in a regular, orderly arrangement that is stable and reasonably resistant to collapse.

Article II. Overgrown weeds and or grass

Section 2.01 The city regulates the vegetation in easements and rights-of-way. Notwithstanding the right of the city to regulate vegetation in easements or rights-of-way, it shall be the duty and the obligation of all owners, occupants and users of real property abutting upon a tree or tree part, including those trees or tree parts situated in the right-of-way, (excluding any median in a street), parkway, utility easement, drainage easement or other public way, to maintain, at the expense of said owner, occupant and/or user of said real property said tree or tree part in a safe condition and to trim, prune or remove any tree or tree part that is in an unsafe or hazardous condition.

Section 2.02 If any injury or damage is occasioned or suffered or inflicted upon any person by reason of the violation of the provisions of this section, primary liability for any loss or damage shall be upon the owner, occupant or user of such property.

Article III. Duty to keep sidewalk, parkway and alleyway clean.

Section 3.01 It shall be the duty of the owner or occupant of real property within the corporate limits of the city to keep the between the curb line and the property or adjacent sidewalk, parkway, and alleyway clean and free of all weeds, grass above 12 inches, tree limbs, trash, rubbish, filth and debris which may encumber such sidewalk, parkway, or alleyway and to place such material in trash receptacles as required by this article.

Article IV. Placing of goods, containers, or other obstructions in the right-of-way.

Section 4.01 Prohibited obstructions. It shall be unlawful for any person to place goods, wares, merchandise, fruits, vegetables, boxes, barrels, containers, dispensers, signs or any other obstruction of any kind, except material and containers associated with solid waste collection and recycling, in or upon any street, street right-of-way, avenue, alley or sidewalk or the city's right-of-way between the curb line and the property line of any business, commercial or residential property within the city without first securing an approved permit except:(1)In the downtown business corridor pursuant to this article, or(2)Except as allowed by the city zoning ordinance.

Article V. Firewood

Section 5.01 It is necessary for the protection and further preservation of the public health, safety and welfare of the inhabitants of the City of Nixon that the outdoor storage of firewood be regulated and restricted to minimize and eliminate rodent infestation, insect infestation and

blocking of view of adjoining properties and vehicular traffic, and otherwise to protect the health, safety, and general welfare of said inhabitants.

- (a) Firewood may be stored on residential premises solely for use on the premises and not for resale. All firewood located on residential premises shall be stored as follows:
- (b) The firewood shall be cut/split, prepared for use, and stored in neat, secure stacks, where the amount of firewood can be ascertained by using a measuring tape.
- (c) The firewood shall be stored a minimum of eight (8) inches off the ground and on a well-supported, non-rotting base.
- (d) No firewood shall be stored within any front yard, except that firewood may be stored behind the principal structure, or in a required rear yard, if effectively screened from view.
- (e) No more than one (1) face cord (1/3 fireplace cords) shall be stored on any residential premises

Article VI. Severability

Section 6.01 It is hereby declared to be the intention of the City Council that the section, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation of this ordinance of any such invalid phrase, clause, sentence, paragraph or section. If any provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision, and to this end the provisions of this Ordinance are declared to be severable.

Article VII. Effective Date

Section 7.01 This ordinance shall take effect immediately upon its approval and passage and publication as required by law.

Article VIII. Open Meetings

Section 8.01 It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapt. 551, Tex. Gov't. Code*.

PASSED AND APPROVED on this 13 day of April 2020
CITY OF NIXON, TEXAS

Ellie Dominguez

Ellie Dominguez, Mayor
ATTEST:

Tanya Torres

Tanya Torres, City Secretary
Attorney

APPROVED AS TO FORM:

Eduardo Escobar

Eduardo "Eddie" Escobar, Gonzales County