

Fire Marshal

Mitchell Pate



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[Firework Sales Dates](#)

[Foster Home/Adoption Inspection Checklist](#)

[Inspection Request Form](#)

[Permit Application](#)

Nuisance Abatement In Henderson County

**Under Section 343.011 of Health and Safety Code
the following violations are considered nuisances**

enforceable by the office of the Henderson County Fire Marshal:

Violators will have 30 days from date of notification, to bring the property into compliance.

- Keeping, storing, or accumulating refuse on premises in a neighborhood unless the refuse is entirely contained in a closed receptacle;
- Keeping, storing, or accumulating rubbish, including newspapers, abandoned vehicles, refrigerators, stoves, furniture, tires, and cans, on premises in a neighborhood for 10 days or more, unless the rubbish or object is completely enclosed in a building or is not visible from a public street;
- Maintaining premises in a manner that creates an unsanitary condition likely to attract or harbor mosquitoes, rodents, vermin, or disease-carrying pests;
- Allowing weeds to grow on premises in a neighborhood if the weeds are located within 300 feet of another residence or commercial establishment;
- Maintaining a building in a manner that is structurally unsafe or constitutes a hazard to safety, health, or public-welfare because of inadequate maintenance, unsanitary conditions, dilapidation, obsolescence, disaster, damage or abandonment or because it constitutes a fire hazard;
- Maintaining on abandoned and unoccupied property in a neighborhood a swimming pool that is not protected with:
 1. (A) a fence that is at least four feet high and that has a latched gate that cannot be opened by a child; or
 2. (B) a cover over the entire swimming pool that cannot be removed by a child; or
- Maintaining a flea market in a manner that constitutes a fire hazard.

Definitions

Abate ~ means to eliminate by removal, repair, rehabilitation, or demolition.

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

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

Neighborhood ~ means a platted subdivision; or 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.

Receptacle ~ means a container that is composed of durable material and designed to prevent the discharge of its contents and to make its contents inaccessible to animals, vermin, or other pests.

Refuse ~ nondecayable waste from a public or private establishment or residence.

Weeds ~ means all rank and uncultivated vegetable growth or matter that:

- has grown to more than 36 inches in height; or
- may create an unsanitary condition or become a harborage for rodents, vermin, or other disease-carrying pests, regardless of the height of the weeds.

Flea Market ~ means an outdoor or indoor market, conducted on non-residential premises, for selling secondhand articles or antiques, unless conducted by a religious, educational, fraternal, or charitable organization.

The Henderson County Fire Marshal's Office is dedicated to helping provide the highest quality of life sought by the Citizens of Henderson County through the application of adopted codes and State statutes.

