

ARTICLE 6.100. PROPERTY MAINTENANCE***Sec. 6.101. Prohibited conditions.**

(a) It shall be unlawful for any person, firm, business, or legal entity of any kind who shall own or occupy any lot or other parcel of real property in the City of Trinity, Texas (the "city"), to permit or allow holes or places on said lot or parcels of real property where water may accumulate and become stagnant.

(b) It shall be unlawful for any person, firm, business or legal entity of any kind who shall own or occupy any lot or other parcel of real property in the city to permit or allow the accumulation of filth, carrion, or other impure and unwholesome matter to accumulate or remain thereon.

(c) It shall be unlawful for any person, firm, business or legal entity of any kind who shall own or occupy any lot or other parcel of real property in the city to permit or allow weeds, rubbish, brush, or other objectionable, unsightly or unsanitary matter to accumulate or grow thereon.

Sec. 6.102. Work or improvements by city; notice.

(a) If the owner of property in the city does not comply with a municipal ordinance or requirement under this article within ten days of notice of a violation, the city 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.

(b) The notice must be given:

- (1) Personally to the owner in writing;
- (2) By letter addressed to the owner at the owner's post office address; 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.

(c) The city in the notice of a violation may inform the owner by certified mail, return receipt requested, that if the owner commits another violation of the same kind or nature that poses a danger to the public health and safety on or before the first anniversary of the date of the notice, the city without further notice may correct the violation at the owner's expense and assess the expense against the property. If a violation covered by a notice under this subsection

***State law reference**—Authority of municipality to regulate weeds, grass, etc., V.T.C.A. Health and Safety Code, Sec. 342.004.

occurs within the one-year period, and the city has not been informed in writing by the owner of an ownership change, then the city without notice may take any action permitted by subsections (a)(1) and (2) and assess its expenses as provided by Section 6.103 of this article.

Sec. 6.103. Assessment of expenses; lien.

(a) The city council may assess expenses incurred under Section 6.102 of this article 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 Trinity 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 city council 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 city.

(d) The lien is inferior only to:

- (1) Tax liens; and
- (2) Liens for street improvements.

(e) The city council may bring a suit for foreclosure in the name of the city 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 city in doing the work or making the improvements.

(g) The remedy provided by this section is in addition to the remedy provided by Section 6.105 of this article.

(h) The city council may foreclose a lien on property under this article in a proceeding relating to the property brought under Subchapter E, Chapter 33, Tax Code.

Sec. 6.104. Additional authority to abate dangerous weeds.

(a) The city may abate, without notice, weeds that:

- (1) Have grown higher than 48 inches; and
- (2) Are an immediate danger to the health, life, or safety of any person.

(b) Not later than the tenth day after the date the city abates weeds under this section, the city shall give notice to the property owner in the manner required by Section 6.102 of this article.

(c) The notice shall contain:

- (1) An identification, which is not required to be a legal description, of the property;
- (2) A description of the violations of the article that occurred on the property;

- (3) A statement that the city abated the weeds; and
 - (4) An explanation of the property owner's right to request an administrative hearing about the city's abatement of the weeds.
- (d) The city shall conduct an administrative hearing on the abatement of weeds under this section if, not later than the 30th day after the date of the abatement of the weeds, the property owner files with the city a written request for a hearing.
- (e) An administrative hearing conducted under this section shall be conducted not later than the 20th day after the date a request for a hearing is filed. The owner may testify or present any witnesses or written information relating to the city's abatement of the weeds.
- (f) The city may assess expenses and create liens under this section as it assesses expenses and creates liens under Section 6.103 of this article. A lien created under this section is subject to the same conditions as a lien created under Section 6.103 of this article.
- (g) The authority granted a city by this section is in addition to the authority granted by Section 6.102 of this article.

Sec. 6.105. Penal and injunction provisions.

- (a) Any person violating this article, upon conviction, is punishable by a fine in accordance with the general penalty provision found in Section 1.106 of this code.
- (b) Any person violating this article is subject to a suit for injunction as well as prosecution for criminal violations.