

CITY OF ABERNATHY

Notice is hereby given that a Budget Workshop has been scheduled before the Abernathy City Council. The meeting will be held in the Council Chambers of the City Hall Building, 811 Ave. D, Abernathy, Texas on Monday, June 25, 2018 at 7:00 P.M.

AGENDA

- I. Call to Order
- II. Welcome Guests
- III. Invocation
- IV. Discussion Items
 - A. Discuss enforcement of Abernathy Code of Ordinances, Article 6.03, Weeds, Rubbish, and Other Objectionable Matter. Placed by Councilman Macias
 - B. Discuss Neighborhood Watch Program. Placed by Councilman Macias.
- V. Action Items
 - A. Conduct FY 18-19 Budget Workshop
 1. Review and discuss remaining departmental budget requests.

a.	Police Dept.	Vehicle	\$29,724
b.	Fire Dept.	Building and Grounds	\$2,500
c.	Fire Dept.	Capital Improvements	\$65,000
d.	Water Dept.	Capital Improvements	\$18,000
 2. Authorize any requests to be included within the FY 18-19 budget.
 3. Discuss user fee increases for garbage collection services.
 4. Discuss employee health insurance stipends.
 - B. Consider waiving cleaning fees for 424 9th Street – Placed by Councilman Macias.
- VI. Adjournment.

POSTED: _____ TIME: _____

ATTEST: _____

The Council may enter closed session at any time during the meeting in accordance with the Open Meetings Act, Gov. Code 551. This meeting is also being conducted in accordance with the Disabilities Act (42 U.S.C. of 1991). The facility where the meeting is held is wheelchair accessible and handicapped parking is available. Other handicapped services are available upon request if received at least 48 hours prior to the meeting.

ARTICLE 6.03 WEEDS, RUBBISH AND OTHER OBJECTIONABLE MATTER

Sec. 6.03.001 Prohibited conditions

A person commits an offense if he is an owner, occupant, or person who claims, supervises or controls occupied or unoccupied real property within the city and permits weeds, grass, brush or any unsightly vegetation to grow to an average height greater than twelve (12) inches upon any such real property or permits the accumulation of any other objectionable, unsanitary or unsightly matter, including, but not limited to, dead grass, tree limbs, stumps, waste paper, scrap wood or lumber, scrap metal, rags, rubber tires, bottles, appliances, furniture, dismantled or disassembled vehicle parts, discarded or abandoned construction material and exposed or uncovered fill materials. It shall be further provided that vegetation not regularly cultivated which exceeds ten twelve (12) [twelve inches] in height shall be presumed to be objectionable, unsanitary and unsightly, and all wood, metal, concrete, asphalt, equipment and appliances shall be presumed to be abandoned after remaining as such for ten (10) days after first notice of noncompliance within the provisions of this article. Allegation and evidence of a culpable mental state is not required for the proof of an offense defined by this section.

Sec. 6.03.002 Maintenance of parkways adjacent to property line

It shall be the duty of any person owning, occupying, claiming or having supervision or control of any occupied or unoccupied property within the city to keep the area adjacent to his property line, including the front or side parkway between the property line or sidewalk and the curb and the rear or side parkway between the property line and the alley pavement or traveled way, or if there is no curb then within ten (10) feet outside such property line, free and clear of the matter referred to in [section 6.03.001](#). Where the alleyway is not open to traffic, the parkway in such cases shall be deemed to be between the property line and the centerline of the alleyway.

Sec. 6.03.003 Exemptions

The agricultural use of real property for the purpose of growing and harvesting vegetation for the purpose of animal feed (hay) shall be exempt from the height restriction of [section 6.03.001](#) of this article, providing such property is one hundred (100) feet from any building or dwelling, the height of such vegetation does not interfere with visibility at any intersection of public thoroughfares, the property is mowed and baled a minimum of once each forty-five (45) days, and a permit is obtained from the city prior to growth in excess of the normal twelve (12) inch limit. It shall be a defense to prosecution under [section 6.03.001](#) of this article if the real property is being agriculturally used for the purpose of growing and harvesting vegetation for the purpose of animal feed (hay). It shall be a further defense to prosecution under [section 6.03.001](#) of this article if the weeds and grass on the real property are maintained at or below a height of twelve (12) inches at all points within one hundred (100) feet of its perimeters, provided that the remaining portions of the property do not present a fire hazard.

Sec. 6.03.004 Enforcement officer

For purposes of this article, “enforcement officer” means the city manager or the person or department to whom the city manager may delegate the enforcement responsibility. The enforcement officer shall enforce the provisions of this article.

Sec. 6.03.005 Notice to remove

In the event any person owning, occupying, claiming or having supervision or control of any occupied or unoccupied real property fails to comply with the provisions of this article, it shall

be the duty of the enforcement officer to issue a notice to such person, firm, or corporation describing the location and type of violation and directing the abatement of violations of this article within a ten (10) day period. This notice shall be in writing and may be served on the owner, and may be served on the occupant or agent, by handing it to him in person, or by regular mail addressed to such owner, occupant or agent at his post office address as shown on the tax roll or other official record of the city or county; or, if personal service cannot be obtained or the post office address is unknown, by publication two (2) times within ten (10) days in the official newspaper of the city, or by posting the notice on or near the front door of each building on the property to which the violation relates, or 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. In the event any person owning, occupying, claiming or having supervision or control of any occupied or unoccupied real property fails to comply with the provisions of this article, and in the event such person has been previously issued the ten-day notice described herein within the calendar year, then the enforcement officer may issue a citation without additional notice.

Sec. 6.03.006 Right of city to cure violation; assessment of costs; special expense fees

In the event any person owning, occupying, claiming or having supervision or control of any occupied or unoccupied real property fails to comply with the provisions of this article within ten (10) days after proper notice or issuance of a citation, as provided in [section 6.03.005](#), the city, or its duly authorized representative, may do the work or make the improvements required and pay for the work done or improvements made and charge the expenses to the owner of the property pursuant to section 342.006 of the Texas Health and Safety Code. The expenses assessed to the owner shall be actual removal expenses of not less than twenty-five dollars (\$25.00), plus a special expense fee of fifty dollars (\$50.00) to cover administrative costs. A statement of expenses which includes administrative fees shall be mailed to the property owner shown on the tax roll at the time of service. This statement of expenses shall, in addition to giving the amount of such expense, provide the date upon which work was done and a description of the lot or premises upon which such work was done. Payment is due and considered delinquent if not received by the city within thirty (30) days. In the event the owner fails or refuses to pay such expenses within thirty (30) days, the city is authorized to add a lien assessment fee of fifty dollars (\$50.00) to the statement of expenses and to file said expenses with either the Lubbock County or Hale County clerk's office, dependant on where the property is located, as a lien against the real property in violation of this article. The city shall have a privileged lien against such lot or real estate upon which such work was done or improvements made to secure the expenditures so made, pursuant to section 342.007 of the Texas Health and Safety Code, and such lien shall be inferior only to tax liens and liens for street improvements. The lien shall bear interest at the rate of ten (10) percent per annum from the date the city incurs the expense. The city may bring a suit for foreclosure to recover the expenditures and interest due, and the statement of the 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.

Sec. 6.03.007 Emergency abatement of weeds

The city may abate, without notice, weeds that have grown higher than 48 inches and are deemed to be an immediate danger to the health, life, or safety of any person. Not later than the 10th day after the date the city abates weeds under this section, notice shall be given to the property owner in the manner required by [section 6.03.005](#). The city shall conduct the 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 secretary a written request for a hearing. The 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 municipality's abatement of the weeds. The city may assess expenses and create liens under this section as it assesses expenses and creates liens under [section 6.03.006](#). A lien created under this section is subject to the same conditions as a lien created under [section 6.03.006](#).

Sec. 6.03.008 Injunctive relief

Notwithstanding any penal provision of this article, the city attorney is authorized to file suit on behalf of the city, the enforcement officer or both for injunctive relief as may be necessary to enforce the provisions of this article.

Sec. 6.03.009 Penalty

Any person, firm, partnership, corporation or association violating any of the provisions of this article [shall] be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in the sum of not more than two thousand dollars (\$2,000.00) for each offense, and each day such violation continues shall constitute a separate and distinct offense. Upon a first conviction, the fine shall not be less than fifty dollars (\$50.00). The minimum fine established in this section shall be doubled for the second conviction of the same offense within any twenty-four-month period and trebled for the third and subsequent convictions of the same offense within any twenty-four-month period. At no time shall the minimum fine exceed the maximum fine established in this section.

(Ordinance 451 adopted 5/10/04)