

ORDINANCE NO. 410

AN ORDINANCE TITLED NUISANCES. ARTICLE I. UNSANITARY, UNSIGHTLY CONDITIONS ON PRIVATE REAL PROPERTY; AND REPEALING ALL OTHER ORDINANCES OR PORTIONS THEREOF IN CONFLICT, A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

WEREAS, the City Council has determined that the changes set forth would be in the best interest of the citizens of Wink.

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

NUISANCES.

ARTICLE I. UNSANITARY, UNSIGHTLY CONDITIONS ON PRIVATE REAL PROPERTY

Sec. 1-01. - Generally.

It shall be unlawful for any person to keep or cause to be kept any business, premises or establishments of any kind in such a manner as to be unhealthy or offensive or so that any foul, nauseous, offensive or unwholesome liquid or substance shall flow or be thrown or discharged therefrom into any alley, gutter, lot or other adjacent ground, whether public or private.

Sec 1-02. - Businesses injurious to health.

It shall be unlawful for any person to carry on or cause to be carried on any business, trade or profession which is injurious to the health of any of the inhabitants of this city or to suffer or allow anything or state of things on premises owned, leased or controlled by him which does or would be liable to produce such results.

Sec. 1-03. - Accumulation of stagnant water.

- (a) It shall be unlawful for any person who shall own or occupy any lot in the city to permit or allow holes or places on the lot where water may accumulate and become stagnant or to permit the same to remain.
- (b) It shall be unlawful for any person who shall own or occupy any lot in the city to permit or allow the accumulation of stagnant water on such lot or to permit same to remain.

Sec. 1-04. - Accumulation of carrion, filth, trash, rubbish or other unwholesome matter.

- (a) It shall be unlawful for any person who shall own or occupy any house, buildings, establishment, lot or yard in the city, to permit or allow any carrion, filth, trash, rubbish or other impure or unwholesome matter to accumulate or remain thereon.
- (b) The term "rubbish" as that term is used in this article, shall include, but not be limited to, the debris left upon properties after any building or other structure on such properties have been:

Sec. 1-05. - Duty of property owner to remove stagnant water, rubbish, trash, carrion or other impure or unwholesome matter.

It shall be the duty of any person owning, claiming, occupying or having supervision or control of any real property, occupied or unoccupied, within the corporate limits of the city, to keep such property free from stagnant water, rubbish, trash, filth, carrion or other impure or unwholesome matter of any kind, and to keep the sidewalks in front of this property free and clear of the same, and, to fill up, drain or regrade any lots, ground or yards which shall be unwholesome or have stagnant water therein, and, to cleanse and disinfect any house, building, establishment, lot, yard or ground from rubbish, trash, filth, carrion or other impure or unwholesome matter of any kind.

Sec. 1-06. - Growth or accumulation of weeds, brush or other objectionable matter.

(a) It shall be unlawful for any person owning, claiming, occupying or having supervision or control of any real property, occupied or unoccupied, within the corporate limits of the city, to permit weeds, grass, brush, or any objectionable or unsightly matter to grow to a height greater than twelve (12) inches upon any such real property. All such weeds, grass or brush not regularly cultivated or considered a landscape item, and which exceeds twelve (12) inches in height shall be presumed to be objectionable and unsightly matter.

(b) For purposes of this article, the term "real property" shall include the area on a lot between the sidewalk and the curb and include any area on a lot designated as a utility or drainage easement. The term "landscape" means individually planted plants or shrubs customarily maintained in the community that are used to modify or ornament a natural area.

Sec. 1-07. - Duty of property owner to cut and remove weeds, brush and unsightly matter.

(a) It shall be the duty of any person owning, claiming, occupying or having supervision or control of any such real property, as provided for in this article, to cut and remove all such weeds, brush and other objectionable or unsightly matter as often as may be necessary to comply with this article.

(b) Uncut grass, weeds, or other objectionable or unsightly matter shall not be allowed to accumulate on any public right-of-way, nor shall such grass, weeds, or other objectionable or unsightly matter be deposited or allowed to be deposited into the storm sewer or sanitary sewer system.

(c) It shall be unlawful for any owner or occupant of any property within the city to suffer or permit tree limbs, brush or unsightly vegetation to grow within one (1) foot of the public street or alley adjacent to that private property.

(d) It shall be unlawful for any owner or occupant of any property within the city to suffer or permit limbs, brush and other vegetation existing above a public street or alley to hang lower than twelve (12) feet above the alley or street pavement or seven (7) feet above the sidewalk and other rights-of-way.

Sec. 1-08. - Maintenance of fences.

(3) Braced by guy wires, braces or any other material that may be viewable from any public streets, rights-of-way, alleyways, or property and easements over which the city or the general public has dominion and control.

(4) With symbols, writings, or graffiti on it, except those which are permitted as a sign and pertain to the address of the property.

Sec. 1-09. - Trees, shrubs, grass or weeds.

Trees, shrubs, bushes, plants, grass or weeds growing at or near intersections in such a manner as to obstruct the view of approaching traffic from the right or left are hereby declared to be immediate and substantial hazard to the public safety and public nuisance. The city is hereby authorized to remove the same or so much thereof as deemed reasonably necessary by the city, as the case may be, to restore unobstructed approaches, without notice.

Sec. 1-10. - Work or improvements by municipality; notice.

(a) If the owner of the property in the municipality does not comply with the municipal ordinance or requirement under this chapter within seven (7) days of receipt of notice of violation the municipality may:

- (1) Complete the work or make the required improvements; 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 address as recorded in the appraisal district records of the appraisal district in which the property is located; or
- (3) If personal service cannot be obtained:
 - a. By publication at least once;
 - 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.

(c) If a municipality mails a notice to a property owner in accordance with subsection (b), and the United States Postal Service returns the notice as "refused" or "unclaimed," the validity of the notice is not affected, and the notice is considered as delivered.

(d) In a notice provided under this section, a municipality may inform the owner by regular mail and a posting on the property, or by personally delivering the notice, 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

- (b) To obtain a lien against the property, the mayor, municipal health authority, or municipal official designated by the mayor must file a statement of expenses with the county clerk of the county in which the municipality is located. 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 municipality's governing body is security for the expenditures made and interest accruing at the rate of ten (10) percent on the amount due from the date of payment by the municipality.
- (d) The lien is inferior only to:
 - (1) Tax liens, and
 - (2) Liens for street improvements.
- (e) The governing body of the municipality may bring a suit for foreclosure in the name of the municipality 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 municipality in doing the work or making the improvements.
- (g) The governing body of a municipality may foreclose a lien on property under this subchapter in a proceeding relating to the property brought under V.T.C.A. Tax Code, chapter 33E.

Sec. 1-12. - Additional authority to abate dangerous weeds.

- (a) A municipality may abate, without notice, weeds that:
 - (1) Have grown higher than forty-eight (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 municipality abates weeds under this section, the municipality shall give notice to the property owner in the manner required by section 1-10.
- (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 ordinance that occurred on the property;
 - (3) A statement that the municipality abated the weeds; and
 - (4) An explanation of the property owner's right to request an administrative hearing about the municipality's abatement of the weeds.
- (d) The municipality shall conduct an administrative hearing on the abatement of weeds under this section if, not later than the thirtieth day after the date of the abatement of the

(g) The authority granted a municipality by this section is in addition to the authority granted by section 1-10.

If any provisions, section, exception, subsection, paragraph, sentence, clause or phrase of this ordinance or the application of same to any person or set of circumstances, shall for any reason be held unconstitutional, void or invalid, such invalidity shall not affect the validity of the remaining provisions of this ordinance or their application to other persons or sets of circumstances and to this end all provisions of this ordinance are declared to be severable.

All ordinances or parts of ordinances inconsistent with the terms of this ordinance are hereby repealed; provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this ordinance.

This ordinance shall become effective after its approval and adoption upon first and final reading and its publication pursuant to law.

PASSED, APPROVED, & ADOPTED this the 8th day of April 2025.



CITY OF WINK

A blue ink signature of Eric Hawkins, consisting of a stylized, overlapping loop and a long horizontal stroke.

Eric Hawkins, Mayor

Attest:

A blue ink signature of Gina Funderburg, written in a cursive style.

Gina Funderburg, City Secretary

Approved As To Form & Legality:

A blue ink signature of Puja Boinpally, consisting of a stylized, overlapping loop and a long horizontal stroke.

Puja Boinpally, City Attorney