

ORDINANCE NO. 2026-07

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LA FERIA, TEXAS, REGULATING WEEDS, REFUSE, ACCUMULATED ITEMS AND OTHER UNSIGHTLY AND UNSANITARY MATTER ON PROPERTY WITHIN THE CITY, AND PROVIDING PROCEDURES FOR NOTICE AND ABATEMENT OF SUCH CONDITIONS, PROVIDING FOR THE ASSESSMENT OF THE COSTS OF SUCH ABATEMENT AGAINST THE PROPERTY, AUTHORIZING THE FILING OF A LIEN ON THE PROPERTY FOR COSTS INCURRED, PROVIDING FOR EMERGENCY ABATEMENT OF DANGEROUS WEEDS, PROVIDING FOR CUMULATIVE REMEDIES, PROVIDING A PENALTY FOR EACH VIOLATION, PROVIDING FOR SEVERABILITY, PROVIDING AN EFFECTIVE DATE.

WHEREAS, it is the intent of the City Commission ("Commission") of the City of La Feria, Texas ("City") to protect the public health, safety and welfare; and

WHEREAS, Texas Local Government Code Section 51.001 authorizes the City to adopt an ordinance or regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, there exists unsightly, objectionable and unsanitary conditions within the City of La Feria; and

WHEREAS, the existence of such conditions constitutes a hazard to the public health, safety, and general welfare; and

WHEREAS, Texas Health & Safety Code Section 342.003 authorizes the governing body of a municipality to regulate the cleaning of a building, establishment or ground from filth, carrion, or other impure or unwholesome matter; and

WHEREAS, Texas Health & Safety Code Section 342.004 authorizes the governing body of a municipality to require the owner of a lot in the municipality to keep the lot free from weeds, rubbish, brush, and other objectionable, unsightly, or unsanitary matter; and

WHEREAS, Texas Health & Safety Code Section 342.006 sets forth specific notice requirements, and authorizes a municipality to do any improvements itself and assess the costs against the property; and

WHEREAS, Texas Health & Safety Code Section 342.007 authorizes municipalities to place a lien on property by filing a statement of expenses with the County Clerk; and

WHEREAS, Texas Health & Safety Code Section 342.007 authorizes the Mayor of a

municipality to designate an appropriate municipal official to be responsible for filing weed/debris liens with the County Clerk; and

WHEREAS, the Mayor of the City of La Feria believes that the City Manager of the City of La Feria, or the City Manager's designee, should be designated as the municipal official responsible for filing weed/debris liens with the County Clerk.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LA FERIA, TEXAS:

I.

Code of Ordinances, Chapter 6, "Health and Sanitation", Article 2 "Maintenance of Property" is hereby adopted as follows:

Section 6.02.001 Definitions.

For the purpose of this section, the terms used herein shall have the following meanings:

- (1) *Brush* shall mean scrub vegetation or dense undergrowth.
- (2) *Carrion* shall mean dead and putrefying flesh of any animal, fowl, or fish.
- (3) *Clippings* shall mean grass clippings, leaves or tree clippings which are not fixtures of the property and which a reasonable person would conclude have been discarded or are meant to be discarded.
- (4) *Code enforcement officer* shall mean the director or the director's duly authorized representative of the department designated by the City Manager to enforce and administer this section.
- (5) *Cultivated* shall mean vegetation that is improved in condition or tended and grown for their produce and sustenance.
- (6) *Filth* shall mean any matter in a putrescent state.
- (7) *Garbage* shall mean decayable waste, including, but not limited to, vegetable, animal and fish offal, animal and fish carcasses.
- (8) *Impure or unwholesome matter* shall mean a putrescible or nonputrescible condition, object or matter which tends, may, or could produce injury, death, illness or disease to human beings.
- (9) *Junk* shall mean all worn out, worthless, or discarded material, including, but not limited to, old iron or other metal, glass, and cordage.
- (10) *Objectionable, unsightly, or unsanitary matter* shall mean any matter, condition, or object which is or should be objectionable, unsightly, or unsanitary to a person of ordinary sensitivities.

- (11) *Occupant* shall mean any person claiming or having possessory control of any property.
- (12) *Owner* shall mean a person having record title to real property.
- (13) *Person* shall mean any individual, firm, partnership, association, business, corporation, or other entity.
- (14) *Real property* means a lot, tract, plat, parcel of land, or portion thereof, within the corporate limits of the City, occupied or unoccupied, improved or unimproved including:
 - a. The front and side parkway between the property line or sidewalk and the curb or traveled way and the rear or side parkway between the property line and the centerline of an adjacent alley or street right-of-way;
 - b. The parkway between the sidewalk and the curb;
 - c. The right-of-way between any fence, wall, or barrier and the curb or pavement if such exists or the centerline of such right-of-way;
 - d. The area between a fence, wall, or barrier and within any abutting drainage channel easement to the top of such channel closest to the property;
 - e. The area outside the property to an abutting curb line;
 - f. The area outside the property to a distance of ten feet (10') from the property line if such area is part of or adjacent to a drainage easement or creek; or
 - g. Any area directly across an alley or traveled way that borders the property which is between the edge of the alley or traveled way and a screening wall or other barrier.
- (15) *Refuse* shall mean mixed accumulation of worn out, used up, broken, rejected, or worthless materials and includes, but is not limited to, garbage, rubbish, paper, or litter and other decayable or nondecayable waste.
- (16) *Rubbish* shall mean trash, debris, rubble, stone, useless fragments of building materials, or other miscellaneous useless waste or rejected matter.
- (17) *Stagnant* shall mean foul or stale from standing.

- (18) *Trash and debris* shall mean mounds of dirt; piles of leaves, grass, and weed clippings; paper trash; useless fragments of building materials; rubble; furniture, other than furniture designed for outdoor use; useless household items and appliances; items of salvage, such as scrap metal and wood; old barrels; old tires; objects that hold water for an extended period of time; tree and brush trimmings; and other miscellaneous wastes or rejected matter.
- (19) *Weeds* shall mean vegetation that because of its height is objectionable, unsightly, or unsanitary, but excluding shrubs, bushes, and trees, cultivated flowers, and cultivated crops.

Any word not defined herein shall be construed in the context of its use and by ordinary interpretation; not as a word of art.

II.

Section 6.02.002 Prohibited Conditions.

- (a) The owner or occupant of any property or a portion thereof, occupied or unoccupied, within the city, shall not keep, store, allow, maintain, permit, or accumulate upon any property any refuse, trash and debris, stagnant water, filth, carrion, junk, garbage, impure or unwholesome matter, or objectionable, unsightly, or unsanitary matter that:
 - (1) Is visible from a street or alley;
 - (2) Creates or may create an unsanitary condition likely to attract or harbor mosquitoes, rodents, vermin, or disease-carrying pests; or
 - (3) Emits a noxious odor.
- (b) The owner or occupant of any property or a portion thereof, occupied or unoccupied, within the city, shall not allow, maintain, or permit upon any property grass, weeds, brush, or other unsightly vegetation to grow thereon to a height greater than twelve (12) inches. Such property shall include the area between the property and the curb or edge of pavement of any adjacent street or alley.

III.

Section 6.02.003 Abatement of Prohibited Conditions.

- (a) In the event that any owner or occupant of any property, occupied or unoccupied, within the city, fails to comply with the requirements of section 6.02.002 of this article, the city manager or designee shall give notice of the violation to the owner as follows:
 - (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.
- (b) If the city mails a notice to the property owner in accordance with subsection (a) and the United States Postal Service returns the notice as "refused," "unclaimed" or if the address required by subsection (a)(2) was used and the notice is returned as "not deliverable as addressed" or an equivalent marking, the validity of the notice is not affected, and the notice is considered as delivered.
- (c) In a notice provided under this section, the city 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 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 occurs within the one-year period and the city has not been informed in writing by the owner of an ownership change, the city may, without notice, take any action permitted in this article and assess its expenses as provided in this article.
- (d) If the owner or occupant of a property does not comply with the requirements of this article within seven (7) days of notice of violation, the city may:
 - (1) Issue a citation to the owner or occupant for every day that the violation continues to exist;

- (2) Do the work or make the improvements required to abate the violation; and/or
- (3) Pay for the work done or the improvements made and charge the expenses to the owner of the property.

IV.

Section 6.02.004 Assessment and collection of expenses for work done or improvements made by city.

- (a) The city may assess expenses incurred under this article against the real estate on which the work is done or improvements made.
- (b) In the event that the owner fails or refuses to pay the expense incurred under section 6.02.003(d) within thirty (30) days after the first day of the month following the month in which the work was done, the city manager or designee shall obtain a lien against the property by filing a statement of expenses incurred in abating the violation with the county clerk of the county in which the subject property is located. The statement must also state the name of the owner, if known, and the legal description of the property. The lien attaches upon the filing of the statement with the county clerk.
- (c) The lien is security for the expenditures made and interest accruing at the rate of ten (10) percent per annum on the amount due from the date of payment by the city.
- (d) The city's lien shall be privileged and shall be inferior only to tax liens and liens for street improvements.
- (e) The city may bring a suit for foreclosure in the name of the city to recover the expenditures and interest due. 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.
- (f) The remedy provided by this section is in addition to the remedy provided by section 6.02.006 below.

V.

Section 6.02.005 Authority to immediately abate dangerous weeds.

- (a) Notwithstanding any of the foregoing sections, the city may abate, without notification, 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) The city must give notice, in the manner provided in section 6.02.003, to the property owner no later than the tenth (10th) day after the date the city abates weeds under this section. The notification shall contain:
- (1) An identification, which is not required to be a legal description, of the property;
 - (2) A description of the violation of this article that occurred on the property;
 - (3) A statement that the city abated the weeds; and
 - (4) An explanation of the property owner's rights to request an administrative hearing regarding the city's abatement of the weeds.
- (c) The city, by and through its city manager or designee, shall conduct an administrative hearing on the abatement of weeds under this section if, not later than the thirtieth (30th) day after the date of the abatement of the weeds, the owner files a written request for a hearing with the city.
- (d) The city shall conduct the administrative hearing not later than the twentieth (20th) day after the date a request for hearing is filed. At the administrative hearing, the owner may testify or present any witnesses or written information relating to the city's abatement of the weeds.
- (e) The city may assess expenses and create liens under this section in the same manner and subject to the same conditions as set forth in section 6.02.004 above.
- (f) The authority granted the city by this section is in addition to the authority granted by section 6.02.003.

V.

Section 6.02.005 Authority to immediately abate dangerous weeds.

Any owner, person, firm, corporation or business entity violating this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined a sum not exceeding \$2,000.00. Each continuing day's violation under this Ordinance shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude the City from filing suit to enjoin the violation. The City retains all legal rights and remedies available to it pursuant to local, state, and federal law.

VI.

This Ordinance shall be cumulative of all provisions of ordinances of the City of La Feria, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

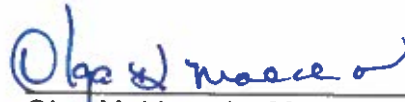
VIII.

It is hereby declared to be the intention of the City Commission that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality 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 in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

IX.

This Ordinance shall become effective immediately upon its passage, approval and publication as provided by law.

PASSED, APPROVED, AND ADOPTED on this 14th day of July 2026 at a regular meeting of the City Commission of the City of La Feria, Texas which meeting was held in compliance with the Open Meetings Act, *Tex. Gov't Code, §551.001, et.seq.* at which meeting a quorum was present and voting.


Olga Maldonado, Mayor

ATTEST:


City Secretary