

## Ordinance No. 2025-07-14-1

**An Ordinance of the City of Wolfe City, Texas, Defining, Regulating, and Providing for the Abatement of Public Nuisances; Establishing Prohibited Conditions Including Stagnant Water, Filth, Overgrown Vegetation, Trash, Unsanitary Matter, and Obstructions; Authorizing City Enforcement Through Notices, Abatement, Cost Recovery, Liens, and Penalties, Including Fines of up to \$500.00, or \$2,000.00 if the Violation is Injurious to Public Health or Safety; Providing for Emergency Abatement, Civil and Criminal Remedies, and Repeal of Prior Nuisance Ordinances; and Setting an Effective Date.**

Be it ordained by the City Council of the City of Wolfe City, Texas:

**Section 1: Purpose and Scope.** This Ordinance is enacted to protect the public health, safety, and welfare within the City of Wolfe City by defining and prohibiting public nuisances. It is the City's policy that **no property** shall be maintained in a condition that: (1) harbors disease or pests; (2) creates a fire or safety hazard; or (3) endangers the comfort or well-being of the public. Conditions such as accumulated filth, overgrown weeds, junked vehicles, and other hazards are hereby declared public nuisances.

**Section 2: Definitions.** (*Unless otherwise indicated, these definitions apply throughout Ordinance 93.*) For the purpose of this Ordinance, the following terms have the meanings ascribed:

- a. **Abate** – To eliminate or remedy a condition. Abatement can include removal, repair, demolition, cleanup, cutting, mowing or any action to remove or mitigate a nuisance.
- b. **Brush** – Piles or clumps of cut or broken trees, limbs, bushes or other natural vegetation debris, whether decaying or not. Also includes **brush piles** left unattended.
- c. **Cultivated** – Tended and maintained in a manner that keeps property free of nuisances. For vegetation, *cultivated* means trimmed, controlled, and cleared of litter or brush on a regular basis.
- d. **Junk** – Old or scrap metal, lumber, rope, rags, batteries, paper, trash, rubber debris, tires, or other worn-out, discarded material of little value, **including** inoperable appliances or furniture discarded outdoors.
- e. **Litter** – All forms of trash, refuse and garbage. This includes waste materials from households or businesses, paper, plastic, cans, bottles, etc., that are not properly disposed of.
- f. **Owner** – The person or entity with legal title to a property. *Owner* also includes any person in lawful control of property (such as a lessee or property manager) for purposes of responsibility to maintain the premises.
- g. **Public Nuisance** – **Any condition or thing** (other than noise or building structural issues, which are covered elsewhere) that is **injurious to health, offensive to the senses, or obstructs the use of property** of others, thereby interfering with the comfortable enjoyment of life or property by the public. The term encompasses, but is not limited to, the specific nuisances defined in Sec. 93.04 below. It also includes whatever is declared to

be a nuisance by Texas law or common law (to the extent the City is authorized to abate it).

- h. **Unchecked vegetation** – Grass, weeds, brush or any plant growth (other than ornamental plants, flowers, trees or agricultural crops under active cultivation) that is not maintained and is growing in an excessive height or density.
- i. **Unsanitary Matter** – Any substance, item or condition which is or may become putrid, foul, harborage for rodents or insects, or otherwise detrimental to health. This includes **carrion** (animal carcasses or parts), filth, human or animal waste exposed to the environment, or standing water polluted with trash or algae.

**Section 3: Administrative Liability.** No officer, agent or employee of the City shall be personally liable for damage or injury to any person or property resulting from any act required or permitted in the discharge of their official duties under this Ordinance. *(This provision affirms that enforcement actions taken in good faith pursuant to this nuisance code do not impose personal liability on City officials.)*

**Section 4: Public Nuisances Prohibited.** It shall be **unlawful** for any person owning, leasing, occupying or having supervision or control of any property within the city to permit or maintain a public nuisance on such property. The following conditions **are hereby defined to be “public nuisances”** per se if they exist within the city limits:

- a. **Stagnant Water:** Any condition that allows stagnant or standing water in which mosquitoes or other pests can breed. This includes uncovered cisterns, pools, excavations, or containers that collect water. *Properly maintained ornamental ponds or pools with circulation are not a nuisance if they do not breed pests and are exempt from this ordinance.*
- b. **Accumulations of Filth or Garbage:** The accumulation of **carrion, filth, refuse, garbage, rubbish, animal waste, or any other impure or unwholesome matter** on any premises, in any container (other than appropriate refuse receptacles for collection), or in any body of water or excavation. It is unlawful to allow such materials to remain such that they emit odors, attract vermin, or create a health hazard. All garbage must be properly contained and disposed of in accordance with City sanitation regulations.
- c. **Overgrown Weeds and Vegetation:** Any **weeds, grass or uncultivated vegetation** growing to a height greater than **12 inches** on average, or any dense growth of brush or vines, on any lot or tract. It shall also be unlawful to permit **weeds, grass or brush clippings** that have been cut to remain piled or accumulated on the property, as these can attract insects and rodents. Each owner or person in control of property must keep the property **mowed and cleared** of high weeds or wild growth at all times. *Cultivated flowers, gardens, or pasture crops are exempt so long as they are maintained and do not endanger health or safety.*
- d. **Trash and Debris:** The accumulation of **junk, trash, or rubbish** such as paper, cardboard, plastics, scrap wood or metal, appliances, furniture, mattresses, vehicle parts, broken equipment, **or any discarded materials** in a manner that is unsightly or likely to provide harborage for rodents or insects. This includes **piles of lumber or other materials** left unused and exposed to the elements (except those kept for immediate construction with a valid permit), and **household items** left outdoors as trash. Property owners/occupants must

dispose of such debris properly—storing it openly on the property for extended periods (more than 10 days after written notice) is prohibited.

- e. **Unsanitary Conditions:** Any condition on property brought about by the act or neglect of the property’s occupants that **creates an unsanitary environment**. Examples include accumulations of food waste or garbage that are not in covered containers, excessive animal droppings not cleaned up, or any other condition that breeds disease or emits foul odor. After **notice of violation** from the City, the responsible party must remove and remediate any such unsanitary condition within **10 days**.
- f. **Obstructions to Public Ways (Safety Hazards):** Any tree limbs, shrubbery, or other obstruction on private property that overhangs or encroaches upon a public street or sidewalk in a manner that impedes traffic or pedestrians, or blocks visibility for drivers, thereby endangering public safety. Property owners must trim trees or vegetation to clear public rights-of-way as required by city guidelines (e.g., 14-foot clearance over streets, 8-foot over sidewalks, and not blocking intersection sight lines).
- g. **Anything Specifically Declared a Nuisance by Law:** Any other act, omission, or condition which by the **Texas Health & Safety Code, Texas Water Code**, or other applicable law constitutes a nuisance and which the City is authorized to abate. This includes but is not limited to mosquito breeding places, dangerous dilapidated structures, and other environmental hazards.
- h. **Above Nuisances are Non-Exhaustive:** Each of the above conditions is declared to be a nuisance and is prohibited. The enumeration of specific nuisances is not exhaustive. Other conditions may be declared a nuisance by the City Council or deemed a nuisance in fact under the common law and abated accordingly.

**Section 5: Notice to Abate Nuisance (Compliance Process).** If a public nuisance as defined above is found to exist on any property, the **code enforcement official** (or other authorized City officer) shall issue a **Notice to Abate** to the property owner and/or occupant. This notice will describe the violation and require the owner/occupant to abate the nuisance **within ten (10) days** of the date of the notice.

- a. **Method of Service:** The notice shall be given to the owner by **one of the following methods**:
  - 1. **Personal delivery** of the notice to the owner or occupant; **or**
  - 2. **Certified mail, return receipt requested**, addressed to the owner’s last known address as listed on City or county records; **or**
  - 3. If personal service or certified mail is unsuccessful (e.g. the owner’s address is unknown or mail is returned unclaimed), then by **posting** the notice:
    - a. On or near the front door of each building on the property to which the violation relates **and/or**
    - b. On a weatherproof placard attached to a stake firmly planted on the property (if no building is present), in a conspicuous place. The notice shall remain posted for at least 10 days.
- b. **Contents of Notice:** The notice shall state the specific nature of the nuisance, the required corrective action, the deadline for compliance, and cite this Ordinance as the legal authority. It shall also inform the recipient that failure to abate may result in the City abating the

nuisance at the owner's expense and that **repeated or continuing violations** may be abated without further notice as provided by law. If the City has previously given notice to the same owner for the same nuisance within the past **12 months**, the notice may also state that no additional notice will be given before the City takes action on subsequent violations (pursuant to Tex. Health & Safety Code §342.006).

- c. **Extension or City-Approved Plan:** The enforcing officer may grant a reasonable extension of the 10-day compliance period if the owner contacts the City and shows good cause (for example, needing additional time to schedule a contractor to mow a large tract). Any extension should be confirmed in writing. Alternatively, the owner may propose a remediation plan subject to City approval, in which case strict adherence to that plan will be required.

**Section 6: Abatement by City.** If the property owner or responsible party fails to abate the nuisance **within the time specified** in the notice (or any approved extension), the City is authorized to enter the property and abate or remove the nuisance **at the owner's expense**. Specifically:

- a. The City may **perform or cause to be performed** any work necessary to eliminate the nuisance – e.g. mowing high weeds, removing trash or junk, treating stagnant water, etc. City crews or a private contractor hired by the City may carry out the work.
- b. **Minimum Action:** The City will not undertake more work than necessary to abate the identified nuisance. For instance, if only the front yard has high weeds, the City will limit mowing to that area unless additional nuisance conditions are discovered on site.
- c. All persons performing abatement on behalf of the City shall have full access to the property as needed. (*Entry for nuisance abatement is authorized by Texas law once notice and an opportunity to comply have been given. No person shall obstruct or interfere with these authorized personnel – doing so is a violation, see Sec. 93.12(a) below.*)
- d. The costs and expenses incurred by the City in abating the nuisance **shall be charged to the property owner** as outlined in Sec. 93.07 through 93.10.

**Section 7: Assessment of Expenses; Invoice to Owner.** Once the City has completed the abatement work, the code enforcement official shall compile all costs incurred. The owner shall be billed for these costs:

- a. **Abatement Costs:** The actual cost to perform the work, including payments to contractors or the reasonable value of City labor and equipment used. *The City hereby sets a minimum charge of \$75.00 per hour for City labor/equipment if used, with a one-hour minimum, plus actual disposal fees or other direct costs.* If an outside contractor is used, the actual invoiced amount to the City shall be charged.
- b. **Administrative Fee:** An administrative fee of **\$75.00** shall be added to each abatement to cover the City's costs of inspection, notification, and processing.
- c. **Related expenses:** Any additional **related expenses** may be included in the charge. These may include costs for title searches, postage, publication of notice (if needed), attorney's fees, and **any other expenses** reasonably incurred by the City in the process of abating the nuisance.
- d. **Invoice and Payment:** After tabulating the above referenced costs, fees, and expenses in Section 7 (a)–(c), the City shall prepare an invoice for the total amount due. The code

enforcement official will certify the expenses and mail or deliver an invoice to the owner's last known address and/or to the property address. The invoice is due and payable **within 30 days** from the date of mailing/delivery. The invoice shall also state that if not paid, the charges will be assessed as a lien against the property.

- e. If personal delivery of the invoice cannot be made and the owner's address is unknown or mail is returned, the code enforcement official may proceed with lien filing after certification of expenses (see Sec. 93.09).

**Section 8: City's Lien for Abatement Costs.** If the property owner fails to pay the abatement costs within 30 days of the invoice, or if contact with the owner cannot be established within 30 days of the invoice, the City shall **impose a lien** against the property for the unpaid amount. The following provisions apply:

- a. The Mayor, City Secretary, or other designated City official shall execute an affidavit evidencing the lien on behalf of the City. The lien shall then be **filed with the County Clerk** of Hunt County.
- b. **Contents of Lien Affidavit:** The lien document shall state the name of the property owner (if known), the legal description of the property, the amount of costs incurred by the City, and the date(s) the work was done. It should also state that interest will accrue on the amount due. Once filed and indexed by the County Clerk, the lien attaches to the property.
- c. **Priority of Lien:** In accordance with state law, this **municipal lien is inferior only to tax liens and prior recorded bona fide mortgage liens**. It is superior to other non-tax claims. The lien runs with the land, meaning if the property is sold the new owner takes subject to the lien.
- d. **Interest:** Interest shall accrue on the unpaid balance of the lien at the rate of **10% per annum** from the date the City files the lien until paid in full.
- e. **Release of Lien:** Upon the owner's payment in full of all costs plus interest, the City shall file a release of lien in the county records. If a lien is filed in error or the debt is otherwise satisfied, the City will promptly release it. *The lien is extinguished once the City is reimbursed in full for all expenses and interest.*

**Section 9: Subsequent/Repeat Violations.** Once the City has given notice to a property owner of a nuisance condition and that condition is abated (by the owner or the City), **if the same type of nuisance occurs again on the same property within 12 months**, the City **is not required to deliver a new notice** before abating the subsequent violation. The City may proceed directly to abate and charge the owner for the costs on the repeat offense. This section implements the authority of Tex. Health & Safety Code §342.006 to issue one annual notice for recurrent nuisances. All costs of abating repeat violations will be assessed and liens filed against the property in question as provided above. Additionally, **each day** a repeat nuisance condition continues is a separate offense subject to citation (see Sec. 93.11).

**Section 10: Emergency Abatement.** In situations where a nuisance condition **poses an imminent danger or immediate threat** to public health or safety, the City may summarily abate the nuisance without prior notice to the owner. Examples include: a hazardous spill, a swarm of disease-carrying pests, or vegetation obstructing a stop sign causing immediate traffic hazard. The City will, however, **provide notice as soon as practicable after abatement** to the owner of the action taken

and the costs incurred, following the procedures for invoicing and lien above. Emergencies will be determined by the City Administrator, code enforcement official, fire marshal, or other appropriate authority and documented.

**Section 11: Offenses; General Penalty.** In addition to the cost recovery and abatement process described, maintaining a public nuisance is hereby declared unlawful and **punishable as a misdemeanor offense.**

- a. **Citation:** A code enforcement officer, peace officer, or other authorized official may issue a **citation** (municipal court complaint) to any person violating any provision of this Ordinance. This includes the property owner and/or person in control of the premises who allowed the nuisance to exist. It is **not a prerequisite** to issuing a citation that the City first abate the nuisance; a citation may be issued upon observation of the violation, whether or not notice to abate has been given.
- b. **Penalty:** A violation of any provision of this Ordinance is punishable by a fine not to exceed **\$500** for each offense, except if, the nuisance condition is of a type that is specifically injurious to public health or safety (for example, creating a condition for disease spread), in which case the fine may be up to **\$2,000**, as authorized by Texas law for health/safety ordinance violations. Each day that a nuisance is maintained after the compliance deadline in a notice (or after citation issuance, if no notice was given) **constitutes a separate offense.**
- c. **Relation to Abatement:** Issuance of a citation does not preclude the City from also abating the nuisance. Conversely, abating the nuisance does not preclude the City from pursuing a fine for the period the nuisance was unlawfully maintained. The court may order, as part of the judgment, that the defendant reimburse the City's abatement costs or that the nuisance be abated, to the extent allowed by law.
- d. **Affirmative Defense:** It shall be an affirmative defense in a prosecution under this Ordinance that the defendant neither owned, occupied, nor had any control over the property and was not responsible for creating the nuisance condition. (For example, a tenant may defend a charge of junk accumulation if it was caused by a previous occupant and the current tenant had no ability to remove it – though the property owner in such a case would likely be the responsible party cited.)

**Section 12: Enforcement and Remedies.** The City has the following additional remedies for violations of this Ordinance, which are **cumulative** of the above:

- a. **Civil Action:** The City Attorney may initiate **civil proceedings** for injunctive relief to restrain or enjoin continuing nuisances or to seek civil penalties authorized by law (for example, civil penalties up to \$1,000 per day for illegal dumping under **Tex. Health & Safety Code §365.012** in a district court). Such action may be taken in cases of chronic or egregious nuisances, in addition to the regular abatement process.
- b. **Criminal Prosecution:** Certain nuisance-related violations may constitute offenses under state law (for instance, illegal dumping of certain quantities is a misdemeanor or felony under state law). The City may refer such cases to the appropriate county or state authorities for prosecution under state statutes, in lieu of or in addition to municipal citation.

- c. **Specific Penalties:** State law classifications and penalties may apply. For example, under **Tex. Health & Safety Code §365.012**, dumping more than 5 pounds of waste is a Class B misdemeanor, and more than 500 pounds can be a state jail felony. If a violation meets these thresholds, it will be prosecuted accordingly. The municipal court is limited to Class C misdemeanors (fine-only), so more serious cases will be referred to higher courts.
- d. **Abatement in lieu of prosecution:** If an owner diligently abates a nuisance after notice or citation, the City may, in its discretion, dismiss or not pursue the municipal court case, particularly for first-time violations. The goal is compliance; however, failure to timely comply may result in both abatement and prosecution.
- e. **Nonexclusive Remedies:** The remedies provided in this Ordinance are not exclusive. The City may utilize any combination of remedies allowed by law to combat a public nuisance.

**Section 13: Repeal of Prior Ordinances.** Every ordinance, resolution, order, or portion thereof previously adopted by the City Council that addresses public nuisances—including, without limitation, weed or brush control, accumulation of refuse, stagnant water, junked vehicles, unsanitary conditions, or any subject now governed by this Ordinance—is hereby repealed in its entirety. This Ordinance supersedes and replaces all such prior enactments.

**Section 14: Severability.** The provisions of this Ordinance are severable. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions. The City Council declares that it would have adopted this Ordinance and each section hereof irrespective of the fact that any one or more sections may be declared invalid.

**Section 15: Effective Date**

This Ordinance will take effect immediately upon passage, approval, and publication.

PASSED AND APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2025

\_\_\_\_\_  
 Sharion Scott  
 Mayor

Attest: \_\_\_\_\_  
 Nancy Sanders  
 City Secretary

## Ordinance No. 2025-07-14-2

**An Ordinance of the City of Wolfe City, Texas, Establishing Regulations for Noise Control to Protect Public Health and Quality of Life; Defining Noise Nuisances Through Objective Decibel Limits and Subjective Standards; Prohibiting Specific Acts Including Loud Music, Construction Noise, and Vehicle Disturbances; Providing Exemptions for Public Events, Emergency Operations, and Other Activities; Authorizing Enforcement Through Citations, Fine of up to \$500.00, Injunctions, and Equipment Seizure; Repealing Prior Noise Ordinances; and Setting an Effective Date.**

Be it ordained by the City Council of the City of Wolfe City, Texas:

**Section 1: General Provisions and Policy.** Excessive or disturbing noise is recognized as a serious hazard to the public health and quality of life. It is hereby declared to be the policy of the City of Wolfe City to **minimize the exposure of citizens to harmful or disruptive noise levels**. This Ordinance sets objective and subjective standards for certain sounds, in order to promote commerce and recreation in balance with peace and quiet in residential areas. Sound levels are regulated such that noises that **disturb a reasonable person of ordinary sensibilities** or that **exceed set decibel thresholds** constitute a public nuisance and are unlawful. It is the intent of these regulations to **prevent noise complaints** and resolve conflicts between sound producers and the surrounding community. The requirements of this Ordinance shall be enforced whether or not a particular sound is measurable with instruments, depending on the circumstances.

### **Section 2: Definitions.**

- a. **Ambient Noise:** The all-encompassing background sound level in an area, exclusive of the specific sound alleged to be a nuisance. Essentially, the normal or existing level of environmental noise at a given location and time.
- b. **Bounding Property Line:** An imaginary line along the ground surface, and its vertical extension, which separates the real property owned by one person from that owned by another person (In practical terms, the property line between two separately owned parcels.).
- c. **Decibel (dB):** A unit of sound measurement on a logarithmic scale. Specifically, 20 times the logarithm (base 10) of the ratio of the sound pressure to a reference pressure of 20 micropascals. This is a standard measure of sound intensity. *Decibels in this Ordinance refer to dB(A), meaning using the A-weighted frequency scale, unless otherwise noted.*
- d. **Sound Level (Noise Level):** The **instantaneous sound pressure level** measured in decibels with a sound level meter using the A-weighting network (dBA).
- e. **Sound Level Meter:** An instrument for measuring sound pressure levels, meeting or exceeding ANSI (American National Standards Institute) standard S1.4-1971 for Type II sound level meters. It shall be calibrated and maintained according to the manufacturer's standards.
- f. **Noise (or Sound):** For purposes of this ordinance, **Noise is any sound which either: (1) exceeds the decibel limits set forth in this Ordinance for the applicable environment; or**

(2) if not susceptible to measurement or not arising from a source described in (1), **disturbs a reasonable person of ordinary sensibilities** so as to cause an adverse psychological or physiological effect. In simpler terms, noise can be a measured excessive sound, or a subjectively unreasonable sound that a reasonable person would find disturbing in context.

- g. **Land Use District:** One of the zoning categories established by the City's Zoning Ordinance (residential, commercial, industrial, etc.). For purposes of this Ordinance, each area of the city is considered as one of three general land use types: "Residential," "Commercial/Agricultural," or "Industrial," according to its primary zoning use. Planned Development districts will be classified based on their predominant use.
- h. **Public Property:** Any real property owned or controlled by a governmental entity, including parks, streets, sidewalks, public buildings and grounds.
- i. **Public Right-of-Way:** Any street, avenue, boulevard, highway, sidewalk, alley or similar place that is owned or controlled by a governmental entity.
- j. **Construction:** Any site preparation, assembly, erection, substantial repair, alteration or similar action (excluding demolition) for or on public or private structures, utilities, or roads.
- k. **Emergency Signaling Device:** Sirens, horns, or alarms used in emergency circumstances (such as ambulance/police/fire sirens or civil defense alarms).
- l. **Miscellaneous Terms:** Other technical terms like "frequency" or "sound pressure" are used in accordance with standard acoustical definitions. The above are provided for clarity. Undefined terms shall be given their common-sense meaning.)

**Section 3: Sound Measurement Standards.** When a sound level measurement is required by this Ordinance (for enforcement of an objective decibel standard), the following guidelines apply:

- a. **Measurement Equipment:** Sound measurements shall be made with a Type II or better sound level meter, using the **A-weighting** network and "slow" response, unless otherwise specified. The meter should be calibrated before and after measurements using an acoustic calibrator.
- b. **Location of Measurement:** Measurements should be taken at or **within the property line of the complainant or affected person's property**, or at a common boundary line between the source property and the affected property, as appropriate. For public space violations (e.g., street noise), measurements may be taken at a standard distance from the source (such as 50 feet) or at the edge of the nearest occupied property.
- c. **Ambient Consideration:** The ambient noise level should be observed. If the ambient (background) noise exceeds the sound of the source in question, enforcement may rely on the subjective standard (reasonable person) rather than decibel reading. If the ambient is lower, decibel readings should clearly show the source adding to the ambient level.
- d. **Distance and Obstructions:** Measurements should be taken with no significant obstruction between the meter and the noise source (such as a wall or parked vehicle), and preferably at a height of 3 to 5 feet above ground. The operator shall ensure that their presence or other factors do not skew the reading.
- e. **Weather Conditions:** Measurements should not be taken in heavy wind (over 15 mph) or precipitation, as this can affect readings. The ideal condition is calm weather or using a windscreen on the microphone.

- f. **Meter Calibration:** The enforcing officer must calibrate the meter per manufacturer specifications and ensure the device is functioning properly. If readings are contested, the City may require testing by a certified acoustical engineer, but typically the officer's properly taken reading is sufficient evidence of noise level.
- g. **Reasonable Person Standard:** The above standards ensure consistency. However, the absence of a sound meter reading does not bar enforcement under the "reasonable person" standard when applicable.

**Section 4: Maximum Permissible Sound Levels.** It shall be a violation of this Ordinance for any person to produce or allow the production of any sound that exceeds the decibel limits set forth below, **as measured at the property line** of the nearest receiving property of a different owner or at a distance specified, or for any person to produce or allow the production of any noise that would disturb a reasonable person of ordinary sensibilities. The following are the **maximum sound levels (dBA)** allowed:

- a. **Residential Areas:** In any area zoned or primarily used for residential purposes (including homes, apartments, hospitals, schools, churches):
  - 1. **Daytime (7:00 a.m. to 10:00 p.m.):** 60 dB(A) maximum.
  - 2. **Nighttime (10:00 p.m. to 7:00 a.m.):** 55 dB(A) max.  
*(Example: A loud music or machine noise from a house should not exceed 60 dB at the neighbor's property line during the day, or 55 dB at night.)*
- b. **Commercial/Agricultural Areas:** In areas zoned or used for commercial or agricultural purposes (business districts, downtown mixed-use, farms):
  - 1. **Daytime (7:00 a.m. to 10:00 p.m.):** 75 dB(A) max.
  - 2. **Nighttime (10:00 p.m. to 7:00 a.m.):** 65 dB(A) max.  
*(Commercial areas can have slightly louder activity but still must drop at night.)*
- c. **Industrial Areas:** In any area zoned or used for industrial purposes:
  - 1. At all times: 85 dB(A) max at the property line.  
Industrial operations are given a higher threshold but must still not unreasonably impact adjacent properties. If industrial and residential properties abut, the residential standard may be applied at the residence.
- d. **Central Area Entertainment Zone:** Notwithstanding the above, for the designated central commercial district (if the City designates an entertainment zone downtown), live music or outdoor entertainment noise shall be allowed up to 85 dB(A) from 7:00 a.m. to midnight, and up to 65 dB(A) from midnight to 7:00 a.m., measured at the property line. *(This provision accommodates downtown events, as referenced in the original ordinance. If no specific zone is designated by ordinance or map, this exemption may not apply.)*
- e. **Pure Tone / Bass Adjustment:** If the noise in question contains a steady, audible pure tone (whistle, hum) or excessive bass such that it is easily discernible within neighboring structures, the allowable decibel limits above shall be reduced by 5 dB. (Low-frequency noise or pure tones are more annoying at lower dB.)
- f. **Background Penalty:** If ambient noise is already near the limit, any significant increase by a single source that causes complaints may be considered a violation even if only slightly above the limit. Conversely, short-term occasional noises that spike above the limit by a small margin may be forgiven if not sustained or repetitive.

- g. **Prima Facie Noise Nuisance for Exceeding Decibel Limit:** If a sound source exceeds the applicable dB limit when measured, it is a prima facie noise nuisance.
- h. **Reasonable Person Standard:** Notwithstanding Section 4 (a)–(g), it shall also be a violation of this ordinance for any person to produce or allow to be produced any noise which would disturb a reasonable person of ordinary sensibilities. Any noise which would disturb a reasonable person of ordinary sensibilities is considered to be in excess of the maximum permissible sound levels under this section.

**Section 5: Specific Prohibited Acts (Noise Nuisances).** The following acts, among others, are declared to be **noise nuisances** and violations of this Ordinance, whether or not the decibel standards of Sec. 94.04 are met. (In other words, these are examples of sounds that are deemed unreasonable and unlawful per se, subject to the listed exceptions and time restrictions.)

- a. **Loud Music or Amplified Sound:** Operating or permitting the operation of any radio, musical instrument, sound amplifier, speaker system, or other device that produces or reproduces sound:
  - 1. **Plainly audible** inside the residence of another person (with windows closed) or at **50 feet or more** from the source, especially *between 10:00 p.m. and 7:00 a.m.*, so as to disturb the quiet comfort of neighbors.
  - 2. This includes loud parties, car stereo bass audible outside the vehicle at excessive volume, etc. During daytime hours, some tolerance is allowed, but it **shall not exceed the dB limits** for residential areas nor be so loud as to materially disturb neighbors. (The original ordinance allowed 85 dB if a warning has been given by an officer, but we simplify: any noise that triggers a reasonable complaint and is over the limit or plainly intrusive is prohibited.)
- b. **Construction or Power Tool Noise:** The use of any construction equipment (such as jackhammers, bulldozers, saws) or loud power tools/lawn equipment:
  - 1. **Permitted hours:** Such noise is allowed between **7:00 a.m. and 6:00 p.m.** on weekdays and Saturdays. Construction activity outside these hours or on Sundays is prohibited unless specifically authorized by the City via permit or in an emergency.
  - 2. **Construction noise even during permitted hours should not exceed 85 dB(A)** at the property line. Routine residential lawn mowing or household tool use is generally exempt during daylight but should be reasonable in duration.
- c. **Animals:** Allowing any animal under one's control to bark, howl, crow or make continuous noise **in a frequent or repetitive manner for 10 minutes or longer** such that it disturbs neighbors of ordinary sensibilities. (Example: a dog barking incessantly in the night.) Occasional barking is expected, but prolonged, unmanaged noise from pets is a nuisance. Animal owners must take reasonable steps to quiet their animals after being informed of a disturbance.
- d. **Horns and Signaling Devices:** The frequent, repetitive, or continuous sounding of any horn, siren or alarm on any vehicle or premises **except** as a warning of danger or as specifically permitted (e.g., emergency vehicles). Car alarms that malfunction and sound continuously are included – owners should promptly silence false alarms.
- e. **Loudspeakers in Public Spaces:** The use of any loudspeaker or amplifier on public streets or sidewalks or in parks in a manner that exceeds the sound level limits or that attracts the

undue attention of passersby in a way that disturbs the peace. (Use of amplified sound in public may require a special event permit; see exemptions for events below.)

- f. **Noise near Schools/Hospitals:** Creating excessive noise on a street, public right-of-way or private property adjacent to any **school, church, hospital, or similar institution** such that it unreasonably interferes with the working of such institutions. For example, blaring music next to a school during school hours, or revving engines by a hospital at night.
- g. **Explosives, Fireworks, Firearms:** Discharging firearms, fireworks, or explosives in a manner not authorized by City ordinance (note: generally fireworks are prohibited in city limits, and firearm discharge is regulated separately). Loud bangs and booms can be extremely disruptive; they are considered nuisances unless specifically permitted (e.g., ceremonial cannon fire approved by the City, or lawful self-defense firearm use which is outside the scope of this ordinance).
- h. **Vehicles (Mufflers and Engine Noise):** Operating a motor vehicle or motorcycle without a functioning muffler or with an altered exhaust system that creates loud, roaring or explosive sounds. Also, **racing** engines or letting vehicles idle loudly for extended periods in residential areas is prohibited. (Texas Transportation Code muffler requirements apply; this ordinance makes excessively loud vehicle noise a city offense as well.)
- i. **Loading and Unloading; Commercial Noise:** Noise from loading or unloading goods, banging or clattering of equipment, or loud machinery on commercial premises should be limited, especially during night hours. Repeated loud banging of dumpsters, loading docks, etc., between 10 p.m. and 7 a.m. adjacent to residences is a nuisance unless unavoidable.
- j. **Additional Noises Constituting a Nuisance:** The above list is non-exhaustive. Any noise that fits the general criteria of a “noise nuisance” in Sec. 94.01 can be cited, even if not listed here explicitly.

**Section 6: Exemptions and Special Permits.** The following sounds and activities are **exempt** from the provisions of this Ordinance, or are otherwise addressed:

- a. **Scheduled Public Events (Daytime):** Activities conducted on **public parks or playgrounds, and public or private school grounds**, such as athletic events or concerts, **between 7:00 a.m. and 10:00 p.m.**, are exempt. This includes school football games, City-sponsored events, and similar activities, recognizing that these often create noise as part of their ordinary course.
- b. **Occasional Outdoor Gatherings: Occasional outdoor public events** (parades, festivals, block parties, outdoor concerts, etc.) that have been authorized by the City (via permit or other official approval) are exempt during the hours of 7:00 a.m. to 10:00 p.m., provided they comply with any conditions of the permit regarding sound amplification.
- c. **Government and Emergency Work:** Sounds **originating from governmental operations** are exempt. This includes noise from **emergency vehicles** (police/fire sirens), **emergency repairs** by public works (water main breaks, etc.), **solid waste collection**, or any work performed to protect public health/safety (e.g., mosquito control fogging trucks, emergency generators during power outages). Also exempt are **weather warning sirens** or similar emergency alarm devices.
- d. **Non-Commercial Public Speaking: Non-commercial public speaking, protests, or public assemblies** on public property or public rights-of-way are exempt from the

prohibitions, **except that** any use of amplifiers must still comply with the decibel limits to protect bystanders.

- e. **Church Bells and Chimes:** The ringing of church bells or chimes, school bells, or other institutional sound devices that serve a time-keeping or ceremonial purpose for short durations.
- f. **Home Repairs and Maintenance:** Noise from **domestic power tools, lawnmowers, and landscape maintenance equipment** is permitted during daylight hours (approximately 7:00 a.m. to 9:00 p.m.) provided it is used for limited durations and with a muffler if the equipment has one. (For example, mowing your lawn or using a saw to build a deck is allowed at reasonable hours.)
- g. **Aircraft and Railroads:** Noise from aircraft (which is federally regulated) and railroad operations are exempt to the extent preempted by state or federal law.
- h. **Oil and Gas Operations:** (If applicable) Noise from lawful drilling or extraction operations, which are often subject to separate ordinances or state regulation, may be exempt or separately regulated.
- i. **Ice Cream Trucks:** Amplified music or jingles from ice cream trucks are **exempt between 10:00 a.m. and 9:00 p.m.** as per the original ordinance provided they are not played at an unreasonably loud volume (should not exceed the general limits for residential areas) and are turned off when the vehicle is stopped for a sale.
- j. **Permitted Variances:** The City Council or an authorized City official may grant a **special variance or permit** for extended hours or higher noise levels for certain events or circumstances (for example, a one-time cultural festival, or night-time construction for an emergency repair). Such permits will specify the time frame and any conditions.

**Section 7: Enforcement and Penalties (Noise).** Enforcement of this Ordinance can be by a peace officer or other persons designated by the City (e.g., code enforcement officer, if trained in using sound level meter):

- a. **Subjective vs Objective Standard:** An officer may issue a citation based on either **measured decibel violation** or the **“reasonable person” standard** if the noise is plainly disruptive. The officer’s testimony that a noise was, for example, clearly audible inside a complainant’s home and unreasonably loud may suffice for a violation, even without a meter reading, especially for intermittent or non-steady noises like barking dogs or loud music with bass.
- b. **Citation Procedure:** Typically, the officer will issue a **warning** for a noise offense, allowing the offender to correct the issue (turn down volume, etc.). If the noise continues or if a second complaint is received, a citation will be issued. However, if the noise is egregious or the offender is uncooperative, a citation can be issued on the first instance. The citation will require appearance in Municipal Court.
- c. **Penalty:** A violation of any provision of the Noise Control Ordinance is punishable by a fine of **up to \$500** for each occurrence. Each day or each distinct incident that a violation occurs constitutes a separate offense. Extremely severe or intentional violations (for example, a pattern of late-night offenses) may be assessed the maximum fine. Lesser violations or first offenses may result in fines in the lower range at the court’s discretion. The court may also issue orders to ensure compliance (such as requiring sound-proofing measures or restricting the hours a business may operate loud equipment).

- d. **Injunction:** Repeated violations or a noise source causing ongoing community disturbance may also be addressed by the City through a civil injunction in court to stop the nuisance, pursuant to Texas Local Government Code Chapter 54.
- e. **Seizure of Equipment:** In cases of persistent violations where equipment (like a sound amplifier) is being used illegally, the Municipal Court upon conviction may order the equipment to be impounded or disabled, if allowed by law, to abate the nuisance. Equipment seized under this ordinance will be returned to the owner no sooner than 24 hours after impoundment.
- f. **Appeals:** A person receiving a citation under this Ordinance will have their case heard in Municipal Court. They may present evidence (for instance, challenging the meter reading or claiming an exemption). Normal court appeal processes apply to any conviction.

**Section 8: Conflict with Other Regulations.** Where a sound source is subject to regulation by another specific ordinance or law (for example, a permitted drilling operation or a state highway noise regulation), and there is a conflict, the more specific regulation shall govern. However, in the absence of a direct conflict, all provisions (both the specific regulation and this noise Ordinance) apply concurrently.

**Section 9: Repeal of Prior Ordinances.** All other ordinances, resolutions, or orders of the City that regulate noise, sound amplification, or sound-emitting devices are hereby repealed in their entirety. Henceforth, noise regulation within the City shall be governed exclusively by this Ordinance

**Section 10: Severability.** The provisions of this Ordinance are severable. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions. The City Council declares that it would have adopted this Ordinance and each section hereof irrespective of the fact that any one or more sections may be declared invalid.

**Section 11: Effective Date.** This Ordinance will take effect immediately upon passage, approval, and publication.

PASSED AND APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2025

\_\_\_\_\_  
 Sharion Scott  
 Mayor

Attest: \_\_\_\_\_  
 Nancy Sanders  
 City Secretary

## Ordinance No. 2026-07-14-3

**An Ordinance of the City of Wolfe City, Texas, Regulating Outdoor Burning to Protect Public Health and Safety; Prohibiting Unpermitted Fires, Garbage Burning, Bonfires, and Trash Fires; Allowing Small Recreational Fires with Restrictions; Establishing Open Burn Permit Requirements and Conditions; Imposing Liability for Fire Damages and Emergency Response Costs; Authorizing Liens for Unpaid Costs; Providing for Enforcement Through Immediate Extinguishment, Citations, Fines of up to \$500.00, or of up to \$2,000.00 if Violation Relates to Public Health or Safety, Restitution, and Injunctions; Repealing Prior Burning Ordinances; and Setting an Effective Date.**

Be it ordained by the City Council of the City of Wolfe City, Texas:

**Section 1: Burning Prohibited; Offense.** No person shall kindle or maintain any open fire within the corporate limits of Wolfe City except in conformity with this Ordinance. The following acts are expressly prohibited as unlawful:

- a. **Burning of Garbage:** It is **unlawful to burn household or commercial garbage** at any time within the city limits. All trash and refuse must be disposed of through the City's solid waste collection service or at an approved landfill. Burning refuse in a barrel, open pit, or open space is prohibited.
- b. **Bonfires and Trash Fires:** No person shall kindle or maintain any **bonfire or trash fire** on private or public property without a permit (see Sec. 95.02). The routine burning of leaves, brush, or construction debris is prohibited unless a permit is obtained and conditions are met. During any construction or demolition of structures, waste materials **shall not be disposed of by burning** on-site.
- c. **Specific Materials:** It is unlawful to burn electrical insulation, treated lumber, non-wood construction or demolition materials, heavy oils, asphaltic materials, potentially explosive materials, chemical wastes, items containing natural or synthetic rubber, or any item or set of items which contains one or more of the previously listed materials.
- d. **Recreational Fires:** Small recreational fires (such as campfires or fire pits) for cooking, warmth, or ceremonial purposes may be allowed *only if* they are kept under control, attended at all times, and fully extinguished after use. Even such fires may be prohibited during city or county burn bans or high fire danger times.
- e. **Offense:** Any burning in violation of this section is a **Class C misdemeanor**. Each day that unauthorized burning occurs or continues is a separate offense.

**Section 2: Open Burning Permit.** The **only** legal way to conduct open burning in the City (other than small recreational or cooking fires) is to obtain an **Open Burn Permit** from the City's Fire Marshal (or other designated official):

- a. **Permit Required: Before** igniting any fire in the open (including on private land or on a public street/right-of-way), the person must secure a written permit from the Fire Marshal

or authorized city official. The permit will specify the allowed time and conditions for the burn.

- b. **Cause for Permit:** A permit will be granted **only for good cause** shown. Generally acceptable reasons might include: training fires for the fire department, disposal of vegetative debris after a storm if other disposal is not feasible, or agricultural burns if within city policy. Convenience alone is typically not good cause when alternate disposal methods exist.
- c. **Permit Restrictions:** The Fire Marshal shall impose **safety and nuisance prevention conditions** on any burn permit. At minimum, the following restrictions apply to any permitted fire:
  1. **Location:** The fire must be located at least **25 feet** from any structure or combustible fence. The area around the fire should be clear of flammable materials (such as dry grass or trash) for at least a 25-foot radius. An **approved burn pit or container** should be used when possible to help contain the fire. Such containers must be made of a non-flammable material and be sufficient to prevent the fire from spreading from the container to ground or surrounding area.
  2. **Attendance and Control:** The fire must be **constantly attended** by a competent adult. This person must have immediate access to adequate fire-extinguishing equipment, such as a connected garden hose, fire extinguisher, or water source, ready for use. The fire must be fully extinguished by the permit end time or if it becomes unsafe.
  3. **Weather Conditions:** No burning shall be conducted during high winds (over 23 miles per hour during the burn period), when winds are predicted to be less than six miles per hour during the burn period, or when the **County or City has issued a burn ban** due to drought. The Fire Marshal or other authorized city official will check weather conditions (wind direction, speed, humidity) before authorizing the burn. A permit becomes **void** if conditions change such that they become unsafe (e.g., sudden wind pickup).
  4. **Times:** Permitted burns shall generally be conducted during daylight hours, commencing no earlier than one hour after sunrise and concluding not later than one hour before sunset to allow visibility and safer control. No overnight smoldering is allowed. The fire must be extinguished by the time specified on the permit.
  5. **Materials:** Only natural materials, including trees, brush, grass leaves, branch trimmings, and other plant growth, may be burned when permitted. **Burning of prohibited materials** – such as tires, shingles, plastics, household chemicals, etc. – is never allowed even with a permit, due to toxic smoke (per TCEQ regulations). Trees, brush, grass, leaves, branch trimmings, or other plant growth may only be burned on the property on which it was generated and by the owner of the property.
  6. **Notification:** The permit holder may be required to notify the City dispatch or Fire Department immediately prior to starting the burn and after it is completed, so that any reports of smoke can be confirmed as permitted.
  7. **Revocation:** The Fire Marshal or any fire officer can **revoke the permit on the spot** and order the fire extinguished if conditions become unsafe or if the permit holder violates any conditions (for example, leaves the fire unattended or burns unauthorized materials).

- d. **Compliance:** Compliance with the permit conditions **deems the burning lawful** under this Ordinance. The permit itself will serve as a defense to prosecution, provided all conditions were followed. However, **failure to comply** with any permit restriction will result in the burn being considered unlawful and the person may be cited or fined.

**Section 3: Liability and Emergency Response.** Any person igniting or responsible for an open fire, even if permitted, is **liable** for any damage or emergency response costs that result from the fire getting out of control or otherwise causing harm. For example, if a permitted brush fire escapes and causes a wildfire or property damage, the permit holder may be held responsible for suppression costs and damages. This Ordinance does not relieve any person from potential civil liability for damages caused by their fire.

Additionally, if the Fire Department must be called to extinguish an unpermitted or out-of-compliance fire, the City may charge the responsible party for the **cost of the response** especially in cases of negligence or repeat offenses. The City will send the responsible party an invoice for any such cost. If the invoice is not paid by the responsible party within 30 days, a lien may be filed against the responsible party's property with interest accruing at 10 % per annum. The lien will be lifted once the outstanding balance, including interest, is paid in full by the responsible party.

**Section 4: Burn Bans and Preemption.** During times when the county or state authorities issue a **burn ban** or air quality alert prohibiting outdoor burning, those restrictions supersede any permits or allowances under this Ordinance. The City will not issue any burn permits in conflict with a county-wide burn ban. This Ordinance shall be construed in harmony with the Texas Clean Air Act and Texas Commission on Environmental Quality (TCEQ) rules (30 TAC §§111.201–221, *Outdoor Burning Rule*). In case of any direct conflict, the stricter provision (either state or local) will apply.

**Section 5: Enforcement and Penalties.** Enforcement of this Ordinance is by the Fire Marshal, Fire Department officers, code enforcement officers, or any peace officer of the City:

- a. **Immediate Extinguishment:** If any open fire is found in violation of Sec. 95.01 (no permit, burning illegal material, unsafe conditions), the official may **order it extinguished immediately**. The official may direct the persons on site to put out the fire, or summon the Fire Department to do so. It is **unlawful to refuse** to extinguish or to interfere with Fire Department personnel in the process of extinguishing an illegal fire.
- b. **Citation:** Violators of the burning regulations can be issued a citation to Municipal Court. The general penalty is a fine not to exceed **\$500** per incident. Each day an unlawful fire is maintained (each day burning occurs) constitutes a separate offense. If someone repeatedly violates or if illegal burning causes substantial risk, the court may impose enhanced fines (up to \$2,000 if a judge finds the violation relates to public health or safety, given the fire hazard).
- c. **Restitution:** The court may also require the offender to pay restitution for any costs incurred by the City (for fire-fighting, emergency response, or clean-up of burned waste).
- d. **Injunctive Relief:** The City may seek an injunction against any person persistently violating these burning rules, especially if it endangers the community.

**Section 6: Repeal of Prior Ordinances.** Any ordinance, resolution, policy, or part thereof previously adopted by the City that governs open burning, trash fires, bonfires, recreational fires, or related fire-prevention matters is hereby repealed in its entirety. This Ordinance wholly supersedes and replaces every prior enactment on the subject.

**Section 7: Severability.** The provisions of this Ordinance are severable. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions. The City Council declares that it would have adopted this Ordinance and each section hereof irrespective of the fact that any one or more sections may be declared invalid.

**Section 8: Effective Date.** This Ordinance will take effect immediately upon passage, approval, and publication.

PASSED AND APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2025

\_\_\_\_\_  
Sharion Scott  
Mayor

Attest: \_\_\_\_\_  
Nancy Sanders  
City Secretary

## Ordinance No. 2025-07-14-4

**An Ordinance of the City of Wolfe City, Texas, Regulating Substandard and Dangerous Buildings to Protect Public Health and Safety; Defining Substandard Structures and Declaring Them Public Nuisances; Establishing the Substandard Structures Rehabilitation Board to Conduct Hearings and Issue Orders for Repair, Vacation, or Demolition; Providing Procedures for Notice, Compliance, and Appeals; Authorizing City Abatement, Cost Recovery, and Liens with Interest; Imposing Civil Penalties of up to \$1,000.00 Per Day, or \$10.00 Per Day for Homestead Property and Criminal Charges for Non-Compliance; Coordinating with the Public Nuisance Ordinance; Repealing Prior Substandard Structure Ordinances; and Setting an Effective Date.**

Be it ordained by the City Council of the City of Wolfe City, Texas:

**Section 1: Definitions.** For purposes of this Ordinance on substandard structures, the following definitions apply:

- a. **Board:** The Substandard Structures Rehabilitation Board of Wolfe City, established to conduct hearings and issue orders regarding dangerous buildings (also known as the Building and Standards Commission, per Tex. Local Gov't Code §214.001).
- b. **Building Inspector:** The City official (and any designee) responsible for enforcing building standards and this Ordinance. This term may include the City Code Enforcement Officer or another appointed official when acting in this capacity. This term may also include any private third party the City Council may choose to appoint on a case-by-case basis or as part of an ongoing contract to provide inspection services.
- c. **Substandard Building (or Dangerous Building):** Any structure or part thereof that is **structurally unsafe, unsanitary, or otherwise dangerous** to the health, safety, or general welfare of its occupants or the public. This includes buildings that:
  1. Have structural damage or deterioration (foundation, roof, walls, or supports) to the extent that there is a risk of partial or complete collapse.
  2. Are a fire hazard (for example, due to faulty wiring, open flames, or accumulation of combustible materials).
  3. Are unsanitary – e.g., contaminated by sewage or harboring vermin – to an extent making them unsafe for habitation.
  4. Lack safe egress (exits) in case of fire or emergency, or otherwise do not meet minimum building code standards to the degree that life is endangered.
  5. Are **50% or more damaged or decayed** (by value) — generally, if repairing the building would cost more than half of its value, it can be deemed substandard.
- d. **Owner:** Any person, agent, operator, firm or corporation having a legal or equitable interest in the property. This includes the holder of any lien, mortgage or deed of trust, as well as the executor or estate of a deceased owner. For the purpose of notice, “owner” is the person listed as owner on the last approved city tax roll, and any identifiable lienholders or mortgagees of record.
- e. **Occupant:** Any person living in or legally in possession of the building (such as a tenant).

- f. **Rehabilitation:** The repair, renovation, or improvement of a structure such that it meets minimum code standards and is no longer substandard.
- g. **Miscellaneous:** Other terms like “Boarding” (securing), “Demolition,” etc., have their common meaning in context.

**Section 2: Declaration of Nuisance.** Any substandard or dangerous building, as defined above, is hereby declared to be a **public nuisance**. Such a building poses a risk to the public health and safety and shall be addressed under the procedures of this Ordinance and Tex. Local Gov’t Code Chapter 214. It is the responsibility of property owners to maintain structures in a safe condition. The existence of a dangerous building is a violation of this Code, and the City may require its repair, vacation, or demolition in accordance with due process.

**Section 3: Substandard Structures Board – Powers and Duties.** The City’s Substandard Structures Rehabilitation Board (the **Board**) is vested with the powers to conduct hearings and issue orders for the repair or removal of substandard buildings. The Board shall consist of members appointed by the City Council (or it may be the City Council itself acting as the Board, if so designated by ordinance). The Board’s proceedings shall conform to LGC §214.001:

- a. **The Board may inspect** or cause to be inspected any structure suspected of being substandard. It can then schedule a public hearing to determine whether the building complies with minimum standards.
- b. **Notice of Hearing:** The Board shall provide notice of the hearing to the owner, any lienholder or mortgagee, and any occupant of the structure. The notice shall be in **writing and mailed via certified mail** or personally delivered. It must be given at least **10 days before** the hearing. If mail and personal delivery fail, notice may be posted on the building and published in the newspaper. The notice shall state the date, time, and place of the hearing and the **alleged defects or conditions** making the building substandard.
- c. At the hearing, the Building Inspector or City representative will present evidence of the structure’s condition, and the owner and any interested parties may present evidence or argue why the building is or is not substandard and what can be done.
- d. The Board acts as a quasi-judicial body to determine whether the building is in fact substandard as defined, and if so, what action should be required of the owner (repair, secure, vacate, demolish, etc.).

**Section 4: Standards for Repair or Demolition.** In deciding what orders to issue, the Board shall consider the extent of disrepair and the feasibility of rehabilitation:

- a. If the building **can reasonably be repaired** so that it will no longer be in violation of the substandard building criteria, the Board will order the owner to **repair** it to meet minimum standards.
- b. If the building is in such condition that it’s **dangerous to the health, safety or welfare** of occupants or the public even with temporary measures, the Board can order it **vacated**.
- c. If a building is **50% damaged or decayed** or if it cannot be safely repaired to meet code, the Board may order it **demolished**. A building will be considered 50% damaged or decayed if the cost of repairs would exceed 50% of the structure’s value, or if the structure

is a total loss. Demolition may also be ordered if the owner fails to make required repairs by deadlines and the structure remains hazardous.

- d. The Board will include in its order specific findings to justify the action (e.g., “the roof has collapsed, foundation is failing – building is unsafe to occupy and >50% deteriorated; owner must demolish”).

**Section 5: Board Order; Compliance.** After the hearing, the Board shall issue a **written order**. This order will be promptly mailed to the owner and any lienholders/mortgagees by certified mail and filed in the City records. The order shall:

- a. Identify the property and owner.
- b. State the Board’s findings (the specific violations or dangerous conditions).
- c. **Order the owner** to take certain action within a specified timeframe. Possible orders include: repair specific elements, secure the building from entry (boarding up), vacate the building (forbid occupancy until fixed), or demolish the building. The timeframe given will be realistic but prompt (e.g., 30 days to start and 60 days to complete repairs; or 30 days to demolish).
- d. If the Board allows more than 30 days for repair (which it can if the owner shows ability and intent to do so), the order will establish **specific benchmarks** for progress (e.g., “by Day 30 submit engineer’s report, by Day 60 roof repaired, by Day 90 all code violations corrected”) and may require the owner to secure the building in the meantime.
- e. State that if the owner does not comply, the City is authorized to carry out the necessary work and charge the costs as a lien on the property (Tex. LGC §214.0015).
- f. If the building is ordered vacated, notice will also be given to occupants and a **placard posted** on the building stating it is substandard and occupancy is prohibited. It is unlawful for anyone to occupy or remove the placard until the Board certifies the structure is safe.

**Section 6: Appeal of Board Order.** The property owner, lienholder or mortgagee has the right to **appeal the Board’s order** by filing a petition in a court of competent jurisdiction (state district court) within **30 days** after the order is mailed to them or personally delivered. This appeal is a judicial review to determine if the Board’s decision was legal and supported by evidence (a substantial evidence review).

- a. If no appeal is filed within 30 days, the Board’s order becomes final and binding, and the City may proceed to enforce it.
- b. The City Secretary shall file a copy of the Board’s order in the City’s records and may also file a notice in the County deed records after the hearing with a brief statement of the results, per state law requirements.

**Section 7: Compliance; City Abatement.** The owner is expected to comply with the Board’s order within the timeframe given. The City’s Building Inspector will monitor compliance. Extensions may be granted by the Board (or by City officials if authorized) only for good cause and must be documented.

- a. If the owner **fails to take action** as ordered (for instance, does not start or complete repairs by the deadline), the City may proceed to **abate the nuisance**. Abatement may include:

1. **Securing the building:** boarding up windows and doors to prevent entry if it was to be vacated or if repairs are pending and the building is open.
  2. **Demolition:** If demolition was ordered and not done, the City can hire a contractor to demolish the structure.
  3. **Repair:** In some cases, the City might make minimal repairs to remove immediate dangers (like removing a collapsing porch or capping utilities). Generally, the City will opt for demolition if the owner fails to act and the building is dangerous.
- b. The costs incurred by the City in such abatement (including contractor fees, dumping fees, etc., as well as administrative costs) shall be **billed to the owner**. If unpaid, the City will place a **lien** on the property for the amount of the costs, plus interest of 10% per annum in accordance with LGC §214.0015. This lien is inferior only to tax and prior recorded liens.

**Section 8: Emergency Securing of Buildings.** If a building is found open and unsecured such that it poses an immediate hazard (for example, an abandoned house with open access that children are entering, or open to vermin), the City may **immediately secure the building** (board it up) without going through the full hearing process, as allowed by LGC §214.0011. The City will then post notice on how the owner can reclaim the building and request a hearing after-the-fact. The cost of emergency securing will be billed to the owner and, if unpaid, liened. This is a stop-gap measure only to prevent imminent danger or unauthorized entry; further action (repair/demolition) still requires the Board hearing.

**Section 9: Vacating Occupants; Relocation.** If the Board or Building Inspector orders an occupied structure to be **vacated** for safety, the occupants must leave within the time specified (which could be immediately for severe danger, or within a short, set time for cases which do not present an immediate, severe danger to the safety of the occupants). The City will give written notice to vacate to any occupants. Occupants who fail to vacate as ordered may be subject to legal action (it is unlawful to occupy a building posted as unsafe).

- a. Occupants made to vacate under this ordinance are **not automatically entitled to relocation assistance from the City**, especially if the need to vacate arises from their own or the owner's actions (e.g., allowing the property to become unsafe).
- b. The City or local charities may provide information on temporary housing resources, but the responsibility is primarily on the property owner/landlord to assist tenants if required by landlord-tenant laws.

**Section 10: Unlawful Re-Occupancy or Removal of Notices.** It shall be unlawful for any person to occupy a structure that has been ordered vacated until the City officially indicates it is safe. Likewise, it is unlawful to remove or destroy any notice or placard placed by the City on a substandard building (such as a "Do Not Enter – Unsafe" sign) without City permission. Violations may result in misdemeanor charges.

**Section 11: Appeals to Court; Judicial Order.** As noted, an owner or interested party can appeal the Board's decision to district court within 30 days. If such an appeal is filed, the City generally will not take further abatement action (like demolition) while the court review is pending, **except** in cases where the condition of the building is so dangerous it presents an immediate threat (in

which case the City may seek an expedited court order). The district court will review the Board's decision under the substantial evidence rule. If the City prevails, it may seek recovery of attorney's fees and costs against the owner as allowed by law.

**Section 12: Civil Penalties.** In addition to the remedies above, Texas Local Gov't Code §214.0015 allows the City to impose civil penalties for failure to repair, vacate, or demolish as ordered. The Board's order may include an assessment of a civil penalty (for example, \$10 per day for non-compliance after the deadline) which can be enforced by lawsuit. If the Board intends to assess such a penalty, it will be included in the notice of hearing. The City can sue to recover the penalty and/or to force compliance. Each day of continued violation can be considered in setting the penalty, up to \$1,000 per day in many cases (or \$10/day for homestead property, per LGC §214.0015).

**Section 13: Coordination with Ordinance for Definition, Regulation, and Abatement of Public Nuisances ("Public Nuisance Ordinance").** If a structure is in such disrepair that it constitutes a broader public nuisance (harboring pests, attracting crime, etc.), it could fall under both this Ordinance and the City's Public Nuisance Ordinance. In general, the City will handle structural integrity and building safety issues under the process set forth in this Ordinance (Board hearings), and use the process contained in the Public Nuisance Ordinance (nuisance abatement) for ancillary issues (like mowing the yard or removing trash on the lot of a vacant dangerous house). Compliance with a repair or demolition order under this Ordinance will usually resolve the nuisance aspects as well. To the extent there is any **conflict** between this Ordinance and the Public Nuisance Ordinance, this specific Ordinance shall govern for building issues, as it provides the required due process for such matters under state law.

**Section 14: Repeal of Previous Ordinances.** All other ordinances or regulations of the City that address substandard, dangerous, dilapidated, or unsafe structures, are hereby repealed in their entirety. Regulation of such structures shall hereafter be governed solely by this Ordinance.

**Section 15: Severability.** The provisions of this Ordinance are severable. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions. The City Council declares that it would have adopted this Ordinance and each section hereof irrespective of the fact that any one or more sections may be declared invalid.

**Section 16: Effective Date.** This Ordinance will take effect immediately upon passage, approval, and publication.

PASSED AND APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2025

\_\_\_\_\_  
Sharion Scott  
Mayor

Attest:

\_\_\_\_\_  
Nancy Sanders  
City Secretary

**Ordinance No. 2025-07-14-5**

**AN ORDINANCE REGULATING JUNKED VEHICLES; DECLARING JUNKED VEHICLES TO BE A PUBLIC NUISANCE; PROVIDING CRIMINAL AND ADMINISTRATIVE ABATEMENT PROCEDURES CONSISTENT WITH TEX. TRANSP. CODE CH. 683, SUBCHAPTER E; PROVIDING NOTICE, HEARING, REMOVAL, DISPOSAL, COST-RECOVERY, CIVIL PENALTY OF UP TO \$75.00 PER DAY FROM THE 11<sup>TH</sup> DAY AFTER NOTICE GIVEN, AND FINES OF UP TO \$200.00; PROVIDING EXEMPTIONS; REPEALING ALL PRIOR ORDINANCES ON THE SUBJECT; PROVIDING FOR SEVERABILITY, PUBLICATION, AND AN EFFECTIVE DATE.**

Be it ordained by the City Council of Wolfe City, Texas:

**Section 1: Authority and Purpose.** This ordinance is adopted pursuant to Texas Transportation Code Chapter 683, Subchapter E; Texas Local Government Code Chapters 217 and 54; and the City's general police powers. The City Council finds that junked vehicles visible from a public place or public right-of-way create the conditions enumerated in Transportation Code § 683.072 and therefore constitute a public nuisance.

**Section 2: Definitions:** Except as otherwise expressly provided, the terms used in this ordinance have the meanings assigned by Texas Transportation Code § 683.071. Specifically:

- a. JUNKED VEHICLE means a self-propelled vehicle that is:
  1. Wrecked, dismantled or partially dismantled, or discarded; or
  2. Inoperable and has remained inoperable for more than
    - A. 72 consecutive hours if located on public property; or
    - B. 30 consecutive days if located on private property.
- b. For purposes of this ordinance, "junked vehicle" includes a motor vehicle, aircraft, or watercraft to which Texas Transportation Code Sec. 683.071 (b) applies.

**Section 3: Public Nuisance.** A junked vehicle or a part thereof that is visible at any time of the year from a public place or public right-of-way is hereby declared to be a public nuisance pursuant to Texas Transportation Code § 683.072.

**Section 4: Offense and Penalty**

- a. A person commits an offense if the person maintains a public nuisance described in Section 3, in violation of Texas Transportation Code § 683.073(a).
- b. An offense under this section is a misdemeanor punishable by a fine not to exceed \$200.
- c. Mandatory abatement: On conviction the Municipal Court shall order abatement and removal of the nuisance as required by § 683.073(c).
- d. Each day the nuisance continues after the tenth (10th) day following service of notice constitutes a separate offense.

**Section 5: Administrative Abatement Procedure.** Pursuant to Texas Transportation Code § 683.074(a), the City hereby adopts the following procedures for the administrative abatement and removal of a junked-vehicle nuisance from private or public property or a public right-of-way.

- a. **Prohibition on Reconstruction:** A vehicle removed under this section may not be reconstructed or made operable after removal, as required by § 683.074(b)(1).
- b. **Notice Requirements:** Notice of the nature of the nuisance must provide not less than ten (10) days' notice and must state (i) that the nuisance must be abated and removed on or before the tenth (10th) day after the date on which the notice is delivered or mailed, and (ii) any request for a hearing must be made before that ten-day period expires (Texas Transportation Code Sec. 683.075 (b)).
  1. **Recipients:** Notice shall be personally delivered or sent by certified mail, return receipt requested, or delivered by the United States Postal Service with signature-confirmation service to:
    - A. The last known registered owner of the vehicle;
    - B. Each lienholder or record; and
    - C. The owner or occupant of the property on which the vehicle is located (or, if located in a right-of-way, the property adjacent thereto).
  2. **Unknown Address or Undelivered Notice:** If the post-office address of the last known registered owner is unknown, notice may be affixed to the vehicle or personally delivered. If notice is returned undelivered, abatement action shall be continued to a date not earlier than the eleventh (11th) day after the date of the return.
- c. **Hearing:** A requested hearing shall be conducted by the City Council, the Municipal Court Judge, or another board or official designated by resolution.
  1. **Scheduling:** A hearing shall not be held earlier than the eleventh (11th) day after service of notice.
  2. **Presumption:** The vehicle is presumed inoperable unless proven otherwise by the owner.
  3. **Order:** If the vehicle is found to be a nuisance, the hearing authority shall issue a written order requiring removal. The order shall include the identifying information listed in Texas Transportation Code Sec. 683.076 (d) if such information is available.
- d. **Removal and Disposal:** If the nuisance is not abated within the time specified in the order, the City may cause the vehicle to be removed.
  1. **Notice to Texas Department of Motor Vehicles or Texas Department of Parks and Wildlife:** Not later than the fifth (5th) day after the date of removal, the City shall provide the notice required by § 683.074(b)(3) to the Texas Department of Motor Vehicles, or to the Parks and Wildlife Department in the case of watercraft.
  2. **Disposition:** A junked vehicle, including a part of a junked vehicle, may be removed to a scrapyard, a motor vehicle demolisher, or a suitable site operated by the City.
- e. **Entry on Property:** City personnel or authorized agents may enter private property to examine, identify, photograph, or remove a junked vehicle, pursuant to Texas Transportation Code Sec. 683.074 (e).

- f. **Relocation:** Relocating a junked vehicle within the City after abatement proceedings have begun does not affect the proceeding if the junked vehicle constitutes a public nuisance at the new location.
- g. **Costs:** The owner shall pay actual towing and storage charges plus an administrative fee of \$75.00. Such fees and charges shall be invoiced to the owner.
- h. **Civil Penalty:** A civil penalty of \$75.00 per day accrues from the eleventh (11th) day after notice until the nuisance is removed.

**Section 6: Exemptions**

This ordinance does not apply to any motor vehicle, aircraft, or watercraft described in Texas Transportation Code § 683.077, including:

- a. A vehicle that is completely enclosed in a lawful building and not visible from the street or other property; or
- b. An antique or special-interest vehicle stored by a motor-vehicle collector, or a vehicle on the premises of a licensed dealer or junkyard, provided the vehicle and storage area are maintained in an orderly manner, are not a health hazard, and are screened from ordinary public view.

**Section 7: Towing and Storage Contractor**

The City Council shall designate by resolution the towing and storage contractor(s) authorized to remove and store vehicles under this ordinance.

**Section 8: Repeal of Previous Ordinances**

All ordinances, resolutions, orders, or parts thereof previously adopted by the City regulating junked vehicles or addressing matters governed by this ordinance are repealed in their entirety.

**Section 9: Severability**

If any section, subsection, sentence, clause, or phrase of this ordinance is held invalid, such holding shall not affect the remaining portions.

**Section 10: Effective Date**

This ordinance will become effective immediately upon passage, approval, and publication.

PASSED AND APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2025

\_\_\_\_\_  
Sharion Scott  
Mayor

Attest: \_\_\_\_\_  
Nancy Sanders  
City Secretary

