

ORDINANCE NO. 17-1185

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PLEASANTON, TEXAS, AMENDING ORDINANCE 1317 BY PROVIDING DEFINITIONS; DECLARING SPECIFIED CONDITIONS TO BE A NUISANCE; PROVIDING FOR THE ABATEMENT OF NUISANCES; PROVIDING FOR THE FILING OF LIENS TO SECURE COST; PROVIDING PENALTIES; PROVIDING A SAVINGS CLAUSE, PROVIDING A SEVERANCE CLAUSE; PROVIDING FOR AN EFFECTIVE DATE AND REPEALING THE PREVIOUSLY ADOPTED ORDINANCE 1317

WHEREAS, the accumulation of litter, solid waste, garbage, trash and vegetative overgrowth, overgrown grass, weeds, brush, stagnant water and inoperative or unlicensed vehicles on lots and property is injurious to the quality of life and the economic development in the City of Pleasanton, Texas ("City") and its Extraterritorial jurisdiction (ETJ); and

WHEREAS, the accumulation of litter, solid waste, garbage, trash, and vegetative overgrowth, overgrown grass, weeds, brush, stagnant water and inoperative or unlicensed vehicles on lots and property, are a threat to the health of the community, create fire hazards, and otherwise detract from the quality of life within City and its ETJ; and

WHEREAS, the regulation, management and control of litter, solid waste, garbage, trash, vegetative overgrowth, overgrown grass, weeds, brush, stagnant water and inoperative or unlicensed vehicles on lots and property within the City and its ETJ is essential to the public health, safety and welfare of the community; and

WHEREAS, it is necessary to provide for the abatement of nuisance conditions in the interest of public and when such conditions are offensive or annoying to the senses and detrimental to property values and community appearance within the City and its ETJ; and

WHEREAS, it is further necessary to the extent of public necessity to provide for the abatement of nuisance conditions that interfere with the comfortable enjoyment of adjacent property or hazardous or injurious conditions detrimental to the health, safety or welfare of the general public within the City and its ETJ; and

WHEREAS, the City Of Pleasanton desires to promote neighborhood improvement through nuisance abatement and code compliance, and

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

Article I. Authority and Definitions

1. **Authority.** This ordinance is adopted pursuant to the police powers and authority given home rule cities by the constitution, codes and general laws of the State of Texas, including but not limited to Chap. 51, Texas Local Gov't. Code and Texas Health and Safety Code.
2. **Purpose.** The purpose of this ordinance is to provide for public health and general welfare, the efficient and effective provision of City of Pleasanton and the protection of the environment and natural resources of the community. From and after the passage of this ordinance all occupancies and uses within the City of Pleasanton (City) and its Extraterritorial Jurisdiction (ETJ) shall conform to the following rules and regulations.
3. **Findings of Fact.** The findings and recitations set out in the preamble of this ordinance are found to be true and correct and that they are hereby adopted by the City Council of the City of Pleasanton and made a part hereof for all purposes.
4. **Definitions.** For the purposes of this ordinance, the following terms, phrases, words and their derivations shall have the meaning ascribed to them in this section; provided that, unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the same meaning as they have in common usage, and so as to give this ordinance its most reasonable application.
 - a. **Brush.** All uncultivated shrubs, bushes and small trees.
 - b. **City.** City of Pleasanton
 - c. **Earth and Construction Materials.** Earth, rocks, bricks, concrete, other similar materials and waste material resulting from demolition, construction or remodeling.
 - d. **Code Enforcement Officer.** Means the director of the department or the director's designee designated by the city manager to enforce and administer this article or the director's authorized representative
 - e. **Extraterritorial jurisdiction (ETJ).** is the legal ability of a government to exercise authority beyond its normal boundaries
 - f. **Garbage.** Rubbish, trash, kitchen and household waste, ashes, bottles, cans, rags, paper, food, food containers, lawn trimmings, hedge trimmings, leaves, grass, weeds, and refuse, and all decayable wastes, including animal and vegetable matter.

- g. **Graffiti** - any unauthorized inscription, word, signature, symbol or other marking of any sort which is etched, written, painted, drawn or applied in any other way to any structure, building or property of any sort or to any portion or element thereof, whether the property is public or private.
- h. **Grass or Weed.** Shall mean and include all cultivated and all rank and uncultivated vegetable growth or matter which has grown to more than twelve (12) inches in height or which, regardless of height is liable to become an unwholesome or decaying mass creating an unsanitary condition or a harborage or breeding place for mosquitoes, rodents, snakes or vermin, and/or other disease carrying pests.
- i. **Hazardous Waste.** Shall mean solid or liquid waste, in any amount, which is defined, characterized, identified or designated as hazardous by the United States Environmental Protection Agency or appropriate State Agency by or pursuant to Federal or State law, or waste, in any amount, which is regulated under Federal or State law, including motor oil, fluids from radiators, crank cases, transmissions or differentials, as wells as gasoline, paint, partially full paint cans, toxic or corrosive materials, batteries, tires or any material found harmful to personnel or equipment as determined by the Director of Public Works.
- j. **Junk.** All worn out, worthless and discarded material, in general, including, but not limited to, scrap iron, scrap tin, scrap brass, scrap copper, scrap lead or scrap zinc and all other scrap metals and their alloys, and bones, rags, glass, paper, cordage, cloth, rubber, rope, tinfoil, bottles, old cotton, machinery, tools, construction materials, appliances, furniture, fixtures, utensils, boxes or crates, pipe or pipe fittings, automobile or airplane tires, dismantled motor vehicles, boats, boat trailers, boathouses or travel trailers or parts thereof, or other manufactured goods or odds and ends that are worn out, worthless, obsolete, discarded material or other wastes, especially those that are unusable in their existing condition.
- k. **Litter.** Any quality of uncontainerized paper, metal, plastic, glass, or miscellaneous solid waste which may be classed as trash, debris, rubbish, refuse, garbage, or junk not placed in a solid waste container.
- l. **Lot.** Means any tract block or other parcel of land, or portion thereof, located within the City limits of the City of Pleasanton or its Extraterritorial jurisdiction (ETJ).
- m. **Motor Vehicle.** Every vehicle, car, boat or similar vehicle that is, or was originally, designed to be self-propelled.
- n. **Occupant.** Any person who has the right to occupy a parcel of property due to being an owner or pursuant to a verbal or written lease or rental agreement with the owner or agent thereof

- o. **Owner.** Occupant or person otherwise having supervision or control of any lot, tract, or parcel of land or portion thereof or any building or portion thereof.
- p. **Person.** Shall mean and include an individual human, partnership, co-partnership firm, company, limited liability partnership or other partnership or other such company, joint venture, joint stock company, trust, estate, governmental entity, association or corporation or any other legal entity, or their legal representative, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.
- q. **Refuse.** See "garbage".
- r. **Rubbish.** All refuse, junk, rejected tin cans, old vessels of all sorts, useless articles, abandoned pipe, waste wood, wood products, tree trimming, grass cuttings, dead plants, weeds, leaves, dead trees or branches thereof, chips, shavings, sawdust, printed matter, paper, pasteboard, rags, straw, used and discarded clothing, used a discarded shoes and boots, combustible waste, pulp and other products used for packaging or wrapping crockery and glass, ashes, cinders, floor sweepings, glass, mineral or metallic substance, textiles and objects of all sorts, and in general all litter. The words "any and all objectionable or unsanitary matters," not included within the meaning of the other terms as herein used, means those which are liable to produce or tend to produce an unhealthy, unwholesome or unsanitary condition to the general locality where the same are situated.
- s. **Sewage or Wastewater.** A combination of waterborne wastes from residences, business buildings, institutions, and commercial and industrial establishments, together with such ground, surface and storm waters as may be present.
- t. **Solid Waste.** Household garbage and refuse and commercial garbage and refuse, brush cuttings and weeds.
- u. **Solid Waste Service.** Shall mean the collection and hauling of residential and business solid waste, e.g. garbage, trash and refuse, for disposal at a state licensed landfill
- v. **Structure.** As used in this ordinance, means the same thing as it does in the City's Building Code.
- w. **Trash.** See "garbage".

- x. **Unauthorized Location for Vehicle for Sale.** any area where a vehicle for sale is parked when that area does not have both a certificate of occupancy issued by the City for the sale of vehicles and a license from the Texas Department of Transportation for the sale of vehicles at that location.
- y. **Unwholesome Matter.** All stagnant water, filth, carrion, impure matters and any condition liable to produce, harbor or spread disease or germs or cause noxious, foul and offensive odors, including foodstuff or by-product thereof of any animal nature, or any fruit, vegetable or other thing which may become tainted, diseased, fermented or decaying or otherwise unwholesome or unclean.
- z. **Waste.** Rejected, unutilized or superfluous substances in liquid, gaseous or solid form resulting from domestic, agricultural, commercial, or industrial activities.

Article II. Residential Solid Waste

- a. All owners or residents of residential property shall have sufficient container capacity to accommodate their volume of solid waste between collections.
- b. Owners or residents of residential property shall deposit all items too large to fit into containers, such as, but not limited to, appliances, furniture, and mattresses through scheduled bulk collection service or self-transport of such items to end-disposal facilities outside the City. The amount of bulky or brush waste to be collected from each residence shall not exceed the operating procedures allowed in the current waste collection contract. The bulky or brush waste may not be placed at curbside for pickup more than two weeks before the scheduled time for collection. The only approved exception to this two week time limit is in the case of natural disasters.
- c. Owners or residents of residential property shall bundle and securely tie all loose material which normally fit into containers, but which are excess as a result of special circumstances, such as holidays, so as to repel animals, prevent materials from blowing or scattering, and place such materials beside the containers.
- d. Owners or residents of residential property shall keep containers of household garbage covered at all times.
- e. The owner of containers used for collections shall take necessary precautions so that the contents do not become litter when placing and removing them.

- f. It shall be unlawful for any resident to deposit household solid waste in any receptacle maintained on a sidewalk or at any other location for disposal of litter by pedestrians or in any container provided for commercial use.

Article III. General Nuisances and Offensive Conditions on Property

1. **Prohibited Conduct.** It shall be unlawful for an owner, agent, occupant, lessee or renter of any lot or tract or parcel of real property within the City limits and its ETJ (herein cumulatively referred to as "owner" or "occupant") to fail to maintain such property:
 - a. Free of objectionable, unsightly or unsanitary matter, filth, accumulations of brush, earth and construction materials, garbage, litter, junk, refuse, rubbish, solid waste, trash, weeds, scrap metal, scrap wood, furniture, appliances, tires and stagnant water or other impure or unwholesome matter.
 - b. Free from any nuisance which may prove detrimental to the public health and welfare in a building, on the premises of the building or upon an occupied premise, including but not limited to, any abandoned well, shafts, basements, excavations, discarded refrigerators, unsecured vacant structure, motor vehicle which may prove a hazard
 - c. Free from inadequate or unsanitary sewage or plumbing facilities, allowing sewage on lots, grounds, yards, or any other place.
 - d. Free from graffiti of any type
 - e. Free from premises that creates an unsanitary condition likely to attract or harbor mosquitos, rodents, vermin, disease carrying pest or a condition harboring rodents or breeding flies.
 - f. Free from any building and other structure which is in such a dilapidated or damage condition that it is unfit for human habitation, does not serve it intended function, or is kept in such an unsanitary condition that is a menace to the public health and welfare.
 - g. Free from allowing any dangerous, unwholesome, nauseous or offensive odors, gases, or fumes to escape into the open air in amounts as to be substantially offensive, uncomfortable and annoying to any community, family, or person of ordinary sensibilities, tastes, and habits at a distance of more than (15) feet from the building, premises or processing from whence the odors, gases or fumes emanated.
2. **Right of Way.** It shall be unlawful for any owner, occupant, or person in control of a premise to allow a nuisance on the abutting or adjacent public right-of way, sidewalk, parkway, or alleyway as measured from the property line to the curb or pavement edge; or if no paving exists to the center of the right-of-way or alley.

3. **Nuisance Declared and Duty to Abate.** Whenever brush, earth or construction materials, garbage, litter, junk, refuse, rubbish, solid waste, trash, weeds, stagnant water, inoperative or unlicensed motor vehicle, covering or partially covering the surface of any lot or parcel of any real estate situated within the City and its ETJ, or any other conduct prohibited hereby occurs upon any lot or parcel in the City and its ETJ, the same is hereby declared to constitute a public nuisance, the prompt abatement of which is hereby declared to be public necessity. Any such nuisance shall be removed from the property by the owner or other person in possession or control of such property.
4. **Storage of Materials.** All garbage, sewage, hazardous wastes and other unwholesome material of any kind shall be stored in containers to prevent such material from dispersing beyond the storage location, seepage into the ground, or permitting the escape of noxious, foul or offensive odors into the air across the boundaries of the owner or occupant's property to another property.
5. **Inoperative or Unlicensed Motor Vehicles.** It shall be unlawful for any person who shall own or occupy any lot or lots in the City limits or its ETJ to allow inoperative or unlicensed motor vehicles or vehicles in a state of major disassembly on said lot, unless same are kept in a garage or other enclosed structure, or behind a solid fence, located in a place so they are not visible from public property; or covered with a fitted vehicle cover
6. **Street Pollution.** It shall be unlawful for any use of property, which shall cause any nauseous or unwholesome liquid or substance to flow into or upon any street, gutter, alley, sidewalk or public place within the City and its ETJ.

Article IV. Weeds, Grass and Vegetation

1. **Premises.** For the purpose of Article IV the term "**Premises**" means the lot, plot or parcel of land, including vacant land or building designed or used for residential, commercial, business, industrial to include but not limited to:
 - a. the front or side areas between the property line or sidewalk and curb.
 - b. The area between the sidewalk and curb.
 - c. Traveled way.
 - d. Pavement edge and the rear or side parkway between the property line.
 - e. The centerline of an adjacent alley to the property line.

- f. If no paving exist to center of the right-of-way.
 - g. The area abutting drainage channel easement to the top of such channel closest to the property.
 - h. The area outside the property to a distance of ten feet from the property line if such area is part of or adjacent to a drainage easement or creek.
2. **Height Limitation.** It shall be unlawful for any person, owner or occupant of any premises, occupied or unoccupied to permit weeds or grass located on any premises in the city to grow to a height greater than twelve (12) inches; or to fail to remove weeds or grass from such premises after the same been cut shall be declare a nuisance.
3. **Unlawful.** It shall be unlawful for any person to:
- a. Permit the accumulation, or to throw, place, dump or deposit any lawn trimmings hedge trimmings, or other cutting of weeds, grass, flowers or other vegetation on any premises occupied or unoccupied
 - b. Permit the accumulation, or to throw. Place, dump or deposit any lawn trimmings, hedge trimmings, or other cutting of weeds, grass, flowers or other vegetation on or in any gutter, street, sidewalk, parkway, driveway, curb, alley or any other public property;
 - c. Allow any vegetation, including but not limited to trees, shrubbery, bushes and vines to grow on premises so as to project across and over property lines or on to the right-of-way of the alley, street, or sidewalk;
4. **Exempt.** The following shall be exempt from Article IV:
- a. Agricultural crops (See Article IV Section 6 for additional requirements)
 - b. Hay that is grown for the specific purpose of cultivation, provided that the property is mowed and baled at least once every forty-five (45) calendar days (See Article IV Section 6 for additional requirements)
 - c. Cultivated trees or shrubs
 - d. Wildflowers, but only until such time as seeds have matured following the final blooming of the majority of the plants during the months of March through May

- e. Portions of lots used for flower gardens, shrubbery or vegetable gardens
- f. Any creeks, river and natural area approved by the City
- g. An area designated as a natural conservation area, preserve or habitat by any federal or state law or agency or the City Council and the removing or cutting of the vegetation within that area is prohibited by federal or state law or local ordinance.

5. **Under Any of the Exemptions.** It shall be an offense to permit weeds, grass, or other vegetation located within fifty (50) feet of the public right-of-way or adjacent development properties to grow to a height of greater than twelve (12) inches.

6. **Agricultural Properties-Cultivated and Uncultivated**

a. ***Uncultivated Agriculture Property.*** a person, owner, tenant, or agent responsible for or claiming or having supervision or control over uncultivated agriculture property commits an offense if such permits or allows:

- 1. Vegetation to grow to a height greater than 12 inches with 50 feet from any adjacent property under different ownership, a right-of-way or easement; or
- 2. Vegetation to interfere with visibility requirements at any intersection of public thoroughfares

b. ***Cultivated Agricultural Properties.*** Where the distance between the growing crop and adjacent property under different ownership, a right-of-way or easement is less than 25 feet, the person, owner, tenant or agent responsible for or claiming or having supervision or control over cultivated agriculture property commits an violation if such person permits or allows:

- 1. Vegetation to grow to a height greater than 12 inches between such growing crop and any adjacent property under different ownership, a right-of-way or easement; or
- 2. Such growing crop interferes with visibility requirements at any intersection of public thoroughfares.

c. ***Definition of Agricultural Property.*** For the purpose of this section, property is considered to be agricultural property, whether cultivated or uncultivated, if it has been granted a property tax exemption by the county appraisal district, or equivalent authority, pursuant to the Texas Property code or state Constitution, for agricultural or wildlife management or a property that has not been granted a property tax exemption by the county appraisal district but is routinely cultivated producing an agricultural crop during the past three calendar years

7. **Duty of Owner.** It shall be the duty of every owner, occupant, or person in control of any occupied or unoccupied premises or any portion thereof, to use every precaution to cut, remove, and prevent weeds, grass or other vegetation from growing on the premises so as to become a nuisance or fire hazard and to comply with this section as often as may be necessary to comply with the provisions of the section .

Article V. Mosquito Control

1. **Standing or flowing water prohibited unless treated.** It shall be unlawful for any person to have, keep, maintain, cause or permit, any collection of standing or flowing water in which mosquitoes, breed or are likely to breed, unless such collection of water is treated so as to effectually prevent such breeding.
2. **Prohibited containers or places of water accumulation.** Collection of water includes in section 1 shall be held to be those contained in ditches, pools, pond, excavations, holes, depressions, open, cesspools, privy vaults, discarded vehicle tire casing, fountains, cisterns, tanks, shallow wells, barrels, troughs (except horse / cattle troughs in frequent use), urns, cans, boxes, bottles, tubs, buckets, defective house, roof gutters, sinks, flush closets, or other similar water containers.
3. **Methods of Treatment.** The methods of treatment of any collections of water specified in this section directed to the prevention of mosquitoes shall be approved and may be any one or more of the following:
 - a. Screening with wire netting or with any other material which will effectually prevent the ingress and egress of mosquitoes.
 - b. Complete emptying every seven days of unscreened containers together with thorough drying and cleaning.
 - c. Using an approved larvicide.
 - d. Completely covering the surface of water with an oil base product every seven days.
 - e. Cleaning and keeping sufficiently free of vegetable growth and other obstructions, and stocking with mosquito destroying fish.
 - f. Proper disposal, removal or destruction of articles likely to hold water.
4. **Evidence of Violation.** The natural presence of mosquito larvae in standing water shall be evidence that mosquitoes are breeding there, and failure to prevent such breeding within three (3) days after notice by Code Enforcement shall deemed a violation of the article.

Article VI. General Provisions

1. **Right to Abate Dangerous Conditions.** Whenever an immediate danger to the health, life or safety of any person exists as a result of litter garbage, rubbish, solid waste, junk, trash, stagnant water, or vegetative overgrowth, overgrown grass and / or weeds which have grown to a height, at any point on the property, of greater than forty-eight (48) inches, the City may abate the nuisance without notice to the owner. In the event the city abates the nuisance under this section, the City shall forward notice to the owner within 10 days in the manner set forth in Section 3.
2. **Right to Inspect.** The Code Enforcement Officer or designee is authorized to inspect any property within the corporate limits of the City and its ETJ, at any reasonable time, subject, however, to the requirements for obtaining the permission of the occupant, or obtaining a warrant for the entry of inspection of private residences.
3. **Violations and Notices.**
 - a. If a Code Enforcement Officer charged with the enforcement of this Ordinance shall determine that a person has violated any provision of this Ordinance, such officer may issue a citation to occupant, or owner if occupant not available.
 - b. If a Code Enforcement officer charged with the enforcement of this Ordinance shall determine that a situation exists which immediately affects or threatens the health, safety and well-being of the general public, and that immediate action is necessary, such officer may take such action as shall be necessary, including issuing citations for violations of the terms and provisions hereof to the owner and / or occupant of the property upon which such condition exists, as may be deemed appropriate and necessary.
 - c. If a Code Enforcement Officer charged with enforcement of this Ordinance determines a situation constitutes an immediate threat to the public health, safety and welfare, and the owner of occupant of the property is absent or fails to immediately remedy the violation, the City Council may, at a regular session or at a special session called for the purpose of considering the issue, upon evidence heard, determine that an emergency exists and order such action as may be required to protect the public health, safety and welfare, In such event, the City may prosecute an action in any court of competent jurisdiction to recover its costs.
 - d. If any owner or occupant shall fail or refuse to remedy any of the conditions prohibited by this Ordinance within ten (10) days after notice to do so, the City Council may order such work or cause the same to be done, and pay therefore, and charge the expenses in doing or having such work done or improvements made to the owner(s) of the property, and such charge shall be a personal liability of such owner to the City.

- e. Notices required pursuant to this Ordinance shall be in writing. Such notices may be served upon such owner and/or occupant as follows: in person by a Code Enforcement Officer or employee of the City; by letter addressed to such owner or occupant at his/her post office address or at the address as recorded in the appraisal district records of the appraisal district in which the property is located; or, if personal service may not be had, or the owner or occupant's address be not known, then notice may be given by publishing a brief summary of such order at least once in the official newspaper of the City or by posting a notice on or near the front door of each building on the property upon which the violation relates, or, if no building exists, by posting notice on a placard attached to a stake driven into the ground on the property to which the violation relates. The notice shall state "Sanitary Improvements", "To Whom It May Concern" and a brief statement of violation(s). Service of the notice by any one of the above methods, or by a combination thereof, shall be deemed sufficient notice.
 - f. If an owner is mailed a notice in accordance with subsection (e) and the United States Postal Service returns the notice as "refused" or "unclaimed" the validity of the notice is not affected, and the notice is considered as delivered.
 - g. Notices provided by mail or by posting as set forth in subsection (c) may provide for year round abatement of the nuisance and inform the owner that should the owner commit any other violation of the same kind that pose 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 abate the violation at the owner's expense and assess the costs against the property.
 - h. Persons causing or creating a prohibited nuisance in the presence of a person authorized to enforce this Ordinance may be cited or a complaint filed for such violation without notice of the violation, or warning, and such citation or complaint shall be filed in the Municipal Court of the City of Pleasanton.
4. **Cost and Appeals.** In addition to any other remedy provide in this Ordinance and cumulative thereto, the owner of any such real estate may appeal to the City Council from the order of the Code Enforcement Officer by filing a written statement with the Code Enforcement Officer within ten days after receipt of the notice provided for above, stating that such real estate complied with the provision of this Ordinance before the expiration of a ten day period. The City Council shall set a date, within thirty days from the date of the appeal, for hearing the appeal to determine whether the real estate complied with the provisions of this Ordinance before the expiration of such ten day period. The authority of the Code Enforcement Officer or Municipal Court to proceed shall be suspended while an appeal from the order is pending. If it shall be determined by the City Council that the premises complied with the provisions of this Ordinance before the expiration of the ten day period, then no personal liability of the owner shall arise nor shall any lien be created against the premises upon which such work was done.

5. **Cost of Abatement Constitutes Lien.** Cumulative of the City's remedy by fine, as set forth herein, the City may do such work or cause the same to be done to remedy such condition to remove such matter from such owner's premises at the City's expense and charge the same to the utility bill of such property and assess the same against the real estate or lot or lots upon which such expenses is incurred.
- a. Expenditures plus ten percent per annum interest on the expenditures from the date of such payment by the City shall be added to the next billing cycle for utility bills for the real estate or lot or lots, if not already paid. Payment shall be due and payable in full by the owner or occupant at the time of payment of such utility bill. If the property is unoccupied, no utilities shall be furnished to the property where the work occurred until such obligation, as herein set out, payable to the City for abatement of any nuisance described herein is paid in full.
 - b. Upon filing with the county clerk of Atascosa County, Texas, of a statement by the City Secretary or designee of such expenses, the City shall have a privileged lien upon said real estate or lot or lots, second only to tax liens and liens for street improvements, to secure the expenditure so made and ten percent annum interest on the amount from the date of such payment so made by the City. The City may, and hereby authorizes the city attorney to, bring a suit for foreclosure to recover the expenditures and the interest due.
 - c. The City may, additionally, institute suit and recover and such expenses and foreclose such lien in any court of competent jurisdiction, and the statement so filed with the county clerk or a certified copy thereof shall be prima facie proof of the amount expended in any such work or improvements to remedy such condition or remove any such matter.
6. **Enforcement.** The civil and criminal provisions of the Ordinance shall be enforced by the persons or agencies designated by the City, including, but not limited to the City of Pleasanton Police Department, the City of Pleasanton Fire Department, the Building Official, and the Code Enforcement Office. It shall be a violation of the Ordinance to interfere with the person or persons authorized to enforce this Ordinance, in the performance of his or her duties.
7. **Penalties.** Any person who shall violate any of the provisions of this Ordinance, or shall fail to comply therewith, or with any of the requirements thereof, within the City limits shall be deemed guilty of an offense and shall be liable for a fine not to exceed the sum of two thousand dollars (\$2,000.00) plus any municipal court fees and administrative fees. Each day the violation exists shall constitute a separate offense. Such penalty shall be in addition to all the other remedies provided herein.
8. **Remedies.** All remedies cited herein are in addition to and not in lieu of all remedies permitted to the City by law.
9. **Amendment and Repeal of Conflicting Ordinances.** All parts of ordinances in conflict herewith and hereby amended and repealed to the extent of such conflict only.

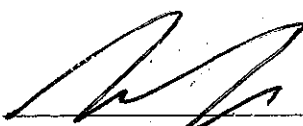
10. **Severability.** If any provision, section, subsection, sentence, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or the application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion be inoperative or fail by reason of any unconstitutionality or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.
11. **Effective Date.** This Ordinance shall, upon final passage, be published in the official newspaper of the City of Pleasanton, Texas, as required by law and shall become effective ten days after the date of the last publication thereof.

PASSED, ADOPTED AND APPROVED this 20th day of April, 2017.



CLINTON J. POWELL, Mayor

Attest:



Andres Aguirre, City Secretary